
Appeal Decision

Site visit made on 2 December 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 January 2026

Appeal Ref: APP/P1940/W/25/3371840

L S G Litho, Unit 8, Moor Park Industrial Centre, Tolpits Lane, Watford WD18 9SP

- 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 Mrs N O'Sullivan against the decision of Three Rivers District Council.
 - The application Ref is 25/0918/FUL.
 - The development proposed is the change of use from Class B2/B8 (Storage) to Class E (Gym).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development is located in an appropriate location with respect to local planning policy; and
 - the effect of the proposed development on highway safety, with particular regard to parking provision.

Reasons

Suitability of location

3. The appeal property is located within the Moor Park Industrial Estate, part of the wider Tolpits Lane employment site. The property is a vacant, one and a half storey industrial building forming part of a terrace of ten units, the majority of which are occupied. Planning permission is sought for the use of the property as a gym, which in accordance with the Town and Country Planning (Use Classes Order) 1987 (as amended) falls within Class E(d) and is not regarded as an employment use.
4. The Core Strategy [October 2011] (CS), within Policy CP6, identifies that the sustainable growth of the Three Rivers economy will be supported by, amongst other things, focusing employment uses within key employment areas and retaining general industrial and warehousing space in employment use. The policy identifies the key employment areas include the Tolpits Lane employment site. Policy SA2 of the Site Allocations Local Development Document [November 2014] safeguards allocated employment sites, such as the Tolpits Lane employment site, for employment business, industrial and storage uses.
5. The requirement for the property to remain in employment use is further supported in Policy BW CO7 of the Batchworth Neighbourhood Plan 2023-2038, made in

May 2025 (NP). This policy also identifies that proposals within the Tolpits Lane area must contribute towards improving public transport and active travel options.

6. The South-West Hertfordshire Economic Study [2024] identifies that there is likely to be a shortfall of 9.5 hectares of employment land across Southwest Hertfordshire between 2021 and 2041. In the Three Rivers District specifically, the study noted that the supply of B2 and B8 employment land falls below the supply levels identified to meet the required need. This places a premium on the protection and retention of employment land within the district.
7. The existing use of the appeal property falls within the B2/B8 use class as general industrial and warehousing which is an appropriate use for the allocated employment site. Aside from the Council's reference to the 2024 Economic Study, no evidence is before me regarding the supply of small B2/B8 units, the market requirements for such units or marketing evidence to illustrate that the unit is either not required or fails to meet current market requirements. Consequently, the proposed use as a gym would conflict with CS Policy CP6.
8. For the above reasons, the development is not located in an appropriate location with respect to the spatial strategy for the district. Accordingly, the development conflicts with CS Policy CP6, Policy SA2 of the Site Allocations LDD and NP Policy BW CO7, the requirements of which have been outlined above.

Highway Safety

9. The appeal property has available parking to the front of the existing unit for three vehicles. As an existing B2/B8 use, LDD Policy DM13 and Appendix 5 of the Development Management Policies LDD require the use to have five parking spaces and 1.8 lorry spaces; a parking provision which the existing use fails to accord with. Considering the zonal reduction for non-residential development within Policy DM13 and Appendix 5, the required provision for the gym would be a minimum of twelve parking spaces.
10. Most of the units within the Moor Park estate are occupied. As a result, parking provision within the site is at capacity. Furthermore, parking demand is oversubscribed with vehicles parked on the roads and on pavements within the estate. Capacity is further reduced to the terrace of ten units, including the appeal property, as a result of traffic associated with the existing uses including car repairs and a gym. I am also aware that some of the offices within the wider Tolpits Lane site have been converted to residential dwellings, which may be further reducing parking capacity across the wider employment area.
11. I note that the proposed initial opening hours of the proposed gym would occur outside the general daytime working hours of the employment site and, as a result, parking may be available across the wider Moor Park estate for the gym clientele. However, as the opening hours are identified as initial hours only, even if they were to be controlled via a planning condition, the opening hours do not necessarily relate to the parking provision required.
12. No detailed information is before me regarding the site's accessibility by means other than the private car. However, Hertfordshire County Council Highways Department has identified that Tolpits Lane, and its associated employment sites, are not served by any public bus services. Moreover, the appeal site is also not within walking distance of a railway station and would not be readily accessible on

foot or by bicycle. Subsequently, the appeal site is not situated in a location that is readily accessible by sustainable modes of transport, and the proposed use is likely to create greater parking demand than Policy DM13 has identified as being required. This is also likely to be required as the appellant has identified a large waiting list of over two hundred children with additional needs and/or disabilities for the gymnastics club that is proposed to operate from the employment unit.

13. Furthermore, information is not before me as to how the children, alongside other users and staff, would access the site; the likely length of visit; whether specialist transport and subsequent parking would be required to accommodate children with additional needs and/or disabilities. A parking survey to demonstrate that ample parking is available during the proposed opening hours has also not been provided. As such, the plans and information fail to demonstrate that sufficient parking and accessibility is available for the proposed use. Consequently, the proposed use could give rise to poor and displaced parking that would result in potential conflict with pedestrians and other road users within the estate and could lead to significant trip generation that would be over and above that for a B2/B8 use.
14. Accordingly, the proposed development would conflict with CS Policy CP10 and Policy DM13 and Appendix 5 of the Development Management Policies LDD. The requirements of which require development to make provision for parking in accordance with the parking standards; to be located to minimise the impacts of travel by motor vehicle and, makes adequate provision for all users, including car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians. As I have concluded that the site is also not located in an accessible location, the proposal would also conflict with CS Policy CP1 which provides an overarching policy for sustainable development.

Other Matters

15. The appellant has drawn my attention to both the Council's Community Strategy – 'A District of Connected Communities' and the Play Space Strategy 2025-2030. These documents, whilst not before me, seek to provide access to services that improve physical and mental health, address health inequalities and provides inclusive, accessible, community co-designed spaces.
16. It is stated that that the existing gymnastics club requires a further venue with a tall ceiling height in which to operate as the current facility is at capacity and that generally, use class E units do not meet requirements. However, there is no evidence before me to demonstrate that the appeal site is the only available option.
17. The facility would offer inclusive programmes and support to local families, including those with children with disabilities and/or additional needs. I recognise the many letters of support on this subject, the majority of which are from parents of children, with and without special educational needs and/or a disability, who are members of the Watford Gymnastics Club. I also acknowledge the role that the gymnastics club play within the community and in the life of the children within the club. The facility would also provide local employment, volunteering, and training opportunities for young people and those with special educational needs and disabilities. These points support the proposal. However, as a planning permission runs with the property, in the absence of a legal agreement or other mechanism to

secure their provision alongside the use of the premises by the Gymnastics Club, there would be nothing to prevent the premises from being operated, now or in the future, as a normal gym without these benefits. Consequently, I am only able to afford moderate weight to these considerations in favour of the appeal.

Planning Balance and Conclusion

18. The proposed development is not located in a location that is accessible by sustainable modes of transport, and it would be located within allocated employment land which is safeguarded for B2 and B8 uses. As such the proposal conflicts with the policies of the Core Strategy, the Site Allocations LDD, Development Management Policies LDD and the Batchworth Neighbourhood Plan.
19. The proposed development's public benefits attract moderate weight, however, they would not, outweigh the conflict with the development plan outlined above and the harm associated with the development in this location.
20. I have had due regard to the Public Sector Equality Duty (PSED) set out under the Equality Act 2010. Dismissing this appeal could lead to the intended future occupiers of the employment unit being unable to find suitable accommodation for the gymnastics club. The harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination advancing equality of opportunity and fostering good relations between persons who share a relevant protected characteristic (which includes disabilities and special educational needs), and persons who do not. In having due regard to the PSED, the adverse effects of dismissing this appeal on persons with protected characteristics would, on the basis of the evidence before me, be proportionate in this instance when balanced against the well-established and legitimate planning purposes of national and local planning policies.
21. For the reasons given above, 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. The appeal should therefore be dismissed.

P Brennan

INSPECTOR