



Appeal Decision

Site visit made on 22 May 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 1st June 2020

Appeal Ref: APP/C1570/W/20/3244400

Buildings To The Rear Of Mulberry House, Wenden Road, Arkesden CB11 4HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Scott McArthur of Mullberry Farms LLP & Amherst Homes against Uttlesford District Council.
 - The application Ref UTT/19/2333/FUL, is dated 16 September 2019.
 - The development proposed is described as, 'the change of use of building "A" to B1 office. The change of use of building "B" to B2/B8 (Retrospective) Change of use of building "C" to B2/B8 (Retrospective) all as shown on the submitted plan'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Amherst Homes Ltd against Uttlesford District Council. This application is the subject of a separate Decision.

Main Issues

3. From the evidence before me the main issues are:
 - the effect of the proposed development on highway and pedestrian safety; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Highway Safety

4. The site lies near the corner of Wenden Road and Newland End Lane. Both roads are narrow country lanes lacking footpaths and streetlights. Newland End Lane has a speed limit of 40mph in the vicinity of the access to the site and changes to the National Speed Limit at a point only a few metres north. Likewise, the speed limit is 40mph in the vicinity of the access from Wenden Road.

5. The site consists of a group of agricultural buildings two of which are being used for storage (buildings B and C). The proposal includes an office use (building A) which has not been commenced.
6. While I acknowledge the evidence relating to public transport, given the site's location in the countryside, it is likely that the majority of users of the site would travel by private car. The evidence indicates that the conversion of building A to an office use would generate around 44 trips per day and that this building would be served by the existing access on Newland End Lane. The evidence also indicates that buildings B and C have been in storage use for some time and results in about 29 trips from the access on Wenden Road, with fewer than 4 of these being OGVs. The use of the accesses would therefore be significantly increased by the change of use of the buildings.
7. I acknowledge the evidence within the Transport Statement¹ including the limited number of recorded accidents in the area and the visibility from the accesses. The evidence also indicates that there is adequate turning space within the site for OGVs to exit the site facing forward. However, given the use of buildings B and C, it is likely that larger HGVs would use the site in the future and the evidence does not sufficiently demonstrate that there would be adequate turning space for these vehicles to turn on the site and exit the Wenden Road access facing forward. Furthermore, given the narrow width of Wenden Road, the increase in use of the access and speed of vehicles approaching the access, it is likely that the additional vehicular movements on the narrow road would result in an increased risk of collision. In addition, since there are no footpaths on either road near the appeal site, the risk of collisions between pedestrians and vehicles would be increased by the proposal.
8. Since the speed limit changes from the National Speed Limit to 40mph close to the access of Newlands End Lane, vehicles approaching from the north east along this road are likely to be travelling at around 40mph as indicated by the evidence. While I note the visibility from this access and that the access is a bellmouth, given the narrow width of this road, the speed of vehicles travelling along the road and the significant increase in use of the access, the risk of collisions would nevertheless be increased by the proposal.
9. While the appellant has stated that the Highway Authority has not objected to the proposal, the evidence indicates that the Essex County Council Highways specialist considers that the proposed development is not acceptable. I acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, however, for the foregoing reasons, I see no reason to disagree.
10. Consequently, the proposed development would unacceptably impact highway and pedestrian safety. Therefore, it would conflict with Policies GEN1 and E5 of the Uttlesford Local Plan Adopted 20 January 2005 (LP) which among other things require that the design of the site must not compromise road safety or place unacceptable pressures on the surrounding rural road network including in terms of road safety. The proposal would also conflict with paragraph 109 of the National Planning Policy Framework (Framework) in this particular regard.

¹ Transport Statement SLR Ref: 418.05634.00008 Version No: 2 September 2019

Character and appearance

11. The site lies in a rural location with open countryside to the north and west. The agricultural buildings are in keeping with this setting. The Council has not objected to the change of use of buildings B and C in terms of character and appearance given the minimal physical changes involved.
12. However, there are no relevant drawings before me nor indication within the wider evidence to describe the changes to building A to facilitate its conversion to an office building. From the evidence before me, building A is an agricultural barn comprising a steel frame, corrugated roof, timber cladding, concrete floor and metal sliding doors. As such, it is not suitable for use as an office in its current condition and would require significant changes for conversion to an office use.
13. Consequently, there has not been a demonstration that the change of use of building A to an office use would not harm the character and appearance of the area. Therefore, the proposal would conflict with LP Policy E5 which requires among other things that the re-use and adaptation of rural buildings protect or enhance the character of the countryside.

Other Matters

14. I acknowledge the evidence relating to lawful development, the fall-back position and previous uses of the site. However, since limited further details are before me, and given the harm to highway safety and insufficient evidence to demonstrate that the change of use of building A would not harm the character and appearance of the area, these points have not altered my overall decision.
15. While I acknowledge the evidence relating to LP Policy S7, the policies which are most important for determining the appeal, LP Policies GEN1 and E5, are consistent with the Framework. As such, since the proposal would conflict with the development plan as a whole, this point has not altered my overall decision.
16. Although I acknowledge a previous proposal (Council ref: UTT/18/1179/FUL) which was refused planning permission, further evidence is not before me to allow me to make a comparison between that scheme and that subject of this appeal. In any event, each case must be determined on its individual merits.

Conclusion

17. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR