
Appeal Decision

Site visit made on 3 April 2017

by Claire Victory BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd May 2017

Appeal Ref: APP/D5120/W/16/3166857
48 Parsonage Lane, Sidcup, DA14 5HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs E Lovett against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/01466/FUL, dated 16 May 2016, was refused by notice dated 1 September 2016.
 - The development proposed is the conversion of the property to a day special school including refurbishment of the outbuildings and non-structural internal alterations to the house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the development on the safe and efficient operation of the highway network in the vicinity of the site;
 - Whether users of the development would have satisfactory access by non-car modes of travel;
 - The effect of the development on the housing stock in the borough;
 - Whether the development would be inappropriate development for the purposes of the National Planning Policy Framework and development plan policy, having regard to the openness and purposes of the Green Belt; and
 - The effect of the development on the living conditions of neighbouring occupiers by reason of noise and disturbance.

Reasons

Safe and efficient operation of the highway network

3. Parsonage Lane is an unclassified single carriageway, with some residential properties, particularly on the south side, and some commercial development, including equestrian facilities at the eastern end. In some parts it is very narrow in width.
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4. The appellant refers to a survey of traffic at the Parsonage Lane and Gattons Way junction, which found about 27 vehicles using the road in the morning peak. It is asserted that a significant number of these vehicles did not go beyond Weatherly Fencing, on Parsonage Lane at the point where there is a sharp turn in direction from north-south to east-west. This appears to be borne out by a survey undertaken by the Highway Authority in March 2017. That survey found that 23 vehicles in total used Parsonage Lane in the AM peak but 17 cars did not travel beyond Weatherly Fencing. The low level of traffic on the eastern section of Parsonage Lane beyond the dog leg bend and Weatherly Fencing reflects the quiet rural character of the lane and the limited, sporadic development along it.
5. The school would be open from 08:00 hours until 17:00 hours on Mondays to Fridays during term time, with pupils attending between 08:30 and 15:30. There would be 30 full time and 4 part time staff and about 55 pupils at the school. Pupils would be aged between 11 and 18 but in some cases could be up to 25 years old. The Transport Statement submitted with the appeal refers to the use of two 12 seat minibuses to transport children between the site and local railway stations and bus stops, with three trips in the morning and evening. This would provide capacity for up to 72 persons for travel to and from the school if each minibus was fully occupied, and on that basis the appellant contends that there would be about 20 additional vehicle movements to and from the appeal site in both the morning and afternoon peak.
6. However, no travel surveys of similar operations have been provided by the appellant to support this assertion, and the Highway Authority considers that the number of movements would be much higher at around 60 vehicles, based on travel patterns at other schools, with approximately 25 staff and 35 pupils arriving by car. Nonetheless, even taking the lower estimate provided by the appellant, the proposal would almost double traffic volumes on Parsonage Lane.
7. Turning to site access, adequate visibility splays exist on either side of the western access and these can be maintained through the imposition of a condition. Figure 5 of the appellant's Transport Statement indicates that an area to the west of the easternmost site access could be cleared of vegetation, whilst retaining a single mature tree just inside the site boundary. However, it is not clear from the information before me that sufficient land required to achieve an adequate visibility splay to the east of that access is within the appellant's control. Consequently, the likely increase in the use of Parsonage Lane by private vehicles entering and leaving the appeal site would result in additional dangers to road users.
8. For all of the above reasons I conclude that the proposal would have an adverse effect on the safe and efficient operation of the highway network in the vicinity of the site. As such it would be contrary to Policies G18 and T6 of the Unitary Development Plan (LP) (2004) and Policy CS15 of the Core Strategy CCS) (2012), which require amongst other things, that developments maintain and manage the existing highway network, ensure the free flow of traffic and promote health, safety and wellbeing.

Satisfactory access by non-car modes

9. The site has a public transport accessibility level (PTAL) of 1a which is classed by Transport for London as very poor, with limited access to public transport

networks. There are bus stops with shelters and seating located on North Cray Road near to the junction with Parsonage Lane, about 500m from the appeal site and close to signalled crossings, and bus services are available to Sidcup Station and Bexley Village at approximately half hour intervals during the day on Mondays to Fridays. However, the lack of footway or street lighting along Parsonage Lane, together with the anticipated increase in road traffic arising from the development itself may deter some pupils or staff from walking to school or taking the bus. Cycling could also be an option for some but this would be unlikely to form a significant element of the modal share for journeys to and from the school.

10. I acknowledge that the borough as a whole is poorly served by public transport. The Framework recognises that different policies and measures will be required in different communities, and opportunities to maximise sustainable development will vary from urban to rural areas. Nevertheless, the development plan seeks to reinforce sustainable travel patterns and based on the evidence before me it is likely that a large proportion of travel to and from the appeal site will be by private car. There is nothing before me to suggest that alternative locations for the school in more accessible locations have been considered and discounted.
11. The appellant has suggested that a green travel plan will be prepared and continuously monitored, with staff and parents incentivised to travel by non-car modes, but no indication has been provided as to the nature of these incentives and thus I cannot be certain how effective these measures might be in increasing journeys by non-car modes, or whether a travel plan condition would be enforceable given the lack of information provided on this matter.
12. I therefore conclude that the proposal would lead to unsustainable travel patterns and would be contrary to CS Policy CS1 which seeks to minimise the distance people need to travel and to contribute to the improvement of sustainable transport connections, and CS Policy CS15 which promotes modal shift away from the use of the car.

Effect on local housing stock

13. The proposal would result in the loss of one dwelling to the Council's housing stock to a non-residential use. LP Policy H2 states that development will normally be resisted where it results in the loss of a dwelling to non-residential development. The proposal is therefore contrary to LP Policy H2. Notwithstanding this, the loss of a single dwelling would not have a significant effect on the provision of housing in the Borough, and the wording of the policy allows some flexibility in cases where there may be other benefits to be weighed in the balance.

Whether inappropriate development, with regard to openness and purposes of the Green Belt

14. The appeal site is located on the northern side of Parsonage Lane and is approximately 3 hectares in area. A single detached dwelling is positioned broadly centrally within the site frontage and set back from the road. The site is mostly laid to pasture and within the north east corner of the site are two detached outbuildings. A long rectangular building used as a workshop, store and stables is located along the northern boundary. South of that building and separated from it by an area of hardstanding is a barn which is enclosed by

walls on three sides and partially open to the northern elevation. These buildings are served by an access that runs along the eastern boundary of the site, with an entrance close to the south east corner. The dwelling is served by a separate about two hundred metres further west.

15. The proposed development would involve the refurbishment and renovation of the dwelling and various outbuildings on the site for use as a special school. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings is inappropriate development in the Green Belt, with certain exceptions. Further to the above, Paragraph 90 of the Framework allows for certain other forms of development that are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. The courts have held that paragraph 90 is a closed list, and any material change of use of land which does not fall within the scope of the specific exceptions set out in paragraphs 89 and 90 would be inappropriate development.
16. The submitted plans indicate that only internal alterations are proposed to the host dwelling. The stable and workshop building would be clad in timber weather boarding with new windows and roof but there would be no change to the footprint or dimensions. The walls of the barn would be clad in timber and the open side would be enclosed by floor to ceiling glazing. There would be no increase to the footprint of the barn, and whilst some alterations to the roof of the barn are proposed at each end, they are minor in nature, involving the replacement of existing mono-pitched roofs with dual pitch roofs, the apex of which would be no higher than the tallest part of the existing roof. Consequently the proposed alterations would not be disproportionate over and above the size of the existing barn, and would involve the re-use of buildings that are of permanent and substantial construction.
17. Nine car parking spaces and a turning area are also proposed to be laid out adjacent to the outbuildings and served by the eastern site access. This engineering operation would fall within the second bullet point of paragraph 90 of the Framework. It would result in additional areas of hardstanding which are currently grassed, albeit the exact specification of the materials to be used in the parking areas could be controlled by condition. The car parking spaces would be unlikely to be occupied permanently as they would be used for staff or parents dropping off pupils and for parking during the day. Whilst there would be some change in the appearance of the site this would cover a relatively small area at grade and would be set well back from the road. As a result the parking and turning areas would be barely perceptible in public views from Parsonage Lane.
18. Furthermore, the southern elevation of the barn is currently screened by mature trees along its length, and the outbuildings and proposed parking and turning area would be over 100m from the road. Given the secluded location within the north east corner of the site and additional screening provided by trees and hedgerow along the northern and eastern boundaries of the site, the proposal would not materially affect the openness of the Green Belt and would not conflict with the purposes of the Green Belt.

19. For the reasons set out above, I therefore consider that the development would fall within the exceptions set out in paragraphs 89 and 90 of the Framework, and it would not therefore be inappropriate development in the Green Belt.

Living Conditions

20. The host dwelling lies opposite a stables and open fields, and the stables and barn within the appeal site are set back well back from the road and the nearest residential properties on the south side of Parsonage Lane. The appeal proposal would result in an increase in vehicle movements to and from the site, but there is no compelling evidence before me that this would lead to an unacceptable level of noise and disturbance to neighbouring occupiers. Moreover, the Council concede that due to the size of the site and distance to the nearest residential properties, the noise generated by children would be easily absorbed.
21. For these reasons I conclude that the proposal would not harm the living conditions of neighbouring occupiers by reason of noise and disturbance, and it would comply with LP Policy ENV39. This requires that developments would not prejudice the environment of the occupiers of adjacent dwellings.

Other Material Considerations

22. I have had regard to the appellant's experience in education, including employment at Browns School in Chelsfield, which caters for children with speech and communication difficulties and/or autism. In addition, there is support for the proposal from the education authorities at Bexley and Bromley and the Council accepts that there will be a demand for such specialist community services to serve the needs of the Borough in the future. This weighs in favour of the proposal.

Balancing and Conclusion

23. I have found that the scheme would not be inappropriate development in the Green Belt as defined by the Framework, and it would not cause harm to the living conditions of neighbouring occupiers. It would provide additional special educational school places to meet local needs.
24. On the other hand, the proposal would result in the loss of a single family dwelling; on the basis of the evidence provided it would prejudice the safe and efficient operation of the highway network; users of the development would be over-reliant on the private car due to the location of the site and lack of alternative travel modes, and it has not been adequately demonstrated that other more accessible sites are not available within the borough.
25. Taking all of the above into account I conclude that the appeal should fail.

Claire Victory