
Appeal Decision

Site visit made on 6 June 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date:

Appeal Ref: APP/G2245/W/17/3169542

The British Legion, Mill Lane, Westerham, Kent TN16 1SG

- 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 Rosalyn Coulstock against the decision of Sevenoaks District Council.
 - The application Ref SE/16/02903/FUL, dated 20 September 2016, was refused by notice dated 14 December 2016.
 - The development proposed is '*partial change of use to the British Legion building in order to set up new pre school formally known as Winnies pre school*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on highway safety.

Reasons

3. The single-storey British Legion building is set off a small lane which opens out onto the High Street, the main route through Westerham. The building is set above road level and there is no on-site parking provided and pedestrian access is available from Mill Lane.
4. The pre-school facility would occupy part of the hall, already in public use, and the children would have use of the building's facilities including the front and rear garden areas. It is intended that the pre-school would cater for a maximum of 24 children and would operate between the hours of 9am to 3pm during term times only. There would be no conflict of use as the pre-school facility would only operate when the British Legion Club is closed to its members.
5. Mill Lane is narrow in width and short in length, reaching a dead end not far beyond the appeal site. However, it is used for access purposes to residential properties to the south of the site and, at its High Street end, an off-shoot provides access to the car park of a modern commercial building. During my site visit, and whilst only a snapshot in time, I observed several traffic movements along Mill Lane and noted that vehicles cannot easily pass each other.
6. In addition, the situation appears to be aggravated by cars being parked against the stone-wall bank immediately below the appeal site where the lane

widens very slightly. Again, this is an impediment to other cars attempting to negotiate the narrow thoroughfare. Mill Lane is also situated close to a significant bend in the High Street which has kerbside parking restrictions near to the junction.

7. I accept that the four staff employed would live locally, as would the children, allowing for parents/guardians to walk their charges to the premises. However, I have not been provided with any Travel Plan to properly illustrate the expected catchment area and viable alternatives to car borne travel. Neither has it been demonstrated how the suggested pedestrian travel mode would be promoted, managed and monitored.
8. Policy T1 of the Council's Allocations and Development Management Plan (ADMP) indicates that new developments will be required to mitigate any adverse travel impacts and requires that certain development proposals produce a Transport Assessment and a Travel Plan. Uses such as that proposed can often give rise to short term, inconsiderate parking close to the premises with children being dropped off and picked up by car. In this instance the stated school day of 9am to 3pm would suggest that children would arrive and leave largely simultaneously, with associated vehicle movements impacting on the immediate highway network.

Other matters

9. I note that the site falls within the Westerham Conservation Area. The change of use would not involve any material alterations to the fabric of the building. The Council has not identified it as a main issue and, as I consider that the proposed use, if properly managed, would preserve the character and appearance of the Conservation Area, I agree with this approach.

Conclusion

10. I have given consideration to the fact that the use would be a public service needed by the community. However, in the absence of any Travel Plan or information to mitigate against the expected effects of the use on highway conditions, I consider that the resulting demand for parking from up to 24 children being brought to and later picked up from the premises, and associated impediments to the free flow of traffic, would have an unacceptable impact on the safety and convenience of highway users, including pedestrians.
11. I therefore conclude that the use would be harmful to highway safety and would be contrary to the aims and requirements of ADMP Policy T1.
12. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR