



Appeal Decision

Site visit made on 10 October 2022

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20/10/2022

Appeal Ref: APP/C5690/W/21/3282701

132 New Cross Road, London SE14 5BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Caroline Rook against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/119973, dated 12 January 2021, was refused by notice dated 11 March 2021.
 - The development proposed is a change of use with no material change on external appearance. The internal floor layout will reconfigure to provide 43.6sqm of single occupancy studio flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. Local Planning Authorities must determine Prior Approval applications under Schedule 2, Part 3, Class O of the GPDO before the expiry of 56 days following the date on which the application was received. The Council's Decision Notice states that the application was received on 14 January 2021 and determined on 11 March 2021, the 56th day following the date on which the application was said to have been received.
4. The application is dated 12 January 2021 and the appellant states that the application was submitted to the Council by email on that date, which, given the date of the Council's Decision Notice would mean that the application had deemed consent.
5. However, the appellant has not provided any substantive evidence to support their position in this regard, such as a printed copy of the submitted email containing the application. I also note that the appellant has appealed against the refusal of Prior Approval, which would be contrary to their position that the proposal has deemed consent. I do not, therefore, find the appellant's case that the proposal has deemed consent to be compelling and I do not accept it.

6. Development is not permitted by Schedule 2, Part 3, Class O of the GPDO if *'the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—*
- (i) on 29th May 2013, or*
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;'¹*
7. I note the evidence that the appellant has appended to their Statement of Case, including various documents related to *Favourite Estate Agents / Favourite Estate Ltd / Favorates Estates Ltd* operating from the appeal property address². A further document addressed to *Favourite Minicab Ltd* at the appeal property address is also provided³. The earliest document provided is dated 12 November 2013 and the latest is dated 10 March 2017.
8. However, neither an Estate Agent nor a Minicab firm are uses that fall within Class B1(a) (offices) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Consequently, I am not satisfied that the building was in Class B1(a) (offices) use on 29th May 2013 or was in such use before or after that date.
9. For these reasons, the proposal would not be permitted development under Schedule 2, Part 3, Class O of the GPDO.

Conclusion

10. For the reasons given above, and taking into account all matters raised, I conclude the appeal is dismissed.

A Parkin

INSPECTOR

¹ Schedule 2, Part 3, Class O, Paragraph O.1.(b) of the GPDO

² Documents and correspondence from the London Boroughs of Lewisham and Southwark; Companies House; Thames Water and HMRC

³ From HMRC