



Appeal Decision

Site visit made on 23 February 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2020

Appeal Ref: APP/J3720/W/19/3242235

Church Farm, Whatcote Road, Oxhill, Warwick, Warwickshire CV37 0RA

- 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 Messrs Thomas and Paul Heritage against the decision of Stratford on Avon District Council.
 - The application Ref 19/01049/FUL, dated 4 April 2019, was refused by notice dated 31 May 2019.
 - The development proposed is change of use of existing building and adjacent land from mixed B1 and Sui Generis (Specialist Sheep Housing) to mixed B1 and Sui Generis (Light industrial and motor vehicle storage and refurbishment – part retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the submission by the appellant with regards to seeking to amend the description of development. This however does not appear to have been accepted by the Council. Therefore for clarity, I have taken the description of development from the original application form and determined the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal represents a suitable use in the countryside;
 - Whether the proposal would have an adverse effect upon the rural landscape; and
 - Whether the proposal would have an adverse impact upon highway safety, with particular regard to the suitability of visibility splays.

Reasons

Suitability of the use

4. Policies AS.10 and CS.22 of the Stratford-on-Avon District Core Strategy 2011-2031 (Core Strategy), set out the Council's policy with regards to business development in the countryside. Policy CS.22 supports opportunities for business development in the countryside, including farm-based activities, in accordance with Policy AS.10. Policy AS.10 identifies a number of criteria

against which proposals will be assessed, and identifies the types of development and uses that, in principle, are acceptable in the countryside.

5. The appeal would convert an existing building into workshops for the repair and refurbishment of motor vehicles and utilise part of the external area for the storage of vehicles. On the basis of the proposal, I consider that with regards to Policy AS.10, it is criteria (k), (l) and (p) which are most relevant to the appeal. The other criteria relate, amongst other things, to holiday lets, extensions to existing buildings, agricultural uses and equestrian facilities. None of which relate to the proposed use.
6. Criteria (k) supports the conversion of a building for business purposes subject to its location and character, including its historic or architectural merit, and the suitability of the building for the proposed use. Buildings are also required to have been in existence for at least ten years. The appeal building is of no historic value and it would appear that it can be converted to the proposed use with little change to its structure. However, it is clear that planning permission for the building was granted in 2013, and therefore it has not been in existence for the requisite period of time. I note the contention from the appellant with regards to the permanency of the building, however I find that the wording of Policy AS.10 is clear and the proposal would fail to meet this criteria.
7. Criteria (l) supports the redevelopment, at a similar scale, of an existing building for business purposes, where this would result in a more effective use of the site. No evidence has been submitted to demonstrate that the proposed use of the building represents the most effective use of the site. There appears to have been little attempt to re-use the building for agricultural purposes, or other uses more closely related to its lawful use. No evidence is before me with regards to the need to diversify to support the existing agricultural business, or to demonstrate how the additional income from the proposed use would support the on-going viability of the existing farm. On this basis, I therefore find that the proposal would fail to meet this criteria.
8. Criteria (p) provides support for the provision of farm-based business activities, including farm shops selling locally sourced produce that would help to diversify and support the viability of agricultural operations. The appellants contend that the proposal would satisfy this criteria, on the basis that it is a geographic criteria and does not relate to the nature of the business use. I am not convinced by this argument. There are other criteria within Policy AS.10 that cover the provision of business uses within the countryside. I therefore agree with the Council, that the purpose of this criteria is to support business associated with farming operations. The proposed use would therefore fail to meet this criteria.
9. For the reasons outlined above, I conclude that the proposed development would introduce an unacceptable use into the countryside and, in this respect, would be contrary to Policies CS.1 (Sustainable Development), CS.22 (Economic Development) and AS.10 (Countryside and Villages) of the Core Strategy and the relevant sections of The Framework.

Landscape

10. The proposal would involve the use of an existing building. There are a number of changes proposed to the building to adapt it to the new use.

However, changes are mainly cosmetic and would have little impact upon the surrounding landscape.

11. It is intended that the proposal would use the open space around the existing building for motor vehicle storage. At the time of my visit I noted that there was already a considerable amount of vehicle storage taking place within the vicinity of the building. I acknowledge that, given the lawful use of the building, the surrounding area could be used for the open storage or maintenance of agricultural plant and machinery. However, I find that the proposed use would present a different appearance to the lawful use. Views of agricultural plant and machinery in the countryside is normal and expected. In contrast, the proposed use would not be a typical use seen within the countryside. The presence of open vehicle storage would therefore introduce a new industrial use in the countryside, with views of the open storage of vehicles harming the rural character of the area. I also do not consider that the use of a condition to restrict the area of open storage would be sufficient to mitigate the harm I have found.
12. For the reasons identified above, I conclude that the proposed development would be harmful to the rural character of the area, and in this respect, is contrary to Policies CS.5 (Landscape), CS.9 (Design and Distinctiveness) and AS.10 (Countryside and Villages) of the Core Strategy and the relevant sections of The Framework.

Highway safety

13. The appellant has provided a drawing to show that visibility splays of 2.4m x 90m would be achievable in both directions. The Council do not contest the presence of the visibility splays, but consider that given the speed limit of the road, national standards indicate that a desirable minimum distance of 160m would be required.
14. No evidence has been presented to me with regards to the current traffic speeds along the existing road. Reference has been made to the existing access not being the source of any road traffic accidents. I have been referred to Stopping Distance from the Highway Code, but I note the submissions from the Highway Authority that these are not considered appropriate for the design of junction visibility splays.
15. The provision of visibility splays with a distance of 90m, is considerably less than the requirements within the national standards of 160m. On the basis of the evidence in front of me, there is no substantiated evidence which would prompt me to disagree with the Council's conclusions on these matters.
16. For the reasons outline above, I have therefore concluded that the proposed development would have an unacceptable impact upon highway safety and, in this respect, is contrary to Policy CS.26 (Transport and Communications) of the Core Strategy and the relevant sections of The Framework.

Conclusion

17. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR