
Appeal Decision

Site visit made on 29 April 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2025

Appeal Ref: APP/U5930/W/24/3352927

Parkside Medical Centre, 197 Chingford Mount Road, Chingford, Waltham Forest E4 8LR

- 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 Mr M Demircivi, Alka Property Ltd, against the decision of Waltham Forest London Borough Council.
 - The application Ref is 240879.
 - The development proposed is change of use from Class E unit to 4no self-contained flats Class C3.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use from Class E unit to 4no self-contained flats Class C3, at Parkside Medical Centre, 197 Chingford Mount Road, Chingford, Waltham Forest E4 8LR in accordance with the application 240879 and the details submitted with it.

Background 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. The main issues are:
 - whether the proposal would fall within the provisions of permitted development under Schedule 2, Part 3, Class MA of the GPDO; and
 - the effect of the development on the integrity of the Epping Forest Special Area of Conservation.

Reasons

Class E Use

4. Under paragraph MA.1(1)(b) development is not permitted unless the use of the building falls within one or more of the classes specified for a continuous period of at least 2 years prior to the date of the application for prior approval. Put simply,

this only requires the timeframe of the use under Class E to have taken place for at least two years before the appeal application was made.

5. There is disagreement between the main parties regarding whether or not the building has been used as a surgery for a continuous period of two years as required by MA.1.(a). Both parties agree that planning permission was granted in 1968 for the change of use and extension of the ground floor of 197 Chingford Mount Road to be used as a doctors surgery¹. They also agree that a subsequent application was granted in 1997 for the change of use of the first floor from residential to part of the doctor's surgery and the erection of extensions and a parking area as part of this use².
6. The appellant has submitted information to support their view that the building has been used as doctors surgery for a continuous period of two years this includes the following:
 - a letter from Dr Sanjoy Kumar who held the position of GP Principal Owner at the building when it was used as a medical centre from 1990 to 2021;
 - a Business Rates Bill detailing instalments from May 2023 to April 2024;
 - a business rates valuation which describes 197 Chingford Mound Road as a 'Surgery and premises';
 - a Valuation Office report detailing the ratable value of the building calculated on the basis of the ground floor and first floor of the building being a surgery; and
 - an e-mail from British Gas stating that the GP surgery at 197 Chingford Road has been a business customer since the 10th of May 2012.
7. Based on the planning history of the building and the evidence before me, it has been sufficiently demonstrated that the building has been used as a doctor's surgery, which is a Class E use, for a period of at least two years. Therefore, the proposal would meet the requirements of Class MA, Part 3 of Schedule 2, paragraph MA.1-1[a] of The Town and Country Planning (General Permitted Development) Order 2015 [as amended].

Epping Forest Special Area of Conservation

8. The appeal site falls within the zone of influence for the Epping Forest Special Area of Conservation. Article 3(1) of the GPDO grants planning permission for Schedule 2 Part 3 Class MA development subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017.
9. Regulation 75 provides that it is a condition of the planning permission granted by the GPDO in these cases, that development which is (a) likely to have a significant effect on a European site or offshore marine site, alone or in combination with other plans or projects and (b) not directly connected with or necessary to the management of the site, must not begin until the developer has received written notification of the approval of the LPA under Regulation 77.

¹ 1968/0031

² 1997/0204

10. Under Regulation 78(3)(a), a Regulation 75 approval is to be treated as an approval required by a condition imposed on a grant of planning permission for the purposes of the appeals provisions of the GPDO. As such, Article 3(1) effectively imposes a pre-commencement condition on all development that is permitted by the GPDO and would affect a European protected habitat and the proposed development could not be lawfully begun until the process set out in Regulation 77 has been completed. This is a separate process which does not necessarily need to be undertaken before prior approval proceedings.

Other Matters

11. The Council Highways Officer stated that a payment of £4000 would be required in order to contribute towards sustainable travel. Class MA.2 (2) states that 'before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to - (a) transport impacts of the development, particularly to ensure safe site access.' However, it is not clear that this contribution would be necessary to mitigate the transport impacts of the development. The Council has had an opportunity to expand on the reason why the contribution would be required but chose not to submit a statement of case. The appellant initially offered to make this contribution, but in this instance, it is not clear that requesting this contribution would meet the six tests as defined in the Planning Practice Guidance.

Conditions

12. I have not applied commencement conditions because permissions granted by the GPDO are continuous while the GPDO is in force. I have also not applied plans conditions because prior approvals are granted subject to the submitted details and therefore this is not necessary.

Conclusion

13. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR