



Appeal Decision

Site visit made on 16 July 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 28th July 2025

Appeal Ref: APP/D0650/W/25/3361119

Unit 1-4 Salisbury Street, Widnes WA8 6PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an approval required under Article 3(1) and Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Salisbury Property Partners Ltd against the decision of Halton Borough Council.
 - The application Ref is 24/00463/PRIOR.
 - The development proposed is the change of use of a building falling under Use Class E into a mixed use, Class E at ground floor, and 2 flats (2 x 6 bed) Class C3 at first floors."
-

Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of a building falling under Use Class E into a mixed use, Class E at ground floor, and 2 flats (2 x 6 bed) Class C3 at first floors at Unit 1-4 Salisbury Street, Widnes WA8 6PJ in accordance with the application Ref. 24/00463/PRIOR and the details submitted with it.

Preliminary Matters

2. The description of development in the banner above and in the formal decision is duplicated from the Application Form. However, I have removed reference to "Prior Approval application under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in relation to ..." as this does not refer to an act of development.

Main Issue

3. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons

4. Schedule 2, Part 3, Class G of the GPDO permits a change of use of a building from a use within Class E to a mixed use for any purpose within Class E and as up to 2 flats. However, before development begins the developer must apply to the Council as to whether the prior approval of the authority will be required as to the contamination and flood risks in relation to the building, the effect of noise, the provision of adequate natural light in all habitable rooms, and the arrangement for the storage and management of domestic waste.

5. Paragraph W. of Schedule 2, Part 3 of the GPDO (Paragraph W.) sets out the provisions that apply when a developer is required to make an application to determine whether prior approval is required, within that part of the GPDO. Paragraph W. (2) outlines the information that is required to be submitted with an application for prior approval. Paragraph W. (11)(c) states that the development must not begin before the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
6. The Application Form is dated 3 December 2024. With regard to the requirements of Paragraph W. (2), a description of the development, the developers contact information and confirmation of the net increase in dwellings was provided on the Application Form, also a plan was submitted showing the site and the proposed development. With regard to Paragraph W. (2)(e) and (6) it is not disputed that the site is within Flood Zone 1 and does not have critical drainage problems. As such, it was not necessary to submit a flood risk assessment. I therefore find that the requirements of Paragraph W. (2) were satisfied upon receipt of the initial suite of documents on 3 December 2024. Furthermore, the Council confirmed that the application was valid from that date, in a letter dated 12 December 2024. Given the above, the 56-day statutory determination period ended on 28 January 2025.
7. The GPDO does not preclude the Council from discussing the application at committee or requesting additional information. However, the developer would still need to be notified of a decision on whether prior approval was required and given prior to the end of the statutory determination period. This part of the GPDO does not allow an extension of the 56-day statutory determination period. As this period has passed and the Council has not notified the appellant of a decision on the application, prior approval is deemed to be granted. The proposed development would be permitted development under Schedule 2, Part 3, Class G of the GPDO.

Other Matters

8. Interested parties raised concerns with regard to the proposal. However, as the appeal relates to prior approval for development permitted under Schedule 2, Part 3, Class G of the GPDO, the matters for consideration are restricted to those specified in that part of the GPDO. Therefore, some of the issues raised fall outside of the matters I could ordinarily consider under the appeal. Furthermore, in this instance as prior approval is deemed to be granted, it is not open to me to address whether the proposal would be acceptable in respect of the conditions and limitations of Schedule 2, Part 3, Class G of the GPDO.

Conditions

9. Paragraph W. (13) indicates that the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The Council has indicated that the development should be carried out in accordance with the details submitted. I have incorporated this into the formal decision.

Conclusion

10. As the appellant was not notified of the decision within the 56-day statutory determination period required under paragraph W. (11), prior approval is deemed to have been granted. Therefore, the appeal should be allowed.

J Hobbs

INSPECTOR