

Appeal Decision

Site visit made on 31 January 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/J0405/W/16/3161900

Tetchwick Farm, Bicester Road, Kingswood, Aylesbury, Buckinghamshire HP18 0RD

- 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 Arboretum Partners LLP against the decision of Aylesbury Vale District Council.
 - The application Ref 15/00107/APP, dated 30 December 2014, was refused by notice dated 1 September 2016.
 - The development proposed is to reuse part of an agricultural building for Class B1 light industry and Class B8 storage use¹.
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Procedural matters

1. The Appellant has confirmed only uses in Class B1(c) (light industry) and Class B8 are proposed and I have assessed the appeal on that basis.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are whether the development is acceptable in principle and its impact on highway safety.

Policy

4. Given the stage the emerging *Vale of Aylesbury District Local Plan* has reached I can afford it little weight in my decision-making. Moreover, while a conflict with Buckinghamshire's *Local Transport Plan 2011-2016* was cited that does not form part of the development plan. Indeed, no conflict with the development plan has been highlighted in the decision, and so I have to assume it to be silent. I have therefore assessed the scheme against the policies in the *National Planning Policy Framework* (the Framework) taken as a whole.

Reasons

The principle of the development

5. Tetchwick Farm covers some 200ha, and is away from any settlement in the countryside midway between Bicester and Aylesbury. It includes a complex of agricultural buildings and an associated dwelling. The building subject of this appeal has an area of 447sqm and has been subdivided into a number of units

¹ Use Classes taken from *The Town and Country Planning (Use Classes) Order 1987* (as amended)

(6 at present). The Appellant said 295sqm is already being used for light industrial and storage activities. This is therefore a retrospective proposal to regularise the situation and obtain planning permission to use part of the building for commercial uses, though it is noted that its entirety is within the red line. The remaining buildings in the complex would be used in connection with the farm.

6. The Framework promotes economic growth in rural areas to create jobs and prosperity. It advises that local plans should support sustainable growth through the conversion of existing buildings and should promote diversification of agricultural businesses. In the *Aylesbury Vale District Local Plan* I understand Policy RA11 encourages the reuse of buildings in the countryside for non-residential uses if the buildings in question are of a substantial construction.
7. The national and local policy described above is inevitably going to apply to units away from existing settlements, and so the location of the site does not necessarily render it unacceptable in this regard. From my inspection and the submissions before me, this building is capable of conversion without harming the character or appearance of the area and the uses no doubt contribute to the rural economy and to farm diversification.
8. Accordingly I conclude that in principle the conversion of this building to these uses would be acceptable and in this regard it would not conflict with Local Plan Policy RA11 or the Framework.

Highway safety

9. The Framework states that planning decisions should take account of whether safe and suitable access to a site can be achieved.
10. The appeal property is served by a long drive. I was not told explicitly what other properties made use of the drive but, as well as the farm complex and accompanying house, I noted 2 other dwellings took access from it. The drive is not wide but it is generally straight and so provides good visibility for drivers. Mindful of this, and taking account of the probable scale of the traffic flows, I consider a vehicle conflict on the drive is unlikely. Whilst its surfacing may be in need of repair, that is a private matter, and if it was to degenerate to the point where it was impassable, given the drive's length I consider that the use before me would be unable to continue.
11. The drive connects with the A41, which is a trunk road that forms part of the strategic highway network and plays a significant role in carrying inter-urban traffic across the county. Between Bicester and Aylesbury it generally comprises a winding single carriageway but for a short section past its junction with the drive to Tetchwick Farm it is a dual carriageway. As a result, to enter the drive from the west or to exit to the east drivers have to cross the 2 westbound lanes and the central reservation.
12. I was not told of any inadequacies in the sight splays at this junction. However, the character of the road and the heavy traffic flows it carries means overtaking is difficult between Aylesbury and Bicester, but this section of dual carriageway is one of the few places where it is possible. It is consequently a common occurrence that there are westbound vehicles in the outer lane,

travelling at high speeds, which, when looking from the drive at its junction with the A41, can be concealed by the often larger vehicles they are passing.

13. As the Appellant confirmed the suitability of this building for agriculture was limited I cannot assume that use would resume if I dismissed the appeal. However, even if it was to be used again in connection with farming I had no specific information concerning the additional agricultural traffic flows it would generate, but as part of a complex of this size I consider these would be very low and not appreciable. In contrast, it is fair to expect that there would be daily trips to and from each of the commercial units in the building by staff, vans, deliveries and so on. As such, the development before me can be assumed to lead to an increase the number of vehicles using the junction with the A41. To my mind given the speed of approaching traffic at this point and the occurrence of overtaking, I consider this increase compromises safety on this busy, fast road.
14. In coming to this view I accept that slower farm vehicles emerging from or turning into the access could create a conflict with this traffic and an accident risk. However, even if the resumption of agricultural activity in the building were to occur, it is likely that the increase in the flows of farm vehicles would not be sufficient to offset the harm resulting from the greater movements connected with the scheme before me.
15. I have noted too that the Appellant contended the commercial uses have been operating in part of the building for about 30 years and have generated little traffic because of the low-key nature of the occupiers. However, there is no Certificate of Lawfulness to show how much, if any, of the building can be used in that way, and while the Appellant said it could apply for such a Certificate, I cannot presume such an application would be successful. Moreover, although the traffic generated might have been limited over the years because of the low-key nature of the occupiers that cannot always be secured by planning condition, and the number or type of movements associated with any one occupier cannot be controlled. Therefore the weight I have afforded those contentions is limited.
16. Accordingly I conclude the development would severely impact on highway safety and so conflict with the Framework.

Conclusions

17. Where the development plan is silent the Framework says planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
18. The change of use before me promotes economic development and farm diversification in a rural area. However, there is an unacceptable impact on highway safety as a consequence of the increased use of the junction of the access with the A41. I conclude that, when taking the Framework as a whole, the adverse impact for highway safety clearly and demonstrably outweighs the benefits to the rural economy, and so the appeal should be dismissed.

J P Sargent

INSPECTOR