



Appeal Decision

Site visit made on 25 November 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/Z1775/W/25/3372324

Mabe Business Centre Ltd, 350-352 London Road, Hilsea, Portsmouth PO2 9JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Brian Mabe against Portsmouth City Council.
 - The application Ref is 25/00370/PLAREG.
 - The development proposed is described as: 'Erection of a single storey timber shed.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey timber shed at Mabe Business Centre Ltd, 350-352 London Road, Hilsea, Portsmouth PO2 9JY in accordance with the terms of the application, Ref 25/00370/PLAREG, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing numbers: Location and Block Plan HP-LR-01 and SHED-Elevations and Plans HP-LR-02.
 - 2) Unless within 3 months of the date of this decision a scheme for the replacement external cladding material for the walls and door of the single storey timber shed, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the timber shed shall cease and the shed shall be removed.

Upon implementation of the approved scheme specified in this condition, the replacement external cladding material shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Application for costs

2. An application for an award of costs was made by Mr Brian Mabe against Portsmouth City Council. This application will be the subject of a separate decision.

Preliminary Matters

3. The application form states that the development was undertaken in December 2024. I saw during my visit that the single storey timber shed has been completed,

which appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.

4. Considerable discussion has taken place between the parties regarding the national and local validation requirements of the proposal. This is addressed in my costs decision.

Main Issues

5. The application was not determined by the Council within the statutorily prescribed 8-week timeframe. As such, following the submission of an appeal it falls to me to determine whether planning permission should be given.
6. The Council has identified, in its Statement of Case, that had it determined the proposal it would have refused the scheme due to the style of external cladding material that is attached to the structure. It has also indicated that a condition could be used to secure revised materials.
7. Accordingly, in consideration of the Council's Statement of Case and the evidence before me, the main issue in dispute is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

8. Mabe Business Centre comprises a pair of semi-detached properties that are used for commercial purposes on the ground floor with residential accommodation above. Formerly, the properties would have been in residential use. The building is located on London Road, in a primarily residential street and area. The business centre accommodates several commercial uses within the main property along with further businesses accommodated in several outbuildings located to the rear. Pedestrian access is available to the rear via a side access gate from London Road whilst pedestrian and vehicular access is available from the unnamed road access at the rear of the property. The rear access is publicly accessible and services the properties fronting London Road and located between Battenburg Avenue and Torrington Road. The Mabe Business Centre makes a neutral contribution to the character and appearance of the area.
9. The timber building has been erected next to an existing single storey rear extension that spans most of the rear elevation's width. Several large outbuildings, some of which are temporary, block any direct view of the timber building from the rear access road. It is however visible from the access road and rear car parking area to the Royal Court Apartments at 356 London Road.
10. The development is of a height, width and length that accords with the main single storey rear extension on the property and is subordinate to the main building. It is therefore acceptable in terms of its scale, form, and siting.
11. The existing extension is clad in a grey composite cladding whilst the walls of the timber building have been covered in a black bitumen roofing material. This material is poor quality and out of character with the existing property and surrounding area. Its appearance would therefore conflict with the requirements of Policy PCS23 of the Portsmouth Plan 2012 (PP).
12. Nonetheless, in accordance with paragraph 56 of the National Planning Policy Framework, the development, whilst unacceptable due to its external cladding

material, could be made acceptable through the use of a suitably worded planning condition relating to the submission and implementation of a differing cladding material. A revised material would allow the building to complement the character and appearance of the area.

13. Consequently, the timber building would not harm the character and appearance of the host property or the surrounding area. Accordingly, I find no conflict with Policy PCS23 of the PP, the requirement of which requires, amongst other things, that new development is of an appropriate scale, density, layout, appearance, and materials in relation to its particular context.

Conditions

14. To ensure certainty and clarity, I have imposed the standard condition relating to the approved plans.
15. Condition 2 is imposed to ensure that the replacement external cladding material details are submitted to and approved by the local planning authority and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the external cladding materials before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion

16. For the reasons given above the appeal should be allowed, subject to the conditions set out above.

P Brennan

INSPECTOR