
Appeal Decision

Site visit made on 16 January 2017

by Veronica Bond LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2017

Appeal Ref: APP/J0405/W/16/3159951

**Quaintways, 26 Aylesbury Road, Aston Clinton, Buckinghamshire
HP22 5AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Smith against the decision of Aylesbury Vale District Council.
 - The application Ref 16/00903/APP, dated 9 March 2016, was refused by notice dated 9 August 2016.
 - The development proposed is demolition of an existing agricultural building and its replacement with a proposed commercial storage building.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing agricultural building and its replacement with a proposed commercial storage building at 26 Quaintways, Aylesbury Road, Aston Clinton, Buckinghamshire HP22 5AH in accordance with the terms of the application, Ref 16/00903/APP, dated 9 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RAC/6982/1; RAC/6982/2 and RAC/6982/3.
 - 3) The premises shall only be used for storage or distribution centre use and for no other purpose.
 - 4) The materials to be used in the external surfaces of the building hereby approved shall be as indicated on the approved plans unless otherwise previously approved in writing by the Local Planning Authority.
 - 5) No development shall take place until a scheme for the parking and manoeuvring and the loading and unloading of vehicles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and that area shall thereafter be kept available at all times for those purposes.

Background and Main Issue

2. Policy RA29 of the Aylesbury Vale District Local Plan Written Statement (January 2004) (LP) states that, except where otherwise allowed for in the Local Plan, outside of settlement boundaries and defined employment areas, the Council will resist proposals for new employment buildings and for the expansion of established employment sites into the countryside. In respect of

existing non-defined employment sites, permission may be granted for limited building extensions or redevelopment that is not out of keeping with the character of the area and does not lead to excessive traffic generation.

3. The Council accepts that the proposal would not result in any harm to the character and appearance of the area as it would replace an existing dilapidated building of a similar size. Accordingly, the main issue is whether the proposal would represent a sustainable form of development, with particular regard to whether it would result in excessive traffic generation.

Reasons

4. The appeal premises is currently the site of a fruit and vegetable sale business operated by the appellant with a commercial storage enterprise operated from the site also. The appeal site, I understand, falls outside of the settlement boundary for Aston Clinton, although is relatively close to the village. The application seeks permission to demolish an existing dilapidated building, replacing this with a new commercial storage building in order to develop the appellant's existing storage business.
5. It is apparent that the proposal would technically be in conflict with the first part of Policy RA29, as outlined above in the sense that this seeks to generally restrict employment development in the countryside. However, this policy pre-dates the National Planning Policy Framework (the Framework) and paragraph 215 of the Framework indicates that the weight given to it should thus be based upon its degree of consistency with the Framework.
6. As to rural economic development, Paragraph 28 of the Framework sets out policy seeking to support a prosperous rural economy and states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The Framework encourages local and neighbourhood plans to support the sustainable growth and expansion of all types of business and enterprise in rural areas, including through well designed new buildings. The proposal would potentially contribute to the prosperity of local businesses by providing a storage facility through a well-designed new building and in this way would accord with the aims of paragraph 28.
7. The appellant acknowledges that the proposal would not directly generate employment. Although paragraph 28 specifically refers to the creation of jobs, the wording does not restrict the support for the rural economy to be limited to employment generating uses. Rather, the use of the words 'and prosperity' broadens the support for development to be beyond only that directly creating jobs. This reflects also the general terminology of paragraph 28 which is couched in wide terms referring to support for growth of 'all types of business' in rural areas (my emphasis), and also the varying sorts of enterprise offered support – including for example holiday accommodation.
8. Whilst economic growth is not defined in the Framework, a definition is given for economic development which includes development within Class B use classes. This would include the use proposed for commercial storage, which is often not an employment generating use per se. Although other applications and appeals alluded to by the appellant relate to employment generating uses, this does not alter my fundamental reasoning above. The Council refers also to there being a potential surplus of employment land in the emerging Local Plan but given that this appears to be at an early stage it is only due limited weight.

9. Paragraph 28 refers to 'sustainable' new economic development in rural areas and the Council is concerned in this regard as to the likely traffic generation resulting from the proposal. However, business-related vehicle movements are not directly comparable to those in respect of dwelling houses and for this type and scale of development, would be likely to be fewer than those arising from use as a dwelling. Given the size of the building proposed, the likely traffic generation would be far from 'excessive' in the terms of Policy RA29.
10. In addition, the appellant outlines potential advantages in terms of traffic movements as regards businesses in Aylesbury using the storage facility through avoiding travel through the more congested centre of the town. The appellant has also produced evidence of, admittedly apparently small, local businesses, requiring local storage and further has confirmed that some local businesses already use the storage containers on site. Clearly for these businesses, journey times would be shorter than travelling into Aylesbury, particularly as the site is not far from the settlement of Aston Clinton.
11. Further, transport related to storage and distribution movements will necessarily in many cases involve the use of private vehicles. The encouragement of economic development in rural areas must logically be in the realisation that sustainable transport options will not be available in all situations. The Framework also recognises at paragraph 34 that transportation options will be different in rural areas and paragraph 28 encourages economic development in the countryside in spite of this.
12. The Council queries whether other buildings on site would be capable of being used for the storage business proposed. However, were existing buildings used, the Council's concerns in relation to vehicle movements would still arise. Given that the proposal would not result in any harm to the character and appearance of the area, there is no merit in considering the use of existing buildings, which were in the main of a fairly basic form of construction and so would not offer a comparable storage option to the appeal building proposed.
13. I therefore find that, although the proposal would be contrary to the general restriction on countryside employment development in Policy RA29, it would represent a sustainable form of development and would not result in excessive traffic generation and also indeed would not result in any harm to the character and appearance of the area. It would also offer support for a prosperous rural economy in line with the aims of paragraph 28 of the Framework.

Conclusion

14. For the reasons above, I conclude that the appeal should succeed. I have imposed the standard time limit condition and specified approved plans in the interests of certainty. I have stipulated the use of the building in order to ensure that an inappropriate use does not occur. Materials are required to be in accordance with the approved plans in the interests of ensuring a satisfactory appearance for the building. Parking and manoeuvring arrangements are controlled in the interests of highway safety. I have not imposed a condition relating to vehicle movement times as proposed by the appellant on the basis that this is not currently regulated in respect of existing storage enterprise apparently without ill effect.

Veronica Bond
INSPECTOR