



Appeal Decision

Site visit made on 18 September 2019

by L Crouch BA (Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/Y3940/W/19/3230427

Home Farm, Whaddon Lane, Hilperton BA14 6NR

- 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 Lawes Steel Fabrication Ltd against the decision of Wiltshire Council.
 - The application Ref 19/00874/FUL, dated 25 January 2019, was refused by notice dated 20 March 2019.
 - The development is a 'Resubmission; Change of Use of Agricultural Building to Uses under Class B8 Storage & B2 General Industrial in Association with Site-Based Fabrication Business (Retrospective)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The barn is already being used for Class B8 Storage and B2 General Industrial use. Therefore, I have considered the appeal on this basis.

Main Issues

3. The main issues are (i) the effect on highway safety, in particular by way of the proposed access arrangements and the effect on the users of a public bridleway; (ii) whether the development is in a suitable location with regard to accessibility.

Reasons

4. The appeal site is a large agricultural building located at Home Farm. The site is within a rural area, outside the defined settlement boundary, and is accessed via Whaddon Lane, a mostly single width carriageway with relatively few passing places. Whaddon Lane serves some residential properties, and some agricultural and established employment uses. The appeal site can also be accessed from Berryfield Lane, which is a route also partially shared with a public bridleway.
5. The barn, which since 2016 has been used in association with the appellant's steel fabrication business. It is a large building built for the purposes of agriculture and which, the appellant says, is no longer used by the farm and is redundant for its purposes. From the evidence submitted, and from my site visit, I was able to see that due to the size and scale of the barn, it is a suitable

building physically for the appellant's business, with associated equipment being well contained within the barn. The appellant states that the business employs four people at any time depending on the project. Subsequently, the re-use of the barn supports rural life through the conversion of a rural building for employment.

6. The Council identifies that the development is contrary to Policy 34 of the Wiltshire Core Strategy 2015 (CS), which seeks to direct employment development to settlements, given its rural location. However, the CS also includes Policy 48 for the conversion and re-use of rural buildings, which I find more relevant in this case given the circumstances relating to the existing building. This has a number of criteria. Whilst the Council has not raised the capability of the barn for conversion as an issue nor identified any harm to the character and appearance of the area, there are two issues within the policy which are in dispute. These relate to adequate access to the building and access to local services, which I shall address below.

Highway Safety

7. It has been stated that a flat-bed pickup, a transit van and a Range Rover are used by the business and that deliveries are co-ordinated with existing nearby businesses to limit movements. Despite the low number of existing or likely deliveries the information submitted is unclear about the exact size of the vehicles used in the business operation, particularly in relation to the flat-bed, or vehicle movements that do and will take place down Whaddon Lane as a result.
8. Flat-bed pickups come in a variety of shapes and sizes and given the nature of the business, the rural and narrow single track road, which is shared with residences, businesses and agricultural vehicles, and combined with the limited passing places, it is not an adequate or acceptable access for larger scale vehicles, as required by Policy 48 of the CS.
9. Based on the information provided this also does not comply with paragraph 109 of the National Planning Policy Framework (the Framework), which states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' Due to the use of the road by such vehicles there is a harmful, unacceptable impact on highway safety, given the lane's characteristics.
10. The use of the route by agricultural vehicles and vehicles associated with the other B2 uses along the road are noted. However, agricultural vehicles, such as tractors, are likely to be more suitable to passing in rural lanes such as Whaddon Lane. Additionally, I do not have the full details of the other B2 uses in the area, and the size of their vehicles or number of vehicle movements they generate.
11. The appellant has also put forward an alternative route off Berryfield Lane, which is an additional access route to the appeal site and which I am advised is currently used by the farm. However, I was able to see from my site visit that it has limited suitability for non-agricultural vehicles due to the road surfacing, even though it might be possible for a tractor to use this route. In addition, Berryfield Lane is even more restrictive than Whaddon Lane for a flat-bed pickup, and includes the public bridleway, which would have implications for

other users of the route, despite the appellant's historical right to use the lane and the lack of objections from users.

Accessibility

12. Due to the appeal site's rural, remote location it has limited access to local services. I recognise that the steel fabrication business only employs up to four members of staff, and significant periods of time are spent off site, with deliveries co-ordinated, including deliveries direct to clients' sites. It also re-uses an existing building, which was part of an established agricultural enterprise. However, the policy requires sites to have reasonable access to local services, and supporting Policies 60 and 61 of the CS require development to be located to reduce the need to travel, including goods vehicles. Given the lack of local services nearby and the remote nature of the site, based on the information before me, the proposal does not accord with these requirements.
13. The appellant has brought to my attention the Framework's approach to sustainable transport and the potential limitations on this issue in rural areas. However, there is not substantive evidence that opportunities to promote sustainable transport modes have been considered.
14. For the reasons above, I find that the development has a harmful effect on highway safety and accessibility and conflicts with Core Policies 1, 2, 34, 48, 60 and 61 of the CS and the Framework as set out above. These CS policies collectively seeks sustainable development which supports rural life, ensures that development achieves a suitable connection to the highway that is safe, and mitigates against the impact of development on transport users and local communities.

Other Matters

15. The appellant states that the development 'provides additional income for the farm and supports the on-going farming enterprise'. Whilst this is a positive element of the scheme no substantive details have been provided. Therefore, I am unable to give it substantial weight in my decision.
16. I note that the development has not compromised residential or landscape amenity and this is reflected in the absence of these matters in the reasons for refusal. However, the absence of harm is not of benefit to the proposal and therefore I give this neutral weight.
17. I also note that the appellant is willing to accept conditions which restrict the personal use of the buildings and the hours of use. However, due to the harmful effect of the development on highway safety and accessibility these conditions would not address the harm that I have identified.

Conclusion

18. For the reasons given, I conclude that the appeal is dismissed.

L Crouch

INSPECTOR