



Appeal Decision

Site visit made on 23 October 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 February 2026

Appeal Ref: APP/M5450/W/25/3370361

8 Partridge Close, Stanmore, HA7 4YP

- 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 Ms Malahat Otoofi against the decision of the Council of the London Borough of Harrow.
- The application reference is PL/1019/25.
- The development proposed is “Residential C3/Childcare on domestic premises (Sui Generis)”.

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The appeal scheme was described on the planning application as “Retrospective use Residential C3/Childcare on domestic premises (Sui Generis) at 8 Partridge Close, Stanmore, HA7 4YP”. I have omitted the address and the reference to permission being sought retrospectively in the banner heading above, as these elements are not descriptive of development.
3. The appeal relates to a detached dwellinghouse, used by the appellant for the provision of day childcare as well as their residence. It has a detached garage and private rear garden, and is on a modern suburban residential estate characterised by properties of similar size and style.
4. The submitted information states that the facility would be for a maximum of 15 children aged from 0 to 4 years, with up to three staff (as well as the appellant) present on site. I understand that at the time the planning application was made there were only six children attending the facility; on the day of my site visit only one child was there, so I was unable to see the operation at full capacity. Nevertheless, I have gained a good understanding of the layout and function of the property, and its relationship with the surrounding area.
5. The decision notice issued by the Council gave two reasons for which planning permission had been refused, though there was considerable crossover between the two. Based on all the evidence before me, I consider the main issues in this appeal to be:
 - Whether it has been adequately demonstrated that there is a need for a childcare facility in this location; and
 - Whether the development represents an inappropriate intensification of the use of the site, with particular regard to accessibility and its effects on living conditions for neighbouring residents (notably noise disturbance).

Reasons

Need

6. Policy DM 46 of the 2013 Harrow Development Management Policies Local Plan (“the DMPLP”) and Policy S3 of the London Plan 2021 are supportive of the provision of new community, education and childcare facilities. Among other things, these policies require that such facilities should be in areas of identified need and within the community they are intended to serve, in locations with good public transport accessibility, and that they should not have an adverse impact on residential amenity or highway safety.
7. The application included an assessment of childcare demand based on an estimate of the population within 1km of the site and existing childcare provision within the local area. It concluded that there was a shortfall of 251 childcare places for the 0 to 4 age group, and that there was thus a need for an additional facility. The population estimate was calculated simply by applying the average population density for the borough to that 1km circle; however, as the 1km radius includes large areas of open space (including parts of Stanmore Country Park), and the residential areas are, as far as I could see during my visit, generally of a low density, it seems to me that that methodology has significantly overestimated the local population. The shortfall was also calculated on the basis that *all* children within the target population would need childcare places, which also does not strike me as a realistic assumption.
8. While the appellant has evidently identified a business opportunity at the site, and I note the positive testimonials from clients in the supporting Business Statement, I am not satisfied that the submitted assessment offers sufficiently robust evidence of need. I note that the appeal site has a Public Transport Accessibility Level (“PTAL”) of 2, which signifies that it has poor public transport connectivity; this factor also weighs against the provision of a childcare facility at this location.
9. I find that it has not adequately demonstrated that there is a need for an additional childcare facility in this location. The development therefore conflicts in this respect with Policy DM 46 of the DMPLP and Policy S3 of the London Plan 2021, the principal relevant requirements of which I have set out above. I address matters relating to residential amenity and highway safety in my assessment of the other main issue below.

Intensification

10. The appeal property was built with five bedrooms, all on the first floor. Two of the bedrooms, and one living room on the ground floor, are now given over exclusively to the childcare use; this amounts to around one quarter of the floorspace of the property¹. The hallway, and the kitchen and tv room, on the ground floor are also used in the provision of childcare, although not exclusively. The rear garden has been divided so that part – around a third, by my visual estimate – is given over to outdoor play space for the children, while at the front of the house the driveway leading to the double garage is used as a drop off and pickup zone for parents’ vehicles. Altogether, the childcare use occupies a substantial part of the appeal

¹ The appellant’s calculations on this vary slightly, though not significantly. The Planning Statement said 28.8%, the Appeal Statement 22%; I have taken a rough average here.

property, albeit that the “dual purpose” areas make it difficult to quantify precisely. However, intensification is not simply a question of the amount of floorspace used.

11. Given the relatively poor public transport connectivity, I consider it likely that many staff and children will come to the site in private vehicles, though there is no “real life” information before me on this matter. The submitted transport statement suggested that “childcare facilities by their nature attract users from the local community”, though my own (personal and professional) experience suggests that other locational factors – such as being close to, or on the driving route to, a parent or carer’s workplace or a convenient transport hub – can draw in users from further afield. Similarly, while I note that the staff are not permitted to park on the two spaces within the appeal site, the implication in the transport study that no more than one of them would be likely to drive to work is somewhat at odds with what I have seen in comparable situations elsewhere.
12. The highway authority consultee acknowledged that *overall* trip generation would be broadly comparable to that which might be expected for a large family dwellinghouse, and that there would be no significant negative impact on the performance or safety of the surrounding highway network. Notwithstanding my own reservations about the extent to which the use would actually, rather than theoretically, depend on car use, I accept their conclusion.
13. However, Partridge Close, together with Rees Drive from which it is entered, is a long cul-de-sac, with a relatively narrow shared surface. The appeal site is close to the far end of the cul-de-sac from the main access off the A410 London Road. Traffic movements associated with the childcare use are concentrated rather than evenly spread, with a particular focus on the morning peak. Staff would be arriving and parents or carers would be dropping children off at about the same time as many residents of the streets are leaving for work. The daily comings and goings, especially of staff or clients in vehicles, while not necessarily crossing any thresholds in terms of vehicular conflict or the safe operation of the highway, would represent a significant intensification in the use of the appeal property. Disturbance – including from the sounds of vehicles manoeuvring, car doors being closed and so on – would be obvious to neighbouring residents, and would have an adverse impact on their quality of life.
14. The appellant has put forward a management plan which includes allocating specific time slots for dropping off and picking up intended to ensure that not all children are arriving or leaving at the same time. However, to my mind that particular measure seems unlikely to survive contact with the real world, in which children are not ready to leave home on time, roadworks interfere with journey times, or a meeting overruns, to pick a few obvious examples which might typically throw a spanner in the works for a parent. The proposal that staff would “assist during these times to ensure a smooth and quick handover, minimising waiting time for vehicles” would effectively mean there being a marshalling system in place for periods of the day. This would again serve to emphasise the intensification of the use of the property, and would be quite at odds with the generally calm residential nature of the cul-de-sac.
15. The use of the rear garden for outdoor play would also increase noise levels; while the sounds of children playing are an established feature of residential areas, and indeed not necessarily seem as negative by all, there is the potential for unacceptable noise disturbance, particularly affecting occupants of the

neighbouring No 7. A noise survey prepared by LCP Acoustics was submitted with the planning application; it concluded that “providing no more than four children use the external garden, and that the garden is used for a maximum of 20 minutes in a one-hour period, then LCP conclude that there may be a neglectable change in the ambient noise level which will likely be unnoticed at neighbouring residential receptors”.

16. The appellant has indicated a willingness to have a condition imposed which would limit the use of the garden in line with LCP’s advice, and has suggested that “numerous LPAs” have used similar conditions. However, while the examples referred to seek to limit the number of children allowed in a garden at any one time, the times of the day during which a garden can be used for play, or both, none appears to be so onerous as to limit both the number of children allowed to play in a garden *and* the number of minutes in any given hour for which it can be used. I am not persuaded that such a condition could be monitored or enforced nor, as it would be likely to limit children’s outdoor play to a few minutes every two or three hours at most throughout the year, am I even convinced that it would be desirable from a childcare point of view. The suggestion in the management plan that children would be “encouraged to engage in quieter outdoor activities that promote learning and exploration without creating excessive noise” seems, again based on personal and professional experience of witnessing children playing outdoors, even in small groups, not to be entirely realistic.
17. Taking all of this together, I conclude that the development represents an inappropriate intensification of the use of the site. It therefore conflicts with Policy DM 33 of the DMPLP which, while supportive of “ancillary economic activity at home” requires that there should be no detrimental impact upon the amenity of neighbouring residential occupiers, and with Policy DM 46 which imposes the same requirement on community and educational facilities. There would also be conflict with Policy DM 1 of the DMPLP and Policy D3 of the London Plan 2021, which in general seek to protect amenity, and with Policies D13 and D14 of the London Plan 2021 which seek to reduce, manage and mitigate noise and other disturbance, including by applying the “agent of change” principle.
18. Notwithstanding that the childcare use occupies a considerable part of No 8, and I have therefore found unacceptable intensification, it still remains able to function as a substantial family dwelling alongside the childcare role, and evidently meets the needs of the appellant in this respect. While I find no conflict on this matter with Policy H8 of the London Plan 2021, which seeks to prevent a loss of housing, this does not alter my overall conclusion on this main issue.

Other Matters

19. The appellant has drawn my attention to cases in Fareham², Havering³ and Gedling⁴ where planning permission has been granted for the use of properties as childcare facilities, including nurseries. All relate to dwellinghouses in suburban locations, but beyond that there is little to show that the relevant issues are directly analogous to those before me in this appeal. They do not carry significant weight in favour of the appeal proposal.

² LPA Ref: P/16/1185/CU

³ LPA Ref: P1104.19

⁴ LPA Ref: 2021/0238

Conclusion

20. I have found that the need for a childcare facility at this location has not been adequately demonstrated. I have also found that the change of use has led to an unacceptable intensification of the use of the site, with consequent adverse impacts on neighbours' living conditions. The use therefore conflicts with the development plan taken as a whole. There are no material considerations which indicate that the appeal should be determined other than in accordance with the development plan.
21. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector