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## Appeal Decision

Site visit made on 20 May 2020

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 June 2020**

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**Appeal Ref: APP/V2825/W/20/3244727**

**3A Kingsfield Way, Kingsheath Industrial Estate, Northampton**

- 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 Mount Olive Evangelical Ministry against the decision of Northampton Borough Council.
  - The application Ref N/2019/0959, dated 16 July 2019, was refused by notice dated 17 September 2019.
  - The development proposed is change of use from B1/B8 to D2 (Church) (Amendment to planning application N/2018/0055 to include additional on site parking and turning area on land under client ownership).
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the change of use on highway and pedestrian safety, with particular regard to vehicular parking.

### Reasons

3. The appeal site comprises a commercial unit ('unit 3A') and land surrounding this. It is part of a small compound which includes three other units, served by a vehicular access off Kingsfield Way. The appeal site forms part of a larger industrial estate, supporting a range of commercial and industrial uses.
4. Based on the Northamptonshire Parking Standards, September 2016, and the gross internal floor area of unit 3A, the parking requirement for the church use is about 24 parking spaces. In this case the provision of 13 parking spaces, including one for a minibus would fall significantly short of these standards.
5. Moreover, seven parking spaces are proposed along a strip of land to the side and rear of unit 3A. Whilst a turning area is shown on a submitted plan, based on the narrow width of the strip of land and other constraints, including the existing boundary treatments and unit 3A, on the available information, it has not been clearly shown that vehicles would be able to access and leave these parking spaces in a forward gear, in particular if some of the parking spaces were in use. Most notably, given that there is no dedicated pedestrian footpath to this part of the industrial estate and unit 3A, the movement and reversing of vehicles in such a confined area is likely to conflict with pedestrians using the appeal site.

6. Within the site, 6 existing parking spaces for unit 3A are indicated on a submitted plan. Nonetheless, these along with parking spaces for the yard are not clearly marked out and there is no delineation of turning areas or pedestrian access routes. Therefore, I have significant concerns about the safety of pedestrians using the aforementioned areas.
7. The appellant asserts that because the church (D2 use) has a similar parking requirement to the alleged lawful use of unit 3A for Use Class B1<sup>1</sup> it would not generate any greater parking demand, or potential for harm to highway safety. Nonetheless, I have insufficient information to support this assertion. In any event, this appeal is not the procedure to establish lawfulness. Notwithstanding this, in comparison to B1 uses, a church use is more likely to attract families, including vulnerable users, such as the young and elderly. This, along with the likelihood of the movement of commercial vehicles and machinery associated with neighbouring uses, significantly adds to my concerns over the safety of pedestrians.
8. It has been suggested that members of the church arrive by walking, public transport, minibuses, car share and also have access to parking areas within the yard area which serve other businesses. Nevertheless, on the available evidence including photographs, there is no clear assessment as to what extent such arrangements reduce reliance on private motor vehicles and what the actual vehicle parking requirements for the church are.
9. Consequently, given the shortfall in vehicle parking combined with the impracticalities of its arrangement, the scheme fails to provide adequate parking provision for the church. Although the Council is concerned about parking overspill onto other roads, the nearest to the appeal site is Kingsfield Way where parking restrictions exist to control this. Nevertheless, the inadequacy of the parking provision for the church is likely to adversely affect the availability of parking for neighbouring businesses, which in turn is likely to result in inconsiderate parking and congestion within the yard which would further exacerbate the potential for conflict with pedestrians accessing unit 3A.
10. Drawing on the above reasons, and whilst unit 3A and its location may be suitable for the appellant's requirements as a church, on the information before me it has not been clearly shown that the use of the appeal property as a church does not have a detrimental effect on pedestrian safety. This is contrary to Policy S10 of the West Northamptonshire Joint Core Strategy, which amongst other things requires developments to achieve the highest standards of sustainable design incorporating safety and security considerations.
11. Accordingly, I also find conflict with similar aims of Paragraph 108 of the National Planning Policy Framework which requires new developments to make provision for safe and suitable access to the site for all users, including pedestrians.

### **Other matters**

12. A suggested condition limiting congregational activities to certain times and allowing the church to open at other times for administrative duties would be difficult to enforce. Such a condition would also be of limited benefit given that

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<sup>1</sup> The Town and Country Planning (Use Classes Order) 1987, as amended.

the business operators and their respective hours of operation could change in the future.

13. The appellant is willing to accept a temporary consent. However, no temporary period has been specified. In any event, given my concerns about the safety of pedestrians, I am unable to support this along with other conditions limiting any consent to the appellant and specific to the use of the appeal property as a church.
14. The lack of objections from adjoining occupiers is a neutral factor which does not lend support to the appellant's scheme. Furthermore, despite the appellant's assurance that the church operates safely in respect of highway safety, I have limited information on the extent and activities associated with its operations from the site, to draw any meaningful conclusions.
15. I acknowledge that the church makes use of an existing building and this offers some passive surveillance to neighbouring premises. There is also some support for community uses in local and national policies. Nonetheless, these matters and the social benefits associated with the church do not outweigh my significant concerns in respect of the safety of pedestrians and overall conflict with the development plan.

### **Conclusion**

16. For the above reasons, I conclude that the appeal should be dismissed.

*M Aqbal*

INSPECTOR