



Appeal Decision

Site Visit made on 9 March 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/T3725/W/20/3264498

Wattcote Farm, Flat Above Garage, Manor Lane, Wroxall CV35 7NH

- 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 Hannah Parkin against the decision of Warwick District Council.
 - The application Ref W/20/1264, dated 12 August 2020, was refused by notice dated 2 December 2020.
 - The development proposed is change of use from residential dwelling (C3) to small pilates studio (D2).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from residential dwelling (C3) to small pilates studio (D2) at Wattcote Farm, Flat above garage, Manor Lane, Wroxall CV35 7NH in accordance with the terms of the application, Ref: W/20/1264 dated 12 August 2020 subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Planning Drawings Drawing Number A2/WF/01; Plans Drawing Number A2/WF/03/A and Plans Drawing Number A2/WF/03/Rev A.

Procedural Matter

2. At the time of the site visit I noted that the building was being used as a pilates studio. The application has been submitted retrospectively and I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development is located within a suitable location with particular regard to accessibility.

Reasons

4. Policy CT1 of the Warwick District Local Plan (2017) (LP) amongst other things relates to new leisure development. It sets out that in order to ensure vibrant and prosperous town centres a sequential approach to new tourist, leisure, cultural and sports development should be adopted.
5. The policy also sets out that where new developments cannot be located within town centres or on the edge of them they will be permitted where they meet certain criteria including being easily accessible by sustainable forms of transport or of a type and scale that primarily serves a local community who can access it by means other than private car.

6. Whilst I understand the intentions behind Policy CT1 in relation to the vitality and viability of town centres the National Planning Policy Framework (the Framework), at paragraph 88, is clear that a sequential test should not be applied to applications for small scale rural development. The development is a small-scale leisure and well-being use providing 1-on-1 or small group sessions. I therefore give significant weight to the Framework in respect of this matter and find that there is no reasonable requirement for a sequential assessment in this particular case.
7. The site is located within open countryside with no bus service and the country roads without footpaths or lighting make walking or cycling to and from the site undesirable and impractical. Thus, the site's rural location means that visitors would be reliant on private vehicles to access it. It is acknowledged in the Framework in paragraph 103 that transport solutions vary between urban and rural areas. As such there will be a tension and a balance to be struck between the desirability of supporting sustainable rural development and maximising sustainable transport opportunities.
8. Given the limited size of nearby settlements and the limited services within them it is likely that existing residents in the area are more reliant on private cars to access services and facilities to meet their day-to-day needs. Notwithstanding its rural context, I find that the location of the development and its accessibility would not be unacceptable. Based on the evidence before me the development serves the surrounding local community and given its small scale nature it is unlikely to generate significant levels of trips. The Framework recognises at paragraph 84 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.
9. I acknowledge that the appeal building is a residential unit established by a Certificate of Lawful Development and the development involves the change of use of a dwelling rather than a diversification of an agricultural or land use. However, there is no credible evidence to suggest that it is within separate ownership or that it has been physically severed from the wider farm. The development protects high quality agricultural land by reusing an existing building and given its small scale I see no reason to conclude that it undermines the character of the area. Moreover, based on the evidence before me, it supports and diversifies the rural economy including by supplementing the farm's income stream.
10. There is some conflict with LP Policy CT1 and despite its rural location I find that the social and economic benefits of the proposal overcome the perceived locational disadvantages of the appeal site. It makes a positive contribution to the vitality of the surrounding area as a rural community. I conclude that the proposed development accords with LP Policy EC2 and the Framework which, amongst other things, support farm diversification and the sustainable growth and expansion of all types of business in rural areas.

Conditions

11. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance. As the development has already commenced it is not necessary to impose the standard time limit condition for implementation. For certainty I have imposed a condition specifying the

relevant drawings. I do not consider it necessary to impose any further conditions.

Conclusion

12. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR