

Delegated Report

Planning Ref: 26/00698/P3CMA

Applicant: Tony Deakin

Ward: Newbold Verdon with Desford and Peckleton

Site: 69 Mill Lane, Newbold Verdon



Proposal: Notification to determine if prior approval is required for the change of use of a physiotherapy clinic to a single detached 2 bedroom dwelling.

1. Recommendations

1.1. Grant prior approval subject to:

- Condition/s outlined at the end of this report.

2. Planning application description

- 2.1. This is an application for prior notification under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of a health clinic (Class E) to the provision of a 2-bedroom detached dwellinghouse (Class C3).
- 2.2. The development would not involve any extensions or addition of a first floor and would not see any major exterior alterations. Internally, the proposal would see a re-configuration to provide two bedrooms, served by a patio door each, one en-suite, an office, main family bathroom, a central living room and an enlarged kitchen/utility space. The main entrance will be repositioned from the front to the north side elevation.
- 2.3. Externally, alterations will include the installation of a new kitchen window at the principal elevation and patio doors serving each bedroom at the rear elevation. The existing front entry door would be removed, along with its associated stepped access, and replaced to the building's north elevation. There are no proposed changes to site boundaries.

3. Description of the site and surrounding area

- 3.1. The application site is situated within the settlement boundary of Newbold Verdon and comprises an existing physiotherapy business.
- 3.2. The business is located at the northwest section of Mill Lane, Newbold Verdon. The property in question is a small, single-storey detached structure which is sited forward of both adjacent properties. It features a simple dual-pitched roof finished in brown tiles and a mix of materials, including light-coloured render to its side elevations and brown brickwork and stone detailing to its principal elevation. The property is bounded by a low brick wall in front of soft vegetation, and its rear space is severed by a timber fence and metal gate. The wider area is typified by two-storey dwellings which differ in scale and design.

4. Relevant planning history

26/00383/P3CMA

- Notification to determine if prior approval is required for the change of use from a health (physiotherapy) clinic (Use Class E) to a 2 bedroom, single floor dwelling house (Use Class C3)
- RFPA
- 19.06.2026

23/01112/FUL

- Change of use from a place of worship (Class F1) to a private medical (physiotherapy) practice (Class E(e))
- Permitted
- 24.07.2024

91/00871/4

- Extension and alterations to kingdom hall
- Permitted
- 19.11.1991

79/01141/4M

- Alterations and extensions to dwelling
- Permitted
- 07.08.1979

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Following the publication, no representations have been received.

6. Consultation

6.1. HBBC Drainage:

'Advice to Applicant:

According to the Environment Agency (EA) website, the application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water.

There are no objection to the proposals on sustainable drainage Grounds.'

6.2. LCC Highways:

'Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.'

6.3. HBBC Environmental Services:

'No objection'

7. Policy

- 7.1. Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class MA
- 7.2. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2026)
 - Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. The main considerations in respect of this application are whether the proposed change of use meets the criteria for permitted development of Class MA of the Town and Country Planning (General Permitted Development) Order 2015, which relates to development consisting of a change of use of a building and any land within its

curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) Schedule 2 to that Order.

MA.1. – (1) Development is not permitted by Class MA –

- (b) *unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;*

The use of the building has fallen under sub-paragraph (2) (b) Class E (commercial, business and service) for a continuous period exceeding 2 years prior to the date of application. The Class E use was established on 24th July, 2024 under 23/01112/FUL.

- (d) *if land covered by, or within the curtilage of, the building—*
- (i) *is or forms part of a site of special scientific interest;*
 - (ii) *is or forms part of a listed building or land within its curtilage;*
 - (iii) *is or forms part of a scheduled monument or land within its curtilage;*
 - (iv) *is or forms part of a safety hazard area; or*
 - (v) *is or forms part of a military explosives storage area;*

The land covered by, or within the curtilage of the building does not form a part of any of the specified areas.

- (e) *if the building is within—*
- (i) *an area of outstanding natural beauty;*
 - (ii) *an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;*
 - (iii) *the Broads;*
 - (iv) *a National Park; or*
 - (v) *a World Heritage Site;*

The site is not within any of these specified areas.

- (f) *if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*

The site is not occupied under an agricultural tenancy.

- (g) *before 1 August 2022, if—*
- (i) *the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
 - (ii) *the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

The site has never been permitted by Class O.

- (2) *The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—*

- (a) *the following classes of the Schedule as it had effect before 1st September 2020—*

- (i) *Class A1 (shops);*
- (ii) *Class A2 (financial and professional services);*
- (iii) *Class A3 (food and drink);*
- (iv) *Class B1 (business);*
- (vi) *Class D1(a) (non-residential institutions – medical or health services);*

- (vii) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;
- (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

See consideration of condition (b) above.

Conditions

MA.2. – (1) Development under Class MA is permitted subject to the following conditions

- (2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 - (a) transport impacts of the development, particularly to ensure safe site access

There are no proposed changes to the existing access arrangements. Table 28 of the LHDG requires a minimum of two parking spaces for a dwelling of up to three bedrooms. Whilst no dedicated parking is proposed, and the area is known to experience high degrees of on-street parking having regard to the scale and nature of the proposed residential use and the former approved use, the development is not considered to result in additional unacceptable transport impacts or highway safety concerns. The LHA has reviewed the proposal and confirmed that there would be no material impact upon the public highway. Prior approval is therefore granted in respect of this matter.

- (b) contamination risks in relation to the building;

The site is not on contaminated land, nor does the site have any historical uses which would have resulted to any type of contamination as described in 2A of the Environmental Protection Act 1990.

- (c) flooding risks in relation to the building;

According to the Environment Agency (EA) website, part of the application site is located within Flood Zone 1. Notwithstanding the above, there are no additional groundworks or extensions proposed that may increase this risk.

- (d) impacts of noise from commercial premises on the intended occupiers of the development;

The LPA have reviewed the scheme and do not consider the noise impacts to be detrimental. There are no commercial premises in the area which would generate excessive levels of noise.

Prior to its occupation as a worship hall, the building was originally a residential dwelling.

- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The building is not located within a Conservation Area.

- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

There is existing natural light serving all habitable rooms via a series of windows located along both side elevations of the property. As part of the proposed development, two new patio door units would be installed to serve the proposed rear-facing bedrooms, providing additional sources of natural light. Whilst the kitchen is already served by existing windows, there are sufficient window openings at the principal elevation which would continue to serve this space. It is therefore considered the scheme provides adequate windows and natural light into each habitable room within the dwelling.

- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

These uses are not prevalent in this location and as such would not impact upon prospective occupiers.

- (h) where the development involves the loss of services provided by—
(i) a registered nursery, or
(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and

The development does not involve the loss of services provided by a registered nursery or a health centre maintained under Section 2 or 3 of the National Health Service Act 2006, given that it is operated as a private Physiotherapy practice.

- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

The development meets the fire risk condition of article 9A because the building is not 18m or higher and does not contain 7 storeys or more as required by The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021.

- (3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

The application was submitted in 2026.

- (4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—
(a) for paragraph (e) of sub-paragraph (2) there were substituted—
“(e)where—
(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;
(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”;
(b) in the introductory words in sub-paragraph (5), for “and highways impacts of

the development” there were substituted “impacts of the development, particularly to ensure safe site access”;

- (c) *after sub-paragraph (6) there were inserted—*

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;

- (d) *in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;*

No comment from planning officer necessary.

- (5) *Development must be completed within a period of 3 years starting with the prior approval date.*

No comment from planning officer necessary.

- (6) *Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse*

The building is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose.

Interpretation of Class MA

MA.3. – (1) Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

The development meets the fire risk condition referred to in paragraph MA.2(2)(i)

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The application meets the conditions of Class MA of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is considered that the application is therefore acceptable and complies with the conditions and the provision of Paragraph W of the General Permitted Development Order (2015) (as amended).

11. Recommendation

11.1 Grant prior approval subject to:

- Condition/s outlined at the end of this report.

11.2 Condition/s

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Elevations – received by the LPA on 11/08/26
- Proposed Floor Plan – received by the LPA on 11/08/26
- Proposed Site Location Plan – received by the LPA on 11/08/26
- Application Form – received by the LPA on 03/08/26

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. Notwithstanding the approved plans, this approval does not give you approval for any building operations which cannot fall within the provisions of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Separate planning approval must be granted for such development.
2. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Adequate provision for waste and recycling storage of should be considered which addresses accessibility to storage facilities and provide adequate space at the adopted highway boundary to store and service wheeled containers.
5. According to the Environment Agency (EA) website, the application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water.