



Appeal Decision

Site visit made on 13 July 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/G5180/W/20/3246641

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 Mrs Linda Berriman of Mottingham Hall for Children against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00598/FULL1, dated 15 January 2019, was refused by notice dated 1 November 2019.
 - The development proposed is described as “*ground floor side and rear extensions. Increase in child numbers from 55 to 80 children (variation of condition 3a pursuant to DC/14/00471/VAR)*”.
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Decision

1. The appeal is allowed and planning permission is granted for ground floor side and rear extensions and an increase in child numbers from 55 to 80 children at Mottingham Hall Nursery, Mottingham Lane, Mottingham, London SE9 4RW in accordance with the terms of the application Ref DC/19/00598/FULL1, dated 15 January 2019, subject to the following conditions:
 - i. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision letter.
 - ii. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: 170503 – P1A and 170503 – P2.
 - iii. The material to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.
 - iv. The children attending the day nursery/playgroup shall be between the ages of 0 and 5 years and not more than 82 children shall be accommodated at any one time.
 - v. The use of the premises for the purposes permitted shall be limited to Mondays to Fridays inclusive between the hours of 07:00 and 18:30.

Procedural Matters

2. Part of the proposal seeks to increase the number of children at the nursery. A condition has been imposed upon a previous planning permission that limits the number of children at the nursery. I have treated the application as seeking

planning permission for the development as sought by the appellant rather than an attempt to modify the condition imposed upon planning permission reference DC/14/00471/VAR.

Main Issues

3. The main issues raised by the appeal are:

- (a) Whether the proposal would be inappropriate development in the Metropolitan Open Land (MOL) having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- (b) Whether the proposal would give rise to any other harm; and
- (c) If it is inappropriate development whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Inappropriate development

- 4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy 50 of the London Borough of Bromley Local Plan 2019 (the Local Plan) states "*The MOL will be given the same level of protection as Green Belt. The exceptions to inappropriate development are consistent with Green Belt policy and permission will not be given for inappropriate development except in very special circumstances*". This Policy has the effect of applying the Framework's Green Belt policy to MOL.
- 5. The Framework states that the local planning authority should regard construction of new buildings as inappropriate development in the Green Belt unless it is for one of seven specific exceptions (paragraph 145 of the Framework). One of the exceptions is 'the extension or alteration of the building provided that it does not result in disproportionate additions over and above the size of the original building'. Neither the Framework nor the Local Plan contain guidance on assessing what is or is not disproportionate. However, the concept of proportionality demands that each proposal is considered in relation to the size and character of the original building.
- 6. The original building only utilised the ground floor of the permitted building despite it being approved with a pitched roof. A subsequent permission allowed alterations to the building to facilitate accommodation and use of the internal space within the pitch of the roof. The parties agree that that permission did not change the volume of the building, but it increased the floorspace within it by approximately 40%. Whilst converting the space has involved the installation of rooflights, utilising the internal space within the pitched roof for additional floorspace has not altered the overall size and character of the original building.

7. The proposed single storey side and rear extensions would increase the floor area by approximately 24%. The extensions have been designed in a way which would be sympathetic to the original building and would not appear dominant, out of scale or visually disproportionate.
8. I consider the proposed extensions would not amount to disproportionate additions to the original building. As such, for the purposes of the Framework and Policy 50 of the Local Plan, I find that the proposal does not constitute inappropriate development in the MOL.

Other harm

9. Although the Council's decision notice does not raise any harm other than that to the MOL itself the Council has questioned whether or not there is a demand for more children at the Nursery and whether there is a necessity to expand at this site. A waiting list provided demonstrates that there is a demand for child places at the Nursery.
10. Some local concerns have been expressed to the proposal's impact on levels of parking and traffic in the locality and the soundness of the existing Travel Plan. A Transport Assessment has been submitted in support of the application that has demonstrated that the roads around the nursery and the nursery itself have sufficient spare capacity to accommodate the increase in parking demand resulting from the proposal. The Council's Highway adviser has not raised a highway objection and the Council considers the proposal to be acceptable in highway terms. On the available evidence I have no substantive reason before me that might lead me to come to a different view on this matter.
11. The Council does not consider the proposal would give rise to harm with regard to the design of the extensions to the character and appearance of the area or to the living conditions of existing adjoining occupiers. Although I have found differently in terms of the proposal's effect on MOL, I otherwise agree with the Council on these matters.

Very Special Circumstances

12. I have found that the proposed development does not constitute inappropriate development within the MOL, therefore, it is not necessary for any special circumstances to be demonstrated to potentially justify the proposal. There is no need for me to explore this matter further.

Conditions

13. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development be carried out in accordance with the approved plans. A condition relating to materials is appropriate in the interests of the character and appearance of the area. Conditions limiting the age, number of children and hours of operation are necessary in the interests of the amenities of the area.

Conclusion

14. In the absence of harm to the MOL due to inappropriateness and any other harm it is not necessary for me to consider whether there are any other

considerations that weigh in favour of the proposal. I have concluded that the proposed development would not conflict with the Framework objectives and Policy 50 of the Local Plan.

15. Having regard to my above findings the appeal should succeed.

Nicola Davies

INSPECTOR