

Appeal Decision

Site visit made on 6 December 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 9th January 2017

Appeal Ref: APP/G5180/W/16/3158443

Mottingham Hall Nursery, Mottingham Lane, Mottingham, London SE9 4RW

- 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 Mottingham Hall Nursery against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/05417/FULL1, dated 16 December 2015, was refused by notice dated 8 April 2016.
 - The development proposed is to extend existing car park to include additional 18 customer parking spaces. Existing parent drop off area not sufficient for volume of cars, parents and children.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are:
 - Whether the development would be inappropriate development on Metropolitan Open Land for the purposes of the National Planning Policy Framework and the development plan;
 - The effect of the proposal on the openness of the Metropolitan Open Land and the purposes of including land within it;
 - The effect of the proposal on the character of the area; and
 - Whether any harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development

3. The site is classified as Metropolitan Open Land (MOL). Such land does not benefit from specific protection within the National Planning Policy Framework (the Framework). However, The London Plan (2015) Policy 7.17 categorises MOL as being equal in importance to Green Belt land in terms of the level of protection afforded to it, and requires very special circumstances to be demonstrated where development is proposed. Saved Policy G2 of the Bromley Unitary Development Plan 2006 (the UDP) also gives equal importance to MOL
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and Green Belt Land. As such, I have applied the relevant Green Belt guidance contained in the Framework to the MOL for the purpose of my decision.

4. Saved Policy G2 states that "*the material change of use of land or engineering and other operations within MOL will be inappropriate unless they maintain the openness and do not conflict with the purposes of including land in MOL*". This proposal involves the extension of the nursery's existing car park. The Council considers that this proposal would constitute a material change of use of this site. However as it is clear that a previous planning approval gave permission for the use of buildings and land for the children's nursery including outdoor activities¹, my view is that the proposal would not represent a change of use of this land.
5. Nevertheless, I do consider that this proposal would comprise an engineering operation and in this respect the provisions of saved Policy G2 are relevant. Therefore, deciding whether the proposal should be categorised as inappropriate development depends on my assessment of the next issue, the consequences for openness and the purposes of designating land as MOL.

Metropolitan Open Land Openness and Purposes

6. When I visited the site it had been cleared of most vegetation, though a few trees remain. Its boundaries are defined by wooden and metal fencing which allow views across the site. Directly to the south east runs a public footpath which is part of the *Green Chain Walk*, to the north and north east is the nursery and Mottingham Lane, to the north and north west is an access track leading to stables, beyond which is a woodland area.
7. The additional parking area would extend into the cleared part of the site, close to its western side. The application form states that there would be "*tarmac and brick paviours to mark bays, paviour edging, to break up area visually*". In this respect the area would change from open ground to hard surfacing. However, I note that the appellant's statement of case indicates that Grasscrete blocks could be used instead.
8. The main purpose of the designation of the land as MOL is to prevent harm to openness. As this 'development' itself would be at ground level there would be little obstructive impact. Furthermore, a grassed appearance would remain so that the perception would be of an open site with a natural, undeveloped appearance. In this respect, openness would be preserved.
9. However, openness does also have a visual dimension. The appellant explains that this area would address the need for additional car parking spaces at peak times. It is likely that the use of this area would be most intense at the beginning and end of the working day, with cars arriving and leaving this area and being parked for short periods. Therefore, whilst this aspect of the proposal would not be permanent in effect, it would nonetheless have an impact on openness.
10. I accept that the expansion of the nursery in 2014 was subject to a condition requiring the provision of additional parking to be located close to the nursery building. At this time the Council did not consider that the additional parking would have a detrimental effect on openness, particularly as a large area of open land would remain. However, it is clear that the present proposal is on a

¹ 04/02825

larger scale and in my view the degree of intrusion would proportionately increase to an unacceptable degree.

11. In this respect I conclude that this parking area would not preserve the openness of the MOL. Whilst the effect would be moderate, on the basis that The London Plan states that the MOL serves the same purpose as Green Belt in safeguarding the countryside from encroachment and keeping land permanently open, it would be sufficient to result in the development being inappropriate development in the MOL. In this respect the proposal would conflict with UDP saved Policy G2.

Character

12. This part of the site is located some distance from Mottingham Lane behind the existing parking area and as such would not be particularly visible from this direction. When in use the car park would be visible to those accessing the stables to the south west, and also to the users of the Green Chain Walk footpath to the east. I have noted that what I understand was previously an area of vegetation has now been cleared. Nonetheless its semi-rural quality does contribute to the sense of spaciousness which, particularly for the users of the footpath, contrasts with the built up nature of much of the surrounding area. In this respect an increase in the area of parked cars, even if only present temporarily, would have a damaging effect on the undeveloped character of this area.
13. I accept that this area of car park would be located adjacent to the existing car park to the north and would leave much of the site open. Whilst the appellant states that the site could potentially be filled with play structures ancillary to play use, larger structures do themselves need planning permission. It is also likely that smaller structures would be movable and not permanent engineering alterations as is proposed in the present case.
14. I conclude that in terms of its impact on the character of this area the proposal would conflict with saved Policy G2 which requires that the visual amenity of the MOL shall not be injured by proposals for development which might be visually detrimental by reason of siting.

Other considerations

15. The appellant indicates that there are health and safety concerns associated with the current parking arrangements, which are considered to be insufficient for the volume of cars using the site at peak times. Specifically it is stated that parents and children are unable to walk safely from their cars to the nursery entrance, leading to complaints. I also note the comments from neighbours regarding congestion on Mottingham Lane at peak times, due not only to the nursery but other educational establishments in this local area.
16. I have some sympathy with these concerns, and note the provisions of The London Plan relating to the desirability of providing off-road parking for pre-school education facilities. In this respect it is possible that the proposed arrangements would help by reducing on-street parking on Mottingham Road. However, I have not been presented with any substantive evidence to confirm that traffic conditions on Mottingham Road are currently a cause for concern.
17. Furthermore, I noted on my site visit that in addition to the 'drop off' area, there are currently a further four parking spaces on this site. The provisions of

an extant approval² for additional spaces, taking the total number to eight spaces, and secure parking for 5 bicycles, have not yet been implemented. I also note that this approval included an increase in the number of children to be accommodated from 30 to 55 and an extension of nursery opening hours, the intention being that this would spread the traffic generated over a longer period. As the appellant states that the nursery now accommodates 55 children it appears that this scheme has only partially been implemented. In this respect the provision of the approved parking spaces could help address the health and safety concerns identified.

Conclusion

18. Policy provisions relating to Green Belt and MOL indicate that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Although in this case the effects on openness would be moderate, I have also identified harm in relation to the character of this area. Very special circumstances will not exist unless the harm to the MOL and any other harm are clearly outweighed by other considerations.
19. I attach moderate weight to the improvement to the safety of this site as it has not been demonstrated that this development would make this site significantly safer. However, this consideration does not clearly outweigh the harm identified to the MOL to which I am required to give substantial weight. I therefore conclude that for these reasons the proposal does not accord with the Framework and the development plan taken as a whole.
20. The appeal is dismissed.

AJ Mageean

INSPECTOR

² 14/00471