



Appeal Decision

Site visit made on 9 November 2020

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2020

Appeal Ref: APP/J0405/W/20/3256542

The Hollows, Winslow Road, Little Horwood MK17 0PD

- 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 Mr Simon Hill against the decision of Buckinghamshire Council.
 - The application Ref 19/03649/APP, dated 7 October 2019, was refused by notice dated 24 January 2020.
 - The development proposed is described as Extension to an agricultural building with permission for the Change of Use to B1 and B8.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's name in the original planning application form was 'Hill'. It has been clarified that the appellant's title and first name was omitted but the original applicant was Mr Simon Hill. The appeal proceeds on this basis.
3. On 1 April 2020 Aylesbury Vale District Council (AVDC) merged, along with other Councils into a new single Unitary Authority called Buckinghamshire Council. Whilst the original application was submitted to and determined by AVDC, I have used the new authority's name in the banner heading above.

Main Issue

4. The main issue is whether the proposed development would be an appropriate form of development having regard to national and local policies for the location of employment land.

Reasons

5. Policy RA.29 of the Aylesbury Vale District Local Plan (2004) (the AVDLP) explains that outside the built-up areas of settlements and identified employment areas the Council seeks to resist proposals for new employment buildings and expansion of established sites into the countryside. Policy RA.29 states having regard to the extent of the existing employment site, limited extensions to buildings and re-development at non-defined sites may be permitted that is not out of keeping with the characteristics of the locality and does not lead to excessive traffic generation.
6. The appeal site is outside a settlement not in an identified employment area, and a number of new parking spaces would encroach outside the built-up limits

- of the employment area, as shown on plans for the 2018 planning permission, into the countryside. Taking into account the existing building, silos and storage area, this development proposes a significant increase in floorspace and volume of building. The development is of such a size that it does not constitute a limited extension to a building under Policy RA.29. By encroaching into the countryside outside of the existing extent of the employment area, the proposal goes beyond the scope of a redevelopment. Therefore, the development would conflict with Policy RA.29.
7. Having regard to the removal of the silos, the backdrop of the existing business premises, and the long term effects of proposed planting, the development would not be out of keeping with the characteristics of the locality. The Council and Highway Authority raises no objection in respect of the access and parking arrangements, and there is no substantive evidence to suggest traffic movements would be excessive. However, this does not mitigate the fundamental conflicts with Policy RA.29 referred to above.
 8. Paragraph 83 of the National Planning Policy Framework (2019) (the Framework) expects planning decisions to enable sustainable growth and expansion of all types of business in rural areas. Policy D6 of the Vale of Aylesbury Local Plan (2019) Proposed Submission Plan as proposed to be Modified (2019) (the VALP) sets out the strategy for the provision of employment land. This strategy is to generally support employment development in sustainable locations through (amongst other things) (b) the intensification or extension of existing premises, (c) as part of a farm diversification scheme, or (d) replacement of existing buildings. Whilst it is not yet adopted, having regard to the progress of the plan, and the alignment with the Framework, this policy attracts moderate weight.
 9. The modestly sized settlement of Winslow is approximately 1km from the appeal site. There are a few other small rural settlements further afield. The larger settlements of Milton Keynes and Buckingham are over 7km away. Travelling to the site from most locations would involve routes which include significant sections of unlit national speed limit roads without formal footways. A high level of fitness and competence would be required to walk up to 2km or cycle up to 5km to the site. Given the route and distances pedestrian and cyclist journeys would not be particularly attractive or convenient for staff, suppliers or customers, particularly during darker and colder parts of the year.
 10. For the reasons set out above the site is not physically well-related to existing settlements and the evidence before me and from my visit suggests there is a lack of attractive or convenient modes of sustainable transport. The distance and routes to settlements and population centres means there is a strong likelihood employees, goods or services used by the businesses, and customers served, will not access the site by sustainable transport modes. The development would result in a reliance upon private motor vehicles to access the businesses.
 11. It is not clear how the appellant assesses and ensures tenants produce low levels of traffic. The number of vehicle movements likely to be generated by the development is not detailed. Although on-balance the nature and scale of uses proposed suggests vehicle movements would be unlikely to be excessive, and the site would have suitable access and parking arrangements. However, the operation of two further business premises from the appeal site would be

likely to generate and add up to a considerable number of additional vehicular miles per year.

12. For the reasons set out above the development does not overall constitute a proposal for the sustainable growth and expansion of businesses. Therefore, the development is not supported by paragraph 83(a) of the Framework. Although, there may be some support from paragraph 83(b) as the diversification of an agricultural business. While the development might be considered as a type of development falling within the broad categories of development in criteria (b), (c) and (d) of Policy D6, it does not meet the prerequisite requirement of being in a sustainable location.
13. The appellant states that all units are fully occupied and the units under construction have already been let. However, there is not substantive evidence demonstrating there is an overriding need for this proposal due to demand from existing local businesses. As the new units are shown as self-contained from the existing units, this does not indicate the new units are specifically to meet the needs of existing local businesses or a community that is dependent upon this location. Therefore, I do not find paragraph 84 of the Framework, in relation to local business and community needs, supportive of this proposal.
14. The conversion of the existing silos might be permitted by Class R of the Town & Country Planning (General Permitted Development) Order 2015, compliant with Policy RA.11 of the AVDLP. However, given their construction and shape, the practicality of their conversion and future occupation as business premises is questionable. Furthermore, they are of a considerably smaller floorspace than the appeal proposal, there are no plans or drawings provided to me suggesting the conversion would take place, and, there is not an expressed intention to undertake these works. Therefore, the evidence indicates there is not a greater than theoretical likelihood of that development taking place. As such, this fallback position attracts limited weight.
15. For the reasons set out above the development would conflict with Policy RA.29 of the AVDLP which seeks to resist proposals for new employment buildings at non-defined sites in the countryside and the expansion of sites into the countryside. The development would also conflict with Policy D6 of the VALP as it would not be sustainably located in relation access for potential employees, goods, services, markets and customers. It would also conflict with paragraph 8c) of the Framework which requires development seeks to use natural resources prudently and minimise pollution. These matters attract significant weight against the proposed development.
16. The Council has referred to Policy RA.11 in its reason for refusal, and the appellant has referred to the policy in making their case for this proposal. However, RA.11 is not entirely aligned with the Framework and it primarily relates to the conversion of existing buildings. As this proposal is to demolish existing buildings/structures, erect a large extension to an existing building undergoing conversion under an existing consent, and would conflict with the strategy of concentrating development in the main settlements, Policy RA11 does not support this proposal and is of limited relevance to it. As a result of this, it is not a most important policy for determining this appeal for the purposes of paragraph 11d) of the Framework. Therefore, the tilted balance in paragraph 11d)ii) of the Framework does not apply.

Planning Balance & Conclusion

17. The development would not conflict with Policies GP8, GP24, GP35 of the AVDLP and Policies BE2, BE3 and T6 of the VALP in respect of the living conditions of nearby residents, its overall longer term effect on the character and appearance of the area, or in terms of parking provision. The existing highway access is considered suitable for the proposed development. Compliance with these policies are neutral effects and factors, attracting neutral weight.
18. There is some support for the proposal under paragraph 83b) of the Framework, and the fallback position is noted. Having regard to paragraph 8 of the development would result in benefits in respect of employment during construction and on-going employment upon completion as operational business premises. The Framework support in paragraph 83b) and the economic and social benefits of the development would be limited and attract limited weight. The compliance with policies outlined above and collective benefits of this development do not outweigh the significant harm I have found in respect of the conflicts with Policy RA.29 of the AVDLP, Policy D6 of the VALP and paragraph 8c) of the Framework. These attract significant weight against the scheme.
19. The proposed development would be contrary to the development plan, the emerging plan and the Framework, and there are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR