



Appeal Decision

Site visit made on 6 October 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/D5120/W/25/3370367

34 The Mall, Bromley BR1 1TS

- 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 Z Ni (Global Prospect Sagequay International Group Limited) against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/25/00498/CUETC3.
 - The development proposed is described as "Prior Approval under Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of use of Class E unit to 14 dwelling (Use Class C3)".
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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 (the GPDO) set out that the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order, is permitted development, subject to certain limitations and conditions.
3. Paragraph MA.1 sets out a list of criteria that developments must comply with. The conditions at paragraph MA.2 require the developer to apply to the local planning authority (LPA) for a determination as to whether the prior approval of the authority will be required in relation to several matters.
4. Article 4 of the GPDO allows the Secretary of State or the LPA to make a direction disapplying the permission granted by Article 3 for certain classes of development in Schedule 2 of the GPDO if it is expedient. The effect of an Article 4 direction is that development should not be carried out unless an application has been made for permission and this has been granted. The Article 4 direction must specify the area and class of development to which it relates.
5. Within Bromley town centre, the Council made a non-immediate direction under Article 4 of the GPDO in December 2021 withdrawing permitted development rights under Class MA of the GPDO. This was later confirmed, but the Secretary of State subsequently made a direction to modify the Article 4 direction on 12th September 2023.
6. The address on the application is given as 34 The Mall. The amended description of the development on the Council's Decision Notice refers to the '*Change of use of the first and second floors of 32 and 34 The Mall, and 73 and 75 The High Street [...]*'.

This is the same description used by the appellant on the appeal form and their statement of case confirms the site includes four addresses, 32 and 34 The Mall and 73 and 75 High Street.

7. Several numbered units within The Mall and on the High Street are shown within the red line on the Location Map¹ submitted with the application. Notwithstanding the discrepancy between the unit numbers on the plans and those described in the evidence, part of the appeal site included within the red line is within the area covered by the modified Article 4 direction. On this basis, the Council considers the permitted development rights within Class MA do not apply.
8. The Council also refused the application for prior approval on the basis that it does not meet the conditions in paragraph MA.2(2)(d) and (f) relating to the impacts of noise from commercial premises on the intended occupiers of the development and the provision of adequate natural light in all habitable rooms of the dwellinghouses.
9. Therefore, the main issues in this appeal are:
 - whether the proposal would be permitted development under Schedule 2, Part 3, Class MA of the GPDO; and
 - if the proposal is permitted development, whether prior approval should be granted, having regard to (i) the impacts of noise from commercial premises on the intended occupiers of the development and (ii) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Reasons

10. Class MA relates to the change of use of a building and any land within its curtilage. In accordance with Paragraph W of Schedule 2, Part 3 of the GPDO applications for prior approval must be accompanied by a plan indicating the site and showing the proposed development.
11. As set out above, the red line on the submitted location plan includes buildings and land that are subject to an Article 4 direction withdrawing permitted development rights under Class MA of the GPDO. The Article 4 direction applies strictly to the land outlined in red on the official map. Land outside of this boundary is therefore not covered by the restrictions of this Direction.
12. There is no dispute between the parties that part of the appeal site is covered by this Article 4 direction. However, the appellant contends that the floor area at first and second floor that is proposed to be converted to residential use, as shown on the proposed floor plans, falls entirely outside of the designated Article 4 boundary. The Council disputes the accuracy of the appellants plans which show the extent of the buildings covered by the Article 4 direction shaded in grey. Nevertheless, even if it were the case that the first and second floor area proposed for conversion was outside of the Article 4 designation, the appellant has submitted a location plan which includes a greater area than solely where the residential units and floor area are proposed. The application and subsequently, this appeal, relates to the entirety of the land included within the red line of the location plan.
13. While it may not have been the appellant's intention, the effect of the application as submitted with the plans in their present form, is that the appeal relates to buildings and

¹ Location Map & Block Plan Ref. P1-00 Rev. P2

land covered by the Article 4 direction which has withdrawn permitted development rights under Class MA of the GPDO. As such, I find that the proposal in its current form is ineligible for consideration under Class MA as it relates in part to buildings and land that no longer benefit from permitted development rights for the relevant change of use.

14. I therefore conclude that the proposal would not be permitted development under Schedule 2, Part 3, Class MA of the GPDO and prior approval cannot be granted.
15. Consequently, it is not necessary for me to consider the two further reasons that the Council gave for refusing to grant prior approval relating to noise and natural light. This is because even if I were to find the proposal to be acceptable in these regards, it could not alter my overall conclusion that the proposal is not permitted development under Schedule 2, Part 3 Class MA of the GPDO.

Conclusion

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

H Whitfield

INSPECTOR