



Appeal Decision

Site visit made on 10 February 2025

by **S Harley BSc(Hons) M.Phil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/T0355/W/24/3351802

Unit A, Silwood Park, Buckhurst Road, Ascot, Windsor and Maidenhead SL5 7PW

- 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 Newcore Capital Management LLP against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/01195.
 - The development proposed is change of use from commercial floorspace (Class E) to residential (Class C3) to create 6 no. new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 of the Use Classes Order 1987 (as amended) (the UCO) to a use falling within Class C3 (dwellinghouses) of Schedule 1 of the UCO subject to conditions and limitations. Such a right is often referred to as permitted development. The Planning Practice Guidance¹ (the PPG) explains that in some circumstances prior approval from the local planning authority is required to address the effects of a development in relation to specified matters.
3. Under Article 4 of the GPDO, where the local planning authority is satisfied that it is expedient to do so, a Direction can be made that the permission granted by Article 3 of the GPDO shall not apply to specified developments. The PPG clarifies that this means a particular development cannot be carried out under permitted development rights and a planning application would be required.
4. The appeal site is part of The Science Park at Silwood Park Estate. This is a complex of six buildings used for a range of Class E uses. There is a separate appeal for each of the six buildings². Each appeal relates to the refusal of a prior approval notification relating to a proposed change of use from a Class E building to Class C residential. This appeal relates to Unit A for change of use to six dwellings.

¹ [When is permission required? - GOV.UK](#)

² APP/T0355/W/24/3351802 - Unit A; APP/T0355/W/24/3351803 - Unit B; APP/T0355/W/24/3351805 - Unit C; APP/T0355/W/24/3351806 - Unit D; APP/T0355/W/24/3351807 - Unit E and F; APP/T0355/W/24/3351810 - Unit G

Main Issues

5. In accordance with Paragraph MA.2. the appellant applied to the Council for a determination as to whether the prior approval of the authority would be required. The Council determined that prior approval was required. This was refused on the grounds of insufficient information to establish whether the proposal would comply with the nationally described space standards; whether appropriate bicycle and refuse and recycling storage would be provided; whether there would be adequate natural light to all habitable rooms; and that proposed external alterations went beyond the scope of a Class MA proposal.
6. The main issues are: whether the proposal would be permitted development and therefore be granted planning permission under Schedule 2, Part 3, Class MA of the GPDO; and, if so, whether the conditions and limitations of Class MA.2.(2) would be met.

Reasons

7. At the time the Council made its decision it determined that there were no limitations under Paragraph MA.1. that would prevent the proposal from being permitted development subject to the conditions under Paragraph MA.2. being satisfied. Since then a Direction made by the Council under Article 4 of the GPDO has come into force.
8. This directs that, as of 30 January 2025, the permission granted by Article 3 of the GPDO shall not apply to development on land including that of The Science Park at Silwood Park, Sunningdale. In accordance with the PPG this means the change of use from Class E to Class C cannot be carried out under permitted development rights and would need a specific grant of planning permission before it could proceed. Taking this into account I conclude that the proposed development would not amount to permitted development which could be granted planning permission under Schedule 2, Part 3, Class MA.
9. Considerations in relation to the prior approval matters specified in paragraph MA.2.(2) under Class MA, as described in the second main issue above, only apply if the proposal is permitted development. As the proposal would fail to constitute permitted development under Class MA, it is not necessary, or appropriate, for me to proceed to consider the prior approval matters as it would not alter the outcome of the appeal.
10. The appellant has requested that the Secretary of State cancels or modifies the Article 4 Direction on the grounds that it does not meet the tests in the National Planning Policy Framework. This is not a matter for this appeal.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

S Harley

INSPECTOR