
Appeal Decision

Site visit made on 15 July 2025

by **P Burley BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/G5180/W/25/3362671

Thinkpad House, 155A Main Road, Biggin Hill, Bromley TN16 3JP

- 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 A Moses against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/25/00134/CUETC3.
 - The development proposed is described as 'Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 1 studio flat'.
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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 the change of use of Class E space to form 1 studio flat at Thinkpad House, 155A Main Road, Biggin Hill, Bromley TN16 3JP in accordance with the application DC/25/00134/CUETC3 and the details submitted with it including the unnumbered Site Location Plan, plan nos MR.BH.155A.PR.302, MR.BH.155a.EX.401, MR.BH.155a.BP.01 Rev A, and MR.BH.155a.PR.401 (except for the cycle storage facility illustrated on those drawings). Prior approval is granted subject to the standard conditions at paragraphs MA.2.(5) and (6) of Schedule 2, Part 3, Class MA of the GPDO and the following additional condition:
 - 1) The residential unit authorised by this prior approval shall not be occupied until the works shown on the drawings approved pursuant to planning application DC/24/03421/FULL1 have been completed. Those works shall thereafter be retained for the lifetime of this development.

Application for Costs

2. An application for costs was made by Mr A Moses against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether adequate natural light would be provided to all habitable rooms; and
 - whether the transport impacts of the development would be acceptable.

Reasons

Natural Light to Habitable Rooms

4. The appeal scheme proposes a single studio flat with one habitable room. The appellant's 'Analysis of site layout for Sunlight and Daylight' (January 2025) concluded that there would be adequate natural light on the basis of a separate planning permission (DC/24/03421/FULL1) for a lightwell and glazed doors having been implemented.
5. The Council concluded that the provision of adequate natural light for the proposed development relies on the creation of that lightwell, that there is no way to ensure that the lightwell would be constructed as part of the same development and therefore the development would not provide adequate natural light.
6. However, paragraph W(13) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) provides that a local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. There is nothing in paragraph W(13) to prevent the imposition of a negatively-worded condition to restrict occupation until the lightwell has been provided. Such a condition would be reasonably related to the subject matter of the appeal.
7. Therefore, subject to a condition which requires that the lightwell approved under DC/24/03421/FULL1 be provided before the proposed residential unit is occupied, adequate natural light would be provided to the habitable room.

Transport Impacts

8. The Council decided that the siting of cycle storage which was included on the application drawings would not be appropriate in visual terms, that it would constitute further development which would not be included within the provisions of Class MA, Part 3, Schedule 2 of the GPDO and that sufficient information had not been provided to demonstrate that the highways aspects of the development would be acceptable.
9. Class MA relates solely to changes of use. The Planning Practice Guidance¹ advises that where associated physical development is required to implement a change of use using permitted development rights, developers will need to consider whether it constitutes development and ensure they have planning permission if necessary.
10. Accordingly, the appropriateness in visual terms of any associated physical development would be considered through the determination of a separate planning application, not by way of this application for prior approval under Class MA. It follows, therefore, that the appropriateness in visual terms of cycle storage is not a factor to be taken into account when considering the transport impacts of the development. Rather, the consideration of transport impacts relates to the potential functional effects arising from the development.

¹ [Planning Practice Guidance Reference ID: 13-055-20140306](#)

11. The appellant has argued that if further consideration is necessary in terms of the style and location of any cycle parking provision, this could be dealt with through the imposition of a planning condition requiring further details.
12. However, a condition requiring further details would amount to the grant of planning permission for such associated physical development and would be beyond the remit of Class MA.
13. I have no evidence before me to demonstrate that a separate planning permission has already been approved for cycle storage or parking facilities to serve the appeal scheme. Therefore, I must determine the transport impacts of the appeal scheme on the basis of no cycle parking being provided.
14. Although a local resident suggested that there is an accident black spot on the main road and that there is already pressure on access to local facilities, the Council's highways officer did not object to the appeal scheme or suggest that there were any safety concerns, noting that previous parking stress surveys indicate there would be space for on-street parking should the occupiers of the appeal scheme have vehicles.
15. In addition, the highways officer did not require the provision of cycle parking or suggest that the failure to provide cycle parking would lead to unacceptable transport impacts.
16. It is conceivable that even without dedicated external cycle storage the occupiers could still travel by bicycle or indeed by other non-car modes of transport. However, even if the occupiers of the proposed development chose to travel by private car, on the basis of the highways officer's comments (which did not suggest that there would be any adverse transport impacts), and given that this application is for a single studio flat, I consider it unlikely that there would be any unacceptable transport impacts.

Conditions

17. Development under Class MA is permitted subject to conditions at paragraphs MA.2.(5) and (6) which provide that the development must be completed within a period of 3 years starting with the prior approval date and that any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.
18. To ensure that adequate natural light would be provided I have included a condition to ensure that the appeal scheme would not be occupied prior to the completion of the development permitted under application reference DC/24/03421/FULL1.
19. The consultation response from the Council's highways officer requested that a condition be attached requiring the submission of a construction management plan. Given that this decision does not relate to any operational development such a condition would not be relevant to the development being permitted.

Conclusion

20. For the reasons given above the appeal should be allowed and prior approval should be granted.

P Burley

INSPECTOR