Officer Report

Application No.	26/0628/FH/PA
Site Address	190 Dover Road, Folkestone, CT20 1NX
Officer Name	Lizzy Nash
Proposal	Determination as to whether the prior approval of the Local Planning Authority is required under Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use from ground floor hot food takeaway (sui generis) to residential use (Class C3).

Recommendation

Report Number	RD-440135
Recommended Decision	Recommended to be Prior approval not required
Recommendation Date	09 June 2026

Report

Site
The site comprises the ground floor of 190 Dover Road, currently used as a hot food takeaway. The building consists of two storeys with a third set within the roof slope and served by a pitched roof dormer which are residential, it sits centrally within a terrace of buildings with retail uses at ground floor and residential above.

Relevant site history
SH/78/176 – Change of use to take away food shop – Approved

Proposal
The application seeks a determination as to whether prior approval is required under Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the ground floor from a hot food takeaway (sui generis) to residential use (Class C3).

The proposal would involve the amalgamation of the ground floor with the existing residential accommodation at first and second floor level to form a single dwelling.

Consultation Responses
Folkestone Town Council: No Objection
Environmental Health: No Objection
KCC Highways and Transportation: No Comment

Representations
No representations have been received.

Relevant Policies
The key considerations are those set out by Class M of Part 3 of Schedule 2 of the GDPO 2015 (as amended).

Permitted development
Class M permits development comprising a change of use of a building and any land within its curtilage from a hot food takeaway to a use falling within Class C3 (dwellinghouse).

Paragraph M.1 sets out limitations where development is not permitted, including where sites are subject to specific designations or where development would extend beyond the external dimensions of the existing building.

Paragraph M.2 sets out that development is subject to prior approval in respect of the following matters:

- transport and highways impacts
- contamination risks
- flooding risks
- the impact of the loss of the use
- design and external appearance
- provision of adequate natural light

Paragraph M.2 further confirms that the provisions of Paragraph W apply.

Appraisal
Whether permitted development

The site is currently in lawful use as a hot food takeaway and has operated as such since at least 1997, as evidenced by the planning history (ref: SH/78/176) and site observations. The proposal involves the change of use of this unit to residential accommodation, falling within the scope of Class M of Part 3, Schedule 2 of the GPDO.

The site is not located within any designated area where Class M rights are restricted (such as Article 2(3) land, SSSI, or within the curtilage of a listed building), and no external enlargement beyond the existing building envelope is proposed. The development therefore complies with the limitations set out under paragraph M.1.

Accordingly, it is accepted that the proposal constitutes permitted development under Class M, subject to consideration of whether prior approval is required.

The need for prior approval

Paragraph M.2 requires the Local Planning Authority to consider whether prior approval is necessary in respect of specific matters. These have been assessed as follows:

a) Transport and highways impacts
The proposal would not increase the number of dwelling units or bedrooms, as the ground floor would be incorporated into the existing dwelling. As such, there would be no material increase in trip generation or parking demand. KCC Highways and Transportation have raised no objection. The site is sustainably located with good access to services and public transport.

Prior approval is not required in respect of highways impacts.

b) Contamination risks
The former use as a hot food takeaway is not considered to give rise to significant contamination risks.

Prior approval is not required in respect of contamination.

c) Flooding risks
The site lies outside Flood Zones 2 and 3 and is therefore not at risk of flooding.

As such, prior approval is not required in respect of flood risk.

d) Impact of the loss of the use
The surrounding area is predominantly residential with limited commercial uses at ground floor level. The loss of a single takeaway unit would not result in a harmful reduction in local services or facilities.

Prior approval is not required in respect of this matter.

e) Design and external appearance
No external alterations are proposed as part of the development.

Accordingly, prior approval is not required in respect of design and external appearance.

f) Provision of natural light
The main habitable accommodation would be located to the front of the building and served by the existing shopfront window, providing adequate natural light and outlook. Rear rooms without windows would comprise non-habitable spaces such as a utility room, storage and study, which is acceptable.

Prior approval is not required in respect of natural light.

Other considerations
The proposed enlarged dwelling would provide approximately 168.56sqm of internal floorspace, which exceeds the requirements of the nationally described space standards for a three-bedroom dwelling. This further supports the acceptability of the proposal in living condition terms.

The requirements of paragraph W in respect of application procedure, consultation, and submission details have been met.

Conclusions
The proposal complies with the provisions, limitations and conditions of Class M and does not give rise to impacts that require further assessment through the prior approval process.
Accordingly, prior approval is not required.

Human Rights
I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

Public Sector Equality Duty
In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
-Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act;

-Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
-Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Recommendation
That Prior Approval is NOT REQUIRED under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Suggested Informatives (2)

1

The proposed change of use from a hot food takeaway (Use Class Sui Generis) to residential use (Use Class C3), involving the amalgamation of the ground floor with the existing residential accommodation above to form a three-bedroom dwelling, as shown on the submitted plans and supporting documents listed below, constitutes permitted development under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Accordingly, the Local Planning Authority confirms that prior approval is not required.

2

This decision has been made in consideration of the following plans and particulars:

- 26/HP/611 – Existing & Proposed Ground Floor (Received: 22/04/2026)
- 26/HP/612 – Location Plan (Received: 22/04/2026)
- 26/HP/613 – Block Plan (Received: 22/04/2026)
- 26/HP/614 – Existing First Floor & Roof – No Change (Received: 30/04/2026)
- Cover Letter (Received: 30/04/2026)


Folkestone
& Hythe
District Council