

Statement in support of an application for a lawful development certificate pursuant to section 192 Town and Country Planning Act 1990

The council has contended that the building the subject of prior approval reference R/205/19/PD was demolished. No evidence has been provided to substantiate that assertion. The applicant suspects what lies behind this, as set out in his statement, which is corroborated by the site contractors' statement (both attached).

The approval engages analysis of the relevant plans and law.

As to plans, a comparison between E01 and P01 is required and to note what is absent i.e. any elevations. The latter could have been sought before granting approval, but one is compelled to conclude the LPA felt that sufficient information had been provided.

Conversions under GPDO 2015 apply to a variety of buildings e.g. farm barns, offices, shops. They all entail works to facilitate that conversion. Under Class Q as an example, there is considerable detail about what one can and cannot do, in others, nothing prescriptive. The absence of limitation only means Parliament decided it was not necessary, not that such is impermissible. Moreover, Parliament decided for office to residential (Class O) it had been mistaken, and increased the level of prescription to ensure better occupier amenity (light). The same for Class PA. This was a class PA case, but predated the increased prescription from August 2020.

TCPA 190 s55.2.a.ii in any event states alterations that does not materially affect external appear are not development. s55.2.f also excluding changes of use by order i.e. GPDO 2015. Consequently, the council must have concluded (rightly) that the external changes proposed shown on P01 were not material. They were lawful. Those works were underway when the council intervened.

It will be lawful to complete the development pursuant to R/205/19/PD and a certificate is sought.