



Appeal Decision

Site visit made on 17 February 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 02nd March 2020

Appeal Ref: APP/J1915/W/19/3241524

Hall Croft, Church End, Little Hadham SG11 2DY

- 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 Ms Hayley Lynskey against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1463/FUL, dated 11 July 2019, was refused by notice dated 4 September 2019.
 - The development proposed is change of use of two bungalows to a registered day nursery (D1) and the installation of two electric vehicle charging points.
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Procedural Matter

1. The site location is described on the planning application as set out above. However, it is clear from the application plans and the Council's Decision Notice that the appeal site also includes the attached property called Churchfield. I have considered the appeal on this basis.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is whether the appeal site is a suitable location for a day nursery having regard to the degree of accessibility by sustainable forms of transport and local and national policies for employment and community facilities development within the rural area.

Reasons

4. Hallcroft and Churchfield are a pair of semi-detached bungalows off Church End, about 1km from the edge of the village boundary of Little Hadham, a Group 2 Village, as defined in the East Herts District Plan October 2018 (the DP). It is about 3km from Bishops Stortford. Accordingly, for local planning policy purposes, the appeal site is identified as being in the Rural Area Beyond the Green Belt on the DP Policies Map.
5. The Development Strategy for the area set out in the DP directs most development to sustainable brownfield sites and to sites in or adjacent to urban areas with limited development in villages. In rural areas Policy GBR2(c) of the DP allows for new employment generating uses where they are appropriately and sustainably located, in accordance with Policy ED2 (Rural Economy).

6. As well as the Hadham Industrial Estate, which has developed within the former agricultural buildings at Church End Farm, a small number of other dwellings and St Cecelia's Church are accessed from Church End cul-de-sac. Hallcroft and Churchfield are adjacent to the edge of the Hadham Industrial Estate at the end of a fairly long access partly shared with the Church carpark area. Around all of these are open fields. At the time of my site visit one of the appeal bungalows was being lived in. I was able to see inside the other: this appears to be in reasonable condition and, from a brief visual inspection, does not appear to be particularly unsuitable for occupation as a dwelling.
7. Hadham Industrial Estate, the main economic hub for the village, contains a range of businesses including the appellant's business known as Early Birds and Night Owls. This office has been based in a unit here for some time. The business has offered childcare for many years in the surrounding area for children aged two to eleven years old. The evidence indicates the appellant employs 48 staff, based in a number of schools, providing childcare to some 456 families. The appeal proposal relates to a new venture which would comprise a day nursery to offer childcare for children from six months old upwards.
8. Initially it was proposed that the day nursery would accommodate between 35 to 40 children per day once fully operational but the appellant has subsequently indicated that numbers could be limited to 35 by condition. In practice the premises would be of sufficient size to accommodate more than 35 children, and, should the principle of the use be established, it might then be difficult to restrict increased numbers in the future.
9. The DP and the Framework support and encourage a reduction in car usage, but it is necessary to recognise the importance of private motorised transport in enabling the population of more rural locations to access key facilities and services. Opportunities to maximise sustainable transport solutions will vary from urban to rural areas and to meet local needs in rural areas sites may have to be found in locations that are not well served by public transport.
10. The day nursery business would employ approximately 13 staff per day. Policy ED2 of the DP in principle supports new employment generating uses or the expansion of existing businesses in the rural area where they are appropriately and sustainably located and do not conflict with other policies within the Plan. The National Planning Policy Framework (the Framework) also gives significant weight to economic growth and advises that planning decisions should enable sustainable growth and expansion of all types of businesses in rural areas.
11. Policy TRA1 of the DP directs development proposals to places which enable sustainable journeys to be made to key services and facilities. The appellant indicates there is significant demand for a day nursery from the existing customer base but no detailed evidence of the extent of the demand, or the predicted catchment area, has been provided. The Transport Statement Revision A indicates that carers are more likely to choose a childcare facility most convenient to them and suggests there is the potential for about 60% linked trips between the proposed day nursery and the Hadham Industrial Estate.
12. Nineteen survey forms were distributed by the appellant and this identified eight expressions of interest for a day nursery with the potential for trips linked to businesses at Hadham Industrial Estate. However, this would be a relatively

small proportion of users of the day nursery, even if all of them came to fruition. Those commuting along the A120 would not have far to divert to the site but no information has been provided of the likely catchment area of future customers or how long the journeys would be.

13. There are Monday to Friday bus services at about one to two hour intervals along the A120 connecting with Bishop's Stortford and Hertford/Stevenage as well as less frequent bus services elsewhere. The bus stops are located at the traffic light controlled junction of the A120 and Albury Road some 800m to 900m¹ from the appeal site. The Manual for Streets 2007 indicates that about 10 minutes walking distance may be comfortable, although this is not an upper limit. Research undertaken in 2018 by WYG indicates an acceptable distance for walking is 810m (85th Percentile).
14. The appeal site would be about on, or over, the upper limit for comfortable walking distance to bus stops for many people. Moreover, the route to and from the site from the bus stops would require walking along, and crossing, the A120, (there is a footpath about 1.2m wide on one side) which is heavily trafficked, and along the access road into Church End, which has no footpath along most of its length; is frequented by HGVs and commercial vehicles; and relies on the grass verge in places for larger vehicles to pass.
15. Although there may be a reduction in traffic along this section of the A120 once the Little Hadham bypass is opened, the whole of this walking route is unlit. Due to the relative infrequency of the bus services; the distance to the bus stops; and the inconvenience of the walking route; it is not realistic to expect that those bringing young children to the proposed day nursery, or even staff, would often travel to the appeal site by bus. Moreover, in the absence of evidence to the contrary it seems likely that many local residents likely to use the day nursey would live further away than the bus stops.
16. There are a number of Public Right of Way nearby. Of these Nos 038/039 would appear to be the most convenient for those using the bus stops or coming from Little Hadham. However, this is unsurfaced, unlit and crosses open agricultural land. Accordingly it is likely to be less than attractive particularly for those, either walking or cycling, when accompanied by one or more small children. There are no proposals to improve the local walking/cycling routes.
17. Taking all the above into account I conclude, that even with the provision of cycle parking, showers and changing facilities, there would be insufficient likelihood of users of the day nursery travelling to the proposed day nursery by public transport, cycling or walking to carry much weight in favour of the proposal.
18. The submitted Travel Plan proposes the use of the appellant's minibus to operate a shuttle service between Northgate Primary School as a pick-up point, where the appellant already has a childcare base, and the appeal site. The review by the Department for Education's 'Childcare and Early Years Survey of Parents in England, 2018 indicates about two thirds of pre-school children received childcare for work or study related reasons and that convenience is a common factor for choosing a particular childcare facility.

¹ The Statement of Case indicates 800m whereas the Travel Plan indicates 900m

19. I acknowledge that some trips would be likely to be shared by parents dropping children at the Primary School and accessing the shuttle bus. However, it seems likely to me that those who work or study and wish to access day care facilities may well have very different start/finish hours and different work/study locations. This would be likely to make accessing a shuttle bus at a fixed time and location impractical for those with young children and particularly with very young children. Similarly car sharing would be highly dependent on home and work locations and hours of childcare required and would appear somewhat impractical whether or not inducements to car share were to be offered. There is little information as to how many customers would be able to take advantage of the shuttle bus. Despite the proposed arrangements for monitoring the Travel Plan it is not entirely clear as to what would be likely to happen if the customer base changed.
20. Parking space would be available and two electric vehicle charging points would be provided to meet the requirements of Policy TRA3 of the DP. Such charging points could be a benefit for those staff who have an electric vehicle. However, it seems unlikely to me that those dropping off and collecting very young children at the beginning and end of their working/studying day would be present at the appeal site for long enough to make much practical use of such charging points.
21. The proposal would provide a social and educational facility that would support the well-being of the local community. Policies CFLR7 and CFLR10 of the DP supports the provision of adequate and appropriately located community facilities served by a choice of sustainable travel options where they do not conflict with other policies within the DP. I acknowledge that the appeal site would be in a convenient location in relation to the existing business office. However, there is little evidence before me to indicate that there is a particular need for a day nursery as proposed in this particular location, or that any such need could not be met in locations which are better served by alternatives to the private car.
22. For the above reasons I give limited weight to the likely use of public transport, walking, cycling or the proposed Travel Plan arrangements as realistic alternatives to dependency on the private vehicle for the use of the site as a day nursery. I therefore consider the degree of accessibility by sustainable forms of transport to be relatively poor in this case. Accordingly I conclude the appeal site is not in a location which enables sustainable journeys to a day nursery to be made.
23. For the reasons set out above I conclude the appeal site is not a suitable location for a day nursery having regard to its rural area location; local and national policies for employment and community facilities development in such areas; and the relatively poor accessibility by sustainable forms of transport. The proposal would conflict with Policies GBR2, ED2, CFLR7, CFLR10, TRA1 and TRA2 of the DP and those principles of the Framework that seek to ensure that development is located where there is safe and suitable access for all and appropriate opportunities for sustainable transport modes.

Other Matters

24. The appellant and her business have a good reputation for providing childcare and I have no doubt that the proposed day nursery would operate at similar high standards. However, there may well be other, less harmful, ways in which

childcare could be delivered so this does not lead me to any different conclusions.

25. The appeal proposal is a re-submission with additional information/proposals intended to address the reason for refusal of the planning application Ref 3/19/0682/FUL. However, this matter does not lead me to any different conclusions in respect of the accessibility of the site.

Planning Balance and Conclusion

26. I have concluded that location the appeal site is not a suitable location for a day nursery having regard to its Rural Area location; local and national policies for employment and community facilities development in such areas and the degree of accessibility by sustainable forms of transport. The proposal would provide community facilities and employment and would make use of existing buildings. These matters weigh in favour of the proposal but would not outweigh the poor accessibility of the site by sustainable modes of transport and the conflict with the development plan in this respect. In failing to fully comply with Policies GBR2, ED2, CFLR7, CFLR10, TRA1 and TRA2 of the DP the proposal cannot comply with the development plan taken as a whole. I find no material considerations weighing in favour of the proposal that would outweigh this conflict. The appeal should be dismissed.

S Harley

INSPECTOR