
Appeal Decision

Site visit made on 25 August 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2020

Appeal Ref: APP/X0360/W/20/3250392

Tanners Farm, Swallowfield Road, Arborfield RG2 9LA

- 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 Farley Estate against the decision of Wokingham Borough Council.
 - The application Ref 192371, dated 6 September 2019, was refused by notice dated 12 February 2020.
 - The development proposed is change of use of buildings and land from agricultural to Class B1(c) (light industrial) use, including associated operational development.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of buildings and land from agricultural to Class B1(c) (light industrial) use, including associated operational development at Tanners Farm, Swallowfield Road, Arborfield RG2 9LA in accordance with the terms of the application, Ref 192371, dated 6 September 2019, and the plans submitted with it, subject to the conditions in the attached Schedule.

Procedural Matters

2. Notwithstanding the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, I am required to consider the appeal on the basis of the original application as it was submitted and the description of development in front of me.
3. The appellant has submitted additional information relating to landscaping matters under the appeal. The Council will have had an opportunity to comment under normal procedures and the appeal has been determined accordingly.
4. The Council's second reason for refusal references Green Belt, but there is no evidence submitted to substantiate this element of the decision notice and it appears to be a clerical error. This is confirmed in the Council's appeal statement. The appeal has been dealt with accordingly.
5. The degree of operational development required is disputed between the main parties. However, I have found that the plans submitted under the appeal adequately illustrate the extent of the proposal and, in conjunction with my site visit, I am able to make an informed decision. In this context, I have amended the description of development from the application forms, to include associated operational development.

6. Much is debated by the parties about the planning history of the site. However, it is agreed that the site is currently in agricultural use and any previous uses now cease to exist. Furthermore, any contentions about the lawfulness of the existing buildings or extent of storage areas have not been substantiated and I have assessed the site as it has appeared in front of me.

Main Issue

7. The main issue is whether the site is in an appropriate location with regards access to services, including its effect on character and appearance.

Reasons

8. The site is located in the open countryside, on land associated with Tanners Farm and detached from any defined settlement limits. Consequently, it has a fundamentally rural character. The site is accessed off of Swallowfield Road and via Nutter's Lane, which at the time of my site visit was a gated and privately controlled access to the farm area. Both roads appeared in good condition and without any obvious signs of deterioration that may affect highway safety.
9. The verges of Swallowfield Road and Nutter's Lane comprised tall mature hedgerow, and views of the site were not readily apparent when approaching. Views were only available when directly opposite the site's entrance, or from a neighbouring field parcel (and even then, was still partly obscured by an earth bund) and other agricultural buildings in the immediate vicinity to the north east. There is no evidence to suggest that the site is visible from outside the limits of the immediate farm area, or from any other medium or long distance public vantage points.
10. There is residential development to the south east of the site that enjoys the same rural character and agricultural setting, although appear detached from the site due to the apparent separation distances. The site is located within landscape character area C1 Arborfield River Terrace whereas the access is within landscape character area J2 Arborfield and Barkham Settled and Farmed Clay. The overall strategy for these landscape character areas is to conserve and enhance the quiet rural and agricultural landscape with its scattered rural settlement and rural lanes.
11. Building A is a utilitarian style building comprising corrugated metal construction with brick plinth and is otherwise enclosed with some fenestration detailing. Building B comprises a greater proportion of timber construction and is more open in its presentation and is more fitting of its rural context.
12. Nutter's Lane to the east, an earth bund to the south, vegetation to the west and north all help to delineate the extent of the site and the land associated with Buildings A and B, which at the time of my site visit was used for storing equipment and other materials. The opposite side of Nutter's Lane to the north east is where the principal farm compound is located, and the site enjoys a close visual link and is contiguous in this context. There were personnel actively undertaking work within the vicinity of the site and the farm appeared to be operational during my visit.
13. Under the proposal, Building A would retain many elements of the existing construction, including corrugated metal cladding, corrugated fibre cement roof including fenestrations, blockwork piers and walling.

14. There would be modest alterations to fenestrations and the elevations through the introduction of glazing, among other things, but generally the scale and appearance of the building would be preserved. Building B would share some of the detailing associated with Building A. Albeit, the existing appearance of the barn is currently more open, and therefore it would be subjected to more extensive alterations that would result in a more enclosed appearance.
15. The wider cluster exhibits an agricultural character, with activities of a rural nature. It is likely to experience a large number of movements within the site over the course of the day and include the use of agricultural machinery. This would create a certain level of activity associated with the site. Light industrial uses are those which include industrial processes that are usually inconspicuous and compatible with other uses, such as residential uses. Consequently, the proposal would not therefore generate activity that exceeds what is already associated with the agricultural use on the site. Accordingly, although it would be more commercial in character, the proposal is a small proportion of the wider site and is unlikely to generate activity that overwhelms the existing agricultural use or rural character of the area.
16. There would be no encroachment into the open countryside and no increase in the scale of built development. The appeal site is well screen by existing boundary treatments (such as a bund, among other things) and the landscaping scheme put forward by the appellant would reinforce this. Even without landscaping, the minor alterations to buildings would be read against a backdrop of existing buildings and the wider appearance of the cluster would not change to any meaningful degree. There is no evidence to suggest that the storage of apparatus associated with the proposal's use would have any material difference on the prominence of the area, especially in considering the land surrounding Building A and Building B is already used for storing various apparatus, materials and other vehicles.
17. It is implicit that through the mechanisms of agricultural diversification, uses of varying character would be introduced alongside existing agricultural uses. What is important however, is that such uses are introduced with a degree of subservience so as to not overwhelm or harm the primacy of the agricultural use or the rural character. In this case, due to its limited scale and minor alterations to appearance, it would be acceptable. The proposal would not be urbanising, incongruous or harm the character and appearance of the area. I am satisfied on the basis of the evidence presented that the existing dairy business model is shown to be unviable. Agricultural operations need to be economically resilient and sustainable, and diversification has a role to play in that. Paragraphs 83 and 84 of the National Planning Policy Framework (the Framework) establish that there should be support for sustainable growth and expansion of all types of business in rural areas.
18. Policy CP11 of the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document 2010 (CS) is largely consistent with Paragraphs 83 and 84 of the Framework and it is not therefore necessarily out of date. However, it still appears to lack some of the flexibility afforded by the Framework in relation to agricultural diversification and therefore carries reduced weight. Paragraphs 83 and 84 of the Framework, allied with Paragraph 80 of the Framework, carry significant weight insofar as there is a need to create the conditions in which businesses can invest, expand and adapt in these areas.

19. The appeals referenced by the Council generally relate to residential development, and in this context Policy CP11 may well be consistent with the Framework and carry full weight. However, the proposal here relates to agricultural diversification, whereby Policy CP11 appears restrictive by comparison and lacks complete consistency. The appeals¹ referenced by the Council deal with proposals for business uses (among other things) and are therefore more comparable to the proposal under this appeal. However, these do not deal with Policy CP11 insofar as its relationship with the Framework and agricultural diversification. They are not therefore directly comparable.
20. Agricultural diversification is not defined within the Framework, but former guidance from Department for Environment, Food and Rural Affairs (DEFRA) sets out that it can include converting redundant buildings to other non-agricultural business uses including offices, among other things. As this guidance is superseded, I have used the ordinary meaning of diversification² as being the process of starting to include more different types or things, and therefore it seems logical that agricultural diversification would lead to alternative uses not necessarily associated with agriculture.
21. The Council seem to question the legitimacy of the farming operation and its links to Farley Estate. However, the appellant has provided evidence from a suitably qualified rural business consultant, and there is no competing evidence of substance that leads me to conclude that the rural enterprise in question is not legitimate. It appears the agricultural diversification is pursuant to a viable business and there is an identifiable need for this approach at Tanners Farm.
22. Paragraph 84 of the Framework recognises that sites to meet local business needs in rural areas may be in locations that are not well served by public transport. It is not apparent that the intensity of the proposal (as reasoned earlier) would give rise to activity that might have an unacceptable impact on local roads compared to the existing situation.
23. Furthermore, exploiting any opportunities to make a location more sustainable can be an ongoing process that is possible to address by planning condition, securing a travel plan or similar document that requires proactive steps to improve the scope of access on foot, by cycling or by public transport. Consequently, it follows, that although the use of previously developed land is preferred, as well as sites close to existing settlements, these are not mandatory under Paragraph 84, and the proposal would otherwise be acceptable in this context.
24. Overall, the proposal would be in an appropriate location with regards access to services and would not harm the character and appearance of the area. It would accord with Policies CP1, CP3, CP6 and CP11 of the CS, and Policies CC01, CC02 and TB21 of the Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan 2014, the Borough Design Guide Supplementary Planning Document and Sections 9, 12 and 15 of the Framework. Among other things, these seek to maintain the quality of environment outside of development limits.

¹ APP/X0360/C/16/3142135, APP/X0360/C/16/3142138 and APP/X0360/W/19/3226203

² Cambridge Dictionary

Conditions

25. The Council suggested 11 conditions, and these have been considered in the context of the Framework and Planning Practice Guidance (PPG). The PPG is clear that pre-commencement conditions should only be used where clearly justified. I have not found this to be the case on a number of the pre-commencement conditions suggested by the Council, the timings for which can be reasonably amended prior to occupation or the specific works.
26. The 11 conditions set out in the accompanying Schedule are necessary to make the development acceptable in planning terms.
27. The standard conditions setting out the time limit for implementation, and compliance with the approved plans are necessary to provide certainty. Conditions securing materials samples, hard and soft landscaping are necessary to ensure the proposal remains in keeping with the rural character of the area. Conditions securing a Travel Plan and details for parking and turning, and the storing of bicycles are necessary to achieve safe ingress and egress and to promote modes of sustainable travel as an alternative to the private car. A condition securing details of drainage is necessary pursuant to controlling surface water and flood risk. A Condition controlling the height of the storage areas is necessary to prevent a build up of equipment and materials that would conflict with the agricultural nature of the site and rural character of the area. A condition securing biodiversity enhancements is necessary to secure net gain in accordance with the Framework.

Conclusion

28. For the reasons given, the appeal is allowed, and planning permission is granted subject to conditions in the attached Schedule.

Liam Page

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) This permission is in respect of plan numbers: A-03-102 Rev 2; A-03-002 Rev 1; A-03-101 Rev 2; A-03-001 Rev 1; A-02-002 Rev 2; A-02-001 Rev 3 and DR-L-90-300 B. The development hereby permitted shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 3) Before works to the buildings hereby permitted are commenced, samples and details of the materials to be used in the construction of the external surfaces of the buildings shall have first been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.
- 4) Prior to occupation of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable.
- 5) All hard landscaping shall be carried out in accordance with the approved details prior to the occupation of any part of the development and all soft landscaping shall be carried out in accordance with the approved details and implementation timetable. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.
- 6) Prior to the occupation of the development hereby permitted, details of secure and covered bicycle storage/parking facilities for the occupants of and visitors to the development shall be submitted to and approved in writing by the Local Planning Authority. The bicycle storage/parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.
- 7) No part of any buildings hereby permitted shall be occupied until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking spaces shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

- 8) Prior to the occupation of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car and provide for periodic review. The Travel Plan shall be fully implemented, maintained and reviewed as approved.
- 9) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii) include a timetable for its implementation; and iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 10) The storage of equipment, materials, plant, containers or machinery outside of the buildings shall be no higher than 2 metres in height.
- 11) Prior to the occupation of the development, details of biodiversity enhancements, to include bird boxes, on and around the buildings and native and wildlife friendly landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed as approved prior to occupation of the development, with the exception of landscaping measures which shall be implemented as part of the approved landscaping scheme.

End of Schedule