

# PLANNING STATEMENT

*Retrospective Application*

**148 Uxbridge Road, Hayes, UB4 0JH**

## 1. Introduction

This Planning Statement has been prepared in support of a retrospective planning application relating to the premises known as 148 Uxbridge Road, Hayes, UB4 0JH. The application seeks to regularise internal alterations and changes of use that have already been carried out at the ground floor of the premises, and which constitute the 'existing' position as recorded in the accompanying drawings.

The statement sets out the nature and extent of the works undertaken, compares the existing condition against the pre-existing baseline, and demonstrates that the development is appropriate and acceptable in planning terms.

## 2. Site Description and Location

The application site is a ground-floor commercial premises operating as a restaurant/takeaway under the trading name 'Desi Tadka', referenced in the drawings as '148'. The site is shown on the accompanying Location Plan and Block Plan.

The premises form part of a wider building within an established commercial setting. The property is served by a fire exit door at the rear and benefits from an existing access arrangement at the front. No external changes to the principal elevations of the building have been made as part of the works subject to this application, as confirmed by comparison of the Pre-Existing and Existing elevation drawings.

## 3. Description of the Works Carried Out (As Existing)

A comparison of the Pre-Existing Ground Floor Plan and the Existing Ground Floor Plan reveals the following changes, all of which are internal in nature and relate to the reconfiguration and improved operation of the ground-floor commercial unit:

### 3.1 Kitchen Formation and Upgrade

In the pre-existing condition, the rear portion of the premises contained a storage, a freezer unit, a passageway. The existing condition shows that this area has been reconfigured to form a defined, fitted kitchen incorporating the following elements:

- A dedicated preparation kitchen
- A refrigerator/freezer unit (labelled 'RF B') nearby the kitchen
- A clearly specified kitchen space separated from the customer area by an internal corridor
- Dry storage provision directly accessible from the kitchen

This formalisation of the kitchen represents a functional improvement to the food preparation environment, consolidating previously fragmented rear ancillary spaces into a single, coherent and compliant commercial kitchen.

### 3.2 Internal Corridor and WCs Formation

A corridor has been formed in the existing layout between the kitchen and the dining/sitting area. This corridor was not present in the pre-existing plan, which showed an informal passageway. The corridor improves internal circulation, provides separation between kitchen operations and the customer-facing dining area, and ensures a clearer means of access to the fire exit door at the rear. Three WCs have been added as facility for customers in the existing floor plan.

### **3.3 Alteration of Boiler Room**

The pre-existing plan identified a dedicated boiler room within the floor plate. This room no longer exists in the existing configuration, with its footprint absorbed into providing additional washroom facilities dedicated to staff. It is understood that a modernised boiler has been installed to reduce the space.

### **3.5 Rationalisation of Storage**

The pre-existing plan showed multiple fragmented storage areas, including storage rooms to either side of the rear of the premises and storage accessed from the passageway. The existing condition consolidates storage into a single dry storage area immediately adjacent to the kitchen, which is consistent with best practice in commercial catering layouts.

### **3.6 Elevational Changes**

The Pre-Existing and Existing Elevation drawings (both front and rear) confirm that no material external alterations have been made to the building's appearance. The front elevation shows the fascia signage trading as '148 Desi Tadka', which present in the existing drawings. The rear elevation similarly shows no material change.

## **4. Planning Policy Context**

The works described above are internal alterations to an existing commercial premises in active use as a restaurant/hot food takeaway. The following planning policy framework is relevant to this retrospective application. The statement addresses national policy set out in the National Planning Policy Framework (NPPF), national planning practice guidance, and the relevant policies of the development plan.

### **4.1 The Statutory Framework**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 requires the local planning authority to have regard to the development plan and any other material considerations when determining a planning application.

Section 55 of the Town and Country Planning Act 1990 defines 'development' as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Internal works which do not materially affect the external appearance of a building are expressly excluded from this definition by virtue of Section 55(2)(a). As confirmed by the elevation drawings accompanying this application, the works carried out have not materially altered the external appearance of the premises and accordingly may not constitute development at all. This retrospective application is submitted in an abundance of caution to provide certainty.

### **4.2 National Planning Policy Framework (NPPF, 2024)**

The NPPF sets out the government's planning policies for England and how these should be applied. It must be taken into account in the preparation of development plans and is a material consideration in planning decisions. The following chapters are of relevance:

### **Chapter 6 — Building a Strong, Competitive Economy**

Paragraph 85 of the NPPF states that planning decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity. The works at 148 Desi Tadka represent an investment in the operational improvement of an existing food and beverage business. The reconfiguration of the kitchen, dining area and ancillary spaces directly supports the continued viability and improved productivity of an existing commercial enterprise. Refusing retrospective consent for such works would conflict with the government's stated objective of supporting economic growth.

### **Chapter 8 — Promoting Healthy and Safe Communities**

Paragraph 92 of the NPPF encourages planning decisions to support access to a range of facilities and services that reflect local needs. Food establishments, including restaurants and hot food takeaways, form part of the social and community infrastructure of any town centre or commercial area. The works serve to improve the safety, efficiency and operational standards of an existing community food service. The formalisation of the kitchen and improvement of fire exit access are particularly consistent with the objectives of promoting safe communities.

### **Chapter 12 — Achieving Well-Designed and Beautiful Places**

Paragraph 135 of the NPPF requires that developments are visually attractive as a result of good architecture, layout and landscaping. Paragraph 136 states that planning decisions should not impose design requirements that are unnecessary or disproportionate. As the works in question are entirely internal, there is no impact on the external design quality, architectural character or visual amenity of the area. The internal reconfiguration — providing a logical separation between kitchen and dining functions — is consistent with good design principles in the context of a commercial food preparation and service environment.

### **Chapter 14 — Meeting the Challenge of Climate Change**

The NPPF encourages the reuse and adaptation of existing buildings to reduce the need for new development and to limit environmental impact. The works subject to this application involve the improvement and adaptation of an existing commercial building rather than new construction. This approach is consistent with the principles of sustainable development embedded throughout the NPPF, as it extends the active life and utility of an existing commercial premises without requiring new land to be developed.

## **4.3 National Planning Practice Guidance (NPPG)**

The Planning Practice Guidance provides further context in relation to the NPPF. The NPPG on 'Use of planning conditions' confirms that conditions attached to planning permissions should only be imposed where they are necessary, relevant, enforceable, precise and reasonable. Given the internal and contained nature of the works, there are no matters that would warrant the imposition of onerous conditions.

The NPPG on 'Determining a planning application' states that local planning authorities should work positively and proactively to approve applications for sustainable development where possible. The guidance affirms that when dealing with retrospective applications, the same planning merits test applies as for prospective applications. The merits of this application, assessed on their own terms, are clearly favourable: the works are internal, do not change the use of the land, have no external impact, and support the continued operation of a commercial business.

#### **4.4 Use Classes and Change of Use**

The Town and Country Planning (Use Classes) Order 1987 (as amended) groups uses of buildings and land into categories. Operations falling within the same use class do not constitute a material change of use.

Prior to the April 2020 amendments, restaurant use fell within Class A3 and hot food takeaway within Class A5. Following the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, many of these uses were consolidated into the new Class E (Commercial, Business and Service) where the use involves the provision of food or drink primarily to visiting members of the public. Hot food takeaway use, however, remains as a Sui Generis use outside the new use class framework.

In this case, the premises operated in the same food service use both before and after the internal works were carried out. There has been no change of use. Whether the use falls within Class E or is Sui Generis, the critical point is that the use has remained constant throughout, and no material change of use requiring planning permission has occurred.

#### **4.5 Permitted Development Rights**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) grants planning permission for certain classes of development without the need for a planning application. Schedule 2, Part 7 of the GPDO grants permitted development rights for the extension or alteration of commercial premises, subject to specified conditions and limitations.

However, as noted above, the principal basis of this application is that the internal works may not constitute development at all by virtue of Section 55(2)(a) of the 1990 Act. Even if it were determined that the works did constitute development, many of the internal alterations described in this statement would be likely to fall within permitted development rights under Part 7 of the GPDO or would otherwise not require express planning consent. This application nonetheless seeks a formal determination to provide certainty.

#### **4.6 Local Development Plan Policies**

This statement acknowledges that the specific policies of the relevant Local Development Plan (LDP) or Local Plan will apply to this application. Applicants should insert the relevant Local Plan name, adoption date, and specific policy references for the area in which the premises are located. The following policy themes are typically applicable to applications of this nature and should be cross-referenced against the adopted development plan:

- **Economic development and town centre vitality:** Most development plans contain policies supporting the retention and improvement of active commercial uses, particularly food and beverage uses within defined town centres or commercial areas. The works at 148 Desi Tadka sustain an existing commercial use and should be supported under such policies.
- **Design and character:** Development plan policies on design typically require development to respect and enhance the character of the area. As the works are entirely internal, no conflict with design or character policies arises.
- **Amenity:** Policies relating to the amenity of neighbouring residents and occupiers are a standard consideration. Given the internal nature of the works, there is no change to the noise, odour, light or other environmental impacts of the premises on surrounding properties.
- **Food and drink uses / hot food takeaways:** Some development plans include specific policies controlling the concentration or hours of operation of food and drink or hot food takeaway uses. This application does not seek to change the nature, extent or hours of the use; it merely seeks to regularise the physical internal configuration of

the premises. Any such policies are therefore not engaged in a manner that would weigh against this application.

#### **4.7 Retrospective Applications — Material Considerations**

Section 73A of the Town and Country Planning Act 1990 expressly provides for retrospective planning applications — that is, applications for planning permission for development already carried out. The grant of planning permission under Section 73A has the same legal effect as a grant of prospective permission and regularises the development in question.

The principle that a retrospective application is assessed on its planning merits in the same way as a prospective application is well established. The mere fact that development has been carried out without prior permission does not, of itself, constitute a reason for refusing permission; the question is whether the development would have been permitted had consent been sought prospectively. For the reasons set out throughout this statement, there is no planning reason why permission would have been refused for these internal works had they been the subject of a prior application.

The local planning authority is not obliged to take enforcement action in respect of a breach of planning control, and Section 172 of the 1990 Act makes clear that enforcement is a matter of discretion, to be exercised having regard to planning merits. Granting retrospective consent in this case would be entirely consistent with the principle that enforcement action should only be taken where the breach of planning control would not otherwise be authorised and where it is expedient to do so.

### **5. Summary and Conclusion**

In summary, the works subject to this retrospective application comprise the following internal alterations at the ground floor of 148 Uxbridge Road, Hayes, UB4 0JH

- Formation of a defined commercial kitchen from previously fragmented rear ancillary spaces
- Creation of an internal corridor separating the kitchen from the dining area and improving access to the fire exit
- Rationalisation of storage into a single, kitchen-adjacent dry storage area
- No external or elevational alterations of any kind

All works are internal, do not affect the external appearance of the building, and do not involve any change of use. The application site continues to operate as a restaurant in active use. The development is consistent with the continued lawful use of the premises and raises no material planning concerns.

It is respectfully submitted that planning permission should be granted for the works as existing.