



Appeal Decision

Site visit made on 15 September 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/M2840/W/25/3366999

36 Brook Street, Raunds, North Northamptonshire NN9 6LP

- 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 Richard Houghton against the decision of North Northamptonshire Council.
 - The application Ref is NE/25/00329/PDU.
 - The development proposed is the change of use from ground floor shop to one-bed apartment with its own private entrance from Brook Street.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use from ground floor shop to one-bed apartment with its own private entrance from Brook Street, at 36 Brook Street, Raunds, North Northamptonshire NN9 6LP, in accordance with the application NE/25/00329/PDU and the details submitted with it.

Background and Main Issues

2. The description of the development in the banner heading and decision above is taken from the appellant's appeal form to more succinctly describe the development proposed.
3. 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 GPDO), planning permission is granted for a change of use of a building and any land within its curtilage from a use falling within Class A1 (shops) and Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses), subject to limitations and conditions.
4. Having regard to paragraph MA.1.(1)(b), development is not permitted by Class MA unless the use of the building fell within one or more of the classes specified, for a continuous period of at least 2 years prior to the date of the application for prior approval. The Council considers that inadequate information has been submitted to demonstrate that this requirement is met. In relation to paragraph MA.2.(2)(f), the Council also considers that the development would not provide adequate natural light in all habitable rooms of the proposed dwellinghouse.

5. The Council maintains that the appeal site is located within the Nene Valley Gravel Pits Special Protection Area (SPA) and as the appellant has not made the requisite payment to mitigate the impact of the development on the SPA considers that the proposal is not acceptable.
6. Having regard to the above, the main issues are:
 - whether the proposed development would fall within the provisions of permitted development under Schedule 2, Part 3, Class MA of the GPDO; and
 - the effect of the development on the integrity of the Upper Nene Valley Gravel Pits SPA.

Reasons

Whether permitted development

7. The appellant maintains that the ground floor premises has been operating as a commercial unit for a number of years. The officer delegated report identifies that permission was given for the change of use of the premises to a shop in 1987¹ and that in 2016 the appeal premises and the adjoining property (No.34) received prior approval (at appeal) for the change of use of each ground floor from a shop to a self-contained flat². Therefore, although I am not certain when the change of use of the appeal premises to a shop was first implemented, the submitted evidence indicates that it was operating as a shop by 2015. There is no compelling evidence to indicate that the permission for residential conversion was implemented, and the officer delegated report confirms that the building's current use on the ground floor is as a retail unit.
8. The appellant states that the appeal premises has been used as a beauty salon for the last 5 years by the same tenant. As supporting evidence, a commercial lease agreement for the use of the premises as a beauty salon between 2019 and 2024 has been provided. I also saw on site that the premises is currently in use as a beauty salon and has the external appearance of a retail premises. Therefore, with little to suggest that there have been any intervening uses or extended periods of vacancy, it appears to me that since 2015 the authorised use of the premises has been as a retail unit.
9. There is no stipulation under paragraph MA.1.(1)(b) as to when the specified use should have taken place, only that it must be "continuous" and "for a period of at least 2 years prior to the date of the application". I have not been provided with other evidence such as Council tax receipts, rental payments or commercial bills. However, it appears to me that on the balance of probabilities, based on the evidence, including the previous prior approval for residential conversion, that since 2015 a retail use will have operated for a continuous period of at least 2 years prior to the date of this application. Therefore, I am satisfied that the limitation set out in MA.1.(1)(b) is satisfied.
10. The second matter relates to criterion MA.2.(2)(f) regarding the provision of adequate natural light in all habitable rooms of the proposed dwellinghouse. From the evidence and my visit, it appears that the appeal premises and No.34 alongside have similar ground floor layouts and window arrangement to their frontages and

¹ 87/00353/FUL

² APP/G2815/W/15/3132514

are built into the bankside at the rear. The appellant suggests that they are practically a mirror image of each other.

11. There is little to suggest that natural light was a concern to the Council when the prior approval (referred to above) was granted for the conversion of the appeal premises and No.34 to self-contained flats in 2016. Also, it is relevant that the Council has subsequently approved a further prior approval for No.34 for conversion to an apartment, and the evidence indicates that this has been implemented. It is therefore not clear to me why light levels at No.36 should be considered unacceptable for the proposed development.
12. I saw during my visit that the proposed dwelling would be served by a west-facing, large, glazed frontage. The living/kitchen area would be to the front of the unit nearest to the window, with the bedroom to the rear in one open-plan space. There is no compelling evidence to suggest that the levels of natural daylight within the premises would be inadequate. I am therefore satisfied that criterion MA.2.(2)(f) is met. Furthermore, I see no adequate reason why the proposal would not meet any of the other criteria under Class MA.
13. Therefore, on this basis, I consider that the proposal would meet the requirements of Schedule 2, Part 3, Class MA of the GPDO.

Upper Nene Valley Gravel Pits Special Protection Area.

14. The appeal site lies within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar. This site has been designated for its international importance for, but not limited to, wetland habitats, and species of waterbirds. Article 3(1) of the GPDO grants planning permission for the classes of development set out in Schedule 2 (including Part 3 Class MA development), subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017.
15. Regulation 75 provides that it is a condition of any planning permission granted by the GPDO in these cases, that development which is (a) likely to have a significant effect on a European site, alone or in combination with other plans or projects and (b) not directly connected with or necessary to the management of the site, must not be begun until the developer has received the Council's written notification of approval of an application made under Regulation 77.
16. Under Regulation 78(3)(a), a Regulation 75 approval is to be treated as an approval required by a condition imposed on a grant of planning permission for the purposes of the appeals provisions of the Town and Country Planning Act 1990. In other words, Article 3(1) and Regulations 75-78 operate to impose a pre-commencement condition on all development that is permitted by the GPDO and would affect a European Site. Therefore, a permitted development shall not be lawfully begun until the developer has made a Regulation 77 application and received written notification from the Council to the effect that development would have no adverse effect on the integrity of the European site.
17. Developers therefore do not need to obtain written notification of a Regulation 77 approval before seeking prior approval. It is only the case that the development shall not be lawfully begun until both procedures are complied with. This is a separate process which does not necessarily need to be undertaken before prior approval proceedings.

18. It does not appear that the Regulation 77 process has been completed in respect of the appeal proposal. However, taking account of the above, Regulation 77 approval is not required before granting prior approval. As such, it is not necessary for me to first be satisfied that mitigation has been, or could be, secured, and it does not follow that I should dismiss the appeal in the absence of written approval under Regulation 77 for the proposed development.
19. Nonetheless, given that development cannot be begun until it has received the approval of the Council under Regulation 77, this process allows me to be satisfied that the appeal proposal would not adversely affect the integrity of the Upper Nene Valley Gravel Pits SPA/Ramsar Site.

Conditions

20. I have not applied commencement conditions because permissions granted by the GPDO are continuous while the GPDO is in force. I have also not applied plans conditions because prior approvals are granted subject to the submitted details and therefore this is not necessary.

Conclusion

21. For the reasons given above the appeal should be allowed.

G Bayliss

INSPECTOR