
Appeal Decision

Site visit made on 15 September 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2020

Appeal Ref: APP/K0425/W/20/3252468

Jackson's Lodge, Bosmore Lane, Fawley RG9 6JJ

- 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 Gillian Knowles against the decision of Buckinghamshire Council-Wycombe Area.
 - The application Ref 19/08034/FUL, dated 16 December 2019, was refused by notice dated 20 April 2020.
 - The development proposed is the change of use of a shooting lodge to upholstery school.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a shooting lodge to upholstery school at Jackson's Lodge, Bosmore Lane, Fawley RG9 6JJ in accordance with the terms of the application, Ref 19/08034/FUL, dated 16 December 2019, subject to the following conditions on the attached schedule A.

Procedural Matter

2. On 1 September 2020, changes were made to the Town and Country Planning (Use Classes) Order 1987. Main party comments were sought on this and have been considered here.

Main Issue

3. The main issue is whether or not the proposed upholstery school use would be acceptable in a rural location, having regard to local and national planning policy.

Reasons

Location of development

4. Jackson's Lodge is a former shooting lodge in a countryside location. It was used as a hospitality suite for the shooters and planning permission for its use, was subject to a planning condition making its personal use to the applicant. It is served by a single track road, Bosmore Lane, from Fawley Bottom which has no pavements or streetlighting. Along the lane, there are sporadically located dwellings and a farm at the end. Just before the site, Bosmore Lane is joined up with another similar narrow lane from Fawley.
5. Under Policy CP3 of Wycombe District Local Plan (LP) 2019, a settlement strategy directs development to towns and villages according to their

sustainability. Outside of these areas and settlements, development will be restricted to that which is appropriate in a rural area under this policy. Under LP policy DM44, proposals will be permitted for specified types of development in the countryside, including the conversion of existing buildings in accordance with LP Policy DM45.

6. LP Policy DM45 supports the conversion of existing buildings in accordance with criteria. The building must be of sound and permanent construction, not erected in the last 10 years, and support the vitality and sustainability of the local rural community, the rural economy or local services. The main parties have alleged no conflict with this policy. Based on the construction of the building and the business nature of the school, the proposal would comply with this policy.
7. LP Policy DM33 sets out to manage emissions and transport energy and details local requirements for developments with respect to transport modes, particularly sustainable modes. Amongst its requirements, the policy requires development to be located to provide safe, direct and convenient access to jobs, services and facilities via sustainable transport modes, to include measures to reduce reliance on single occupancy car trips and to increase the use of sustainable transport modes.
8. The furniture upholstery school would run three year courses based on one day a week attendance and is run from September to the end of July. Other short courses are run outside of this period. Currently, the school has two full-time and one-part-time tutors and 44 students, with no more than 10 students attending each day. The school will mainly operate during the week, with occasional weekend courses. On this basis, the highway authority has estimated 24-26 vehicular movements each day during term time.
9. In terms of LP Policy DM33, the practical based learning nature of the school would necessitate students bringing items back and forth that have been worked upon. The vehicular movements would be likely to be single occupancy trips with little opportunity to reduce them or increase the use of sustainable transport modes. The school would not have good access to jobs, services and facilities via sustainable transport modes. Consequently, there would be LP Policy DM33 conflict.
10. In summary, the proposal complies with LP Policies DM44 and DM45 but conflicts with LP Policy DM33. Such policies are central to the merits of the development by reason of their direct relevance and importance to the proposal.
11. For LP Policy DM44, explanatory paragraph 6.230 details that in countryside areas, development is generally not sustainable but that new development can contribute to the vitality and sustainability of rural communities. At paragraph 6.233, it is stated that the aim of the policy is to support rural enterprises and businesses located in the countryside, recognising that there may be need for additional development that supports them and the employment generating uses they provide. In terms of the conflict with Policy DM33, explanatory paragraph 6.137 also states opportunities to maximise sustainable transport solutions will vary from urban to rural area.
12. The LP explanatory paragraphs are not policy but they can provide valuable guidance into what the LP is seeking to achieve. In this regard, the

development would not be sustainable but the LP does support rural businesses and acknowledges that transport by non-private modes will be poorer in rural areas compared to urban areas.

13. The existing upholstery school is run from a property in Nettlebed, about 6 miles away. The business is locally based providing employment and relies upon local suppliers and has a strong network of local contacts built-up over a long time. It also perpetuates a craft based educational use of furniture upholstery and reuses an existing soundly built rural building which is currently redundant. Such considerations give substantial support to the benefits of the proposal in accordance with the LP support for rural enterprises.
14. Comparison between the Highway Authority's daily estimate of the school's vehicular movements with an equivalent for the previous shooting lodge indicate a significant difference. This would be expected given the lodge was not frequently used during the year. However, the highway authority estimate of total vehicular movements (24-26) is not great especially if it is considered that this represents movements to and from the school during a day. Furthermore, the school is small with a maximum of 10 students, 2 full time and 1 part time staff. Due to the school already existing in the local area, the harm to policy in managing carbon emissions and transport energy under LP Policy DM33 would not be significant and overriding.
15. For all these reasons, greater weight should be given to the proposal's LP Policy DM45 and LP Policy DM44 compliance than its LP Policy DM33 conflict based on the balance of the evidence before me in this instance. Consequently, the proposal would comply with the development plan taken as a whole.
16. Under the National Planning Policy Framework (the Framework), paragraph 102 and 103 details that the planning system should actively manage patterns of growth in support of transport objectives, including the promotion of walking, cycling and public transport and mitigating any adverse environmental effects. However, the Framework also recognises that opportunities to maximise transport solutions will vary from urban to rural areas at paragraph 103 and that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport at paragraph 84. For similar reasons to those given previously, the proposal would comply with the Framework taken as a whole.
17. Buckinghamshire's Local Transport Plan (TP) 4 (2016 – 2036) policies 12 and 13 and Highways Development Management Guidance (DMG), amongst other matters, encourage walking and cycling and developments to meet their own transport needs, reduce the need for single occupancy car travel, and to be well-connected to existing infrastructure, services and facilities. However, there are economic, social and environmental benefits arising from this development that outweigh any conflict with the guidance of the TP and DMG.

Other matters

18. The lanes, serving the development, are narrow and well used by cyclists, horse riders and walkers. Nevertheless, the additional vehicular movements from this development along these roads would not be significant. Furthermore, the roads would not carry significant existing traffic volumes because of the limited nature of development in the area. If two vehicles meet

along a road, there may be a need for one of the vehicles to reverse to find a wider passing place if vehicles meet. However, this would be an inconvenience rather than a highway safety issue and the physical nature of them, including alignment, would limit traffic speeds. Given the size of the site, the proposal could also incorporate acceptable parking and turning on the site and the Highway Authority, a statutory consultee, has raised no objections on highway safety or capacity grounds. For all these reasons, the highways aspects of the proposal would be acceptable.

19. Tools, equipment and machinery would be used but the building will be located a good distance from its nearest neighbours, having regard to noise and disturbance. In relation to the Old Bakehouse, it would be sited on the other side of the road. The Council's Environmental Health Officer (EHO) has also raised no objections on noise and disturbance. Given the small scale nature of the school, the increased vehicular movements would result in no adverse effects on air quality, a view supported by the EHO. For all these reasons, these considerations would not individually or cumulatively outweigh the acceptability of the scheme.

Conditions

20. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance (PPG). Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the guidance.
21. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings. In the interests of highway safety, a planning condition requiring the implementation of an approved scheme of vehicle parking is necessary.
22. A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company. The PPG states conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. However, changes of use could result in adverse vehicular movements and associated emissions given the narrow lanes around the site and its rural location. For these reasons, there are exceptional circumstances justifying the necessity of a condition restricting use in this particular case.

Conclusion

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PLAN-000; SURV-002; SURV-001 Rev A; SURV-003 Rev A.
- 3) The building shall not be occupied until space has been laid out within the site in accordance with a scheme for parking submitted and approved in writing beforehand. The space shall thereafter be kept available at all times for the parking of vehicles.
- 4) The premises shall be used for a furniture upholstery school and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to this Class in any statutory instrument revoking and re-enacting that Order with or without modification). Such a use restriction shall exclude any other purpose, other than a furniture upholstery school, within Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by Town and Country Planning (Use Classes) (Amendment) (England) (Regulations) 2020.