



Appeal Decision

Site visit made on 23 October 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/E5330/W/24/3346572

12 Eltham Green, Eltham, London, SE9 5LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Sarah Rees, of Nursery on The Green, against the decision of the Council of the Royal Borough of Greenwich.
- The application Ref is 23/3940/F.
- The development proposed is change of use from Use Class C3 (dwellinghouse) to Use Class E(f) (nursery).

Decision

1. The appeal is allowed and planning permission is granted for change of use from Use Class C3 (dwellinghouse) to Use Class E(f) (nursery), at 12 Eltham Green, Eltham, London, SE9 5LB, in accordance with the terms of the application, Ref 23/3940/F, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos. AED000 (Location and Block Plans) and PD001A (Proposed Drawings).

Background and Main Issue

2. The appeal property adjoins an existing established nursery at 13 Eltham Green, which according to the submitted Ofsted report, offers places for 58 children at a time, and employs 23 members of staff. Children are aged 0-4 years, and the nursery is open Monday to Friday from 8am to 6pm all year round. Other submissions state that 65 children currently attend the nursery and that there are 31 staff. This inconsistency between reports is presumably due to some child places and staff being part-time. The proposal would enable the expansion of the existing business, creating capacity for an additional 15 places for children aged 0-5 years. No additional staff would be required and no external alterations or extensions to the existing building are proposed. No concerns have been raised regarding the expansion of the nursery and it is undisputed that there is a demand and need for increased childcare within the Borough.
3. The main issue is therefore the effect of the change of use on the supply of housing in the area and whether this would be outweighed by any other material considerations.

Reasons

4. The proposal would result in the loss of a single two-bedroom terraced house. Policy H(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed

Policies 2014 (the RGLP) lists the circumstances under which a change of use or redevelopment resulting in a net loss of housing will be supported. As none of those circumstances apply in this case, the proposal would be contrary to this policy.

5. However, copies of multiple other development plan policies have been submitted by the Council, which support the proposal. Policy EA1 of the RGLP supports the expansion of existing small and medium businesses and Policy S1(c) of the London Plan (2021) (the London Plan) supports development proposals that provide high quality social infrastructure that addresses a local need. Policy H8 of the London Plan refers to the demolition and replacement of existing homes as opposed to their change of use and as such is not relevant given that the existing dwelling in this case would be retained and its use could easily revert to residential in the future. Policy H9, whilst seeking to ensure the best use of housing stock, relates to vacant and under-occupied properties and the effects of houses used for multiple occupation and short stay holiday lets. It does not restrict other changes of use.
6. The National Planning Policy Framework (the Framework) does not restrict the conversion of dwellings to other uses but does, at paragraphs 85 and 87 place significant weight on supporting economic growth and recognising the specific locational requirements of different business sectors. Chapter 8 of the Framework also offers significant support to the provision, modernisation, expansion and retention of community facilities and schools. Whilst a nursery is not quite the same as a school, it is a community facility and is important to local families in terms of providing childcare and pre-school education. Paragraph 127 of the Framework requires a positive approach be taken to alternative uses of land that are developed but not allocated for a specific purpose, where this would help to meet identified needs.
7. The existing nursery is on a prominent corner plot in the Eltham Green Conservation Area (CA). I note that the roof space of the main building is already utilised, and that there are existing single storey side extensions, one of which projects well beyond the original rear elevation of the property. An extension offering the same amount of space as the adjoining house would be substantial, and unlikely to be achievable without resulting in harm to the CA. Outdoor space is also clearly an important part of a nursery and any further extension would reduce this. Given that the nursery has been established for approximately 20 years, is fully equipped for its purpose and serves a local catchment area, relocation to larger premises is unlikely to be a viable or realistic option.
8. The appeal property is in need of substantial and costly renovation works but I do not agree that this makes it unsuitable for residential use. However, there is no policy requirement to demonstrate this. Policy H(a)(i) of the RGLP simply seeks to ensure that where redevelopment of an existing housing site with new housing results in a loss in the number of houses, it is justified by an improvement in quality. This is not relevant to the proposal before me which is seeking to expand an existing business and valuable community facility into an adjoining building.
9. Both parties acknowledge the competing factors of housing loss verses community gain. Whilst the retention and protection of existing housing stock within the Borough is particularly important given the undisputed shortage of

available housing land, the loss of a single two-bedroom terraced dwelling would have a negligible effect on the overall housing shortage in the area. Accordingly, I afford this only moderate weight. I also afford only moderate weight to Policy H(a) of the RGLP in this case given that it is more restrictive than the Framework and up-to-date national planning policy is a material consideration of significant weight. The expansion of the established nursery business and the provision of 15 additional childcare places for local families, would on the other hand have substantial benefits in terms of supporting an existing business and meeting an identified local community need. I therefore afford this significant weight.

10. For the reasons given above, I therefore conclude that the proposal would have a negligible effect on the supply of housing in the area and that this would be outweighed by the benefits of supporting the expansion of an existing established nursery business and providing much needed childcare facilities, in accordance with relevant and up to date development plan policies and the Framework.

Conditions

11. Conditions setting out the time limit within which the development must commence and listing the approved drawings that the development must accord with, are necessary to provide certainty. The provision of bin and bike storage is shown on approved plans covered by condition 2. I am not convinced that the provision of an additional food waste bin is necessary to make the development acceptable in planning terms and there is no evidence before me to suggest that the existing waste facilities at the nursery are at maximum capacity and would need to be increased as a result of the development. If additional bins are needed at any point in the future, it would be the responsibility of the company to request and purchase these.

Conclusion

12. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Consequently, the appeal is allowed.

R Bartlett

INSPECTOR