



Appeal Decision

Site visit made on 4 March 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/Y0435/W/24/3349883

Heath Court, Lower End Road, Glebe Farm, Milton Keynes MK17 8XS

- 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 Mr R Khodabux (Next Step Support Limited) against the decision of Milton Keynes Council.
 - The application Ref is 24/00782/FUL.
 - The development proposed is the stationing of a portacabin to provide an office for the base of operations for supported living services to serve the residents of Heath Court.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development provided on the application form in the banner heading above. This description closely matches that which the Council used on its decision notice. This should not be taken as an inference as to my agreement on the present use of the land and building on the site. I will return to this matter below.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not affect the main issues in the case, the parties have not been invited to make further comments in this regard.

Background and Main Issues

4. The Council refused planning permission for the proposed development for three reasons. Reason one hinged upon the status of the overall site, with the Council considering that, in brief summary, the requirement for 24-hour on-site support inferred that the use of the site falls within Use Class C2 (residential institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO). Conversely, the appellant maintains that, again in summary, the level of independence provided to the occupants is consistent with a use falling within Use Class C3 (dwellinghouses) of the UCO. It is, however, not my role in the context of this s78 appeal to determine, or pass comment upon, the lawful use of the site as this is not what permission has been sought for.
5. Therefore, I consider the main issues in this case are:
 - a) the effect of the proposed development on the character and appearance of the area,

- b) whether the proposed development would result in the loss of on-site parking provision and result in overspill parking to the detriment of highway safety, and
- c) whether there is a demonstrable need for the proposed development.

Reasons

Character and appearance

- 6. The appeal site comprises a block of recently constructed flats on the corner of Newport Road and Lower End Road. The building is formed in an L shape and addresses the T-junction on its corner. The site is adjoined by two housing estates to the east and north with a finger of greenspace providing a break between the site and the new housing development beyond.
- 7. The proposed portacabin would be set in the car park to Heath Court. Due to the building itself and surrounding development, the portacabin would be largely obscured from public view from many vantage points. Nevertheless, due to the sliver of open greenspace it would be visible across the open greenspace from various aspects along Newport Road.
- 8. The portacabin building itself is a functional structure with a rectangular floor plan and flat roof. Whilst the plans indicate it would be finished in timber cladding, this would not bely its temporary appearance and nature. This would be evident from the footings and its siting on an area of hardstanding. The portacabin would not compliment the style or appearance of the existing building, nor that of the other surrounding homes near to the site. It would be apparent and visible in views from Newport Road and from a limited number of surrounding homes. Although it would back on to the neighbouring pumping station, this is a piece of essential infrastructure and is expected to be of a function nature. In any case, it is modest in size and largely screened by fencing.
- 9. I find that the appearance and the temporary nature of the portacabin would fail to create a positive character, relate well to the existing building and plot, and detract from the character of the existing building and the surrounding area. The proposal therefore conflicts with policies D1, D2, and D3 of the Plan:MK 2016 – 2031 (adopted 2019) (Plan:MK).

Parking and highway safety

- 10. The proposed portacabin would be sited on an area which is presently set out for four vehicle parking spaces. These parking spaces would be displaced and result in a reduction in vehicle parking provision from 13 to nine spaces. According to the Council, the site already has a shortfall of one space under its standards. This proposal would result in a further reduction in vehicle parking spaces in addition to the increased demand for the office accommodation.
- 11. I do recognise the argument that a supported living arrangement would likely result in a lower demand for parking provision. However, the lawful use of the 7/8 flats that exist on the site is in contention between the parties. Accordingly, I can only consider this proposal in relation to its lawful use as eight flats in Use Class C3 of the UCO. On this basis, the proposed development would create a situation where there would be, in effect, one parking space per flat and one space for the office.

12. The appellant has stated that three spaces are expected to be needed for the office. I have not been provided with adopted parking standards that are applicable to the City or this area, however the Officer's report indicates that eight allocated and six unallocated spaces would be needed for the flats alone. Extrapolating the above, in a worst-case scenario, this would mean that 17 spaces would be required for the existing flats and the portacabin office whilst only nine would be available.
13. I have noted the position of the site, which is set on the corner of two roads at a controlled junction with traffic lights. The roads are subject to a 30mph speed restriction. They remain of a semi-rural nature in a style which resembles, although is not part of, the Milton Keynes grid layout with limited or no pedestrian footways near the highway. Where these footways are present, they are often to one side of the road only and commonly separated by a grass verge and/or landscaping. At the time of my visit there were no parked vehicles on the highway near the site, no doubt in part due to road width, lack of footways and proximity to the controlled junction. There is limited opportunity for the safe parking of vehicles on the highway that would not disrupt the free flow of traffic. An overspill of parking onto the road would therefore be highly likely to lead to situations of danger and inconvenience to users of the highway. There are very limited options for additional parking within reasonable or convenient walking distance of the site.
14. Considering the above, I conclude that the proposed portacabin would displace on-site vehicle parking that would likely result in vehicles parking on the highway that would be in proximity to the controlled junction. This would be to the detriment of highway safety. The proposal therefore conflicts with policy CT10 of the Plan:MK insofar as it would increase off-site parking pressure that could not be resolved by on-street controls.

Need for the development

15. As I have noted above, the parties do not agree on the present use of the flats. This is evidenced by the Officer's Report, appellant's statement and the planning history of the site. Whilst I have considered the evidence from both the Council and appellant, I am not in a position to apply judgement on this matter as a determination on the use of the site is not what has been applied for, despite it being material to the matter in hand.
16. As the use of the land and building remain in contention between Use Classes C2 and C3 of the UCO, for the purposes of this appeal, I am unable to fully assess the need for the portacabin. The planning merits of the proposal are dependent on its function and purpose and this is inextricably linked to the use of the parent building at Heath Court. Even if I were to find the proposed portacabin to be an acceptable proposition, I would not be able to lawfully grant permission for a proposal that could support a potentially unauthorised or unauthorised use.
17. However, as I have found that the proposal conflicts with the provisions of the development plan for other reasons I do not need to, nor am I able to, consider this further.

Other Matters

18. Whilst it has not been explicitly stated in the appeal documentation, the evidence provided to me suggests that some of the residents of Heath Court may have

protected characteristics as the building is currently being used as supported living accommodation. Therefore, in reaching my conclusions, I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. However, this decision will not interfere with these characteristics or the rights of the occupants as, notwithstanding the outcome of this appeal, their homes or living conditions are not at risk.

Conclusion

19. I have found that the proposed portacabin building would be detrimental to the character and appearance of the area and would result in the displacement of on-site parking to the detriment of highway safety.
20. The contested Use Class status of the 7/8 flats within the building means that I am not in a position to consider the necessity for the portacabin despite that being a potentially determinative factor in its acceptability.
21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR