



Appeal Decision

Site visit made on 6 January 2026

by **J E Jolly BA (Hons) MA MSc MCIH MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Appeal Ref: APP/C3620/W/25/3374467

Ashcombe House, The Crescent, Leatherhead, KT22 8ED

- 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) (GDPO).
- The appeal is made by Dropfix Plumbing Ltd against the decision of Mole Valley District Council.
- The application Ref is MO/2025/02105.
- The development proposed is for prior notification for conversion from commercial/business/service (Use Class E) into 5 No self-contained flats (Use Class C3).

Decision

1. The appeal is allowed, and planning permission is granted for prior notification for conversion from commercial/business/service (Use Class E) into 5 No self-contained flats (Use Class C3) at Ashcombe House, Leatherhead, KT22 8ED in accordance with the terms of the application, Ref MO/2025/02105, in accordance with the details submitted pursuant to Schedule 2, Part 3, Class MA of the GPDO subject to the following condition:
 - occupation of the residential flats authorised by this prior approval shall not commence until the works approved pursuant to the planning permission Ref. MO/2025/02106 have been completed.

Preliminary Matters

2. For certainty, I have used the address and postcode given on the Council's decision notice.

Application for costs

3. An application for costs was made by Dropfix Plumbing Ltd against Mole Valley District Council. This application will be the subject of a separate decision.

Background and Main Issues

4. The appellant submitted plans with the appeal which included a scheme of dormer windows and conservation rooflights for Ashcombe House; details which were not included in the prior approval application to the Council but formed part of the appeal before me. The Wheatcroft principles¹ are clear that appeals should be determined on the basis of the plans and information as originally submitted to the Council, and upon which it based its decision that have also been subject to consultation.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment (JPL, 1982, P37)

5. However, subsequent to the appeal submission, the Council permitted the dormer windows and the conservation rooflights under a separate planning application.² Consequently, the Council no longer wishes to contest the second main issue given on its decision notice.
6. Therefore, the remaining main issue in this appeal is whether the proposed development satisfies the provisions of the GDPO for a change of use to self-contained residential dwellings or not.

Reasons

7. Ashcombe House is a vacant office building which is located near to Leatherhead town centre at the junction with The Crescent and Elm Road.
8. The Council determined that the proposal for a change of use from Class E (commercial, business and service) to Class C3 (dwellinghouses) at Ashcombe House did not accord with Schedule 2, Part 3, Class MA of the GPDO as the host roof/loft space did not form a functional or useable part of the previous commercial use of the building.
9. However, Article 2(1) of the GDPO defines the term 'building' as any structure or erection and includes any part of a building. Indeed, in my view, a roof space forms an integral part of any building and is critical to its function. For example, from the photographic evidence before me, Ashcombe House has a range of equipment and services in the roof that enables use of the spaces below. Thus, as the impacts and risks associated with the proposed change of use from a Class E building to Class C3 residential dwellings, i.e. the transport/highways, contamination, flood, noise and natural light provision risks and impacts, have been found to be acceptable by the Council, the GDPO is clear that development can be permitted.
10. Therefore, in the planning judgement, I conclude that the proposal would meet the requirements of the GDPO for prior approval. Accordingly, I am satisfied that the development could be converted from use Class E to Class C3 use.

Other Matters

11. The proposal is located in the Leatherhead Conservation Area and is near to several listed buildings. However, as the host dwelling would be mostly unchanged in appearance and the additional elements include conservation rooflights, there would be a neutral effect on the setting of the heritage assets in this location.

Conditions

12. Paragraph W (13) of the GPDO enables the grant of a prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The Council has not suggested any conditions. Moreover, from the evidence before me, no conditions are required in relation to any of the matters which are subject to prior approval.

² MO/2025/02106

13. Nonetheless, for certainty and to ensure other permitted works³ are completed to provide sufficient daylight for the proposed dwellings at Ashcombe house, I have imposed the condition in paragraph 1 above. The courts have concluded that this approach is acceptable in meeting the requirements of Paragraph W (13) of the GDPO and have also recognised it as an 'obvious solution' to allowing a change of use in certain circumstances.⁴
14. The appellant is also reminded that in granting approval under Class MA of the GPDO requires the development to be completed within a period of 3 years from the date of this permission.

Conclusions

15. Given my findings above, I conclude that the proposal would be permitted development under the provisions of Schedule 2, Part 3, Class MA of the GDPO. The appeal is therefore allowed, and planning permission is granted.

J E Jolly

INSPECTOR

³ MO/2025/02106

⁴ LW Zenith Ltd, R v Secretary of State (21 December 2022)