



Appeal Decision

Site visit made on 21 May 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2019

Appeal Ref: APP/J0405/W/19/3223664

Masons Meadow, Aylesbury Road, Aston Clinton, 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 Robert Mason against the decision of Aylesbury Vale District Council.
 - The application Ref 18/03986/APP, dated 8 November 2018, was refused by notice dated 18 December 2018.
 - The development proposed is replacement of a B8 storage and distribution building with a B1(a) office building (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of a B8 storage and distribution building with a B1(a) office building at Masons Meadow, Aylesbury Road, Aston Clinton, HP22 5AH, in accordance with the terms of the application Ref 18/03968/APP, dated 8 November, in accordance with the following conditions:
 1. The building hereby approved shall only be used for business purposes falling within use class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
 2. Prior to occupation, provision should be made to accommodate all site visitors' parking and turning within the site in accordance with details to be submitted and agreed in writing by the Local Planning Authority.

Procedural Matters

2. The description of development in the banner heading above has been taken from the decision notice and appeal form. The description of development in the application form was considerably detailed and has been amended throughout the application process. The amended description more accurately describes the proposal. The Council made its decision on this basis and so have I.
3. This is a retrospective planning application and during my site visit I saw that the building was in place and appeared to be substantially complete.

Main Issue

4. The main issue is whether the proposed use is in a location deemed sustainable for an office and whether the proposal would lead to rural employment opportunities.

Reasons

5. The appeal site comprises an area of land on the edge of the village of Aston Clinton. The site is outside the defined settlement boundary as identified in the Aston Clinton Parish Neighbourhood Plan 2013 – 2033 (ACPNP) and is therefore located in open countryside beyond the built up area of the village.
6. The appeal site is part of a more extensive area, which includes several former agricultural buildings that have been converted into residential and commercial uses. The access driveway is shared with another property, which also accommodates a number of commercial units. The site previously accommodated a B8 storage and distribution unit and based on the evidence before me I find it to be previously developed land.
7. The appeal site is located within a short walk of the centre of Aston Clinton with only a short car journey to either Aylesbury or Tring with good access to train lines. There is a bus stop on Aylesbury Road, which is approximately 120 metres from the site providing linkages to Dunstable, Aylesbury and Watford. There are a significant number of bus services that run daily to various locations and whilst I note that the Council consider the bus services to be infrequent I find that the site has good access to public transport services and is therefore a sustainable location.
8. The ACPNP supports sustainable economic growth of Aston Clinton. Policy B2 states proposals to support agriculture and farming in the Parish and small scale rural employment uses that contribute to the social, economic or environmental fabric of the village will be supported, subject to any such development respecting local character and the amenity of neighbouring occupiers.
9. The Framework aims to support a prosperous rural economy. Paragraph 83 seeks to support sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. Furthermore, it continues that the use of previously developed land and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.
10. The site evidently lies within an area characterised by scattered built development of mixed agricultural, business and residential uses, within close proximity of public transport services and all the facilities of the village itself. The proposal lies upon previously developed land and therefore I do not find that it would intensify the pattern of scattered development outside the settlement boundary or detract from the setting of Aston Clinton and its character as a rural settlement.

11. The business that will benefit from the proposal is Mason Agricultural Ltd which are agricultural and horticultural contractors that assist farmers who do not have the resources available for certain roles. The company therefore support agriculture and farming in the parish by providing specialist staff and equipment to carry out agricultural jobs.
12. The Council have raised concern about the future use of the building and whether it will be used to support farming and agricultural business activities or whether the office would be used to support their property development business interests. I have seen no evidence to suggest that the proposal would be used for any other purposes than to support rural enterprise and therefore attribute little weight to this matter in my decision-making. It is evident that the appellants businesses have been established in the local area for many years and employ a number of local people. The new office would support the administrative part of these enterprises.
13. I therefore conclude that this is a sustainable location for an office use in support of the rural economy. I do not find that the proposal would be harmful to the location given the previous use of the land and the small scale nature of the proposal within an existing cluster of buildings used for residential and commercial purposes. Whilst the proposal is contrary to Policy H1 and B3 of the ACPNP and Policies RA29 of the Aylesbury Vale District Local Plan (2010) (AVDP), which amongst other things seek to resist new employment development outside of defined settlement boundaries, I conclude that in this case that material considerations apply to allow this proposal when it is contrary to the development plan. I have found that the proposal would also not intensify the pattern of scattered development outside the settlement boundary and would therefore not conflict with Policy RA2 of the AVDLP which seeks to avoid reducing open land. Additionally, I find that the proposal accords with Policy B2 of the ACPNP and the Framework, which seek to support the rural economy.

Conditions

14. I have considered a personal condition or another form of condition with regards to the users of the site. However, there is no evidence that the office would be used for any other purposes than to support rural enterprise. Therefore, subject to a condition limiting it to B1 use, the proposal would meet the aims of supporting a prosperous rural economy. I have therefore attached such a condition in order to ensure that inappropriate use do not take place in this locality.
15. I also attach a condition relating to parking and turning areas to minimise any impact upon highway safety.

Conclusions

16. For the above reasons and having considered all the matters raised in evidence, I conclude that the appeal should be allowed.

Gemma Jenkinson

INSPECTOR