



Appeal Decision

Site visit made on 22 October 2025

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025.

Appeal Ref: APP/B5480/W/25/3361303

207B Ardleigh Green Road, Hornchurch, RM11 2SD

- 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 Blutex against the decision of the Council of the London Borough of Havering.
 - The application Ref is J0038.24.
 - The development proposed is a change of use from gym to C3 (creation of single dwelling associated with bin storage & bicycle storage).
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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 a change of use from gym to C3 (creation of single dwelling associated with bin storage & bicycle storage) at 207B Ardleigh Green Road, Hornchurch, RM11 2SD in accordance with application J0038.24 and the details submitted with it and subject to the following condition:
 - 1) Before the commencement of the use hereby approved, details of the insulation and sound attenuation of the party walls, floors and ceilings between the approved dwelling and the adjoining ground and first floor uses, together with details of those uses, shall be submitted to the local planning authority. If the level of sound insulation achieved would not provide the intended occupiers with a satisfactory standard of amenity having regard to British Standard BS8233: 2014 – *Guidance on sound insulation and noise reduction for buildings* and if requested by the local planning authority, details of further sound insulation and noise control measures shall be submitted to and approved in writing by the local planning authority. Any approved sound insulation and noise control measures shall be implemented before the approved dwelling is occupied and retained thereafter.

Preliminary Matters

2. Class MA of Part 3 of the Order contains a permitted development right for a change of use from a use within Class E of Schedule 2 of the Use Classes Order to a use within Class C3 (dwellinghouses) of Schedule 1 of the Order. Development is permitted subject to the condition that application is made for prior approval as to, amongst other things, the transport impacts of the development, particularly to ensure safe site access.

3. The parties refer to the re-positioning of a pair of doors along the north elevation facing Helen Road. However, the elevations provided with the appeal (which have the same drawing numbers as those listed by the Council) do not show any external changes. There is nonetheless a discrepancy with the ground floor plan which shows a single leaf door serving a bin and cycle storage area. In any event the appellant wishes to proceed on the basis of the internal change of use only.
4. Class MA does not include physical development. The Planning Practice Guidance advises that where this is required, developers will need to ensure that they have planning permission if necessary. Whilst there is some ambiguity about the position, the appellant's intentions have been made clear and the appeal will proceed on the basis that no external changes are included. If they are required then the need for planning permission is a separate matter. Given that the external change referred to by the Council has been omitted, there would be no prejudice to its interests by proceeding in this way.
5. In prior approval cases there is no requirement to have regard to the development plan as there is for any development requiring planning permission. Nevertheless, the policies referred to in The London Plan and the Havering Local Plan are material considerations. Furthermore, there is a requirement to have regard to the National Planning Policy Framework so far as relevant to the prior approval matters and as if the application were a planning application.

Main Issue

6. This is the transport impacts of the proposed development with particular reference to parking.

Reasons

7. The appeal site is within an area with a Public Transport Accessibility Level of 2. Local Plan Policy 24 indicates that the maximum standards in the London Plan apply in such areas. In turn, Policy T6.1 stipulates that new residential development should not exceed the maximum parking provision of up to one space per dwelling of 3 or more bedrooms. Whilst the existing gym use is shown to have parking spaces along the rear service road these are outside the site and so the proposal does not include any off-road parking.
8. Gidea Park station is about 1.5km away and there are bus services along Ardleigh Green Road but the options for sustainable travel are not of the highest order. It is therefore reasonable to assume that future occupiers of the proposed 4 bedroom dwelling would own at least one car. However, the standards are not mandatory. Furthermore, the question is not whether the site is in a sustainable location or whether existing residents would be inconvenienced by additional street parking arising from an extra dwelling.
9. In relation to the transport impacts, Ardleigh Green junior school is opposite the site. There is paid on-street parking near the junction of Ardleigh Green Road and Helen Road. This is for a maximum stay of 3 hours between 08.30 and 18:30 hours Monday to Saturday. Free on-street parking is possible elsewhere along Helen Road in marked bays partially on the pavement. There is anecdotal evidence of parking stress but no formal survey has been undertaken to indicate that saturation level has been reached. Whilst not necessarily representative there were on-street spaces available at the time of my mid-morning weekday visit.

Furthermore, the houses along this section of Helen Road have front forecourts capable of accommodating vehicles. In this context, the impact of the parking likely to be associated with the proposal would be insignificant.

10. Indeed, there is no evidence that development should be prevented due to an unacceptable impact on highway safety due to the absence of off-street parking. Therefore, the transport impacts of the proposed development are acceptable.

Other Matters

11. Other objections were raised at application stage. These include reference to the usefulness of the existing boxing facility as a community resource; the unsuitability of the site for a dwelling; pressure on local amenities and potential disruption during building works. However, such matters are not within the scope of a prior approval application and so cannot be considered as part of the appeal.

Conditions

12. Under paragraph MA.2(5) of Part 3 of the Order development must be completed within three years of the date of this decision. Paragraph W(12) of Part 3 requires the development to be carried out in accordance with the approved details.
13. Other conditions imposed on the grant of prior approval should be reasonably related to its subject matter according to paragraph W(13) of Part 3. The issues of refuse, recycling and cycle storage are not prior approval matters and so the conditions suggested by the Council in those respects should not be imposed.
14. However, the impact of noise from commercial premises on the intended occupiers does require prior approval. The plans show a “hall” on the first floor. During the course of the application, it was agreed that this would be removed but the proposal relates solely to the ground floor. Given the lack of clarity about the use above it would be prudent to ensure that adequate sound attenuation between floors and between the residential use and adjoining shop unit is provided.

Conclusion

15. For the reasons given above the appeal should be allowed and prior approval should be granted.

David Smith

INSPECTOR