



Appeal Decision

Site visit made on 5 August 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/C5690/W/24/3341473

422 Lee High Road, Lewisham, London SE12 8RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Sara Friedman of Eastview Properties Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/24/134409.
 - The development proposed is change of use of ground floor from Class E to C3 use to provide x1 studio flat.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted for change of use of ground floor from Class E to C3 use to provide x1 studio flat at 422 Lee High Road, Lewisham, London SE12 8RW in accordance with the terms of the application, Ref DC/24/134409.

Applications for costs

2. An application for costs was made by Mrs Sara Friedman of Eastview Properties Ltd. against the Council of the London Borough of Lewisham. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the Council determined the application within the statutory period under Article 7(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

4. It is not disputed that the application for Prior Approval was received by the Council on Monday 8 January 2024.
5. Furthermore, it is also not disputed that the statutory period under Article 7(a) of the GPDO for Schedule 2, Part 3, Class MA development is 56 days, commencing on the day after the application was received by the Council.
6. Tuesday 9 January 2024 was, therefore, Day 1 of the statutory period and Monday 4 March 2024 was Day 56 of the statutory period.
7. The Council's Decision Notice is dated 5 March 2024, manifestly outside the statutory period under Article 7(a) of the GPDO.

Conclusion

8. For the reasons given above, the appeal is allowed and prior approval is deemed to be granted.

Andrew Parkin

INSPECTOR