



Appeal Decision

Site visit made on 3 September 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/J3720/W/19/3232076

Leys Farm, Wimpstone, Stratford-upon-Avon CV37 8NW

- 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 Stephen Cowper against the decision of Stratford on Avon District Council.
 - The application Ref 18/03614/FUL, dated 7 December 2018, was refused by notice dated 22 May 2019.
 - The development proposed is described as a change of use of two pig units to B8 storage and distribution.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of two pig units to B8 storage and distribution at Leys Farm, Wimpstone, Stratford-upon-Avon, CV37 8NW in accordance with the terms of the application, Ref 18/03614/FUL, dated 7 December 2018, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal represents an appropriate use for the buildings, having regard to local and national planning policies which seek to protect the countryside.

Reasons

3. Leys Farm is a working farmstead located outside of Wimpstone in a rural countryside location. The appeal proposal is for the conversion of two existing agricultural buildings to a B8 use for storage and distribution. It would require minor modifications to the existing buildings, which would include replacing the side retractable curtains with cladding, and the installation of new roller shutter doors.
4. Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS) applies to all rural areas within the district. It requires that the rural character of the district should be maintained, enhanced and protected from inappropriate development. At the core of this, the policy seeks to ensure a strong rural economy with new development proposals being assessed against the principles of sustainable development. In respect of the conversion of agricultural buildings, section K of the policy supports conversions for business purposes. This is subject to consideration of its location and character, being

- suitable for the proposed use and the building having been in existence for at least ten years.
5. The appeal buildings were approved in August 2011, and as such have only been in existence for approximately eight years. The proposal therefore fails to meet the ten year criteria set out within section K of CS Policy AS.10. The development management considerations associated with this policy requires a ten year timescale to reduce the possibility of buildings being constructed ostensibly for agricultural purposes but then quickly being developed for another use (criterion 11). In this instance the existing buildings have been used as pig sheds as part of a piggery business which has now ceased.
 6. Other than that it is considered to be inappropriate development in the open countryside, the Council does not indicate what harm the proposed conversion would cause beyond not meeting this ten year timescale. It is clear from the evidence provided that the buildings have served an important agricultural use historically over a good number of years and have not been built for the sole purpose of a conversion to business use. Nor has the alternative use the subject of this appeal been quickly proposed.
 7. The Council has stated that little evidence has been provided by the appellant to demonstrate that the farm-based activities on site are no longer viable, and that there is a need for this change of use. During pre-application discussions, the Council recommended that a business model or plan was submitted to justify the change of use. Furthermore, reference has been made to the approval of an agricultural worker's dwelling in 2015. . At the time it was considered that the functionality and viability of the farmstead would be severely affected by the loss of the piggery business. However, I am mindful that there is no requirement within CS Policy AS.10 for evidence to be provided on viability to support a change of use for business purposes.
 8. Minor modifications are proposed to the building which would include replacing the existing dark green retractable curtains on the North West and South East elevations with dark green wall cladding. This would match the existing cladding on the gable ends. The Council has confirmed that it does not consider this would harm the character and appearance of the area. The site is located in a rural location, with good access to the road network. As such it is also considered an appropriate location for the use proposed. In this respect I am also content that the proposal meets the requirements of section K of CS Policy AS.10 in providing a location and character which is suitable for the proposed use.
 9. CS Policy CS.1 states that when considering development proposals there should be a presumption in favour of sustainable development as contained within the National Planning Policy Framework (The Framework). The three elements of sustainable development are economic, social and environmental. The Council has not provided any evidence as to why the development would be unsustainable. In my view, the proposed change of use would provide a useful boost to the rural economy.
 10. The Framework requires that planning policies and decisions should support a prosperous rural economy. Paragraph 83 states that decisions should enable the sustainable growth and expansion of business in rural areas through the conversion of existing buildings. It also supports the development and diversification of agricultural business. In these respects, the proposed

development proposal accords with CS Policy CS.1 and the principles of sustainable development.

11. The appellant states that either of the two buildings are suitable for conversion to a flexible business use under permitted development rights. This would allow a conversion to B8 storage and distribution for a maximum of 500sqm. The Council does not dispute this. Based on the evidence before me I am satisfied that should this appeal not succeed then this fallback position would be possible.
12. I therefore conclude on this main issue that although the appeal proposal conflicts with part of section K of CS policy AS.10 in so far as the buildings have not been in existence for ten years, it would meet the other requirements of section K in providing a location and character that is suitable for the proposed use. It would help to secure managed economic growth and contribute to the maintenance of sustainable communities in the district in accordance with CS Policy CS.1. It would also maintain the vitality of rural communities and a strong rural economy in accordance with Policy AS.10 and align with the provisions of the Framework in terms of supporting the rural economy. Consequently, taking all these factors into account, and having regard to the fallback position described, despite the element of conflict with the development plan I have identified, I find that the proposal represents an appropriate use for the buildings having regard to local and national policies which seek to protect the countryside.

Other Matters

13. I note the objections made by Whitchurch Parish Council in respect of the proposal, and concerns about the extent and scale of future development outside existing settlements within the Parish. Whilst I appreciate their concern, since I have concluded that the proposal would be acceptable, I can see no reason why it would lead to future harmful developments on other sites in the area.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed.

Conditions

15. I attach a standard time limit condition and a condition requiring the development to be carried out in accordance with the approved plans. These are necessary to provide clarity and certainty. I have attached conditions securing the access to the development in accordance with the submitted plans, as well as a condition securing the car parking provision on site. This is in order to ensure the safety of highway users. I also attach a condition securing details of the electric vehicle charging points to ensure the development contributes to the transition to a low carbon economy. I have attached a condition securing details of the external lighting of the development, in order to safeguard the character and appearance of the rural nature of the location, the living conditions of nearby occupiers, and biodiversity.

S Shapland

INSPECTOR

Schedule of 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; 3481-S01 Locations (Location Plan A3), 3481-P01 Rev B (Site Plan) dated April 2019, 3481-P02 (Building A), 3481-P04 Rev A (Building B – Revised) dated December 2018, 3481-P05 (Entrance Detail) dated April 2019.
- 3) No part of the development shall be occupied until the existing vehicular access to the site has been widened in order to accommodate the swept path shown in drawing number 3481-P05, in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.
- 4) No part of the development shall be occupied until space has been laid out within the site in accordance with drawing number 3481-P01 Rev B dated April 2019 for cars to be parked and manoeuvred and that space shall thereafter be kept available at all times for the parking and manoeuvring of vehicles.
- 5) No part of the development shall be occupied until 10% of the parking spaces on the site have been provided with an electric vehicle charging point (EVCP) at a minimum of 7kW in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Such details shall include siting, numbers, design and appearance of the EVCPs. Thereafter upon completion, the approved charging points shall be retained and maintained in perpetuity unless the Local Planning Authority gives prior written approval to any variation.
- 6) No part of the development shall be occupied until details of the external lighting have been submitted to and approved in writing by the local planning authority. These details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and other parts of the application site, and the hours at which such lighting is to be operated. The work shall be carried out in accordance with the approved details.