



Appeal Decision

Site visit made on 8 June 2021

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 16th July 2021

Appeal Ref: APP/D0515/W/21/3268883

Barns at Hobbs Lot Farm, Wisbech Road, March PE15 0BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr C Baker against the decision of Fenland District Council.
 - The application Ref F/YR20/0779/PNC04, dated 30 July 2020, was refused by notice dated 20 October 2020.
 - The development proposed is described in the appeal form as the change of use of an agricultural building to a dwelling (single storey 2-bed) (Class Q (a) and (b)).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the change of use of an agricultural building to a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development, paragraph W(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.
4. The applicable conditions, limitations and restrictions include those set out in the articles of the Order. Article 3(6) of the GPDO excludes permission for any development, other than under certain classes of Parts 9 and 18, which requires or involves the formation, laying out or material widening of an access to a trunk or classified road.

Main Issue

5. In view of the above, the main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by the GPDO.

Reasons

6. The building for which a change of use is proposed lies in a farmyard which is accessed by a track off the A141 classified road. The track additionally forms

- vehicular access to a dwelling and surrounding arable farmland, which requires management by large agricultural vehicles. It has a single vehicle width for most of its length, although it widens slightly where it meets the A141.
7. The A141 at this point is single lane carriageway, has no passing areas and carries a 50 mile per hour speed restriction. The road carried a relatively frequent level of traffic at the time of my site visit.
 8. Where a vehicle wishes to access the track from the A141 and another vehicle is emerging, it will be necessary for its driver to wait within the traffic, particularly where the emerging driver is in a large agricultural vehicle which occupies the majority of the access mouth.
 9. Vehicles waiting to turn within the carriageway would cause perceived inconvenience which may cause other road users to perform manoeuvres which increase risk, such as overtaking. Furthermore, waiting traffic can give rise to additional rear end collisions and would obstruct the free flow of traffic movements along the A141, a strategic road. The level of risk is increased by the regular vehicular traffic which the road appears to carry.
 10. As the appeal proposal would provide a further dwelling which would be accessed via the track it would materially increase the number of vehicle movements along it. The additional waiting manoeuvres within traffic to which the proposal would give rise as a result of the track's current single vehicle width would cause harm to highway safety. This harm could only be overcome by widening the access to the A141.
 11. Whilst it is submitted that another access to the surrounding fields exists and hence that all agricultural vehicles associated with the management of the surrounding land may not use the appeal site access, this is unsupported by evidence and furthermore it is contested by an interested party. Thus, I attach only minimal weight to this submission in determining the appeal.
 12. I acknowledge submissions that no accidents have occurred at the access in the last 5 years. Nevertheless, this does not compel me to find the current access acceptable in highway safety terms. My concerns about the proposal's effect on highway safety are based on a judgment of the likelihood of such effects in the absence of substantive contradictory evidence.
 13. In order to benefit from the provisions of Schedule 2, Part 3, Class Q of the GPDO, the proposed development must comply with Article 3(6). In this case it would be necessary to materially widen the access to the A141 in order to carry out the development proposed. The development is consequently not permitted by the GPDO. It is development for which express planning permission is required and that could only be granted on application made to the local planning authority in the first instance.

Other Matters

14. The appellant has concerns regarding the Council's approach, however, these are not matters for this appeal.

Conclusion

15. As I have found that the development would not comply with conditions, limitations or restrictions specified in the GPDO as applicable to the

development in question, meaning that the development falls outside the permitted development right, there is no need to make a determination on the prior approval matters. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR