

APPEAL DECISION REPORT

Ward: Caversham

Appeal No: APP/E0345/W/19/3242285 and APP/E0345/W/20/3246349

Planning Ref: 191330/PNN and 191787/PNN

Site: ONC House, 68 St Johns Road, Caversham, RG4 5AL

Proposal:

Application 191330/PNN: *Notification of Prior Approval for a Change of use from Class B1(c) (Light Industrial) to C3 (dwellinghouses) to comprise 6 x flats. Prior Notification under Class PA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (as amended) 2015.*

Application 191787/PNN: *Notification of Prior Approval for a Change of use of building from Class B1(c) (Light Industrial) to C3 (dwellinghouses) to comprise 6 x dwellings. Prior Notification under Class PA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. (amended)*

Decision level: Delegated

Method: Written representations

Decision: Appeals dismissed

Date Determined: 11th June 2020 (both appeals)

Inspector: S Leonard (both appeals)

1 BACKGROUND

- 1.1 The site is a 1000sqm light industrial unit situated towards the northern end of St Johns Road near the corner with Marsack Street. The surrounding area is primarily residential.
- 1.2 Two separate applications were submitted and refused in August 2019 and January 2020 for the conversion of the light industrial unit to residential use under Class PA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. Combined, the two applications proposed to convert the warehouse to 12 flats.
- 1.3 Both applications were refused for not complying with the criteria outlined in the General Permitted Development Order. Under Class PA, Part 2, Schedule 3 only 500 sqm of floor space can be converted from B1(c) (light industrial use) to C3 (residential use). Two separate applications were submitted, effectively dividing the building into the northern and southern wing to create 6 flats under each application.
- 1.2 The reason for refusal for both applications was as follows:
 1. *The gross floor space of the existing building exceeds 500m2 and so the proposal is not compliant with Schedule 2, Part 3, Class PA section (d) of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.*

In addition, application 191787 was also refused for the following reason:

2. *The applicant has failed to sufficiently demonstrate that the proposal would comply with condition PA.2 (1) (b) (i) 'transport and highways impact of the development' or condition PA.2 (1) (b) (ii) 'contamination risks in relation to the building' in accordance with Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) (Amendments) Order 2016.*

2 SUMMARY OF DECISION

- 2.1 The appeals were dismissed with the Inspector concluding that the definition of 'existing building' within the legislation referred to the whole building as opposed to part of the building. As such, it was agreed that the building could not be divided into two portions of 500 sqm for the purposes of prior approval.
- 2.2 Due to the proposal not qualifying as Permitted Development from the outset, as detailed above, the Inspector did not comment on the second reason for refusal of application 191787 (appeal APP/E0345/W/20/3246349) relating to highways and contamination matters.

3 OFFICER COMMENTS:

- 3.1 Officers welcome the appeal decisions which give greater clarity on the definition of 'existing building' within the context of Class PA, Part 2, Schedule 3 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 which can be applied to other prior approval applications relating to this Class should the debate arise again. Officers considered that the applications were submitted in such a way as to circumvent the Regulations and it is pleasing that the Inspector has upheld the LPA's interpretation of Class PA.

LOCATION PLAN



Case Officer: Connie Davis