
Appeal Decision

Site visit made on 23 October 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/N0410/W/25/3363502

The Wyke, 16 Marsham Way, Gerrards Cross, Buckinghamshire SL9 8AD

- 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 NSS V (PROPERTIES) LLP against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref is PL/24/3112/FA.
 - The development proposed is change of use from former care home (Class C2) to nursery (Class E) with associated car and cycle parking, and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant advises that a revised Proposed Site Plan (01) 101, Rev P1, was submitted to the Council on 20 January 2025 to confirm that an acoustic fence will be erected around the rear garden boundary. This Plan was not considered by the Council as part of the planning application but has been resubmitted with the appeal. As this Plan relates to a reason for refusal and does not alter the nature of the proposal, I have accepted this in determining this appeal and do not consider that the interests of any party have been prejudiced by my having done so.
3. I am aware that an application to change the use of the appeal site to a nursery (ref PL/22/3141/FA) was submitted to the Council in September 2022 and refused permission. This application was the subject of a planning appeal (ref 3313746) which was dismissed.

Main Issues

4. The main issues are:
 - i) Whether the proposal would affect highway safety with regard to parking provision;
 - ii) Whether the proposal would affect the living conditions of neighbours; and,
 - iii) Whether the proposal would affect the Gerrards Cross Centenary Conservation Area.

Reasons

Highway safety

5. The proposed nursery would operate between the hours of 07:00-19:00 Monday to Friday and this would accommodate up to 90 children.
6. The appeal site is located on the southern side of Marsham Way. This is a two-way 30mph road, which operates broadly northwest to southeast between the B416 Packhorse Road and Mill Lane.
7. There are lengths of double yellow lines located along the southern side of Marsham Way, including along the entire frontage of the appeal site. On the northern side of the carriageway there are marked parking spaces with intermittent lengths of white lining protecting the adjacent dropped kerbs.
8. The marked parking spaces allow controlled parking on roads surrounding the site including Marsham Way and Fulmer Way where restrictions apply Monday to Saturday from 08:00-18:00 with parking allowed for 1 hour, with no return within 1 hour.
9. With regard to on-site parking, the proposed scheme provides a single disabled parking bay. Provision is also made for cycle parking with 10 spaces, together with a dedicated buggy store that would additionally be suitable for the storage of scooters.
10. The Council's Countywide Parking Guidance ('CPG') has no definitive parking standards for a nursery. Therefore, based on the parking standard for primary schools, one parking space is to be provided per full time equivalent staff member, plus adequate spaces for pick up and drop off facilities. Given that the scheme would provide 24 full time equivalent staff members, 24 parking spaces would be required, plus adequate space for drop-offs.
11. The appellant advises that staff and parents would be encouraged to use alternative modes of transport rather than relying solely on private vehicles, with any drop-offs and collections of nursery children taking place within the existing lawful on-street parking spaces. The justification for this approach is underpinned by a range of factors, as detailed within the submitted Transport Statement ('TS').
12. The TS includes parking beat surveys undertaken on two separate days, assessing the number of cars parked on Marsham Way and Fulmer Way. At 08:00, between 14 and 18 cars were recorded, with 44–48 available spaces. At 17:00, between 18 and 30 cars were recorded, with 31–43 available spaces. On average, 46 spaces were observed at 08:00 and 37 at 17:00. In total, free spaces ranged from 142–148 in the morning to 99–110 in the evening, although this wider count encompasses an area extending up to 400m from the appeal site. While the Council notes that no photographic evidence accompanies the surveys, I have not been referred to any specific policy requirement for such evidence.
13. Based on the evidence before me and my observations, the location of the appeal site is accessible, lying within short walking distance of facilities and public transport. Nearby bus stops provide regular services to Slough and Uxbridge, while Gerrards Cross Station is located about 480m away, with connections to other destinations, such as London and Oxford, as well as frequent local services to Denham, Ruislip, Seer Green, Beaconsfield, and High Wycombe. It benefits

from good pedestrian infrastructure, including footways and safe crossings, and offers cycling catchments extending up to 8km.

14. The TS includes Trip Rate Information Computer System ('TRICS') data for the proposed 90-place nursery. This suggests around 12 vehicle arrivals and 8 departures during the morning peak, and approximately 10 arrivals and 13 departures in the evening peak, equating to about 114 two-way vehicle movements per day.
15. I am also advised that unlike primary schools, which experience concentrated peaks in activity, private nurseries typically see drop-offs and collections spread across a longer period, with many journeys shared between parents commuting to work and those based locally. Early arrivals are often associated with parents combining nursery trips with onward commuting, while those returning home or working nearby tend to drop off between 08:00 and 09:00. Even so, there would be some clustering of trips in the am and pm periods.
16. By contrast, the Council's most recent TRICS data suggests that the proposal would generate 287 vehicle movements per day. However, I am advised that in responding to the September 2022 application for a 111-place nursery, the Council itself anticipated a total of 144 vehicle movements per day, which was broadly consistent with the trip levels predicted in the transport evidence for that scheme. It also appears that the Council's latest TRICS data has been derived from assumptions based on a 111-place nursery, which is no longer the case and therefore not directly applicable to the current proposal. As such, I have relied on the appellants TRICS data for the purposes of my assessment.
17. The Demand Assessment submitted with the application, highlights that a significant number of children under four reside within one mile of the site, a distance regarded as a reasonable nursery catchment (around a 20-minute walk). As such, it is expected that many Gerrards Cross residents would walk to the nursery. The appeal site's location is also convenient for commuting parents heading to London, while flexible working trends also support walking trips, with parents able to drop children off and return home on foot.
18. The appellant also suggests that Gerrards Cross is a substantial settlement, and a significant proportion of staff can be drawn from the local population, thereby reducing the need for private car travel. For those residing further afield, as already stated, the town benefits from a well-connected railway station. The availability of these public transport options, combined with existing on-street parking restrictions, would act as a deterrent to car use and encourage staff to adopt more sustainable travel choices. As such, it is reasonable to conclude that staff would be able to access the nursery by sustainable modes of transport.
19. I am mindful that the Inspector in determining the previous appeal concluded that the combination of lawful on-street parking and off-street provision would ensure that overall parking demand could be met, even if not fully compliant with the CPG.
20. It is also relevant that the previous scheme incorporated a greater level of on-site parking, but this was to serve a larger nursery facility of 111 places. In contrast, the current proposal is of a reduced scale, and therefore the comparative parking requirement is correspondingly lower.

21. Against this background, although the proposal may not align with the CPG, I am satisfied that the combination of the reduced scale of the proposal, the availability of sustainable travel choices and lawful on-street parking, would be sufficient to accommodate the needs of the development without giving rise to unacceptable parking stress or highway safety concerns.
22. Parents arriving by car to drop off or collect children from the appeal site, in most cases, would need to cross Marsham Way with their child or children. From my observations, Marsham Way is a relatively straight carriageway offering good visibility with adequate street lighting. Accordingly, I am satisfied that such movements would not give rise to a highway safety hazard.
23. The Council's submissions appear to raise concerns regarding the adequacy of visibility splays from the forecourt of the appeal site onto the highway. I am advised that the existing care home use allowed for up to five vehicles to be parked within the forecourt, thereby generating a higher potential for vehicle movements. In contrast, because the submitted scheme restricts forecourt parking to a single disabled driver bay, this significantly reduces the number of vehicles entering and exiting at this point. On this basis the proposed arrangement would not give rise to conditions less safe than those already established.
24. For the above reasons, the proposal is unlikely to lead to significant additional on-street parking to the detriment of highway safety. As such, there would be no conflict with the Buckinghamshire Council Local Transport Plan 4 (adopted April 2016), which amongst other strategic aims, seeks to promote sustainable modes of travel while enhancing overall highway safety.
25. I also find no conflict with Policy TR7 of the South Bucks District Local Plan (adopted March 1999 and consolidated September 2007 and February 2011) ('LP') which aims to ensure that new development is accompanied by adequate and appropriately located parking provision. Its purpose is to safeguard highway safety and protect residential amenity by preventing overspill parking into surrounding streets. In this case, parking is provided nearby in a location capable of serving the development and which already accommodates non-residential parking activity. Accordingly, the proposal does not conflict with the overarching aim and purpose of this Policy.

Living conditions of neighbours

26. The prevailing character in the vicinity of the appeal site is residential. The appeal property is flanked by dwellings to the side and rear, with further housing located opposite on Marsham Way. Notwithstanding some highway related noise, I found that the rear garden of the appeal property, together with those adjoining it, offer relatively quiet and tranquil environments.
27. Although the extant use of the appeal property is a care home, this is a form of residential use with a degree of compatibility with the surrounding uses and character. The proposal would introduce a new commercial use adjacent to existing dwellings and given the activity associated with this, it is likely to generate noise and disturbance. As such, there are legitimate concerns about the potential for noise nuisance and the resulting impact on the living conditions of neighbours. To consider this, the proposal is supported with a Noise Impact Assessment ('NIA') along with other evidence in support of this. Together, these consider noise

associated with the development on nearby dwellings, which have been identified as Noise Sensitive Receptors ('NSRs') in the NIA.

28. The Council's Environmental consultees have queried the methodology of the NIA, including the observed background noise levels and wind speeds. The appellant has confirmed that while wind speeds were higher at the measurement station, the noise monitoring location was sheltered and unaffected. The recorded daytime background level of 38 dB LA90,T is consistent with residential conditions and matches results from a previous survey undertaken in 2022. On this basis, I am satisfied that the observed background noise data is robust.
29. Based on the evidence before me, it appears that noise arising from plant (air conditioning units) associated with the proposal, together with that generated by deliveries and collections of goods/waste, can be satisfactorily controlled through the imposition of planning conditions incorporating appropriate mitigation measures.
30. The garden of the appeal property would be used by nursery children for both outdoor learning and play. Play is an integral part of early years education and is typically energetic and vocal. It is therefore reasonable to expect regular noise from groups of children using the space.
31. The results of the NIA show that during use of the outdoor play area, average and maximum noise levels at nearby dwellings (NSRs) at ground level would be up to 40 and 46 dBA, respectively.
32. At first floor level the external levels are 45 dBA average and 52 dBA max. I am advised that with a partially open window providing 15 dB attenuation, internal levels would be about 30 dBA average and 37 dBA max.
33. The NIA advises that noise levels of such magnitudes are not considered to be particularly high and are commensurate with rural locations and of a similar magnitude to a loud whisper, or quiet voice.
34. The NIA was modelled on the basis of 56 children using the play area. The appellant has, however, indicated a willingness to accept a condition limiting use to a maximum of 40 children at any one time. On this basis, the predicted average noise level at the nearest NSRs would be reduced by approximately 1–2 dBA.
35. In light of the previous appeal decision the Council's Environmental consultee has questioned the use of average ('Leq') and maximum noise levels ('Lmax') in the NIA.
36. Whilst Leq provides a measure of average exposure and Lmax identifies the single highest event, neither metric adequately reflects the frequency, repetition, and unpredictability of peak noise events that are characteristic of children's play. These metrics smooth out or isolate peaks without reflecting the cumulative effect of repeated bursts of high-pitched, variable sound. It is precisely this irregular and concentrated nature of play noise that residents are most likely to perceive as intrusive, particularly when occurring in clusters at predictable times of day.
37. While the sound of children playing can form part of a residential soundscape, the proposal materially differs from incidental domestic activity. The presence of up to 40 children playing simultaneously within a defined outdoor area, directly adjoining neighbouring gardens, represents a concentrated and elevated level of noise that

is not typical of ordinary residential use. Unlike occasional play dispersed across private gardens, this activity would be organised, frequent, and of a scale that introduces a distinctive acoustic character into the locality, and perceptible even at modest decibel levels.

38. In addition to the direct noise from children, staff coordinating and managing groups will add further vocal activity, often raised to be heard over background play. Nursery-aged children are naturally excitable and less able to regulate their volume, particularly outdoors, where shouting, calling, and high-pitched vocalisations are common. This combination of staff direction and children's uninhibited play behaviour reinforces the variable and elevated nature of the noise, increasing its perceptibility and potential to disturb neighbouring residents.
39. The impact is particularly relevant given that some nearby gardens incorporate outdoor seating areas intended for leisure and relaxation. Even modest increases above the prevailing background can diminish the amenity of these outdoor areas, reducing their intended function as places of respite within the residential environment. This impact is likely to be compounded when windows are open in warmer months, allowing noise to carry directly into living spaces. As household and garden use will coincide with peak play periods, the potential for disturbance is increased, reducing the enjoyment of both indoor and outdoor environments.
40. Assertions that activities would not alter behaviour or amenity underestimate the perceptibility and cumulative effect of play noise. Its distinctive, intermittent, and high-pitched character is capable of prompting behavioural changes such as avoiding outdoor spaces, closing windows, or experiencing disturbance during peak periods, even where measured levels appear modest.
41. The nursery's capacity of 90 children introduces an additional consideration. In the absence of evidence on how outdoor play will be managed, it is reasonable to highlight that restricting the play area to 40 children at any one time could necessitate staggered or extended play sessions. Such an arrangement may increase the overall duration of outdoor activity and, in turn, the cumulative noise exposure experienced by neighbouring receptors. The appellant has indicated a willingness to submit a management plan for outdoor play. However, without the details of this, its effectiveness in addressing these concerns cannot be verified.
42. The assumption that a solid acoustic fence of 12 kg/m² would be sufficient is untested in practice and does not address the fact that play noise is airborne and often elevated, reducing the effectiveness of barriers.
43. Assertions that effects would remain below the Significant Observed Adverse Effect Level (SOAEL) fail to recognise the importance of the Lowest Observed Adverse Effect Level (LOAEL), at which adverse impacts on amenity may still occur and must be mitigated in accordance with the National Planning Policy Framework ('the Framework') and the Noise Policy Statement for England. Reliance on mitigation measures such as fencing and limits on numbers is untested against the elevated and variable character of play noise, and does not provide sufficient assurance that adverse impacts would be reduced to a minimum.
44. The proposal would also lead to an intensification of vehicular activity associated with the drop-off and collection of children. Evidence indicates that the closing of a car door generates a maximum external noise level of 71 dBA, with internal levels significantly lower (56 dBA with windows open and 46 dBA with windows closed). I

am advised that such noise is typical of residential environments and not unusual, and that the site's former care home use already gave rise to regular vehicular movements.

45. However, in considering vehicular activity in the context of the proposal, it is also necessary to account for the associated noise from parents and children talking, vehicles manoeuvring, and engines starting or idling during drop-off and collection periods. These activities, while individually modest, would occur near the appeal site, adding to the overall soundscape. When combined with car door closures, they create predictable clusters of transient but noticeable noise events. The combined effect of nursery drop-off and collection times would noticeably alter the area's sound environment, with the potential to disturb nearby residents enjoying their gardens or working from home.
46. In light of the above reasons, I conclude that with regard to noise, the proposal would harm the living conditions of neighbours. As such, this is contrary to Policy EP3 of the LP, which amongst other things requires that development does not harm the amenities of neighbouring properties by reason of noise.

Effects on Gerrards Cross Centenary CA ('the Conservation Area')

47. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 201 of the Framework further requires assessment of the particular significance of any heritage asset that may be affected by a proposal.
48. The Conservation Area encompasses the railway station, part of the commercial frontage along Packhorse Road, and extensive residential areas to the east and west. The settlement experienced notable expansion following the arrival of the railway and the opening of the station in 1906.
49. The Conservation Area derives its significance from both architectural and historic interest. It is characterised by two distinct zone, the Commercial Centre and the Garden Village, each reflecting the influence of the Garden Suburb movement. The architectural qualities are predominantly Arts and Crafts inspired, with features such as part-rendered elevations, tiled pitched or hipped roofs, and detached houses set within spacious plots, complemented by mock Tudor motifs in denser areas. This variety illustrates the careful planning and stylistic coherence that underpin the Conservation Areas character.
50. Historically, the Conservation Areas value lies in its early 20th-century development, prompted by the railway, which led to the creation of separate estates alongside a commercial hub. This pattern of growth is typical of garden suburbs of the period and contributes to the wider historic narrative.
51. The appeal site lies a short distance from the commercial centre but, in contrast, this part of Marsham Way experiences relatively low levels of activity. Despite some contribution from existing noise sources, it remains a suburban and comparatively quiet area, residential in character and consistent with historic land use.
52. In the vicinity of the appeal site, the Garden Village area is defined by the consistent presence of large, detached houses arranged in a planned form. Many

retain original Arts and Crafts features and are set within spacious gardens with mature vegetation, reflecting the garden city and garden suburb movements that shaped this tranquil low-density residential environment.

53. The appeal property is a detached building with a sizeable garden in the Garden Village area. Its permitted use is as a care home for elderly people, although it has remained vacant since 2021. While not formally identified as a positive contributor, I do not accept that its role is neutral. The building is still recognisable as a mock Tudor property typical of the Garden Village character zone, and its scale and form, reinforce the planned suburban layout. Although successive alterations have affected some elements, its essential architectural qualities and contextual presence remain intact, allowing it to make a meaningful contribution to the rhythm and consistency of Marsham Way.
54. By virtue of its scale, form, vernacular style, low-key consented use, and retained Arts and Crafts influences, I consider the appeal site to contribute positively to the character and appearance of the Conservation Area and its overall significance.
55. Proposed modifications include replacement doors, rooflights, re-glazed windows, and window removal. These could be managed through conditions to ensure appropriate materials. Given the limited extent of new development and its position largely to the rear, these changes would not be harmful. The plans also suggest the play area could be designed to retain existing trees that contribute positively to the Conservation Area.
56. However, even on the basis of the appellant's predicted vehicle movements, the proposal would lead to a marked intensification of use and activity. This would include increased comings and goings by various transport modes, associated noise from arrivals and departures, and peaks in activity from day-to-day operations such as groups of children playing outdoors and routine servicing. Such activity levels would be at odds with the established residential character.
57. While matters such as hours of use and plant noise could be controlled through conditions, the overall level of noise, disturbance, and activity would remain substantially out of keeping with the residential character and would cause harm to the character and significance of the Conservation Area.
58. Therefore, although the proposal would not be visually incongruous, it would nonetheless cause harm to the character and significance of the Conservation Area. I consider such harm to be less than substantial in the context of the Framework.
59. The suggestion that the harm would be of a low level underestimates the cumulative and contextual impact of the proposed change of use.
60. The Conservation Area derives its significance not only from architecture, and history but also from collective qualities of tranquillity, coherence, and quiet residential character. An intensification of activity at the appeal property, particularly through concentrated noise, repeated clusters of arrivals and departures, and associated disturbance, would materially erode those qualities and extend adverse effects into the wider area. While parking provision in the area may be adequate, this does not mitigate the impact of regular, concentrated activity at a single property, which would represent a discernible and adverse

change to its character. Within the spectrum of less than substantial harm, I consider the harm to amount to a moderate level.

61. The public benefits associated with the proposal, as set out under 'other considerations,' are considerable. However, having regard to the less than substantial harm identified, these benefits are not sufficient to outweigh that harm when attaching great weight to heritage impacts in accordance with the Framework and the requirements of the Act.
62. For the above reasons, I also find conflict with Policies EP3 and C1 of the LP, which require uses to be compatible with and not detrimental to local character or amenities, and to preserve or enhance conservation areas. There is also conflict with the provisions of the Framework for safeguarding heritage assets, including paragraph 210(c), which emphasises the desirability of new development making a positive contribution to local character and distinctiveness.

Other Considerations

63. I am advised that Gerrards Cross has a sizeable population, including many young children, but nursery provision is limited. Provision for babies is particularly scarce, and full-day places that align with standard office hours are not widely available. Options for commuting parents are further constrained, with only a small number of suitable places near the train station and all nurseries closing relatively early in the evening. I am also advised that alternative sites in Gerrards Cross are unsuitable or too small, and no new nursery applications are currently pending. Therefore, I acknowledge that there is considerable demand for early years provision.
64. Moreover, Paragraph 100, of the Framework requires me to give great weight to the need to create, expand or alter early years facilities.
65. The proposed nursery would create a number of new jobs, both during construction and once operational. It would make a notable contribution to the local economy, with the construction phase generating a significant one-off boost and the ongoing operation providing a sizeable annual uplift. In addition, the scheme would deliver considerable revenue to the public sector over time. Beyond these economic benefits, the nursery would also secure physical improvements to the building and bring it back into active use. The nursery would play an important social role by supporting parents, particularly mothers, to remain in employment, thereby strengthening workforce participation and family wellbeing.
66. The submitted Biodiversity Net Gain assessment confirms a modest exceedance above the 10% statutory requirement.
67. In summary, the proposal would respond to demand for early years provision in Gerrards Cross, a matter to which Paragraph 100 of the Framework requires that great weight be attached. It would also deliver wider social, economic, and environmental benefits, including job creation, economic uplift, biodiversity net gain, and the re-use and improvement of a vacant building. Collectively, these benefits are considerable and weigh positively in the planning balance.

Planning Balance and Conclusion

68. Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
69. I have found that the proposal would not be detrimental to highway safety. On the other hand, the proposal would harm the character and significance of the Conservation Area and the living conditions of neighbours with regard to noise. Such harm and conflict with the development plan and similar aims of the Framework attracts substantial weight.
70. Having taken account of the other considerations in support of the proposal, I do not consider these to be sufficiently forceful, to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this case, the material considerations do not justify a decision other than in accordance with the development plan taken as a whole.
71. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR