



Appeal Decision

Site visit made on 22 January 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/F5540/W/24/3346825

5 London Road, Brentford, Hounslow TW8 8JB

- 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 London & West Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00707/5/PA3.
 - The development proposed is prior approval for the change of use of the rear part from office use to one residential unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. 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) provides for a permitted development right for the change of use of a building falling within use class E (Commercial, Business and Service) to class C3 (dwellinghouses). This is subject to limitations and conditions, as set out in subsequent paragraphs of Class MA.
3. Paragraph MA.1.(1) and (2) set out the requirements to qualify for permitted development under Class MA. There is no dispute between the parties that the criteria of Class MA.1 are satisfied, I find no reason to arrive at a different view on this matter.
4. Paragraph MA2.(2) requires that that where development under Class MA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for its prior approval subject to a number of matters.
5. Therefore, the main issues are whether the prior approval application was made before beginning the development as required by condition MA2.(2) and if so whether the other conditions and limitations of MA2.(2) would be met.

Reasons

6. The building suffered from water damage in 2021 and during the refurbishment the layout was changed to separate the rear area and alter the layout to facilitate its use as a residential unit. On my site visit I saw that the layout was similar to the

proposed plans submitted with the application as the rear of the building had been subdivided, rooms created and new stairs added to the first floor.

7. I accept that the subject part of the building may not yet have been brought into residential use, and that no Council Tax has been paid. However, the change of use of the building has occurred as its layout has changed in line with the future proposed use as a dwelling. From the evidence before me, I consider that the changes were made to the building before the application for prior approval was made. The application does not therefore meet the requirements of condition MA2.(2) to qualify for permitted development under Class MA and prior approval cannot be granted.
8. As the proposal would fail to constitute permitted development under Class MA, it is not necessary to consider the prior approval matters specified under the sub paragraphs of condition MA2.(2) as this would not alter the outcome of the appeal.

Conclusion

9. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR