
Appeal Decision

Site visit made on 12 September 2025

by **A Oyebade MSc FCILT**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2026

Appeal Ref: APP/D5120/W/25/3361074

125 Crayford Road, Crayford, Dartford DA1 4AS

- 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 S Akhtar against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/02854/FUL.
 - The development proposed is change of use of the existing dwelling house (C3) into a day nursery (E(f)).
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - the effect on housing provision in the area;
 - adequacy of the transport impact assessment; and
 - the effect on the living conditions of occupiers of neighbouring dwellings.

Reasons

Effect on housing provision in the area

3. This area is primarily a residential street characterized by dense early 20th-century two-storey terraced houses, with a mix of modern flats and pockets of light industrial and commercial buildings nearby. The appeal site contains a forecourt parking area capable of accommodating only a limited number of vehicles and provides no space for vehicle manoeuvring. During my site visit, I observed a substantial volume of vehicular traffic along this section of Crayford Road.
4. The appeal proposal seeks to change the use of this three-bedroom family dwelling to a nursery accommodating 30 children, supported by a staff team of nine. Policy DP6 of the Bexley Local Plan (Adopted April 2023) sets out the circumstances in which a development that results in the net loss of all or part of a dwelling may be supported. Such proposals will generally be acceptable where:
 - the development replaces a ground-floor residential unit within a town centre with a ground-floor main town centre use;
 - the proposal involves replacing significantly substandard units with a reduced number of high-quality homes; or

- the loss of the dwelling enables the delivery of a community facility appropriate for residential areas, provided it would not give rise to significant adverse impacts on neighbouring properties.
5. Policy H8 of the London Plan (Adopted March 2021) introduces a further requirement regarding the loss of housing, stating that any existing residential floorspace that is removed should be replaced with new housing at the same or higher density, and with at least an equivalent overall amount of floorspace. The appellant submits that there would be no perceptible change in the character of the use of the land. However, the central issue remains the need to safeguard prevailing dwellings.
 6. The appellant argues that the Council's development plan contains no policies that expressly oppose the establishment of day nurseries. They rely on Policy DP6 of the Local Plan, which permits the loss of a dwelling in certain circumstances, and contend that the proposal qualifies as a community facility. While I acknowledge that Policy DP6 of the Bexley Local Plan does allow the loss of a dwelling to enable the provision of a community facility, this is subject to the requirement that such development must not harm the living conditions of neighbouring residents or detract from the character and amenities of the area.
 7. There is no evidence before me to show that the locality suffers from a shortage of this type of community facility, nor has a childcare needs assessment been provided to indicate that demand significantly exceeds existing provision. The submission also lacks information on current nursery provision or relevant catchment areas. In addition, no sequential site assessment has been undertaken to demonstrate that more suitable locations, such as designated town centres, sites near schools, or established community facilities, are unavailable for the proposed nursery. Consequently, the appellant has not demonstrated that the development would comply with the exceptional circumstance as a necessary community facility, to justify the loss of existing housing at this location.
 8. The appellant contends that the appeal proposal would not result in the permanent loss of a residential unit because the property can easily revert to its original residential use following the cessation of this alternative use. However, once the building is upgraded to a nursery, it would fall within the 'Commercial, Business and Services' use class. Any subsequent reversion to housing would then require a formal planning application. This additional requirement may deter prospective purchasers seeking family accommodation, thereby materially reducing the likelihood of the property being returned to housing use in the future. I therefore consider that the development would contravene Policy DP6 of the Bexley Local Plan.

Adequacy of the transport impact assessment

9. The appellant maintains that the proposal would not give rise to vehicles parking outside the appeal site, asserting that any displaced parking would occur a short distance away within off-street locations. It is further stated that parents would not use the hardstanding to the front of the property, as this would be reserved for staff. However, no evidence has been provided to demonstrate that parents would have access to alternative off-street parking, nor is there any indication of how restrictions preventing parents from parking on the adjoining road when dropping off or collecting children would be secured or enforced.

10. The appellant further argues that although staff vehicles would need to reverse onto the carriageway, the road benefits from good visibility and such manoeuvres are lawful within a residential context. Nonetheless, in my view, the intensity of vehicle movements associated with a nursery accommodating 30 children would be substantially greater than that generated by a single-family dwelling. As the appeal site lacks any dedicated turning space, vehicles using the forecourt would routinely be required to reverse directly onto a busy road. This would also heighten the likelihood of parents undertaking unsafe or unlawful manoeuvres when dropping off or collecting children. In my judgement, this pattern of activity would create an unacceptable risk to highway safety at this location.
11. Moreover, the appellant contends that these transport issues could be resolved through a planning condition requiring the submission of a Travel Plan. Such a document, they argue, would regulate drop-off and pick-up times, outline measures to manage traffic flows, including parking arrangements, and promote strategies to reduce reliance on private vehicles by encouraging sustainable travel modes. Nevertheless, the key components of any Travel Plan, particularly those relating to car parking and the safe access and egress of vehicles at the appeal site, should have been demonstrated from the outset, in accordance with the requirements of paragraph 115 of the National Planning Policy Framework (“the Framework”). Accordingly, the appeal proposal would result in harm to highway safety in this location and would conflict with Policy DP24 of the Bexley Local Plan.

Effect on the living conditions of occupiers of neighbouring dwellings

12. The appellant explains that they own and operate several other day nurseries in comparable residential areas, and that these do not give rise to issues for local residents. It is stated that the management team is experienced in minimising noise during operational hours, including through the supervision of all external play. The appellant also suggests that, if necessary, noise-mitigation measures could be secured by condition through the submission of a Noise Management Plan (NMP). On this basis, they contend that noise levels would likely be lower than those associated with an unmanaged single dwellinghouse, and that there is no requirement for such information to be provided prior to determination, particularly as the proposal would be comparable to the existing use in terms of noise generation.
13. I do not accept this position. Noise is a fundamental issue that must be addressed at the application stage. Furthermore, the Council’s Environmental Service has identified additional concerns regarding internal noise transmission to the adjoining property. It also considers that, given the limited size of the garden and its proximity to neighbouring dwellings, the noise and disturbance generated by the proposed use would be unavoidably intrusive and detrimental to neighbouring amenity. I agree with the Council’s assessment. I find that the proposal would result in an adverse impact on the living conditions of neighbouring occupiers due to noise, and therefore fails to safeguard residential amenity.
14. Furthermore, the cumulative effects of increased footfall, associated conversations between parents, and additional vehicular movements, particularly during peak drop-off and pick-up times, have not been quantified or demonstrated. Although the appellant asserts that pedestrian and vehicle activity would be staggered, I concur with the Council that the proposal lacks detailed information on the measures intended to address potential impacts, such as increased noise and general

disturbance that the proposed use would bring to the area. I am not therefore satisfied on the evidence before me that the potential for noise and disturbance could be satisfactorily controlled by means of a NMP.

15. The appellant maintains that the Council has produced no substantive evidence to demonstrate that the proposed development, asserted to be comparable to the existing single dwelling, would cause World Health Organisation (WHO) noise thresholds to be exceeded at nearby properties, whether in bedrooms, living rooms, gardens, or external areas with open windows. On this basis, they argue that noise levels would remain unchanged and would likely fall below WHO benchmarks. However, as set out above, the appeal proposal, a nursery accommodating 30 children, differs fundamentally from a single residential dwelling and I consider that a material increase in noise and disturbance would be an inevitable consequence of the proposed use, particularly given the proximity of neighbouring dwellings and the physical characteristics of the site.
16. The Council also highlights that such disturbances, while not classed as statutory nuisances under the Environmental Protection Act 1990, would nonetheless adversely affect the quality of life for neighbouring residents. As a result, the Council would have very limited enforcement powers were complaints about noise disturbance to arise. Consequently, the appeal proposal would harm the living conditions of the occupiers of neighbouring dwellings, contrary to Policy DP11 of the Bexley Local Plan and Policies D3, D13 and D14 of the London Plan.

Other matters and planning balance

17. The appellant contends, as a potential fallback position, that the proposal does not constitute development under section 55 of the Town and Country Planning Act 1990, referring to various case law authorities and arguing that a change between Use Classes cannot amount to a material change of use. Nevertheless, one of the statutory limbs of “development” includes “the making of any material change in the use of any buildings or other land.” Given my findings above, it is clear that it would result in a change in the character of the use and hence would amount to a material change in use.
18. The appeal site is well located in relation to a range of services and facilities, and the proposal would deliver some social and economic benefits during the period of internal works and once in operation. However, having regard to all the evidence before me, I find that the development would result in harm to housing provision, to highway safety, and to the living conditions of neighbouring occupiers. I consider that this harm would be lasting. When the proposal is assessed against the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the identified benefits. The scheme therefore does not benefit from the presumption in favour of sustainable development set out in paragraph 11 of the Framework.

Conclusion

19. Having considered all other material factors relevant to the proposed development, none provide sufficient justification to depart from the provisions of the development plan. Accordingly, and for the reasons set out above, I conclude that the appeal should be dismissed.

A Oyeade
INSPECTOR