



Appeal Decision

Site visit made on 30 July 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Appeal Ref: APP/Q5300/W/25/3362371

257 Green Street, Enfield EN3 7SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Rahaul Sabarwal against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/03444/PMA.
 - The development proposed is described as the “conversion of a vacant commercial unit into a studio flat”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Planning Practice Guidance states that permitted development rights are a national grant of planning permission, which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity. This is effectively a 2-stage process, it is necessary in the first instance to determine whether or not the proposal is permitted development.

Main Issues

3. The main issues are:
 - Whether the proposal would be permitted development under Class MA, Part 3, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), and if so;
 - Whether the transport impacts of the development are acceptable, with particular regard to cycle storage provision;
 - Whether flood risks in relation to the building are acceptable; and,
 - Whether any noise from commercial premises would have an unacceptable effect on the intended occupiers of the proposed development.

Reasons

4. The appeal site contains a single storey, end terraced property, set back from the pavement edge, near to mainly commercial and residential uses.

5. Class MA, Part 3, Schedule 2, of the GPDO, permits a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses). In order to satisfy Class MA, paragraph MA.1 (1) (b) requires the building to have been in Class E use for a continuous 2 year period prior to the application, or, if prior to 1st September 2020, to fall into one or more of the following uses; Class A1 (shops); Class A2 (financial and professional services); Class A3 (food and drink); Class B1 (business); Class D1(a) (non-residential institutions – medical or health services); Class D1(b) (non-residential institutions – crèche, day nursery or day centre); or Class D2(e) (assembly and leisure – indoor and outdoor sports), other than as use as an indoor swimming pool or skating rink.
6. The appellant has stated on the application form that the use of the appeal property met the above use requirement, and the existing floor plans are annotated with an office use. However, the Council has said a Google Maps Street view image (which they have not provided) shows the appeal property was used as a betting office until 2017 (a sui generis use and outside of the scope of the uses permitted by Class MA). Moreover, it is noted that the description used on a previous planning application¹ at the appeal property in 2023, referred to the appeal property as having a betting office use, when an application was refused for its change of use to a dwelling.
7. I have not been made aware of any planning permission being granted to change its use, since that application was made in 2023, nor have I been made aware of any lawful development certificate to demonstrate that the appeal property has a lawful office use. Furthermore, there is no substantive evidence submitted to demonstrate that the appeal property has had an office use for a continuous 2-year period.
8. The appellant has not commented on the appeal property's use or argued why it has an office use within its grounds of appeal. Based on the information provided, I cannot be certain that the whole appeal property has been lawfully used as an office for a continuous 2-year period in this case.
9. Consequently, on the information before me I conclude that the proposal is not permitted development, and it does not comply with paragraph MA.1 (1) (b) Class MA of the GPDO.
10. As the proposal would fail to constitute permitted development under Class MA, it would not be necessary or appropriate to proceed to the second stage in this case, relating to the consideration of highway and transportation matters, flood risk, and noise matters, which are a condition stage under paragraph MA.2 of Class MA Part 3, Sch. 2 of the GPDO.

Conclusion

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

A Hunter

INSPECTOR

¹ Ref. 23/03419/FUL