



Appeal Decision

Site Visit made on 3 November 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/J0405/W/21/3275365

85 Chiltern Street, Aylesbury HP21 8BW

- 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 Helen Ricketts against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/00519/APP, dated 9 February 2021, was refused by notice dated 20 April 2021.
 - The development proposed is change of use from C3 residential to class E (nursery/daycare).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the Vale of Aylesbury Local Plan 2021 (the LP) has been adopted by the Council and it now forms part of the development plan for the area. The LP policies replace those referred to in the Council's refusal reasons. The appellant has had the opportunity to comment on the LP.

Main Issue

3. The main issue is whether the proposal would be served by appropriate parking facilities.

Reasons

4. LP policy T6 states that all development must provide an appropriate level of parking in accordance with standards set out in appendix B of the LP. For nurseries, these standards require 1 parking space per 20 m² of gross floor area. The proposal would change the use of a 2 bedroom ground floor apartment with an internal floorspace of 42 m². As such, the LP parking standards indicate that 2 to 3 spaces should be provided to serve the nursery.
5. A parking area to the rear of the property includes 6 spaces. The evidence states that this is shared with occupants of flats at 87, 89 and 91 Chiltern Street. The plans and other submissions indicate that 3 of the spaces would be available to the users of the nursery. However, the application site as marked by a red line on the drawings excludes the parking spaces, the turning area and the access from the road. The Planning Practice Guidance¹ advises that the red line application site should incorporate all land necessary to carry out a

¹ Planning Practice Guidance – Making an application - Paragraph: 024 Reference ID: 14-024-20140306 revision date 06/03/2014

- development including car parking and land required for access to the site from a public highway. Also, the parking and access is not outlined in blue to indicate the land is owned by the applicant.
6. The exclusion of the rear parking from the application site raises a significant degree of uncertainty over whether it would be available for visitors to the nursery in perpetuity. Also, in such circumstances, it would be unreasonable to impose a planning condition to require the parking as indicated on the plans to be used only in connection with the nursery operation. As such, the submissions fail to convincingly demonstrate the proposal would be served by any off-road parking with suitable access and turning space.
 7. As there are no restrictions, it may be possible for visitors to park on the highway near to the nursery. However, I saw a significant level of roadside parking along local streets. My observations as well as comments received from other parties suggest a high demand for parking on the nearby highways.
 8. Also, I saw most of the road parking in the area involves vehicles stationed partly on pavements. Moreover, the appeal property is at the end of a cul-de-sac and there is no turning head within the public highway. Given the narrowness of the road as well as the demand for roadside parking, it is reasonable to expect that, at times, drivers entering the cul-de-sac would be unable to park without straddling the pavement or would be unable to easily turn around. These situations would lead to obstruction of pedestrian movement and cars blocking or reversing along the highway. Within this context, it would be unacceptable on safety grounds for the proposal to rely on roadside parking.
 9. The submissions are inconsistent with the appeal statement saying 6 children would be cared for at the nursery but correspondence from the appellant suggesting it would be 3. Also, the application form indicates the proposal would have 3 full time employees but the appeal statement says it would be one additional member of staff. These inconsistencies make it difficult to form an accurate idea on the amount of parking the proposal would generate.
 10. As a 2 bedroom flat, the appeal property as it stands is likely to generate a parking demand. However, the submissions fail to explain whether any of the rear parking spaces are tied by planning condition to the apartment. In light of this and the uncertainty over the number of children to be cared for and staff to be employed, I am unconvinced the proposal would generate less of a demand for roadside parking than the established residential use.
 11. The site is in an urban area and close to bus stops on Stoke Road. Also, I note the submitted information on the mode of travel to and from the appellant's existing child-minding business. However, notwithstanding the views of the Council's highway officer, there can be no certainty that staff or parents would walk to the nursery and it would be unfeasible to impose restrictions which would prevent visitors from driving. Moreover, controls could not reasonably be imposed to ensure parents stay for only short periods or that prevent visitors from arriving at the same time. As such, none of these factors demonstrate the proposal would avoid an increase in parking demand, particularly during the drop off and pick up times in the early morning and the evening.
 12. For these reasons, I conclude the development would not be served by appropriate parking facilities. Therefore, it would be contrary to LP policy T6.

Other Considerations

13. The proposal would involve the re-use of an existing building although there is no evidence to demonstrate the apartment would be left vacant should the appeal be dismissed. Also, the scheme would provide an additional childcare service and create employment which are positive considerations in my assessment. However, these benefits attract modest weight given the scale of the proposed operation.
14. The failure to firmly demonstrate that appropriate parking would be provided means the proposal would not accord with the development plan policies when read as a whole. The benefits of the scheme and other considerations are of insufficient weight to justify granting planning permission contrary to the provisions of the development plan.

Conclusion

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

Jonathan Edwards

INSPECTOR