



Appeal Decision

Site Visit made on 16 February 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/J0405/W/20/3262966

Upper Hayne Farm, Crendon Road, Shabbington, AYLESBURY, HP18 9HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Matthew Chichester against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/02750/COUAF, dated 10 August 2020, was refused by notice dated 7 October 2020. The development proposed is the change of use to B1 light industrial and B8 storage uses only.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Class R, of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, (GPDO) as amended, for the change of use to B1 light industrial and B8 storage uses only, at Upper Hayne Farm Crendon Road, Shabbington, in accordance with the terms of the application Ref. 20/02750/COUAF, dated 10 August 2020, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Procedural matters and costs

2. The appellant says that the Council's decision notice incorrectly refers to the proposal being a change of use to offices as well as light industrial and storage uses. I note that office use was not mentioned in the description of the proposal on the application form and I have considered the proposal accordingly as set out in the third bullet point above.
3. Appeal documents refer to the address of the appeal site as either 'Lower Hayne Farm' or 'Upper Hayne Farm'. I have used the latter as that is the name shown on the Ordnance Survey map.
4. An application for costs has been made by the appellant against the Council. This is the subject of a separate decision.

Main Issue

5. The main issue is whether the access to the site would be adequate, particularly regarding visibility, to accommodate the increase in traffic movement arising from the proposed storage and light industrial use, without resulting in a danger or inconvenience to highway users.

Reasons

Background

6. Upper Hayne Farm lies in an area of countryside to the north-east of Shabbington and the farm has four access points onto Crendon Road which in the vicinity of the site is subject to the national speed limit for a single carriageway road. The road is mainly straight although there is a shallow 'S' bend at the farm. It is proposed to retain some of the farm buildings, convert two of the buildings to the proposed industrial and storage uses and demolish others. As part of redevelopment the business site would be served off one access, located on the inside of a shallow bend, and another one, on the outside of the bend, would be blocked up permanently.
7. Class R of Part 3 of Schedule 2 of GPDO, as amended, generally allows the conversion of an agricultural building to a flexible commercial use, although this 'permitted development' is subject to various qualifications including a notification to the Council on specific aspects of the proposed development, including the transport and highways impact of the proposal.
8. The Council's objection, based on the advice of the highway officer, which led to the refusal of approval relates to the nature of the access and whether it is sub-standard. There is no issue about the capacity of Crendon Road or the wider road network to accommodate the projected increase in traffic generation. Moreover, it is not disputed by the appellant that there would be an intensification in the use of the designated access. However, the main issue is whether the proposed access is of an appropriate standard to accommodate safely the increase in traffic movements likely to result from the proposal.

Policy Context

9. The reason for refusal refers to the Buckinghamshire Council Local Transport Plan 4 and the Buckinghamshire Council Highways Development Management Guidance (2018) but it is not clear that these local documents form part of the development plan. There is also reference to the emerging Vale of Aylesbury Local Plan and as this appears to have reached the Main Modifications stage post examination, the relevant Policy T1 on 'Transport', as proposed to be modified, can be given significant weight.

Whether visibility is adequate

10. Appropriate visibility needs to be assessed against the speed of traffic at this point and to arrive at this baseline the appellant's team has commissioned a traffic count. The Council appears to suggest that an additional count is necessary but the justification for this is not clear. The appellant's submission and data are well-detailed and I have no reason to doubt that the traffic count was undertaken in accordance with normal professional requirements.
11. In terms of national highway guidance, the document Manual for Streets¹ (MfS) provides guidance on standard stopping distances (SSD) based on a 85th percentile of wet weather speed and the guidance deals with speeds up to 60kph (37mph). These findings are generally supported in the more recent Manual for Streets 2² (MfS2) which says in paragraph 10.5.9 that distances should be based on SSD, "unless there is local evidence to the contrary, a

¹ Published by DCLG and DOT in 2007

² Published by CIOHT in 2010

reduction in visibility below recommended levels will not necessarily lead to a significant problem”.

12. The appellant says that the 85th percentile calculated from the count data is 34.8mph north bound and 35.8mph south bound and with slightly lower speeds when adjusted for wet roads. This level of speed is within the scope of the guidance in MfS. The submitted plans of the access to be used indicate that visibility splays of an ‘X’ distance of 2.4m and a ‘Y’ distance of 48m to the south and 49m to the north can be achieved and therefore the SSD (the 85th percentile adjusted for wet road conditions) is met. In the written statement the appellant’s agent says that in practice the Y distance to the south-west is 70m and over 200m to the north-east. From my observations and pacing at the site visit, both of these dimensions appeared to be realistic. On this basis the visibility in both directions at the access would cater for the relevant SSD considered in relation to wet road conditions.
13. The Council’s highway officer (in the letter of advice dated 7 October 2020) says that a visibility splay of 70m to the south requires vehicles to be travelling at an 85 percentile of 31mph but it is not clear where this standard derives from or why a different figure to MfS has been used. Neither has local evidence been submitted by the Council to indicate a local problem of speed, SSD or visibility.
14. On the evidence submitted, I find that while the proposed change of use to light industrial and storage uses would be likely to result in an increased use of the designated access to the site, it has been demonstrated that this access would have appropriate visibility to accommodate the local speed of traffic. The proposal would therefore not harm highway safety or inconvenience road users and there is no conflict with Policy T1 of the emerging Local Plan or the National Planning Policy Framework. The proposed closure of an existing access with limited visibility would also be an added benefit to highway safety.

Other Matters

15. The Parish Council also raises objection to industrial use where the specific users are not known or have been shown to be appropriate for the area and because the change of use would result in more commercial vehicles travelling through the village. However, the general principle of the conversion of agricultural buildings to a flexible commercial use has been accepted by the government and these aspects of concern are beyond the scope of this decision.

Planning balance

16. In this type of GPDO proposal the issues are limited but include the transport and highway impacts of the development. Nevertheless, on the evidence submitted it has been demonstrated that while there would be an increase in traffic movement on the access there would be adequate visibility to cater for local traffic speeds. The proposal would therefore not harm highway safety or inconvenience road users and the proposal meets the relevant requirements of the development plan and national policy. This accord is not outweighed by any other consideration and so the appeal should be allowed.
17. In terms of conditions, the Council has not recommended any. The appellant has put forward three conditions including one that requires the demolition of

specified existing buildings. While such demolition is part of the proposal, the acceptability of the scheme in terms of addressing the main issue is not dependent on the removal of the buildings. Therefore, the test of the condition on being *necessary* is not met, and I will not impose it.

18. Regarding the other conditions put forward, the closure of one of the existing access points and the maintenance of the visibility splays are reasonable and necessary in the interests of highway safety and I will impose them along with standard conditions on the commencement of the development and the need for the development to accord with the submitted plans in order to clarify the approval and to maintain the appearance of the area.

Conclusion

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

David Murray

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans – PL.4297/3A.
3. Prior to the first occupation of the approved business use of the premises, details of measures to permanently block-up the existing southern farm access shown on drawing PL.4297/11 should be submitted to and approved in writing by the Local Planning Authority.
4. Prior to the first occupation of the approved business use of the premises, there shall be no obstructions to visibility greater than 900 mm above adjoining road level in accordance with the visibility splays shown on drawing no. PL.4297/3A.