



Appeal Decision

Site visit made on 12 July 2019

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Appeal Ref: APP/Y3940/W/19/3227466

Coronel Farm, Aldbourne, Marlborough, SN8 2JZ

- 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 Aldbourne Chase Estate against the decision of Wiltshire Council.
 - The application Ref 18/08480/FUL, dated 5 September 2018, was refused by notice dated 1 November 2018.
 - The development proposed is alterations to and change of use of disused agricultural building to a flexible Class B1(c) (light industrial), B2 (general industrial) and/or B8 (storage) use.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Aldbourne Chase Estate against Wiltshire Council. This application is the subject of a separate Decision

Preliminary Matter

3. Amended plans were submitted prior to the application being determined and after the Council issued its decision. These are minor amendments relating to the number of parking spaces provided and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans. I do not consider that their interests would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal and application for planning permission on the basis of the amended plans.

Main Issues

4. The main issues are:
 - the effect on the character and appearance of the area, including that on the North Wessex Area of Outstanding Natural Beauty (AONB); and,
 - whether the site is a suitable location for the proposed mix of uses having regard to the development strategy for the area, and accessibility, in particular by sustainable modes of transport.

Reasons

Background

5. The proposal site comprises an agricultural shed and concrete yard located at the end of a farm track. The site is in the open countryside which comprises gently undulating farmland with a mix of arable and grazing. The site sits in a slight dip on a slope above the road. Although the building is not visible where the site access joins the road, it is visible from road approaches in both directions. There are 2 other agricultural buildings running along the side of the track. They appear to be disused and do not form part of the proposal. The site is within the North Wessex Downs (AONB). Paragraph 172 of the National Planning Policy Framework (2019) (the Framework) attributes great weight to conserving and enhancing the landscape and scenic beauty in AONBs.
6. Planning permission (19/00919/FUL) was granted on 22nd March 2019, to use the building for Class B8 storage with a planning condition preventing its use as a distribution centre. Although the permission has not commenced it remains extant. It allows alterations to the building and includes conditions requiring a landscaping scheme, a lighting scheme, preventing external storage and to upgrade the access track. The appellant is of the view that the differences in impacts between the approved use and the proposed use would be acceptable and, that in the light of the approval, the previous reasons for refusal can no longer be sustained. The appellant has suggested that the extant consent is too restrictive. There is therefore an element of doubt as to whether it would be implemented if this appeal was dismissed. As such I accord the fall-back position limited weight.

Character and appearance

7. As set out by the Council with reference to landscape character assessments, one of the key characteristics of the North Wessex Down Area is its sense of remoteness and solitude and the Marlborough Downs Landscape Character Area (within which the site falls) is described as essentially rural and agricultural in character with large parts devoid of settlement and with a remote inaccessible character.
8. The area around the site comprises an undulating landscape of large open fields along the sides and floor of a shallow valley. A road runs along the side of the valley below the site. Due to the topography the nearby village of Aldbourne is not visible from the site or surrounding area. The nearest building is a house approximately 500 metres distant and there are a couple of farms nearby. Overall the character of the area is rural, agricultural and relatively undeveloped. However, the sense of solitude and remoteness is to an extent reduced by the closeness of the M4 to the north, as traffic can be heard, and high sided vehicles seen, from the site. Nevertheless, the area typifies the character of the AONB and contributes to its scenic beauty.
9. The site is set back within fields on the valley slope approximately 300 metres from the road at the end of a farm track. Although there are two other disused agricultural buildings along the track, the building proposed for conversion appears isolated and exposed when approached by road from the south because of its distance from the road and elevated position. Approaching the site from the north, due to the angle of the road the building appears closely related to the other buildings. Nevertheless, from this view although the buildings appear as a group their distance from the road and the intervening fields give a similarly exposed and isolated appearance. The site is not a

location where one would expect to find an industrial unit and any associated traffic would be highly visible when travelling along the access track to it.

10. I appreciate that the proposed employment activities would be in the same building as approved for storage. The alterations to the access track, which were a concern for the Council, have subsequently been approved under the recent planning permission as have alterations to the building, including the addition of roller doors and new windows. Whilst the proposal would increase the number of windows, given the distance from where they would be visible, I do not consider their visual impact would be unacceptable or significantly different to that which has been approved.
11. However, the proposed development would lead to a 60% increase in the number of vehicles visiting the site from that which is approved, according to the appellant's estimates. The Council's Highways Officer noted car parking standards for a Class B8 use would be a minimum of 8 spaces. The amended plans provide 22 car parking spaces reflecting the higher number of employees and visitors that would be attracted to a mixed business use site. The amount and type of traffic using the farm track would be out of character with an exposed and isolated rural setting. The visual impact of traffic would therefore be greater than that of the approved scheme and add to the harm caused by background traffic movements along the M4. Furthermore, the range of potential uses would have substantially different other impacts to those of the approved Class B8 storage scheme. Class B2 general industrial uses can give rise to noise and smells associated with industrial processes and waste products, as noted in concerns raised by a neighbour. These differences would lead to the proposed development having a significantly more harmful impact on the rural character of the area than would be the case for the approved scheme.
12. I accept that a landscaping planning condition requiring additional planting would help screen and reduce the visual impact of the proposal, particularly with respect to parking and vehicles turning at the entrance to the building. Also, conditions limiting external light heights, spillage and hours of use, as imposed on the existing planning permission, would to an extent mitigate the visual harm from external lighting on the site. I also note that the Council in its report acknowledged that noise levels associated with the former use as a cow shed could be similar to those of an industrial use. A planning condition restricting the noise impact from any plant or its operating hours could be imposed. However, any such condition although necessary to make the proposal acceptable in terms of residential amenity would not prevent the noise associated with industrial uses being audible and out of character in a rural location.
13. Overall, I consider the potential intensification of use of the site above that which is permitted, the industrial nature of the alternative uses proposed and increased traffic levels, would be unacceptable in terms of the impact on the rural and agricultural character of the area given the site's remote, exposed and elevated position.
14. I therefore conclude that the proposed development would harm the character and appearance of the area and thus the AONB and conflict with Core Policy 48 criterion ii) and Core Policies 51 and 57 of the Wiltshire Core Strategy (2015) (CS), and the Framework, which require that development should protect,

conserve and enhance landscape character and tranquillity, protect against intrusion from noise and motion and deliver appropriate development taking into account the site and local context. The proposal would also conflict with the objective of the Management Plan for the AONB, identified by the Council, of making the area a 'place with a sense of remoteness and tranquillity'.

Sustainability of location

15. Core Policy 1 of the CS sets a four-tier hierarchy of settlements where sustainable development will take place. Villages are lowest in the hierarchy and considered suitable for limited development, which in the case of large villages should be predominantly housing and employment within settlement boundaries. The site is outside Aldbourne village which is identified as a large village in Core Policy 14 of the CS. Core Policy 2 of the CS reinforces the principle of development within settlement boundaries unless, and of relevance, the proposal is an exception under Core Policy 48 which allows for the conversion or re-use of rural buildings, subject to a proposal satisfying its criteria.
16. The appellant suggests that permitted development rights for the change of use of agricultural buildings, set out in the Town and Country Planning Act 1990 Town and Country Planning (General Permitted Development) Order 2015 (GPDO), indicates that employment uses are sustainable in rural areas as does the Framework. However, permitted development rights do not apply to agricultural buildings with a cumulative floorspace in excess of 500 sqm or to class B2 uses. The proposal includes class B2 use and the building has a floor area of 1230 sqm and is therefore considerably larger than that which would have permitted development rights.
17. Whilst Core Policy 48 allows for employment uses in the countryside, it is reasonable to consider whether the scale and type of employment use would be acceptable in a particular location assessed against other policies within the Development Plan, and the Framework.
18. The relevant key objective of Core Policy 48 is to support improved access between places and to services. Criterion iii) of the policy requires that the building can be served by adequate access and infrastructure, which the Council has interpreted to include access to sustainable travel methods. This is a reasonable approach which is reinforced by Core Policy 61 which requires that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.
19. The Framework promotes the sustainable growth and expansion of businesses in rural areas, through conversion of existing buildings and acknowledges that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport. However, the Framework also states that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
20. I have no evidence to demonstrate that there is a local need for the proposed mix of business uses. The site is accessed via a rural road without cycle lanes

or streetlights. As such, although I accept that the road is lightly trafficked, I do not agree with the appellant's assertion, in the Design and Access Statement, that it is suitable for cycling. There are no footways between the site and the village or public transport links.

21. In the appellant's opinion the existing planning consent for B8 use demonstrates that the site is appropriate for employment use and that widening the scope of uses to B1 and B2 uses would not lead to a significant increase in traffic. However, the existing consent is limited by a planning condition to storage only. Traffic movements could be 60% greater for a Class B1 or Class B2 use with an average traffic flow that would increase from around 74 vehicle movements per day for a B8 storage use to approximately 118 for Class B1(c)/B2 uses. I consider this to be a significant increase. Most trips to the site would be by motorised vehicles and no improvements are proposed to local infrastructure to enable safe access to alternative travel and make the location more sustainable. Thus, the proposal does not meet the key objective of Policy 48 in this respect or the Framework and would conflict with Core Policy 61.
22. Overall, on this main issue I conclude that although policy 48 supports the conversion and re-use rural of buildings for employment use, given the size of the unit, the broad range of uses proposed, the level of traffic that would be attracted to the site and the lack of sustainable travel options the proposal would not be in a sustainable location. The proposal would therefore conflict with Core Policies 1,14, and 61 of the Core Strategy which direct development to locations that can be accessed by sustainable transport alternatives and would reduce the need to travel by car.

Planning balance

23. The proposal would provide benefits in terms of re-using a rural building that has been vacant for some time and providing employment in a rural area and thus is supported by Policy 48 and the Framework in this respect. However, such benefits would not outweigh the harm that would arise from the proposal being in an unsustainable location and the effect of the proposed development upon the character of the area that I have identified.

Other matters

24. The appellant submitted a Technical Note on Transport which referred to a previous planning consent on the site for a racehorse training yard suggesting that it would have led to 40 vehicular trips a day. Notwithstanding that I consider the higher levels of traffic that would be generated by the proposal would be unacceptable, the previous decision pre-dated the current development plan and the Framework, is not comparable to the proposal and in any case has expired. As such, I have given it little weight in my consideration of this appeal.

Conclusion

25. Overall, I conclude that the proposal would harm the character and appearance of the area and the North Wessex Downs AONB and would not be in a sustainable location given the scale of development and range of uses proposed and would conflict with the settlement strategy of the Development Plan. For these reasons I conclude that the proposal would not be consistent

with the principles of sustainable development as it conflicts with the policies of the development plan and the Framework when taken as a whole. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR