



Appeal Decision

Site visit made on 24 September 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/T4210/W/25/3367078

Albion Mill Industrial Estate, Albion Street, Bury BL8 2AD

- 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 Bracknell Properties Limited against the decision of Bury Metropolitan Borough Council.
- The application Ref is 71587.
- The development proposed is described as follows:

Albion Mill

Convert the existing first, second and third floors which are currently retail space (Class E) into residential use (C3) 12 self-contained flats in total.

Albion Mill Rear

Convert existing ground floor and first floor into 3No. Self-contained flats in total. With a bin and bike store on the ground floor.

Albion House

Convert existing ground and first floor into 5No. Self Contained Flats.

Conversion into 20 No. Self Contained Flats.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses).
3. Development under Class MA is subject to a number of limitations and conditions, as set out in paragraph MA.1. Development is not permitted under paragraph MA.1(1)(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval. In the case of this appeal, the relevant class listed under sub-paragraph (2) is Class E (commercial, business and service).
4. Prior approval cannot be granted for a development that does not meet these defined limitations. In such cases, the appropriate route would be to submit either

a planning application or, where relevant, an application under a different Class of the GPDO.

5. Where a proposal meets the limitations of paragraph MA.1, paragraph MA.2(2) lists the matters that can be considered under an application for prior approval. With regard to this appeal, this includes: at MA.2(2)(a), the transport impacts of the development, particularly to ensure safe site access; and at MA.2(2)(d), impacts of noise from commercial premises on the intended occupiers of the development.
6. Having regard to these matters and the submitted evidence, the main issues are:
 - whether the proposal would be permitted development having regard to the limitations set out in paragraph MA.1(1)(b) of Schedule 2, Part 3, Class MA of the GPDO; and
 - if it would be permitted development, whether prior approval should be granted having regard to the transport impacts of the development, and the impacts of noise from commercial premises on the intended occupiers of the development.

Reasons

Whether permitted development

7. The main parties concur that part of one of the buildings subject to the appeal is used for car servicing. The matter in dispute is whether the specific nature of this use falls within the scope of Class E, as required by paragraph MA.1(1)(b).
8. The appellant sets out that the activity is limited to routine servicing of vehicles, including classic cars, and does not involve more intensive repair work such as panel beating, bodywork, or paint spraying.
9. In support of this position, the appellant provides a detailed breakdown of the activities undertaken as part of the car servicing operation, which include visual inspections, fluid checks, and replacement of consumables. It is argued that these activities and their impacts in terms of noise, fumes, or vibration would be compatible with residential areas and, accordingly, the use would fall within Class E. The appellant also asserts that the Council has mischaracterised the nature of the use by referring to activities such as engine revving and tyre changing, which are not part of the servicing undertaken at the site.
10. However, the Council maintains that the car servicing use falls within Class B2. In support of this, it refers to the Land Use Gazetteer, which categorises vehicle servicing and repair as general industrial activity. Although I have not been provided with a copy of the previous appeal decision referenced by the Council¹, it is stated that this decision identified car servicing as falling within Class B2 due to its potential to generate noise and other environmental impacts.
11. At the time of my site visit, the unit was open and operational, with signage identifying it as “MVR (North West) Garage.” Several vehicles were parked both inside and outside the unit, and various car parts and paraphernalia, including tyres, bodysells, and other components, were visible in and around the premises.

¹ APP/A1445/C/12/2169597

12. Although limited noise from the use was audible during the visit, this represents only a snapshot in time. More notably, the presence of vehicles and components in various states of repair suggests that more intensive activities may take place from time to time. Such activities would be characteristic of general industrial processes falling within Class B2, and appear inconsistent with the appellant's assertion that the use is confined solely to light-touch servicing.
13. The appellant refers to a previous planning permission at the appeal site², in which the Council did not raise any objection to the use being within Class E. They also cite a recent appeal decision³ in Stockport, where a car servicing use was described as falling within Class E.
14. In respect of the previous planning permission, I have not been provided with the full details of that case, only limited references to it within the evidence of the main parties. Whilst the appellant notes that the Council raised no queries or objections regarding the use class, the description of that development, as set out in the 'planning history' section of the officer report for the current appeal case, refers only to external alterations, such as the replacement of windows and roof works. There is no indication that the application involved any assessment concerning the use of the premises, nor that the Council formally accepted the use as falling within Class E. As such, I do not consider this previous permission to provide substantive support for the appellant's position.
15. Similarly, in the Stockport appeal, although the description of development refers to car servicing falling under Class E, the appeal decision confirms that the qualifying criteria under paragraph MA.1 were not in dispute between the main parties. As such, the Inspector did not consider or determine that issue as part of the appeal. I have not been provided with any details about the specific nature of the use in that case, or the reasoning that led to it being accepted as Class E. As such, that case also attracts limited weight.
16. Taken together, although previous appeal decisions and permissions offer general context, the determination of whether a use falls within Class E must be based on the specific characteristics and operational details of the case in question. In this case, the evidence provided does not allow me to draw such a conclusion with confidence.
17. As the permitted development right under Class MA applies only where the building has been in Class E use for a continuous period of at least two years, it is necessary to establish that this use meets that requirement. However, based on the available evidence and my site observations, and in the absence of compelling supporting information specific to this case, such as a certificate of lawful use or detailed operational evidence, I am not persuaded that the use satisfies the limitation in paragraph MA.1(1)(b). Accordingly, I find that the proposal does not constitute permitted development under Class MA, and the appeal must be dismissed on this basis alone.

² Ref 70306

³ APP/C4235/W/24/3346465

Transport and noise impacts

18. Having concluded that the proposal would not be permitted development, it is not necessary to consider the prior approval matters relating to the transport and noise impacts of the proposed development.

Conclusion

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

P Storey

INSPECTOR