The Planning Inspectorate

Appeal Decision

Site Visit made on 14 April 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/Y3940/W/20/3257578
Manor Farm, Maiden Bradley, Warminster, Wiltshire BA12 7HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- The appeal is made by Trustees of Lord Seymour's 1971A Fund against the decision of Wiltshire Council.
- The application Ref 20/04435/PNCOU, dated 22 May 2020, was refused by notice dated 16 July 2020.
- The development proposed is notification under Class R to determine if prior approval required for a proposed conversion of agricultural buildings to a flexible commercial use for a furniture showroom specialising in the sale (A1 retail) of bespoke and antique furniture with ancillary office (B1).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 3, Class R, require the local planning authority to assess the proposed development solely on the basis of its impact on transport and highways, noise, contamination and flooding risks. My determination of this appeal has been made on the same basis.

3. Class R of the GPDO allows for a change of use from an agricultural building to a flexible use falling within Classes A, B, C and D of the Use Classes Order. On 1 September 2020, which is after the Council determined the application, the Use Class Order was amended. New transitional saving provisions were introduced as part of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Under these provisions, until July 2021, references in the GPDO to use classes are to be construed as references to the use classes which were specified in the Use Classes Order 31 August 2020, before the latest amendments came into force[1].

4. I have used the site address provided on the appeal form as it is clearer than the address provided on the application form.

5. I have used the description of development provided by the Council as it is more accurate than the original description. The appellant has confirmed agreement to use the Council's amended description.

[1] Planning Practice Guidance Paragraph: 012c Reference ID: 13-012c-20200918

Main Issue

6. The main issue is the transport and highways impacts of the development.

Reasons

7. The appeal site comprises a range of traditional farm buildings in a rural location. The buildings are arranged around three sides of a yard and are mostly of a low single storey scale apart from a larger barn along the northern side of the range. They are accessed from a rural lane, which is predominantly single carriageway width.

8. Evidence before me refers to a number of passing places along the length of the lane, sufficient to allow vehicles to pass each other. At my visit I saw that there are a number of places along the relevant lengths of the lane that would allow for this; mainly in front of field gates, over third party land or overrun areas on roadside verges.

9. However, the distance between such passing places is considerable. Thus, drivers would rely on reversing excessive distances to pass an oncoming vehicle. Furthermore, the nature of the proposal would make it likely that those visiting the site would be infrequent visitors and would therefore be unfamiliar with the road and the location of safe places to pass. This may result in drivers reversing further than needed. Although there are no reports of collisions along the lane, reversing long distances would increase the risk of collision, which would be made more likely along narrow lengths of the lane and along sections with poor sight lines. As such, with reference to paragraph 109 of the National Planning Policy Framework, I am of the view that the proposal would have an unacceptable impact on highway safety.

10. The appellant refers to the Council's recent approval at the site for the demolition of 4 agricultural buildings, creation of new access and the erection of a new storage warehouse. Unlike the appeal proposal this would result in a very low level of vehicle movements, and those journeys would be more likely to be made by drivers who carry out repeat visits to the site and thereby become familiar with the characteristics of the lane. Furthermore, as a result of the removal of a number of modern agricultural buildings, the Council accepted that the impact of additional vehicle movements would be offset by a reduction in vehicle movements associated with the demolished buildings.

11. The submitted transport statement by ADL Traffic dated August 2020, suggests that the proposal would result in a further significant reduction in vehicle movements as a result of the change of use of the existing buildings. The report suggests that the buildings were an integral part of the wider farm site. In the site description within the report it is suggested that the buildings have previously been used as two outbuildings, a piggery and a tithe barn. Based on this, and taking into account the traditional form of the buildings, their limited scale, low eaves height and modest access doors, it is highly likely that the buildings had a fairly low key and somewhat ancillary use when compared with the larger and more practical agricultural buildings at the site.

12. Table 2A of the transport statement sets out the vehicular movements associated with a livestock farm use at the application site. This lists vehicle movements that would appear to be far in excess of those that could be associated with a traditional range of farm buildings with significant physical

limitations to make them useful for modern agricultural purposes. There is nothing in the report to clearly link this level of movement with the appeal buildings. Neither is there any information to suggest that ongoing vehicle movements associated with the wider agricultural holding would be reduced as a result of the proposal.

13. Furthermore, the comparison sites identified within the report differ significantly from the appeal proposal and are therefore of limited use in understanding how the proposal may operate. It is suggested that the number of visits to the site would be limited because the majority of sales would be online and most visitors would be by appointment only. In terms of online sales, the proposal is for a showroom, which would be provided for the display of goods to visiting customers. The use of a range of characterful traditional buildings in a pleasant rural location would make the site a desirable place to visit, especially to view a display of bespoke and antique furniture. It would therefore be reasonable to expect a significant demand for customers to visit the site to view the goods on display. On this basis I am not satisfied that it would be reasonable to enforce a pre-booking arrangement to prevent visitors arriving at the site unannounced and thereby limit visitor numbers. For these reasons it is likely that the proposal would result in a greater number of customer visits than anticipated.

14. I therefore have considerable doubt over the submitted analysis of previous vehicle movements associated with the appeal buildings and the anticipated vehicle movements resulting from the proposal. Therefore, the weight I give to these matters is limited and they are not sufficient to cause me to come to a different conclusion on the impact of the proposal on highway safety.

15. If I allowed the appeal the GPDO establishes that the proposal would secure a Sui Generis Use at the site. This would limit the operation of the site to that specified in the description of the development which would mean that a further change of use would need to be secured through a further application. This means that the buildings could not be used for a more generalised retail use, that might generate more traffic, without a further application. However, I have found that the proposed use would have an unacceptable impact on highway safety, without taking into account any further uses that the building could be put to. I am therefore not satisfied that the limitation of a Sui Generis Use should cause me to conclude differently on this issue.

Conclusion

16. For the reasons above, I find that the proposal would have an unacceptable impact on highway safety. The appeal should therefore be dismissed.

A Tucker

INSPECTOR