



Appeal Decision

Site visit made on 24 August 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/C3105/W/20/3251156

Cowpastures Farm, Arncott Road, Piddington, Oxfordshire, OX25 1AE.

- 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 Ultranz Ltd. against the decision of Cherwell District Council.
 - The application Ref. 19/02399/F, dated 27 October 2019, was refused by notice dated 2 January 2020.
 - The development proposed is the redevelopment of the site; demolition of existing buildings and erection of a building for B8 use.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the site with demolition of existing buildings and erection of a building for B8 use at Cowpastures Farm, Arncott Road, Piddington, Oxfordshire, OX25 1AE, in accordance with the terms of the application, Ref. 19/02399/F, dated 27 October 2019, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. I have used the description of the development drafted by the Council rather than that set out in the application forms as this better describes the nature of the proposal.
3. Some of the representations made by the main parties refer to informal pre-application discussion and what advice was given by Council officers however, I have to be primarily concerned with the Council's formal reason for the refusal of permission and the parties' cases at appeal.

Main Issues

4. The main issues are whether the principal of the erection of a new Class B8 building in this location accords with the development plan; and effect of the scale of building proposed on the character and appearance of the area.

Reasons

Background

5. The appeal site comprises a small square shaped area of land, which at present contains two buildings which are said to be in B8¹ (storage and distribution) use, together with the access to the site. Although there is little physical

¹ As defined in the Town and Country Planning (Use Classes) Order 1987, as amended.

delineation of the site on the ground, the Council says that only the footprint of the two existing buildings and the land between them are in B8 use and other surrounding land is in agricultural use. It is proposed to demolish these buildings and erect a new building which the officer report describes as 19m deep, 33.5m wide and an overall height of 7m sloping down to eaves of 4.8m high. The site has a long gravelled track to the B4011 with a junction opposite HMP Bullington. The local area is generally of a rural character intermixed with industrial depots and there are also extensive MOD camps/depots locally.

Policy context

6. The development plan includes the Council's Cherwell Local Plan 2011-2031 Part 1 adopted in 2015 (now referred to as the 2015LP) and saved policies in the Cherwell Local Plan 1996. Although not mentioned in the formal reason for refusal on this case, the most relevant development plan policy is SLE1 of the 2015LP. This indicates that new employment development in rural areas should be located within or on the edge of a recognised village or on allocated land. For non-allocated sites in rural areas the policy supports new employment proposals provided stated criteria are met. Policy ESD1 is concerned with implementing measures to mitigate climate change and the strategy seeks to (amongst other aspects) distribute growth to the most sustainable locations which reduce the need to travel.

Principle of development

7. From the evidence submitted it is clear to me that the existing B8 use of the two buildings has been established as a result of the conversion of existing former agricultural buildings under 'permitted development' regulations and the general thrust of national policy to allow such conversion. These areas are now lawful business development.
8. The appeal site lies in an area of countryside away from any defined settlement and is not allocated for employment use in the development plan therefore the provisions for 'rural areas' in Policy SLE1 apply and the proposal has to be considered against the 8 criteria set out in the policy.
9. Aspects of the 3rd and 4th bullet point relate to matters of scale and the effect on the character and appearance of the area which I will consider in a subsequent issue. Of the other bullet points, I note that the site is not in the Green Belt; the appellant has put forward a justification for the redevelopment of the existing employment buildings and to improve their 'useability'; the evidence submitted does not demonstrate that the redeveloped building and more intensive use would harm residential amenity (other than the adjacent agricultural dwelling which is shown to be in the appellant's control) or harm any village character or setting; or that there would be specific detriment to highway safety or will give rise to excessive or inappropriate traffic. These criteria in the policy are met.
10. It is questionable whether the site would contribute to the general aim of reducing the need to travel by private car, as also related to Policy ESD1, but as the site is for B8 use, storage and distribution it is unlikely to be a significant destination for private car borne customers. Further, the appellant's submissions are silent on the availability of other existing employment sites in the area but as the proposal is for the expansion of the existing business on site, I place less weight on the potential for this to relocate elsewhere.

11. These latter criteria aside, I am satisfied that the proposal meets the other criteria in the policy and therefore the principle of the development is supported by the main policy in the development plan.
12. Government guidance on the location of new employment development is also a material consideration. The National Planning Policy Framework (the Framework) indicates in paragraph 83 that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion and well-designed new buildings. Moreover, paragraph 84 advises that planning decisions should (amongst other aspects) recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations not well served by public transport.
13. Overall on this issue I conclude that, subject to the effect on the character and appearance of the area, the principle of the development proposed is not at odds with the relevant provisions of the development plan and is otherwise generally supported by national guidance.

Effect on character and appearance

14. I have considered this issue against the 17 criteria set out in bullet points in Policy ESD15 of the 2015LP which is a general policy concerning the character of the built and historic environment. Policy C28, as also mentioned in the decision notice, relates to the 1996LP and seeks to control development to ensure it is sensitive and sympathetic to the character of an area.
15. The dimensions of the proposed building are set out in paragraph 5 above and in essence it would be a large shed with concrete blockwork walls up to 2m high and with profiled metal sheeting above and on the roof; these would be coloured different shades of green. This design reflects the existing agricultural buildings. Although the redeveloped building would have a large physical mass, account has to be taken of the existing buildings which have a footprint of about half of the new building and a ridge height of about 4.8 metres. The central element of the building proposed would be higher but in effect would fill-in the present gap and this would reduce its overall visual impact.
16. I have also taken account of the fact that the building is to be sited away from the public realm at the end of the access track and would be seen at a distance against the backdrop of local woodland. Because of roadside hedges and other planting there would only be limited views of it from the B4011. It also appeared to me at the site visit that large utilitarian building were not unusual features in the local rural landscape, with some in connection with the institutional and military uses present in the vicinity of the site.
17. I find on this issue that with conditions controlling the treatment of the external appearance of the new building it would not have an imposing or inappropriate visual effect of the local rural landscape and it is of an appropriate design and scale. The erection of the building would not harm the character and appearance of the area and so would not conflict with the requirements of the relevant parts of policy ESD1, ESD15 or C28.

Planning balance

18. On the main issues I have found that, even though the existing buildings in business use have a background in agriculture, the principle of the

redevelopment of the site with a larger building for B8 use would generally accord with the balance of relevant criteria set out in Policy ESD1. Moreover, while the new building would be materially larger and bulkier than what would be replaced, the visual impact of this building in the rural landscape would not be prominent or harmful to prevailing local character, which already accommodates large military and institutional buildings. Although the building would be sited away from a public transport hub, and it has not been demonstrated that alternative sites have been explored, overall I find that the proposal does not conflict with the relevant policies ESD1, ESD15 and C28.

19. In terms of other considerations, the Framework generally supports the sustainable growth and expansion of all types of businesses in rural areas including new buildings. Although the location of the site lies away from a settlement and hubs of public transport, these aspects are outweighed by the limited visual impact of the proposal and the further growth of the now established business use.
20. Overall, I find that the proposal broadly accords with the development plan and the Framework when these policy documents are both read as a whole. This broad accord is not outweighed by any other consideration therefore the appeal should be allowed.

Conditions

21. In terms of conditions the Council recommends four which I will consider under the same numbering. In addition to the condition on the commencement of the development, a condition specifying the plans that are approved is reasonable and necessary in the interest of clarity, and the development must be undertaken in accordance with these plans to ensure that the building is appropriate for its surroundings.
22. Given the location of the site away from a settlement and a sustainable transport hub a condition limiting the use to Class B8 or agriculture (No.3) is reasonable and necessary to limit the scale of private car use generated by the development which would be likely to arise with an alternative use. Further, because of the size of the building and its position in the rural landscape, further landscaping around the site is necessary in order to mitigate the visual impact of the building (No.4). I will therefore impose these conditions but amend them to ensure they are not over prescriptive.

Conclusions

23. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 19-05-01 REV C, 19-05-02 REV B and 19-05-04 REV B.
- 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the development permitted shall be used only for Class B8 use or for the purpose of agriculture, (as defined in Section 336 (I) of the Town and Country Planning Act, 1990) and for no other purpose.
- 4) Prior to the first use of the development hereby approved a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed tree and shrub planting including their species, number, sizes and positions. The scheme shall be implemented in the first planting season following the first occupation of the building and shall be retained thereafter. Any trees or plants which die or are removed in the first five years shall be replaced with similar species.

