



Appeal Decision

Site visit made on 22 July 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2025

Appeal Ref: APP/P0240/W/25/3364593

40 Hitchin Road, Upper Caldecote, Central Bedfordshire SG18 9BT

- 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 Roopan S.K. of Caldecote Express against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/00155/PAEC.
 - The development proposed is change of use of first floor space within existing commercial unit (use class E) to form new residential unit (one studio flat - use class C3) and related internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issue

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) ("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. Article 3(9A) of the GPDO states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard (NDSS) issued by the Department for Communities and Local Government on 27th March 2015. Article 3(9B) of the GPDO explains that the reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.
4. The main issue is whether the proposal would fall within the provisions of permitted development under Article 3(9A) and Schedule 2, Part 3, Class MA of the GPDO.

Reasons

5. The Appellant states on drawing number CAL PA-003 Rev 1 that the gross internal area would be 38.5 square metres. This plan shows this is calculated from 32 square metres at first floor and 6.5 square metres at ground floor. This being the case, Article 3(9A)(a) is not applicable to this appeal, as the proposed development exceeds the 37 square metres specified.

6. Turning to Article 3(9A)(b), the Appellant indicates the proposed development is for a 1 bed 1 person (1B1P) unit. The NDSS requires a minimum floorspace of 37 square metres for a 1B1P unit, however Table 1 of the NDSS makes it clear that this applies only to one-storey dwellings. Additionally, paragraph 3 of the NDSS states “The standard Gross Internal Areas set out in Table 1 are organised by storey height to take account of the extra circulation space needed for stairs to upper floors, and deal separately with 1 storey dwellings (typically flats) and 2 and 3 storey dwellings (typically houses).”
7. On the basis of the evidence before me, including Drawing No. CAL PA-003 Rev 1, the proposed development would have two storeys. Consequently, the NDSS for a 1B1P cannot be applied. In coming to this conclusion I note the arguments set out in the Appellant’s appeal statement, including the points concerning the NDSS not indicating that a 1b1p unit is expressly not permitted if spread over two floors or that the drafter of the NDSS didn’t foresee a situation where such a proposed development would occur. However, I am not persuaded by these arguments, especially in light of the fact that the fields within Table 1 of the NDSS relating to a 1 bed 2 two storey dwelling, 1 bed three storey dwelling and a 2 bed three storey dwelling have been deliberately greyed out within that table.
8. In conclusion, it is clear to me that the proposed development would result in a gross internal floor area, that does not comply with the NDSS and consequently would not satisfy Article 3(9A)(b) of the GPDO and therefore cannot be permitted development as defined by the GPDO.
9. As the proposal would not constitute permitted development, it is not necessary or appropriate to consider whether to grant prior approval in respect of the access to the dwelling.

Conclusion

10. For the reasons given above the appeal is dismissed.

D Ellis

INSPECTOR