



Appeal Decision

Site visit made on 5 November 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/W3710/W/24/3345621

Witherley House, Hazell Way Industrial Estate, Nuneaton, Warwickshire CV10 7PQ

- 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 T of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr James Armson of Positive Impact Group against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref is 040206.
 - The development proposed is prior approval for a proposed change of use to state-funded school (Use class F1 (a)).
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The description of development on the application form discussed the merits of the case and was thus wholly unclear. The description of development from the Decision Notice more accurately and clearly described the development before me. As such, I have taken the description of development that was used on the Decision Notice rather than the one on the application form.
3. Class T of Schedule 2 of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E¹ to use as a state-funded school within Class F.1(a).
4. For a proposal to be deemed permitted development under Class T, prior approval is required in respect of a number of matters, including transport and highways impacts of the development as per paragraph T.2 (1)(b)(i).
5. Schedule 2, Part 3, Paragraph W of the GPDO sets out the prior approval process. It states that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question. It was on this basis that the Council refused to grant prior approval.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

Main Issue

6. In the context of the above the main issue relevant to this appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class T of the GPDO.

Reasons

7. Witherley House is a two-storey brick-built building with a hipped roof and the Council has identified it as an office block. The appeal building is located within the Hazell Way Industrial Estate and most of the buildings nearby are large commercial units and there appears to be a mix of industrial uses operating around the estate.
8. The proposal is to convert Witherley House into a state-funded school. The appellant states that the Positive Impact Group provides alternative education sites that delivers education. The site would be for primary aged pupils aged 7-11 who are in mainstream education and require some 'additional support'. There would be 9 members of staff and up to 16 pupils.
9. The Supplementary Planning Document: Transport Demand Management Matters – Parking Standards (SPD) states that there should be one space per full time equivalent staff member and appropriate drop off facilities for a primary school.
10. The appellant states that they would provide sufficient parking spaces to accommodate up to 12 members of staff, but a parking plan has not been submitted to identify the location of them. To the front of the building there was space for 3 parking spaces as identified by the appellant. They also set out that there would be parking spaces for teachers to park vehicles to the side of the building. Whilst there would appear to be limited parking restrictions on this part of the highway this would be land outside of the appellants control and indeed outside of the red line boundary and cannot be relied upon to provide dedicated parking for this use.
11. There were also no cycle parking spaces shown on the submitted plans and the SPD identifies that a primary school is required to provide 1 space per 10 full time equivalent staff members and 1 space per 10 students all in a secure shelter.
12. There is a requirement in the SPD to provide appropriate drop off facilities for primary schools and the appellant has set out the aims of a traffic management plan to address this. However, no dedicated off-street drop off area within the appeal site has been identified nor a mechanism to secure such a facility off site.
13. The appellant states that the children under the care of the Positive Impact Group would be transported to and from the site and thus would not walk to and from it. However, if granted, this appeal would allow for the site to operate as a state-funded school and could be operated by any such organisation. As a result, if a school was operated from this building children and staff may have to walk to and from the site which is located within an industrial estate.
14. There are a variety of industrial uses around the estate, and the Council note that Heavy Goods Vehicles (HGVs) and other large vehicles often travel to and

from the area. To the rear of the appeal building is an industrial building and the Council identified that HGVs access this site, and the appellant has not disputed this. The access to this building is next to Witherley House and HGVs would likely have to regularly access the site close to the proposed entrance to the school.

15. Whilst there are pavements throughout the industrial estate, given the type of vehicles that operate in the area and the lack of signalised crossing points this would lead to potential conflict between HGVs and children who are vulnerable road users. Additionally, without appropriate drop off facilities vehicles may have to park within the public highway near to the school causing disruption to other road users. This may result in pedestrians having to cross the road between parked cars which would lead to conflict between road users where HGV's and other large vehicles operate regularly. The limited car parking spaces provided within the site would also lead to other vehicles being parked within the public highway which would worsen the above situation for all road users.
16. Overall, the scheme has not identified facilities to comply with the parking requirements in the SPD for the proposed use. Substantive evidence has not been provided to identify that parking arrangements could accommodate the proposed increase in vehicular traffic to and from the site without causing harm to highway safety.
17. Taking into consideration the evidence submitted, the proposal would cause unacceptable harm to highway safety. For the reasons given above I conclude that the proposed use of the building would not satisfy the requirements of Schedule 2, Part 3, Class T of the GPDO, and therefore is not development permitted by it.

Conclusion

18. For the reasons given above and based on the evidence before me, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class T of the GPDO. Therefore, the appeal should be dismissed.

G Sibley

INSPECTOR