



Appeal Decision

Site Visit made on 16 November 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2020

Appeal Ref: APP/F0114/W/20/3256544
Avon Farm, Avon Lane, Saltford BS31 3ET

- 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 Clive Franklin against the decision of Bath and North East Somerset Council.
 - The application Ref 19/05519/FUL, dated 21 December 2019, was refused by notice dated 8 June 2020.
 - The development proposed is change of use of a former office building to a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of a former office building to a dwelling at Avon Farm, Avon Lane, Saltford BS31 3ET in accordance with the terms of the application, Ref 19/05519/FUL, dated 21 December 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Clive Franklin against Bath and North East Somerset Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The building has already been altered in accordance with the submitted drawings, and was in use for residential purposes at the time of my visit. I am therefore considering the development retrospectively.

Main Issues

4. The main issues are:
 - a) Whether the site is suitable for a dwelling, bearing in mind development plan policy and the accessibility of services and facilities; and,
 - b) Whether safe and suitable access to the site can be achieved for all people.

Reasons

Development plan policy and accessibility

5. Avon Farm lies in open countryside, approximately 1.2 kilometres to the north of Saltford. The appeal site lies within a group of buildings that are closely associated with the main farmhouse. Several of these have been converted to residential use, and the estate is operated as a holiday business. There are also

stables within the complex, and many of the fields around the buildings are divided into paddocks. The group of buildings lies in the Green Belt, well outside any settlement.

6. Occupants of the proposed dwelling would have to travel to Saltford to obtain essential daily services. This would involve a journey of approximately 2 kilometres to the centre of the village, where most of the facilities, including the nearest bus stop, are located. The nearest primary school is about 200 metres further away. All of these facilities would be well beyond the 10 minutes' (up to about 800 metres) walking distance referred to in Manual for Streets (MfS)¹, that typically characterises a walkable neighbourhood. Furthermore, most of the route is made up of single-track roads with no lighting or footways. It is, therefore, unlikely that occupants will regularly access the village services by foot.
7. Access to the National Cycle Network would be available to occupants of the dwelling, via a track across the estate, to the Bristol and Bath Railway Path to the west. This route links into the southern end of Avon Lane, and continues into the centre of Saltford. It therefore provides a sustainable option to access the services in the village. However, it would involve a round trip of about 4.5 kilometres. Much of the route is unlit, and the stretch from the southern end of Avon Lane into the village involves a fairly steep incline, on an unsegregated road with significant levels of on-street parking. Furthermore, the link from the estate to the Railway Path is across a field, which may not be suitable in all weathers.
8. Consequently, whilst the site does afford the opportunity to access services by bicycle, it is unlikely that this option would be attractive in the hours of darkness, or in inclement weather. In view of the length and nature of the route, it would not be an option that would be available to residents of all ages and abilities. Therefore, as the nearest public transport facilities are in the village centre, occupants of the proposed dwelling would be mainly reliant on the use of private vehicles to obtain essential goods and services. This would be contrary to the aims of Policy ST1 of the Bath and North East Somerset Placemaking Plan (Adopted 2017) (the Placemaking Plan), which seeks to promote sustainable travel.
9. However, national and local policy makes provision for the re-use of rural buildings in the countryside. Paragraph 79 of the National Planning Policy Framework (the Framework) identifies the re-use of redundant buildings as an exception to the normal policy of avoiding isolated homes in the countryside. Policy RE6 of the Placemaking Plan addresses the re-use of rural buildings. The supporting text explains that the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas, including for residential uses.
10. The Policy requires proposals for conversion to be considered against eight criteria, the fifth of which addresses accessibility to services. It says that *"where the building is isolated from public services and community facilities **and** unrelated to an established group of buildings the benefits of re-using a*

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

redundant or disused building and any enhancement to its immediate setting outweighs the harm arising from the isolated location” (my emphasis). Criterion 5 therefore makes provision for the conversion of buildings that are isolated from services, provided they are related to an established group. The appeal building is an integral part of a group of buildings, several of which already have a residential use. Therefore, despite its position away from the services in the village, there is no conflict with Criterion 5 of Policy RE6.

11. The Council’s reasons for refusal do not refer to any conflict with the other criteria of Policy RE6, and I find no reason to arrive at a different conclusion. I therefore find that the proposal would comply with the specific policy in the development plan that addresses the re-use of rural buildings.
12. To conclude on this issue, residents of the dwelling would be largely dependent on the use of private vehicles to access day to day services. This would conflict with Policy ST1 of the Placemaking Plan, which aims to reduce dependency on the private car. However, Policy RE6 recognises that, even in isolated locations, the reuse of rural buildings within an established group can be beneficial to the needs of rural areas. The proposal would accord with the requirements of Policy RE6. I therefore conclude that, despite the inaccessibility of the site to services and facilities, the re-use of the building as a dwelling would accord with the provisions of the development plan when read as a whole.

Safe and suitable access

13. Access to the site is gained via Avon Lane, which is a single carriageway road with no segregated footway or street lighting. For most of its length it is between the 2.75 and 3.25 metre widths that MfS guidance says should be avoided, since they could result in drivers trying to squeeze past cars. As a result, it is also too narrow for cars to pass each other, and there are few passing places. Consequently, it is not a road that is suitable for high volumes of vehicular traffic.
14. Avon Lane is accessed from the village centre via High Street and Mead Lane, which are wide enough to allow cars to pass each other, and cyclists, without danger. However, the eastern portion of Mead Lane does not have footpaths, and carries moderate levels of traffic, including larger vehicles serving the various uses to the east. The footpaths leading westwards into the village are intermittent, and frequently well below the width that would allow for their safe use by wheelchair users, or for those pushing prams or accompanied by small children. As a result, pedestrians must use the carriageway for much of the journey. Avon Lane, Mead Lane and High Street do not, therefore, provide a safe and suitable route for pedestrians to access the village centre from the appeal site.
15. The use of the building as a dwelling would give rise to traffic movements as a result of the occupants’ needs to obtain goods and services. I have not been provided with evidence of the nature, or the planning status, of the previous office use. If it was ancillary to the overall use of the estate as a holiday complex, it would not have generated significant traffic, so the residential use would result in increased movements. However, these must be considered alongside the existing level of traffic that is already attracted to the site.
16. The evidence indicates that, as well as the main farmhouse, there are at least five other lawful dwellings within the complex. The stables and surrounding

paddocks are also likely to give rise to considerable levels of traffic from owners visiting their horses. Therefore, even if the previous office use is completely discounted, the movements associated with the proposed dwelling would only represent a small increase to the existing level of traffic generated by the site as a whole.

17. I have already concluded that occupants of the dwelling would be mainly reliant on the use of private vehicles, so the development is not likely to lead to a noticeable increase in pedestrians or cyclists using Avon Lane, Mead Lane or High Street. The impact of the development on highway safety would, therefore, be largely limited to a relatively small increase in the number of cars using this route. Although I have found that Avon Lane would not be suitable for large volumes of traffic, there have been no recorded accidents in the last five years. No other evidence has been provided to demonstrate that the existing level of use is prejudicial to highway safety or convenience.
18. Traffic moves slowly along Avon Lane and, due to its relatively straight alignment, forward visibility for drivers is good along most of its length. Therefore, oncoming drivers can make early decisions about how to allow other vehicles to pass. Similarly, drivers have time to slow down, or stop, to avoid conflict with pedestrians or cyclists using the carriageway. The small increase in vehicle numbers would not, therefore, result in harm to the safety or suitability of access to the site.
19. For the above reasons, I conclude that the development would comply with Policy ST7 of the Placemaking Plan, which seeks to ensure safe and convenient access for all users. It would also accord with paragraph 109 of the Framework, which says 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.

Other Matters

20. In arriving at my decision, I have had regard to the other matters raised in representations, including the location of the site in the Green Belt. Paragraph 146 of the Framework advises that the re-use of buildings of permanent and substantial construction is not inappropriate in the Green Belt, provided there is no harm to openness or the purposes of including land within it. The alterations to the building would not result in such harm, so would not be inappropriate development.
21. The Town and Country Planning (General Permitted Development) (England) Order 2015 allows for a maximum of five dwellings to be created within an agricultural unit through "permitted development rights". However, this does not place a prohibition on a greater number of units being permitted through the planning application process.
22. The concerns raised regarding the impact on the residential amenity of nearby properties seems to stem from the existing use of the complex for holiday purposes. The creation of a single additional dwelling is not likely to result in a significant increase in these occurrences.

Conditions

23. The council has submitted a schedule of suggested conditions. I have considered these against the advice in the Planning Practice Guidance (the

PPG). I have agreed that the conditions are necessary, but I have altered them, in the interests of clarity and precision, to better reflect the guidance.

24. A condition specifying the relevant plans is necessary, as this provides certainty. As I have found that occupants of the dwelling will be largely dependent on private vehicles, a condition is necessary to ensure space is reserved within the site for vehicle parking. In order to maximise the potential for more sustainable travel options, it is also reasonable to include a condition requiring on-site cycle storage.
25. As compliance with Policy RE6 of the Placemaking Plan is reliant on the building being capable of conversion without major extension, I consider that the exceptional circumstances required by the PPG exist for the imposition of a condition removing permitted development rights for extensions to the building.

Conclusion

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

Nick Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1868/800A; 1868/801; 1868/802; 1868/803; 1868/804; 1868/805; 1868/806; 1868/809B; 1868/810; 1868/811; 1868/812; 1868/813; 1868/814; 1905/002A.
- 2) Within 3 months of the date of this decision, the new car-parking spaces shall have been laid out within the site in accordance with drawing no. 1905/002A, and those spaces shall thereafter be kept available at all times for the parking of vehicles associated with the dwelling.
- 3) Within 3 months of the date of this decision, the new cycle parking/storage facilities shall be provided within the site in accordance with drawing no. 1905/002A for two bicycles to be parked, and the facilities shall thereafter be kept available at all times for the parking of bicycles.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building shall be erected.