



Appeal Decision

Site visit made on 10 June 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/C1625/W/19/3222702

Belvedere, Bristol Road, Whitminster, Gloucester, Gloucestershire GL2 7LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class T of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
 - The appeal is made by Mrs Alice Monkman against the decision of Stroud District Council.
 - The application Ref S.18/1583/P3MT, dated 19 July 2018, was refused by notice dated 3 December 2018.
 - The development proposed is the change of use of art studio (B1) to early years nursery and part of licensed campsite to be used for an outside play area for nursery.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class T of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended to change the use of art studio (B1) to early years nursery and part of licensed campsite to be used for an outside play area for nursery at Belvedere, Bristol Road, Whitminster, Gloucester, Gloucestershire GL2 7LU in accordance with the details submitted pursuant to Schedule 2, Part 3 Paragraph T.2 (1) of the GPDO through application Ref S.18/1583/P3MT, dated 19 July 2018. The approval is subject to the condition that the development must begin within a period of 3 years from the date of this decision in accordance with Paragraph T.2 (2) of the GPDO and subject to the following additional conditions:
 - 1) The development shall be carried out in strict accordance with the following submitted plans: 1:500 Block Plan, Noise Control Plan, Noise Survey and Mitigation Measures Report.

Preliminary Matters

2. Unless not determined to be permitted development, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 3 Class T, require the local planning authority to assess the proposed development solely on the basis of its impact on transport and highways, noise and contamination risks on the site, taking into account any representations received. My determination of the appeal has been made on the same basis.
3. I have used the description of development that the Council used on its decision notice, as the description that the appellant provided on the application form is overly long and unnecessarily complex.

Main Issue

4. The main issue is whether the proposed change of use constitutes permitted development under the provisions of the GPDO as set out in the banner heading above.

Reasons

5. The proposal relates to the change of use of a small building from an art studio to a children's nursery. The building is located to the side of an existing residential property and adjacent to a small campsite.
6. The Council has refused the prior approval application due to its concerns regarding the location of the building, and the likely dependency that future users of the building would have on the private car to access the site. Whilst I note that the site is remote from existing settlements, central government guidance advises that regard should be had to the direct transport and highways impact of the development only. The sustainability of the location more generally is not of direct relevance in the context of the limited criteria against which such an application should be assessed.
7. In terms of the proposal's impact on transport and highways, I note that the Council is concerned that adequate visibility splays may not be achievable, and that information has not been produced to demonstrate such. At my visit I was able to see that the access is via a wide pull-in off a large A road. Despite the crest of the hill to the south, there is good visibility in both directions over considerable distances for drivers emerging from the site onto the highway and for oncoming drivers to see those exiting vehicles. Furthermore, I note that the access is currently used for the existing art studio and campsite. The site is thus already capable of generating vehicle movements well above those associated with the single residential dwelling. There is no evidence that the current levels of use of the access cause a highway safety problem.
8. Given the appeal site's location I consider it very unlikely that parents would walk with their children to and from the nursery. However, I did note at my visit that there is a footway on the opposite side of the road. I am therefore satisfied that the change of use would not endanger pedestrians.
9. The appellant suggests that the campsite use would cease if the nursery use was implemented. I cannot be sure that this would be the case as most of the campsite area would remain; however, the art studio use would cease, and this would currently attract its own vehicle movements. Therefore, taking into account vehicle movements associated with the existing uses at the site, and what I saw at my visit to the site to be a good level of visibility, I am satisfied that the proposed change of use would not have an adverse impact on transport and highways.
10. Turning to matters of noise and contamination I note that the Council considered these matters and that they were not referred to in its refusal reason. Based on the evidence before me and my findings at the site visit, I have no reason to take a contrary view.

Conditions

11. Section W (13) of Part 3 of Schedule 2 of the GPDO allows local planning authorities to grant prior approval unconditionally or subject to conditions

reasonably related to the subject matter of the approval. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty. I have not imposed a condition suggested by the Council relating to visibility splays as I do not consider improvements to be necessary, as per my reasoning above.

Conclusion

12. I therefore find that the proposed change of use constitutes permitted development under Schedule 2, Part 3, Class T of the GPDO. As such the appeal is allowed and prior approval is granted for the change of use.

Andrew Tucker

INSPECTOR