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## Appeal Decision

Site visit made on 16 September 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

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### **Appeal Ref: APP/Z5060/W/25/3368044**

### **937 Green Lane, Dagenham RM8 1DJ**

- 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 L Shuti against the decision of the Council of the London Borough of Barking and Dagenham.
  - The application Ref is 25/00546/PRIMA.
  - The development proposed is for the change of use of the first floor from storage to residential use.
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### **Decision**

1. The appeal is dismissed.

### **Background 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 (Class MA) provides for a permitted development right to change the use of a building within Class E (commercial, business and service) of the Use Classes Order<sup>1</sup> as amended (UCO) to a use within Class C3 (dwellinghouses) of the UCO.
3. Paragraph MA.1. (1) and (2) set out the requirements to qualify for permitted development under Class MA. Paragraph MA.1. (1) requires the use of the building to fall within paragraph MA.1. (2) for a continuous period of at least two years before the date of the application for prior approval.
4. Paragraph MA.2. requires that where any development under Class MA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for its prior approval subject to a number of matters relating to the development. This includes the transport impacts, contamination risks, flooding risks, impacts of noise and the provision of adequate natural light in habitable rooms.
5. While there is no dispute between the main parties that the proposed development would qualify as permitted development under Paragraph MA.1 (1), the Council refused to grant approval on the basis that the proposal does not meet the condition Paragraph MA.2 (2) (a) which relates to the transport impacts of the development, particularly to ensure safe site access. The Council's concerns relate to inadequate provision of vehicle parking, cycle parking and waste storage facilities.
6. Therefore, the main issue whether the proposal would meet the condition of Paragraph MA.2 (2) (a) with particular regard to transport and site access.

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<sup>1</sup> Town and Country Planning (Use Classes) Order 1987.

## Reasons

7. Green Lane is a two-way main road containing a mixture of residential and commercial premises. In the vicinity of the appeal site, parking is largely controlled through designated parking zones or restricted by double yellow lines, zig-zag markings and bus stops. During my midweek morning site visit, I observed examples of indiscriminate parking. Although this represents a snapshot in time, it was evident that on-street parking spaces near the appeal site was limited.
8. Number 937 Green Lane (No 937) is mid-terraced two-storey property, located within of a parade of commercial units, with a wide pavement separating the parade from the road. The ground floor of No 937 is occupied by a tyre repair business, with vehicle servicing taking place internally. Both vehicle and pedestrian access to the business is achieved via an open shop frontage during opening hours. The first floor contains storage space and a kitchen, used in association with the business.
9. The appeal proposal seeks the conversion of the first floor of No 937 into a one-bedroom flat, while retaining the business use at ground floor level. Pedestrian access to the flat would be via a separate entrance from that of the business.
10. The Council advises that the site has a Public Transport Access Level (PTAL) of 1b, indicating poor access to public transport. Although the proximity of nearby bus stops is acknowledged, access to the closest tube or railway station is less convenient, increasing the likelihood that future occupiers would rely on private vehicles. Even if the site had a higher PTAL rating, car ownership could still occur, and the proposal makes no provision for parking. On-street parking is restricted on both Green Lane and the surrounding residential streets. In the absence of an independent parking survey to demonstrate otherwise, the proposed dwelling could therefore lead to greater on-street parking stress in the area.
11. Vehicles associated with the business are able to park perpendicular to the shopfront by crossing the footway via gap between the marked resident permit holders' bays, which are aligned parallel to the road. The appellant states that it would be in the business' best interests to ensure that vehicles do not creating obstructions proposed to clearly mark a path on the pavement. Nonetheless, the business entrance and space in front of No 937 is confined, and occupiers and their visitors would, at times, need to navigate around parked or manoeuvring vehicles when entering or exiting the flat. This arrangement increases the potential for pedestrian and vehicles conflicts and could be particularly problematic for less physically mobile occupiers or visitors, such as the elderly, disabled or for parents with children in prams.
12. Whilst not shown on the proposed plans, the appellants Statement of Case contains a diagram indicating the provision of a cycle and bin store adjacent to the flat entrance. Class MA permits a change of use of a building and land within the curtilage, but not operations required to facilitate the change of use. The alterations required to implement this provision, including the construction of a wall along part of the building frontage, would go beyond that allowed under Class MA. In the absence of any alternative details, it would not be reasonable to impose planning conditions to ensure alternative provision since there is insufficient clarity regarding how such storage could be provided and managed given the constraints of the site. This could result in bins being stored adjacent to the site frontage and could further hinder the movement of vehicles and pedestrians already identified, to the

detriment of highway safety. The inability to secure the provision of cycle storage could also discourage bicycle ownership, thereby limiting sustainable transportation choices for future occupiers.

13. For the above reasons, I conclude that it has not been demonstrated that the proposed development would have an acceptable effect on transport and that safe site access would be provided. The proposed development would not therefore meet the requirements of MA.2 (2) (a) under Class MA of the GPDO.

### **Other Matters**

14. In relation to Paragraph MA.2 (2) (d) concerning noise impacts, the Council's Environmental Protection Officer has recommended conditions requiring the submission and approval of a noise protection scheme. However, if any operations were required to facilitate the implementation such a scheme, this may fall outside the remit of Class MA of the GDPO. As I am dismissing the appeal for other reasons, it has not been necessary to consider this matter further.
15. There is no dispute between the main parties that the proposed development could comply with the conditions set out in Paragraph MA.2 (2) relating to transport impacts, contamination risks, flooding risks and the provision of adequate natural light in habitable rooms. Nonetheless, compliance with these requirements does not alter my findings in respect of transport impacts and site access.
16. The appellant has drawn my attention to other residential units in the parade and highlights that no complaints have been received from residents regarding these premises or associated vehicle movements. However, I do not have full details of the circumstances that led to the provision of these residential units and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.

### **Conclusion**

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

*H Marriott*

INSPECTOR