



Appeal Decision

Site visit made on 25 November 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/H1705/W/25/3373264

Tadley Tandoori, 1 Mount Pleasant, Tadley, Hampshire RG26 4JH

- 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 G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mohammed Lais against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 25/00496/GPDG.
 - The development proposed is prior notification under Class G of the Town and Country Planning General Permitted Development Order for retention of ground floor within Class E use and conversion of 1st floor to 2 no. flats.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal application seeks Prior Approval under Schedule 2, Part 3, Class G of the General Permitted Development Order (GPDO). This permits the change of use of a building from a use within GPDO Class E (commercial, business and service), to a mixed use for any purpose within that Class and up to two flats.
3. The appeal relates to a commercial building. At first floor, the building contains a takeaway and restaurant, including kitchen, dining and bar areas. At ground floor, there is a shop, a children's nursery, and access and storage for the first floor uses. It is proposed to convert the first floor into two flats. At ground floor, an E-class use would remain, as would the children's nursery. During the application, the ground floor plans were amended to omit tables, chairs and a kitchen area, to clarify that the use of this area could be as a café, restaurant or shop, all being within Use Class E.
4. During the appeal, the appellant has provided amended plans showing changes to the external bin storage arrangements. The Council has had the opportunity to comment on these plans, and so I shall determine the appeal based on the amended plans. I have taken the address of the site from the Council's Decision Notice, which better reflects the location than the application form. The appellant has used the same address in the appeal form. I am satisfied that no prejudice to any party would be caused by these changes.
5. There is no dispute that in principle the proposal would fall within the Class G category. However, the change of use is only permitted by the GPDO where it complies with the conditions set out at section G1, whereby prior approval must be sought in respect of specific issues. Relevant to this appeal, these include at

G1(d)(iii) the impacts of noise from commercial premises on the intended occupiers of the development, and at G1(d)(v) the arrangements required for the storage and management of domestic waste.

6. The main issues are:

- whether the proposal would provide adequate living conditions for future occupiers of proposed Flat 2, with regard to noise from commercial premises, and
- whether adequate provision would be made for the storage of domestic waste.

Reasons

Living Conditions

7. The site is within an area of mixed retail, café, takeaway and residential uses, as well as the children's nursery. As proposed, Flat 2 would be located immediately above what could be a café or restaurant. There is an existing flue to the rear of the building, which currently serves the restaurant and takeaway. Windows serving the rooms that would become Flat 2 are close to this flue, but the proposed plans show that the flue would be removed.
8. That said, there is no dispute that use of the shop unit as a café or restaurant is likely to need a kitchen extraction system. The appellant's Noise Assessment was based on an extraction system using an external flue to the rear of the site. However, its recordings were undertaken on a quieter weekday for the restaurant use rather than, for example, at a weekend. Furthermore, it found that an extraction system positioned here would require flat occupiers to keep their windows closed, because of the effects of noise. This would be oppressive for occupiers, for example when wanting fresh air and ventilation from open windows.
9. A new external flue may well require planning permission, and so the Council would retain an element of control. Even so, I have little information to show where an external flue could go, to serve the back-of-house area of the unit, without also affecting the windows serving Flat 2. The location of any extraction system and flue could well result in unacceptable noise levels to its bedrooms, especially during evenings, when their use is more likely to coincide with restaurant operation. Granting Prior Approval for residential use now would make it difficult for the Council to resist subsequent applications for an extraction system. I am not therefore content to grant Prior Approval, in the absence of further information.
10. The scope of consideration of noise impacts from commercial premises is not restricted to that from external sources. Plant and machinery associated with any commercial kitchen could result in internal noise being transferred internally. However, the Council does not dispute that the Building Regulations would require sufficient insulation between the ground floor, and the first-floor residential uses, to ensure acceptable noise levels from internal transfer.
11. Nevertheless, for the reasons given above, I do not have sufficient information to grant prior approval for residential use. As such, it has not been shown that the proposal would provide adequate living conditions for future occupiers of proposed Flat 2, with regard to noise from commercial premises.

Waste Storage

12. The storage of bins for waste is currently provided to the side of the site, adjacent to the children's nursery. This area has been established for a number of years, and is close to the kerb and pavement for collection. The plans show that this area would provide bin storage for both the proposed commercial and residential uses. The amended plans no longer include an enclosure building, and so concerns that this would be outside of the scope of the GPDO rights have been overcome.
13. The change of use of the first floor would result in a reduction in the need for commercial bin storage. That said, no calculation of the amount of space needed for the commercial uses, either currently or as proposed, has been provided. There is no dispute that each of the flats would require a grey wheeled bin for household waste, a green wheeled bin for recycling, a glass box and a food waste container. However, the plans before me do not identify space for these, only showing the three commercial-type wheelie bins in total.
14. The appeal site covers a relatively large area around the building. Nevertheless, it has not been shown that alternative or additional space for bins is available without having adverse effects to, for example, access and vehicle parking arrangements. The adjacent property, number 3 Mount Pleasant, has space for eight domestic wheeled bins on the common boundary with the appeal site. Nonetheless, a similar arrangement is not shown for the proposal, with the nursery outdoor garden limiting the space available.
15. Consequently, it has not been demonstrated that sufficient bin storage space would be provided that is suitable for its occupiers and would not result in obstruction of the adjacent pedestrian footpath, or other areas within the site. Accordingly, adequate provision for the storage of domestic waste has not been shown.

Conclusion

16. For the reasons given above, and taking into account all other matters raised, the appeal is dismissed.

O Marigold

INSPECTOR