
Appeal Decision

Site visit made on 16 September 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal Ref: APP/Q3820/W/24/3337328

**Barton House, Broadfield Barton, Broadfield, Crawley, West Sussex
RH11 9BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Clive Wheeler of Albany Homes Southern Ltd against the decision of Crawley Borough Council.
 - The application Ref is CR/2023/0171/PA3.
 - The development proposed is the change of use of the second floor from a dentist/opticians (Class E (e)) to 9 residential units (C3), replacement of the existing windows with double glazed windows and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Under the GPDO Article 3(1) and Schedule 2, Part 3, Class MA, planning permission is granted for the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order subject to limitations and conditions including the requirement to submit an application to the Council for prior approval.
3. The description of the proposed development in the banner heading above has been taken from the application form. However, as the external alterations to the appeal building, including changes to the windows, fall outside the scope of the permitted development right in the GPDO Article 3(1) and Schedule 2, Part 3, Class MA, I shall not consider them. So, other than the external alterations, and subject to the provisions of regulations 75 to 78 of The Conservation of Species and Habitats Regulations 2017 (as amended) (the Habitats Regulations), the Council says that the proposal would satisfy all matters other than those relating to the transport impacts of the development, particularly to ensure safe access. I see no reason to disagree.

Main issue

4. The main issue is whether the transport impacts of the proposed development would be acceptable.

Reasons

5. The roughly L-plan appeal site, which includes the second floor of the 3 storey building at Barton House, is situated within the Broadfield Neighbourhood Centre. Other parts of the building are outside the site but within the appellant's control. The proposed residential units (flats) would be reached from the existing ground floor entrance and internal staircase, and some of their refuse and recycling facilities would be reached from the ground floor hall.
6. The site includes almost no land outside the building, so no on-site car parking would be provided, and no on-site cycle parking is proposed. There is a public car park nearby, but the restrictions within the Broadfield Place service road prevent parking for long periods. As the neighbourhood centre includes a range of commercial, community and residential uses, including shops, health facilities, and a church, the proposal's occupiers should be able to meet most of their day to day needs on foot. Even so, the site is roughly 3 km from the town centre and the rail station, and the nearby bus services are less than good.
7. So, in the absence of any dedicated car parking spaces, the occupiers of each flat would reasonably expect to be able to safely keep and use a bicycle (cycle) to travel to places where bus services are less than optimal, and for longer trips to the town centre and the wider locality. The ability to keep a cycle close by would also encourage its use, in line with the aim of the National Planning Policy Framework (Framework) to help to reduce congestion and emissions, and improve air quality and public health. Moreover, as those occupiers could be reliant on their use of a cycle, say, to make onward journeys by train, or to visit friends and/or relatives, secure and covered parking for at least one cycle for the occupiers of each of the flats would be necessary to make the proposal acceptable. For similar reasons, secure and covered cycle parking for an occasional visitor's cycle would also be necessary. So, the proposal would need to provide at least 9 secure and covered cycle parking spaces for the occupiers of the flats and at least one space for a visitor's cycle, which is broadly in line with the standards in the Crawley Borough Council Urban Design Supplementary Planning Document.
8. The appellant says that the existing cycle hoops under the footbridge by the entrance to the building are underused, but as their natural surveillance is poor, and cycles kept there would be exposed to the weather, those cycle hoops would not be acceptable. The cycle hoops near the supermarket on the opposite side of Osborne Court would also not be suitable for similar reasons.
9. The appellant's plan shows that a secure and covered cycle store could be installed in the space under the footbridge, but the refuse/recycling bin shown within that store would not be acceptable due to its conflicts with the cycle parking. There is little evidence that the land, which is not within the appellant's control, would be made available for the store's installation, and as locating the cycle store there could also place restrictions on the maintenance of the footbridge and the cycle store, it is more than likely that the landowner would not agree to its installation. So, as the appellant's suggested condition would not be reasonable, it could not be imposed.
10. The appellant has also suggested that a cycle store could be provided within the south east corner of the dental centre's car park, which is situated by the junction where Broadfield Place meets Coachman's Drive. However, at roughly 200 m away, it would be too far from the proposal to be convenient, the cycle

store would have poor natural surveillance, and it would not be readily seen from the proposal, so the occupiers would not be likely to keep their cycles there. As a cycle store in this car park would not be acceptable, the appellant's suggested 'Grampian' condition would not be necessary. The appellant has also confirmed that other locations that had been suggested by the Council were not acceptable to those in control of that land.

11. As the proposal would include no car parking and no secure and covered cycle parking, the occupiers' ability to reach places, facilities and other public transport hubs beyond the local area would be largely limited by their ability to walk to them, and by the local bus routes and times. Because the transport impacts of the proposal would unreasonably restrict the occupiers' lives, it would be likely to have a detrimental effect on their health and well-being. So, the poor accessibility of the car free proposal to sufficient sustainable transport modes would be likely to harm the future occupiers' living conditions. Whilst the benefits of the proposal would include efficient use of the land and 9 welcome new homes, they would not outweigh that harm.
12. Therefore, I consider that the transport impacts of the proposed development would not be acceptable. It would be contrary to the Framework which aims to ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location.
13. So, the proposed development would be contrary to paragraph MA.2.(2)(a) of the GPDO Schedule 2, Part 3, Class MA.

Other matter

14. The site is within the Sussex North Water Supply Zone. In determining this appeal, I am the competent authority for the purposes of the Habitats Regulations.
15. Natural England has advised that the Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of the Arun Valley Special Area of Conservation, the Arun Valley Special Protection Area and the Arun Valley Ramsar Site (the Arun Valley site). As it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley site, developments within this zone must not add to this impact. One way of dealing with this is water neutrality, that is, the use of water in the supply area is the same or lower after the development has taken place.
16. Because the proposal is not directly connected with or necessary for the management of the Arun Valley site, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the Arun Valley site in view of its conservation objectives. I could only grant approval if I were to ascertain in that appropriate assessment that the integrity of the Arun Valley site would not be adversely affected. However, as the proposal would not be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment.
17. As an appropriate assessment has not been undertaken, the proposal would be contrary to article 3(1) of the GPDO.

Conclusion

18. In conclusion, the proposal would not be acceptable in respect of paragraph MA.2.(2)(a) of the GPDO Schedule 2, Part 3, Class MA, and article 3(1) of the GPDO.

19. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR