

Appeal Decision

Site visit made on 5 July 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 24th September 2019

Appeal Ref: APP/L1765/W/19/3222429

Meadows Farm, Ervills Road, Hambledon PO7 4QU

- 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 J Chambers against the decision of Winchester City Council.
 - The application, Ref. 18/01806/FUL, dated 26 July 2018, was refused by notice dated 9 January 2019.
 - The development proposed is the use of first floor mezzanine and partial use of ground floor (north west) agricultural storage building for office purposes (Class B1).
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Application for Costs

1. An application for costs was made by Mr J Chambers against Winchester City Council. This is the subject of a separate Decision.

Decision

2. The appeal is allowed and planning permission is granted for the use of the first floor mezzanine and partial use of ground floor (north west) agricultural storage building for office purposes (Class B1) at Meadows Farm, Ervills Road, Hambledon in accordance with the terms of the application, Ref. 18/01806/FUL, dated 26 July 2018, subject to the conditions in the attached Schedule.

Preliminary Matter

3. The B1 office is already in use and the appeal application therefore seeks retrospective permission.

Main Issue

4. The main issue is the effect of traffic and of light pollution associated with the partial use of the agricultural storage building for office purposes on the surrounding rights of way, the rural enjoyment of the area and the living conditions for occupiers of the neighbouring property at Meadow Farm House. In considering this issue I have noted that a number of third party objections have referred to other activities by the appellant at Meadows Farm, but my remit in this appeal is solely with the effect of the B1 office space in the northwest agricultural storage building.

Reasons

5. Policy MTRA4: 'Development in the Countryside' of the Winchester Local Plan Part 1 – Joint Core Strategy 2013 allows, amongst other matters, the re-use of existing rural buildings for employment, provided they are of permanent
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construction and capable of use without major reconstruction. There is an additional requirement that they should not harm the character and landscape of the area or neighbouring uses, or create inappropriate noise / light and traffic generation.

6. Policy DS1 of the Core Strategy indicates that the Council's approach to development proposals is consistent with that of the National Planning Policy Framework 2019 ('the Framework'), which in paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development and that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. More particularly in relation to this appeal, paragraph 83 says that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 indicates that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements and in locations not well served by public transport. However, in these circumstances it is important to ensure that development is sensitive to its surroundings.
7. It is therefore clear from both local and national planning policy that the principle of the re-use of part of the agricultural storage building for an employment use is acceptable, albeit this could still be outweighed by other considerations that have a potentially adverse effect on the surrounding area in conflict with Policies DM17 and DM23 of the Winchester Local Plan Part 2: Development Management and Site Allocations 2017. In this case the Council and a number of third party objectors have argued that these occur from the partial B1 use of the building in the form of increased use of the access track and light spillage from the building.
8. As regards the increase in vehicle movements on the access between the road and the building, the Council's highways officer does not consider this increase to create a significant highway implication and raises no objection on these grounds. However, the Council's appeal statement says that the additional vehicle movements per day (assumed to be two dozen or thereabouts) as a result of the office use would have a harmful impact on the residential amenities of the occupiers of Meadow Farm House by way of noise. They would also have an adverse impact on the safety and enjoyment of pedestrians using the track in its capacity as a public right of way. These views are shared by a number of interested parties.
9. However, the great majority of development proposals involve vehicle movements as the main element of the comings and goings to the site or premises. This factor will have been taken into account in both Policy MTRA4 and paragraph 83 of the Framework. In addition, the subject building has been lawfully constructed for the purposes of agricultural storage and this too will generate traffic of varying amounts depending on what is being stored.
10. It is against this background that the impact of the B1 office use on the access track must be assessed. In this context the appellant's evidence indicates that there are up to 12 office staff (including 3 part time), most of whom arrive between 0730 and 0800 hours and depart at 1700. Inevitably there will sometimes be exceptions to this pattern of movement, but on the evidence

before me I see little likelihood that there will be significant departure from these main hours of operation or a noticeable increase in the overall total of comings and goings.

11. I am satisfied that this modest extent of vehicle movements combined with the main working hours has no material impact on either the living conditions for the occupiers of Meadow Farm House by reason of noise and disturbance or on the enjoyment and safety of users of the public right of way. This is particularly so because there is ample car parking within the enclosed site of the building, whilst deliveries for the office are made to the bottom yard of the farm complex and conveyed to the appeal building by means of an agricultural tuk tuk.
12. With particular reference to walkers on the right of way, I would not expect an area close to an established farm complex in the form of Meadows Farm to be perceived as an especially tranquil part of the countryside. And with ample views of oncoming slowly moving vehicles along the track, there is in my view no credence for the argument that the safety of walkers would be prejudiced.
13. Turning to light pollution, I saw on my visit that the external windows have blackout blinds and I see no good reason why the occupiers of the building would fail to use them between dusk and dawn. This would to all intents and purposes eliminate the light spillage from the building itself, and although I have noted and understand the officers' view that a condition would be unenforceable, I am not convinced this is necessarily the case.
14. It would be a straightforward matter for officers to take timed photographs of the building during the hours of darkness to identify any breach of the condition and form a valid basis for enforcement action. I have noted the suggested amended condition requiring such measures as low transmittance glass or screening, but these may be more likely to adversely affect working conditions during daylight hours whilst also being less effective at preventing light spillage at night time than the blinds already in place.
15. As regards external lighting, the appellant's evidence is that there are no floodlights, but there are five LED lights fitted in 2016 for the use of the barn, together with passive infra-red security lights placed in the positions needed to safeguard the building as a whole, including the main part used for agricultural storage. This is an arrangement that in my view cannot reasonably be resisted and in any event pre-dates the office use. The lighting implications for the office area are therefore only those referred to in paragraphs 13 & 14.

Conclusions and Conditions

16. I have taken full account of the arguments put forward by the Council following Members' decision to overturn their officers' advice and also the information and opinions of interested parties including those of the parish council and the World End Residents' Association. However, as regards the office use itself, the subject of this appeal, I consider that there would be no harmful impact as regards the effect of traffic or the emission of light. Accordingly, there would be no conflict with Local Plan Policies MTRA4, DM17 & DM23 or with Government policy in the Framework.
17. I shall therefore allow the appeal subject to conditions. A condition referencing the approved plans is needed for the avoidance of doubt and in the interests of

proper planning. A condition limiting the office floor area will preclude any potentially harmful intensity of use, as will a condition restricting permitted development.

18. Conditions restricting the hours of use and deliveries, should they deviate from the existing arrangement, will safeguard the living conditions for the occupiers of Meadow Farm House. I have shortened the delivery period from that suggested by the Council to exclude unsocial hours. Finally a condition requiring blackout blinds on the office windows will prevent light pollution. I have worded this condition in a form that allows the Council to require alternative blinds in the event that those already fitted are adjudged to be demonstrably inadequate in terms of preventing light spillage.
19. This assessment can only be made during the hours of darkness and I was therefore unable to reach a conclusion as to their efficacy. If the existing blinds prove to be to the Council's satisfaction, the condition, including written confirmation of their make and specification, can be applied to them.

Martin Andrews

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall be carried out in accordance with the following approved plans: Site and Location Plan [drawing SD-1839-00 Revision D] received 31.07.2018, Plans and Elevations [drawing SD-1839-01 Revision A] received 31.07.2018;
- 2) The change of use to Class B1 hereby permitted shall apply only to the ground floor and mezzanine level as shown on drawing SD-1839-01 Revision A.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be used only for purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order with or without modification) and for no other purpose(s);
- 4) The use hereby permitted shall only take place within the following times: 0630 till 2100 hours Monday to Friday and at no time on Saturdays, Sundays or recognised public holidays;
- 5) No deliveries shall be taken at or dispatched from the site except between 0700 and 1800 hours on Monday to Friday, and at no time on Saturdays, Sundays and recognised public holidays;
- 6) Within three months of the date of this Decision, details of blackout blinds to be fitted to all external windows of the office area of the building shall be submitted in writing for the approval of the Local Planning Authority (LPA). The approved blinds shall thereafter be fitted in accordance with the approved details, including within a period to be specified by the LPA, and thereafter permanently retained. All of the blinds shall be used on all of the windows at all times between the hours of dusk and dawn in the periods when the office is occupied.