

PLANNING COMMITTEE – 31 July 2025

25/0666/FUL - Change of use from Class F.2b (Local community hall or meeting place for the principal use of the local community) to Class E (f) (Creche, day nursery or day centre; not including a residential use) at BULLSLAND HALL, BULLSLAND LANE, CHORLEYWOOD, WD3 5BQ.

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 23.06.2025
Extension of time: TBC

Ward: Chorleywood South and Maple Cross.
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused.

Reason for consideration by the Committee: Three Rivers District Council are the freeholder of the land.

1 Relevant Planning History

- 1.1 05/1730/FUL - District Council Application: Single storey side extension - Permitted

2 Description of Application Site

- 2.1 The application site is located on the northern side of Bullsland Lane, Chorleywood. The site contains a single storey detached building with an area of hardsurfacing and an area of lawn to the front with a notice board, bin and bench.
- 2.2 The land and building are owned by TRDC but are leased to Chorleywood Parish Council for a number of years. The building is currently used as a local community hall and meeting place (Use Class F.2b).
- 2.3 To the south west of the application site is a path which connects Bullsland Lane and Bullsland Gardens. Within Bullsland Gardens there are bungalows for the over 55s as well as two storey residential dwellings.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for a change of use from Class F.2b (Local community hall or meeting place for the principal use of the local community) to Class E (f) (Creche, day nursery or day centre; not including a residential use).
- 3.2 The intended occupier is a childminder, they wish to relocate their business from their current home to Bullsland Hall.
- 3.3 It is pertinent to note that the change of use is not proposed to be restricted to this specific individual, but to a use as a 'Creche, day nursery or day centre' by any operator. However, the intended operational plan of this individual is summarised below.
- 3.4 It is intended that initially there would just be one adult offering childcare for a maximum of 6 children (in line with the individual's current Ofsted registration). If demand increases then they would look to take on additional adults. The maximum number of children cared for at any one time will be 18, depending on ages and space, with a maximum of 3 adults (less children of a younger age owing to ratio requirements adults: children). The applicant has advised that generally there would be 12 children. The building currently has a main room to the front (30sqm in area) with a store in addition to a kitchen and toilet facilities. All parts would be subject to the change of use.

3.5 Whilst a fence is referenced in the submission it does not form part of the development description.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: No response received.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6

4.2.2 No of responses received: 4 objections

4.2.3 Site Notice: Not required. Press notice: Not required.

4.2.4 Summary of Responses:

- Parking/traffic impacts
- Impact on elderly neighbours from noise
- Waste generation
- General noise impacts
- Not an appropriate location
- Already a nursery on Heronsgate Road
- Poor outside space

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2024 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP6, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM4, DM6, DM10, DM12, DM13 and Appendix 5.

The Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

6.3 Other

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 **Planning Analysis**

7.1 Principle of Development

7.1.1 The Core Strategy (adopted October 2011) sets out a Spatial Vision which states that, looking forward to 2026 and beyond, the District will remain a prosperous, safe and healthy place where people wanted and are able to live and work.

7.1.2 There are two main factors to consider in relation to the principle of the proposed development. Namely the loss of the existing use and then the acceptability of the proposed use. These are taken in turn below.

7.1.3 Policy DM12 of the Development Management Policies LDD sets out expectations for community, leisure and cultural facilities. The supporting text to Policy DM12 sets out that community, leisure and cultural facilities will include 'schools', and Officers consider that a nursery/preschool would also fall under this category. However the loss of the current use still needs to be assessed.

7.1.4 Policy DM12 sets out:

a) Protection

Proposals for the redevelopment or change of use of any premises resulting in the loss of facilities or services that support the local community will only be permitted where the Council is satisfied that:

i) The existing facility can be satisfactorily relocated within the development; or

- ii) The use concerned is not economically viable, could be provided by some other means, or it can be demonstrated that there is no longer a demand for the use; or
 - iii) The premises or site cannot readily be used for, or converted to, any other community facility and:
 - iv) The facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in an appropriate alternative location, served by sustainable modes of transport.
- b) Where a use is no longer economically viable, the Council will require supporting information setting out reasons as to why the use is no longer viable and cannot be made viable in the foreseeable future. This may include details of previous use, accounts and marketing information demonstrating that the premises has been marketed for use as a community facility for a reasonable length of time and that no suitable user has been/or is likely to be found.

7.1.5 The applicant has advised that there are no current regular weekly hirers of Bullsland Hall. This is mainly due to the limited internal space. Active promotion of availability and advertising has been undertaken however underutilisation has been a consistent problem since the Covid pandemic/Since April 2022. TRDC for polling days and an occasional local religious group have been the only users. The Chorleywood Community Shed (run by the Parish Council) will move to the allotment site in due course and can be accommodated at the War Memorial Hall or Common Road for their current weekly meeting. Given the under use of the existing building, that any existing use can be accommodated elsewhere and that the proposed use would still fall within a 'community use' for the purposes of Policy DM12 it is not considered that the loss of the existing use would prejudice the local community from the loss of a community facility.

7.1.6 In addition, the supporting text to Policy DM12 states that the Council '*will support in principle the implementation of strategies by partner organisations to address deficiencies and to realise enhancements of education, health and cultural facilities which are vital community facilities and measures to make better use of existing facilities*'. Policy DM12 also states that '*where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport*'. In accordance with Policy DM12 of the Development Management Policies LDD, the proposal does seek to address a shortage of places for early years education. In addition, the site occupies an edge of settlement location and is therefore considered accessible.

7.1.7 Furthermore, the NPPF, seeks to promote healthy and safe community and states the following at paragraph 98:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (not limited to):

- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;*

- 7.1.8 The proposed use would align with the purposes of Policy DM12 and the NPPF. As such the principle of the use in a policy context would be acceptable however this is subject to all other material considerations as set out in the sections below.

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness, avoid inappropriate development in the built environment and make efficient use of land and Policy CP12 of the Core Strategy (adopted October 2011) seeks to ensure development has regard to local context and makes efficient use of land whilst responding the local distinctiveness. The NPPF at paragraph 130 of the NPPF outlines that decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 7.2.2 The proposed change of use would not, in itself, result in any physical alterations to the external appearance of the building. However as set out above the NPPF states that development should not only visually add to the quality of the area but should also function well within it. The proposed change of use would not have many physical indications of its use in terms of increased built form or signage, with the exception of the fencing, rather the use would be visible by virtue of the increased activities that would result, particularly, within the site frontage. The presence of children playing within a property frontage within the residential setting would not necessarily be incongruous. However the proposed development could allow for up to 18 children which exceeds the average amount of children in one family household. The amount of children together with supervising adults and associated play equipment, at this level, is considered to be out of character for the locality given the siting of the activity in the site frontage..
- 7.2.3 As such it is not the internal use of the building per se that results in harm but the secondary impacts of activities that would occur in the outdoor space. Overall, the proposed development, by virtue of the proposed activity within the site frontage would appear incongruous within the locality, would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2024).

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.3.2 Policy DM9 of the DMP LDD outlines the development should not result in adverse impact on the indoor or outdoor acoustic environment of existing development.
- 7.3.3 The proposed development would not result in any physical interventions to the external appearance of the existing building itself. As such the proposed development would not give rise to any physical overbearing impact or loss of light to neighbouring amenity.
- 7.3.4 The key test in this case would be whether the proposed development results in an increase in activity over and above what could be reasonably expected from the existing use, and if so whether that activity would be demonstrably harmful.
- 7.3.5 The internal noise levels are unlikely to be amplified, as a result of the proposed use, to such a degree that harm would occur to neighbours. Nevertheless the proposal also includes the use of space within the site frontage for outdoor play.
- 7.3.6 It is noted that the building, as existing, is under utilised in terms of the amount of events which could occur. However the nature of most community uses of the space would be such that people may gather in the frontage of the building before and after a class/group but would quickly disperse. Thus the increased noise/disturbance would be relatively contained

to these moments. The current proposal would include outdoor play space for up to 18 children. Whilst it is acknowledged that the use would be weather permitting and number of children may reduce during the school day ultimately there could be potential for a number of children to be playing outside for the opening hours of the child minding business. The site is located immediately adjacent to residential dwellings, including bungalows for older persons, who may be particularly sensitive to noise impacts. The opportunity for the amount of and continuity of noise and activity arising from the proposed use is considered to be unneighbourly and would result in detrimental impacts to the amenity of the surrounding residential properties, particularly the neighbour properties either side of the building.

- 7.3.7 The Public Sector Equality Duty is a material planning consideration. Section 149(1) of the Equality Act 2010 provides that a public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant characteristic and those who do not share it. Subsection (3) of s.149 specifies in further detail what “having due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it” involves. The “relevant protected characteristics” are listed in s.149(7) and include age, disability, and race.
- 7.3.8 Officers note the requirements of the Equalities Act in respect of the impacts on the adjacent older person’s bungalows and has had regard to this in reaching the conclusions as set above in respect to neighbouring amenity.
- 7.3.9 The applicant has suggested that they could control the noise levels by taking children inside if they get too loud, or restrict the number of children playing. Additionally they will attend externally organised activities and visit the local play area. However it is not considered that such measures could be secure by planning condition as they would not meet the tests as set out at paragraph 58 of the NPPF and may impact the quality of childcare provided.
- 7.3.10 The majority of movement would be contained to within the building however when considering the potential noise and disturbance from the proposed outdoor play space to the front it is considered that this would be over and above the usual activity the existing building or a single residential unit. In turn, in the absence of supporting evidence, it is considered that the resultant disturbance would lead to unacceptable harm to neighbouring amenity. Namely, but not limited to, the two adjacent properties at No12 and No.8 Bullsland Lane. The proposal would overall be contrary to Policy CP12 of the Core Strategy and Policies DM1 and DM9 of the DMPLDD.

7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 Owing to the nature of the proposed development it is not considered that any adverse impacts would result in this respect.

7.5 Trees and Landscaping

7.5.1 No trees would be affected as a result of the proposed development.

7.6 Highways, Access and Parking

7.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.6.2 Appendix 5 sets out that the existing use would have a requirement for 7.2 parking spaces.

7.6.3 The proposed use would have a requirement for 4.5 parking space. Thus would require less parking than the existing use.

7.6.4 The concerns regarding the availability of parking are noted. There are currently 6 parking spaces on site, which would meet the requirements of Appendix 5. The existing building has been under utilised in recent times and as such the maximum potential number of visitors has not been experienced. In any event it is considered that the parking management and travel plan could be required by condition to minimise impacts during peak pick up and drop off times.

7.7 Refuse and Recycling

7.7.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.7.2 The proposed use is not considered to result in the generation of significant additional waste in comparison with the maximum capacity of the existing use. As such the current arrangement would be appropriate.

7.8 Biodiversity Net Gain

7.8.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.

7.8.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the de minimis exemption applies. Officers agree that the proposal would impact less than 25sqm of onsite habitats.

7.9 Planning balance

7.9.1 As concluded above it is considered the proposed fencing together with the use of the outdoor area to the front would be incongruous and would result in harm to neighbouring amenity.

7.9.2 No evidenced case has been put forward in relation to the need for the proposed use. However there is an acceptance of an acute need locally for child care spaces. The child

minding business already operates from the individual's home. Whilst moving to the application site could allow the business to grow, the contribution to the local need for childcare spaces this would make would be limited. Furthermore if there were no use of the outdoor space proposed or fencing the principle of the internal change of use of the building would be acceptable.

- 7.9.3 Overall the limited benefits of some additional childcare spaces are not considered to outweigh the harm to neighbouring amenity or the character of the streetscene by virtue of the outdoor play space.

8 Recommendation

- 8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

- R1 The proposed change of use by virtue of the increased levels of activity within and around the site frontage from the outdoor play space would result in detrimental harm to neighbouring amenity by way of undue levels of noise and disturbance. The resultant level of activity would also appear as an incongruous feature within the open residential setting of the streetscene to the detriment of the character of the streetscene. Overall the proposal would be contrary to Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM9, DM13 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

8.2 Informative:

- I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.