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# Appeal Decision

Site visit made on 10 November 2022

**by L Page BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 November 2022**

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**Appeal Ref: APP/H1705/W/22/3300570**

**60 Southern Road, Basingstoke RG21 3EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)
  - The appeal is made by Mr Martin Runcie against the decision of Basingstoke & Deane Borough Council.
  - The application Ref 22/00755/GPDMA, dated 9 March 2022, was refused by notice dated 1 June 2022.
  - The development proposed is change from business use (formerly Henley Solicitors premises vacated September 2021) to 2 x apartments.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the building has been vacant for the requisite amount of time and whether the proposal is therefore permitted development.

## Reasons

3. Schedule 2, Part 3, Class MA.1(1a) of the GPDO states that development is not permitted by Class MA unless the building has been vacant for a continuous period of at least three months immediately prior to the date of the application for prior approval.
4. The appellant submitted their application for prior approval, which was dated 9 March 2022 and validated 10 March 2022. Under the appeal, the appellant has submitted a timeline of events, contending the building had been vacant for a continuous period of at least three months immediately prior to this date.
5. It is clear that the appellant took ownership of the building on 4 February 2022 and that prior to this date the building was vacant from 2 July 2021. Renovation works commenced 14 February 2022, in preparation for employees that started working from the building towards the end of April 2022.
6. Based on the evidence before me, the key point of contention is whether the renovation works amount to a cessation of the vacant state of the building. There is no definition of vacant within the GPDO and so I have taken the ordinary meaning from the dictionary, which is empty. In this context, the Council's contention is that the building was not empty, it was occupied by workers undertaking renovations.

7. Whilst the appellant has provided a detailed timeline of events, there is limited exploration of counter arguments about how the evidence should be interpreted or how the term vacant should be applied.
8. I appreciate the building was not being used as an office, but it was not empty. To this end, notwithstanding ownership status, there is no evidence<sup>1</sup> in front of me demonstrating that an assessment of vacant for the purposes of the GPDO should exclude renovation works, and that it should relate only to whether the building was in beneficial use<sup>2</sup>.
9. The appellant makes parallels with a new build residential development. However, a new build residential development would be subject to a planning application and determined in accordance with the development plan, and it is not clear that such an example is relevant in assessing a proposal under the specific terms of the GPDO.
10. Overall, based on the evidence before me, I cannot reasonably come to any conclusion other than what the Council contends, that the renovation works did amount to a cessation of the vacant state of the building. Consequently, the proposal would not be permitted development under Schedule 2, Part 3, Class MA.1(1a) of the GPDO.

### **Conclusion**

11. For the reasons given, the appeal is dismissed.

*Liam Page*

INSPECTOR

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<sup>1</sup> whether through guidance, case law or other sources.

<sup>2</sup> used for its intended purpose as a place of work