

TOWN AND COUNTRY PLANNING ACT 1990

**THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015 (AS AMENDED)**

To: Great Plans
75 Holders Hill Avenue
Hendon
London
NW4 1ES

Application No: 230042
Application type: Class E to Dwellinghouses
Prior Approval - Class MA

**APPLICATION FOR PRIOR APPROVAL
UNDER CLASS MA, PART 3 OF SCHEDULE 2 TO THE TOWN AND COUNTRY
PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Applicant: Mrs Sherlee Amar

READING BOROUGH COUNCIL as Local Planning Authority give notice that the prior approval of the Local Planning Authority is **REFUSED** for the following development.

Proposal: Change of use from Class E (offices) to C3 (dwelling houses) to comprise 3 Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

At: 286 Kings Road Reading RG1 4HP

For the attached reasons

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

Date: 7 March 2023



Assistant Director of Planning, Transport and
Public Protection Services

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Application At: 286 Kings Road Reading RG1 4HP

Application No: 230042

Application type: Class E to Dwellinghouses Prior Approval - Class MA

REASONS FOR REFUSAL

1. The application has failed to demonstrate, on the basis of contradictory information specified on the Completed Application Form and within the Planning Statement, both received on 12/01/2023, that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval, contrary to the requirement of paragraph MA.1.-(1)(a) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The application has failed to demonstrate, in the absence of sufficiently clear information within the submission, whether the use of the building fell within one or more of the specified classes for a continuous period of at least 2 years prior to the date of the application for prior approval, contrary to the requirement of paragraph MA.1.-(1)(b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3. The application has failed to demonstrate, in the absence of the submission of elevation and section plans or an officer site visit being arranged to be undertaken, that the proposed flats would provide adequate natural light in all habitable rooms of the dwellinghouses, contrary to the requirement of paragraph MA.2.-(1)(f) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
4. The application has failed to demonstrate, in the absence of the submission of elevation and section plans or an officer site visit being arranged to be undertaken, that the proposed flats comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015, contrary to Section 3 (9A) of the Town and Country Planning (General Permitted Development) Order 2015, as inserted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243).

INFORMATIVES

1. The Local Planning Authority has worked positively and proactively with the agent of the applicant to seek to assess this prior approval application with the benefit of an officer site visit. However, that has not been possible within the required timescale for the determination of the application and therefore the decision to refuse the application has been taken.

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2. In respect of reasons for refusal 3 and 4, the following specifies the various attempts made to undertake an accompanied officer site visit to the interior of the existing building:

- Email to agent by case officer on 27/01/2023 requesting a site visit on either 30/01/2023 or 31/01/2023.

- Reply from agent on 27/01/2023 advising the need to speak to the client and providing an update thereafter.

- Email to agent by case officer on 30/01/2023, to seek an update as to whether a visit on 31/01/2023 would be possible in the context of the correspondence on 27/01/2023.

- Telephone call from case officer to agent on 31/01/2023 seeking an update, whereby the agent advised that an update would be provided once the client (applicant) responds.

- On the basis of no reply, email to agent by case officer on 02/02/2023 seeking times/dates for a site visit during week beginning 06/02/2023.

- Email to agent by case officer on 07/02/2023 seeking an update following no response to the email from 02/02/2023.

- No response received, so telephone call from case officer to agent on 09/02/2023, with voicemail message left for the agent to advise the case officer of suitable times/dates for the site visit.

- No response received, so email to agent by case officer on 20/02/2023 seeking availability for a site visit during week beginning 20/02/2023.

- Email to agent by case officer on 23/02/2023 seeking availability for a site visit in the next week, in light of no response being received. At this juncture the agent was also advised that the application would not be able to be supported on the basis of a failure to demonstrate that all of the conditions within part MA.2. (2) of Class MA (Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would be met, owing to a site visit within the building not being able to be undertaken.

- On the basis of no reply being received, telephone call from case officer to agent on 28/02/2023 - voicemail message left for the agent to advise the case officer of suitable times/dates for the site visit, or prior approval would not be able to be given, as per email from 23/02/2023.

- Email from case officer to agent on 28/02/2023 advising that if no response was received on 28/02/2023 or 01/03/2023 then the application would be recommended to determined,

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as per the email sent on 23/02/2023. No response was received from the agent. No contact details for the applicant were provided on the application form.

3. In reaching this decision the Local Planning Authority has taken into account the following information submitted with the application:

- PL-100 - Site Location Plan
- 01 - Existing - Floor Plans, Block Plan
- 02 - Proposed - Floor Plans, Block Plan
- Planning Statement
- Completed Application Form

All received on 12/01/2023

4. Based on an unaccompanied officer site visit on 06/03/2023 it would appear that there are the following inaccuracies on plan '01 - Existing - Floor Plans, Block Plan':

- Omission of three openings on the east (side) elevation at ground floor level
- Omission of a window on the east (side) elevation at first floor level

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NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse Prior Approval for the proposed development, then you can appeal to the Secretary of State under section 78 (1)(c) of the Town and Country Planning Act 1990 within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate

(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are on GOV.UK.