
Appeal Decision

Site visit made on 9 December 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th December 2025

Appeal Ref: APP/C3620/W/25/3374121

Glassworks 2, Dorking Business Park, Dorking, Surrey RH4 1HL

- 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 A Mozes of Edco Ventures Ltd against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/02093.
 - The development proposed is the change of use of Class E space to form 39 apartments.
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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 of Class E space to form 39 apartments at Glassworks 2, Dorking Business Park, Dorking RH4 1HL in accordance with the terms of the application, Ref MO/2025/02093, subject to the conditions in the attached schedule.

Background and Main issue

2. 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), 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) is permitted.
3. Paragraph MA.1 of Class MA sets out the requirements that a proposal must satisfy to qualify for prior approval. The Council considers that the development complies with these requirements. Based on the evidence before me, I have no reason to reach a different conclusion.
4. However, Paragraph MA.2 details that development under Class MA is permitted subject to an application to the Local Planning Authority for a determination as to whether prior approval is required in relation to the conditions set out in Paragraph MA.2(2). One of these conditions MA.2(2)(f) relates to the provision of adequate natural light in all habitable rooms of the dwellinghouses. The prior approval was refused on the basis that the proposal would not provide adequate natural light to all habitable rooms.
5. The Council considered that the development complied with the other conditions set out in Paragraph MA.2(2), and based on the evidence before me, I have no

reason to reach a different conclusion. Accordingly, there is no need to give these matters further consideration in this decision.

6. Accordingly, the main issue is whether the proposal would be permitted development under Class MA, with regard to whether the proposal would satisfy condition MA.2(2)(f), with reference to the provision of adequate natural light to all habitable rooms.

Reasons

7. The appeal site comprises a two and a half storey detached office building arranged around a central atrium. The atrium is enclosed by large, glazed panels and incorporates an open roof design.
8. The officers report raises concern regarding the provision of adequate natural light to habitable rooms in flats 24-27 on the first floor and 35-38 on the second floor. The plans indicate that the kitchen/living room and bedrooms of these flats would be served by the glazed panels which face onto the open atrium.
9. The appeal is supported by a daylight assessment which concludes that daylight to all rooms within the proposed flats exceed the recommendations set out in the Building Research Establishment (BRE) guidance. The Council does not dispute these findings and given that the identified flats are served by the glazed panels facing an open atrium that receives natural light, I am satisfied that the habitable rooms within the flats would benefit from adequate natural light.
10. The proposal therefore satisfies the criteria contained in paragraph MA.2(f) of the GPDO by providing adequate natural light in all habitable rooms of the dwellinghouses. Consequently, the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 3, Class MA of the GPDO.

Conclusion and Conditions

11. For the reasons given above, the appeal is allowed, and prior approval is granted, subject to the conditions detailed below.
12. The approval is granted on the basis that the development must be completed within three years from the date of prior approval, as stipulated by MA.2(5), and thereafter the building must remain in use as a dwellinghouse under Class C3, in accordance with MA.2(6). It is also subject to compliance with paragraph W, which governs the prior approval procedure.
13. Further to the above, paragraph W (13) of the GPDO permits prior approval to be granted subject to conditions that are reasonably related to the subject matter of the prior approval. The Council has suggested four additional conditions addressing highway safety and contaminated land. Given that transport impacts, including safe site access, and contamination risks associated with the building are matters for prior approval under Class MA, these conditions are appropriate to ensure the development proceeds in a safe and acceptable manner.
14. A condition is necessary to secure adequate on-site parking provision together with sufficient space for vehicles to turn, enter and leave the site safely, to ensure safe site access and address highway safety concerns. In addition, conditions are

required to ensure that appropriate investigation and, where necessary, remediation is undertaken should contaminated land be present on the site.

V Goldberg

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall not be occupied until the site parking and layout in accordance with Drawing No. GW.DBP.02.PR.06 has been constructed. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 2) No development other than demolition shall commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority:
 - i) A desk study and site investigation scheme based on previous findings to provide information for a detailed assessment of the risks, including specific consideration of asbestos organic compounds and vapour risk to receptors, including those off-site; that may be affected,
 - ii) The site investigation results and the detailed risk assessment resulting from i);
 - iii) An options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be implemented in accordance with the details and measures approved.

- 3) Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
- 4) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.