
Appeal Decision

Site visit made on 14 December 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2023

Appeal Ref: APP/Z3635/W/21/3285112

15 Station Road, Ashford TW15 2UP

- 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 M of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by M&D Properties Investment Ltd against the decision of Spelthorne Borough Council.
 - The application Ref 21/01272/PDR, dated 29 July 2021, was refused by notice dated 23 September 2021.
 - The development proposed is the part change of use of the first floor rear from retail (Class A1) to three self-contained flats (Class C3).
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Decision

1. The appeal is allowed and prior approval granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class M of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO) for the part change of use of the first floor rear from retail (Class A1) to three self-contained flats (Class C3) at 15 Station Road, Ashford TW15 2UP in accordance with the terms of application Ref: 21/01272/PDR, dated 29 July 2021 and the plans submitted with it, subject to the standard conditions set out in Schedule 2, Part 3, Class M of the GPDO and the following additional condition:
 - 1) No dwelling hereby permitted shall be occupied until space has been laid out within the site in accordance with drawing no. 015ST-A-01-002 for 3 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.

Preliminary Matters

2. Reference within the submitted evidence has been made to Schedule 2, Part 1, Class M of the GPDO, including within the Council's decision notice. However, the original application form correctly refers to Schedule 2, Part 3, Class M and I have referred to this legislation throughout.
3. The GPDO requires me to have regard to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval. My determination of this appeal has been made on that basis.

Main Issues

4. Class M of the GPDO was superseded by Class MA from 31 August 2021. The original planning application was submitted prior to that date and so was determined by the Council on that basis. Moreover, Class MA is subject to a condition which states that an application for prior approval for development

under class MA must not be made before 1 August 2021. As such, it has been necessary to determine this appeal under the provisions of Class M of the GPDO.

5. Schedule 2, Part 3, Class M of the GPDO permits the change of use of a building from a use falling within, amongst other classes, Class A1 (shops) to a use falling within Class C3 (dwellinghouse). This is subject to criteria under paragraph M.1 and conditions under paragraph M.2. The main parties agree that the proposal meets the requirements of Paragraph M.1 of the GPDO. As such, it constitutes Permitted Development under Class M, subject to the prior approval of the matters listed at paragraph M.2 of the GPDO.
6. The Council has confirmed that the sole matter in contention relates to paragraph M.2 (1) (a). Accordingly, the main issue is:
 - the transport and highway impacts of the development, with particular regard to cycle parking.

Reasons

7. The submitted plans indicate that a proposed cycle storage shelter would be positioned to the north side of the appeal building, set back from Queen Street within an existing servicing area. The plans show this as providing covered accommodation for up to three bicycles. The shelter would be positioned near to both the entrance to the proposed dwellings and the highway network. The highway authority did not object to the number of parking spaces provided.
8. The plans indicate that access to the storage shelter would be via a set of doors positioned to the south of the shelter, not to its east. These doors would provide access to each of the three parking spaces within. Whilst details of internal cycle stands have not been illustrated, each individual cycle could be accessed with reasonable ease, without having to move others if the other spaces were occupied.
9. The ability to store, access and ultimately use cycles to access nearby facilities is acceptable, encouraging their use over cars in this reasonably sustainable location. Accordingly, the proposed development would have an acceptable effect on transport and highways, including in respect of cycle parking. Given the limitations of the requirements under Class M of the GPDO, further details of the cycle store would be unnecessary.
10. Overall, I conclude that the proposed development would satisfy the limitations and conditions of the GPDO specified as being applicable to the proposed development.

Other Matters

11. There is no dispute between the Council and appellant in respect of the other requirements under Part M.2. From what I have seen, I find no reason to conclude differently. Adequate room for bin storage has been illustrated on the submitted plans. Any obstruction to the highway, as raised by third parties, is a matter which lies outside this appeal.
12. I have been referred to a recently approved development at the same site¹. As my determination of this appeal rests on the individual and specific facts of the

¹ 21/01261/PDR

proposal before me, and the criteria set out in the GPDO, this other decision has not led me to an alternative conclusion on the main issue.

Conditions

13. Paragraph W (13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval.
14. I have imposed an additional condition in respect of cycle parking storage. I consider this necessary to ensure that it is implemented and maintained as indicated.

Conclusion

15. The proposal would comply with the prior approval matters set out by Schedule 2, Part 3, Class M of the GPDO. It would therefore benefit from the provisions thereof. As such, the appeal should be allowed and approval granted.

A. Price

INSPECTOR