
Appeal Decision

Site visit made on 12 August 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/R0335/W/25/3366046

Lavenir, Opladen Way, Bracknell Forest, Bracknell RG12 0AB

- 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 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr H Schneck on behalf of Mountley Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref is 24/00386/PARC.
 - The development proposed is described as: Prior notification requirement under Class AA of Part 20 of the GDPO for two storey roof extension to form 35 apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the two-storey roof extension to form 42 apartments however, the decision notice and subsequent appeal form refer to 35 apartments and the Council considered the application on that basis. On review of the evidence, I consider the appeal before me relates to 35 apartments and in the interests of clarity, I have amended the description of development in the heading above to reflect this. In any event, the number of units proposed does not affect my determination of the appeal.
3. The submitted forms and decision notice refer to the building as Lavenir whilst the plans and appellant's appeal statement refer to the building as L'avenir. In the interests of clarity, I have referred to the building as Lavenir as per the application form and decision notice.
4. Under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for new dwellinghouses on detached buildings in commercial or mixed use subject to limitations and conditions.

Main Issue

5. I consider that the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 20, Class AA of the GPDO.

Reasons

6. Lavenir is a three-storey red brick building with a landscaped vehicle parking area on Opladen Way. The building was purpose built as offices and has subsequently been converted to 69 apartments following a prior approval consent in June 2017 (reference 17/00457/PAC).
7. Application 24/00386/PARC was made on 11 June 2024 under provisions of the GPDO for a two-storey roof extension to form 35 apartments (as set out on the appeal form). Consistent with the planning application form and the Council's decision notice of 11 December 2024, paragraph 1.2 of the appellant's statement of case sets out how prior approval was sought under the provisions of Schedule 2, Part 20, Class AA of the GPDO.
8. Part 20 of Schedule 2 to the GPDO is entitled 'construction of new dwellinghouses' and now comprises several classes of permitted development for the construction of new dwellinghouses in different circumstances (each subject to various limitations and conditions). Class AA is 'new dwellinghouses on detached buildings in commercial or mixed use' and came into force on 31 August 2020.
9. The prior approval application form seeks confirmation of details that relate to the GPDO limitations and conditions. The appellant has declared in the application form that the building is not in mixed use.
10. The appellant asserts that the building complies with limitation AA.1. subsection (c) which states that development is not permitted by Class AA if "on 5th March 2018 the building was in a use other than— (i) a use or mixed use within paragraph AA(2)(a) or (b); or (ii) a use falling within Class C3 of the Schedule to the Use Classes Order" and that it is this date that the assessment of the proposal under paragraph AA(2) should apply.
11. Whilst the building may have been in office use in accordance with AA.1(c) (i) on 5 March 2018, this limitation only applies where the requirements of AA sub-paragraph (2) have been met. In this instance, the building upon which the new dwellinghouses are to be constructed must be;
 - a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the 1987 Order (as amended), or as a betting office, pay day loan shop or launderette;
 - b) in a mixed use combining— (i) two or more uses within paragraph (a); or (ii) a use falling within Class C3 (dwellinghouses) of the Schedule to the 1987 Order, together with one or more uses within paragraph (a).
12. However, it is clear from the Council's evidence that the conversion of the former offices to residential apartments was completed around 2020 with the first of those apartments being occupied that same year. There is no dispute between the parties that the building was not occupied for residential purposes at the time the application was made. Consequently, Lavenir is a purely residential block, rather than in commercial or mixed use. Thus, Class AA is not applicable, and Lavenir does not benefit from such permitted development rights.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

P Brennan

INSPECTOR