



Appeal Decision

Site visit made on 18 August 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2020

Appeal Ref: APP/G2815/W/20/3250112

The Pingles, Taylors Green, Warmington, Oundle, Northants PE8 6TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by Mr John Northen against the decision of East Northants District Council.
 - The application Ref 19/01410/PDU, dated 19 August 2019, was refused by notice dated 15 October 2019.
 - The development proposed is conversion of an agricultural general purpose concrete framed building to a residential building (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2 Part 3 Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the conversion of an agricultural general purpose concrete framed building to a residential building at land at The Pingles, Taylors Green, Warmington, Oundle, Northants PE8 6TG in accordance with the terms of the application Ref 19/01410/PDU, dated 19 August 2019. The approval is subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (i) Site Location Plan & Block Plan - Drawing No 200.01
 - (ii) Existing Plans and Elevations - Drawing No 200-02
 - (iii) Proposed Floor Plans - Drawing No 200-03
 - (iv) Proposed Floor Plans - Drawing No 200-04
 - 2) Prior to the first occupation of the development hereby permitted, the visibility splays, access and parking shall be provided in accordance with the Transport and Highways Report, prepared by The Transportation Consultancy, Dated March 2020.
 - 3) The access must be constructed in a hard-bound material for the first 5 metres from the highway boundary.

Preliminary Matters

2. The description of the proposed development above is as set out on the decision notice and as adopted by the appellant on the appeal form. This is clearer than that used on the application form and I have determined the appeal on this basis.
3. In order to benefit from these provisions, the proposal sought the Council's determination as to whether the proposal would be 'Permitted Development' and whether the proposal required prior approval in relation to relevant matters. The Council Officer's report accepted that the conversion could be carried out without new building operations that would fall outside the relevant parts of the GPDO. However, the application was refused on the grounds that prior approval was required and, in relation to the transport and highway impacts of the proposed development, was refused.
4. Following the Council's decision on the application, I understand that a further application seeking prior approval was submitted and validated on 5 December 2019 (19/01919/PDU). This second application was subsequently withdrawn. However, the second application included additional transport and highways evidence which is drawn upon and added to as part of the appellant's evidence to this appeal.

Main Issue

5. The main issue is the effect of the appeal proposal on public highway safety.

Reasons

6. The Highway Authority's (Northamptonshire County Council) comments on the proposal directly led to the refusal of prior approval with the crucial point being inadequate visibility splays on a narrow country lane which has a 60mph speed limit. Notwithstanding this, the Highway Authority did suggest that if a speed survey were carried out then this might permit some relaxation of the extent of visibility splays. The comment suggesting such a survey was dated 7 days in advance of the decision date which effectively precluded the necessary work being carried out to inform the original decision.
7. It follows that the appellant's inclusion of a Transport and Highways Statement prepared by The Transportation Consultancy (ttc) as part of the evidence for this appeal is a reasonable course of action. This includes the results of a speed survey carried out to respond to the Highway Authority's observations.
8. An initial speed survey was carried out 5 to 11 November 2019 but, as this did not record a minimum of 200 vehicles as required by the Highway Authority, a further survey took place from 23 February to 7 March 2020. The combined results suggest that average vehicle speeds for the eastbound and westbound directions are much lower than the speed limit and at the 85th percentile were 22.0mph and 23.2mph respectively. In addition, there is no history of recorded traffic accidents.
9. Given the low speeds, ttc demonstrate that 90m visibility can be achieved in both directions and, at the recorded speeds by the survey, this would be appropriate and meet the requirements of the Design Manual for Roads and Bridges. The Council has not sought to challenge this and therefore my finding on this particular aspect, supplemented by observations on my site visit is that

adequate visibility splays could be provided given the low volumes and speed of traffic using Taylors Green.

10. In respect of the emergency vehicle and refuse vehicle access the appellant has proposed an appropriate minimum width of the driveway and demonstrated through swept path analysis that a typical fire engine could satisfactorily access, turn and leave the site. I am also aware that large vehicles including refuse trucks as well as agricultural vehicles safely use Taylors Green. Other Highway Authority requirements such as the level of car parking (3 spaces) and provision of hard bound material at the point of access are all achievable. In relation to sustainability, while the proposed conversion would be located in open countryside, it would be within walking and cycling distance of the village of Warmington, where local services are available.
11. The Council have pointed out that engineering works would be required to ensure the development would meet the specifications in the preceding paragraph. It would be possible to ensure the provision of these works by condition which would be consistent with paragraph 109 of the Government's National Planning Policy Framework (the Framework). This indicates 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. Those factors do not apply to the appeal proposal.
12. Accordingly, I find that the appeal proposal, subject to conditions (see below), would not have a harmful impact on public highway safety and, as such, would be consistent with the requirements of Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 which seeks, amongst other things, to ensure development has a satisfactory means of access and provision for parking, servicing and manoeuvring. Thereby, the proposal would also be consistent with the requirements of Class Q under Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in respect of highway and transport impacts.

Other Matters

13. The Council's statement of case makes reference to another appeal decision (APP/J3720/W/18/3210343), effectively reopening the question as to whether the appeal proposal falls within the scope of 'Permitted Development' under Class Q of the GDO. I do not have access to the detail of the other appeal but understand that the extent of works proposed in that case, including new walls and roof, were considered by the Inspector to be of a nature that the proposal amounted to a complete rebuild rather than a conversion.
14. In response, the appellant, in their final comments, took the opportunity to introduce a different appeal decision (APP/E2530/W/19/3225819). In that case the Inspector determined that the existing structure appeared to be of substantial construction and in sound condition, that the steel frame would be adequate to accommodate the increased loading of the replacement walls and roof and, the change of use could take place without requiring any structural alteration. New first floors would be supported on a new internal secondary support system without reliance on the existing columns and foundations.
15. The appellants evidence in relation to the appeal proposal includes a structural survey of the barn and a schedule of proposed works. These indicate that the

existing concrete portal frame would remain and provide the main loadbearing elements including the roof which would be supported by the existing rafters and purlins. External alterations would be minimised with new materials and openings added only where necessary. The metal cladding which covers the side of the building facing the highway would be retained thus keeping the external appearance of an agricultural barn. None of the works proposed would be structural in nature.

16. On the basis of the above analysis I find that the extent and scale of works in this appeal would appear to leave the existing structural elements largely intact and, that the extent of works to the external walls and roof would appear to be less extensive than those referenced in Appeal Ref APP/E2530/W/19/3225819. This appeal decision therefore appears a better comparator than the decision highlighted by the Council above.
17. Accordingly, I conclude, as did the Council in their initial assessment, that the extent of works proposed in relation to conversion of the farm building would fall within the scope of those permitted within the requirements of Class Q under Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
18. A small number of objections were received and these included reference to the proposal falling outside the village envelope and the potential for the development to disturb the quiet nature of a country lane used by local people for walks. For this type of development (Class Q), the likelihood is that proposals will come forward beyond settlement envelopes and the proposed conversion is of a scale that will only add a small number of trips, so the rural character of the area will remain largely untouched.

Conditions

19. Section W (13) of Part 3 of Schedule 2 of the GPDO allows prior approval to be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. Class Q (a) and Class Q (b) approvals are automatically subject to a 3 year time limit for completion from the prior approval date so this is not included as a condition under the decision above.
20. I have drafted the conditions in order to ensure that the development is carried out satisfactorily, meeting the six tests set out in-paragraph 55 of the Framework. I have taken into consideration the suggestions by the Council, including the comments of the Highway Authority. The appellant's statement of case refers to the acceptability of conditions to resolve the concerns regarding access and parking.
21. Conditions 1) relates to the approved plans and is required as this provides certainty. Condition 2) refers to the technical report that includes the plans showing details of the access, parking and manoeuvring arrangements which are required to ensure that the implications of the development for public highway safety are addressed. Condition 3) ensures that the transition from the public highway to the driveway is made from a bound material in the interests of protecting the safety of highway users.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

David Carter

INSPECTOR