



Appeal Decision

Site Visit made on 9 July 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2021

Appeal Ref: APP/W0530/W/21/3271082

Grain Store, Thriplow Farm, Lodge Road, Thriplow SG8 7RN

- 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 Revivals Garage & Thriplow Farms Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref 20/03558/FUL, dated 24 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is change of use of agricultural barn to car repair and car building workshop, alterations to building, installation of security fencing and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural barn to car repair and car building workshop, alterations to building, installation of security fencing and associated works at Grain Store, Thriplow Farm, Lodge Road, Thriplow SG8 7RN, in accordance with the terms of the application, 20/03558/FUL, dated 24 August 2020, subject to the conditions set out at the end of this decision.

Preliminary Matter

2. An additional plan¹ has been submitted at appeal stage. This depicts the same red line site area when compared to the Site Location Plan and, in this sense, does not evolve the scheme. Nevertheless, I have not considered the additional plan for formal determination purposes and consider that no party with a potential interest in the outcome of this appeal is prejudiced by me taking this approach.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect upon the character and appearance of the area, including the setting of the Thriplow Conservation Area (the CA); and
 - The effect upon highway safety.

¹ Appeal Plan GIS_100

Reasons

Whether or not inappropriate development

4. Physical alterations to an agricultural barn (the building) make up part of the proposal that is before me. These fall for consideration under paragraph 145 of the National Planning Policy Framework (February 2019) (the Framework), where it is set out that the construction of new buildings should be regarded as inappropriate in the Green Belt unless the works involve, amongst other exceptions, the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. The intended alterations include the insertion of three roller shutter doors and replacement panelling. These works would not, in themselves, represent disproportionate additions nor inappropriate development in the Green Belt.
5. The proposal also involves the re-use of the building for the purposes of repairing and building cars and, in association with this use, groundworks, the use of land for parking purposes and the erection of security fencing. As set out under paragraph 146 of the Framework, the re-use of buildings, if of permanent and substantial construction, is a form of development considered not inappropriate in the Green Belt provided that its openness would be preserved and that the development would not conflict with the purposes of including land within it.
6. The land to be used for parking purposes (the compound) currently makes up part of a wider farmyard (the yard) that is often formed from a compacted aggregate base and that offers, for agricultural purposes, various external storage and parking/manoeuvring opportunities. Having closely inspected the appeal site's external areas, it was apparent that a limited extent of groundworks would be required to form the compound and associated access.
7. The compound would accommodate parked cars and be edged with 1.8m high security fencing. However, whilst to be located closer to Fowlmere Road relative to the building, the compound would occupy a discreet position in visual terms. Indeed, as was apparent upon inspection, an established hedgerow runs Fowlmere Road's southern side, and this is further supplemented by an earthed bund that runs adjacent to the yard. Publicly accessible views of the compound would thus be well-filtered and limited in range and extent. Furthermore, it would be viewed against the immediate backdrop of (or in the context of) the building and/or other built form. I also note that the security fencing would be of modest height and slimline/non-solid specification.
8. I accept that the Green Belt's openness has a spatial aspect as well as a visual aspect and that the compound would offer the potential for a relatively high number of vehicles to be externally stored. Nevertheless, the area intended to accommodate the compound already forms only a part of a noticeably larger yard that is already actively used for a range of agricultural purposes (including for the parking/storage of farm vehicles and agricultural equipment). Thus, whilst a more intensive use of the compound would realistically be envisaged when compared to the manner in which the relevant part of the yard is currently utilised, I am satisfied that the proposal, when considered as a whole, would not translate to a loss of Green Belt openness. This is provided that the parking of vehicles (associated to the proposed re-use of the building) is indeed limited to the extent of the compound.

9. For the above reasons, I find that the proposed re-use of the building (and associated works/operations) would preserve the Green Belt's openness and would not conflict with the purposes of the land's inclusion within the Green Belt. It thus follows that the proposal would not be inappropriate development in the Green Belt and accords with Policies S/4 and NH/8 of the South Cambridgeshire Local Plan (September 2018) (the Local Plan) and with the Framework in so far as these policies affirm that any development proposals within the Green Belt must be located and designed so that they do not have an adverse effect on the rural character and openness of the Green Belt. Very special circumstances do not therefore need to be demonstrated in order to justify the proposal.

Character and appearance, including the setting of the CA

10. The site sits outside of Thriplow's Development Framework and thus within the countryside as defined in local planning policy terms. Consistent with its countryside location, the site sits adjacent to a network of agricultural fields and the building makes up part of an existing complex of buildings that typically appear rural and agricultural in their makeup. I note here that the complex could reasonably be anticipated to extend beyond the appeal site to the west in the future, owing to the existence of planning permission² for a new agricultural building.
11. As set out in the supporting text to Policy S/7 of the Local Plan, in-part to ensure that the countryside is protected from gradual encroachment, the plan generally restricts development outside of Development Frameworks to uses that need to be located in such locations. Nevertheless, the plan also includes some flexibility for reusing existing rural buildings and for development which supports the rural economy. Indeed, Policy E/17 indicates that the change of use or adaptation of a building in the countryside for employment use will be permitted provided, amongst other provisions, the building is capable of re-use without materially changing its existing character or impacting upon the surrounding countryside.
12. In this case, the physical alterations that are intended to the building would have a low-key visual impact. As would the groundworks required to create the compound and associated access track, provided that the surfacing to be laid is not over-engineered and is broadly consistent with the compacted aggregate base that forms much of the yard currently. Indeed, in the interests of protecting the rural appearance of the site, full details of the intended surfacing could be secured via condition in the event the appeal be successful.
13. As already discussed above, the compound and associated security fencing would not have a prominent visual impact when experienced from any publicly accessible vantage point. Available views would typically be from distance and an established hedgerow and earthed bund provide a robust buffer to Fowlmere Road's southern side. Indeed, I observed the hedgerow to provide a strong and near-continuous barrier to views along a substantial stretch of Fowlmere Road, which I am content are circumstances that would realistically avail even during winter months. Furthermore, where in apparent need of some reinforcement, evidence of recent supplemental hedgerow planting could be observed upon inspection.

² S/3906/19/FL

14. The land where the compound and associated fencing is proposed to be located is well-related to the building, being positioned to its immediate side and forming part of the yard. Whilst it is envisaged that the compound would at times be heavily parked with domestic vehicles, its discreet positioning and its relatively modest expanse (when considered in the context of the yard taken as a whole) lead me to find that the proposal would be suitably respectful of the character and appearance of its rural surroundings.
15. The significance of the CA as a designated heritage asset is drawn, in-part, from its various historic buildings and its abundance of open spaces and established planting. Indeed, these features are relevant to the historic evolution and rural history of the village. The appeal site is set away from the CA boundary and the proposal would have a limited and peripheral influence upon available views in to or out of the CA. On this basis, the scheme would preserve the CA's character and appearance.
16. Thus, for the above reasons, the proposal would not cause harm to the character and appearance of the area or to the heritage significance of the CA through bringing forward development within its setting. The scheme satisfactorily accords with Policies S/7, HQ/1, NH/2, NH/8, NH/14 and E/17 of the Local Plan in so far as these policies set out that development will only be permitted where it respects and retains the local character and distinctiveness of the local landscape and require that incidental uses such as car parking and storage should be accommodated within the group of buildings, or on well related land where landscaping can reduce the visual impact of the new site.

Highway safety

17. The evidence before me indicates that the Council's objections in a highway safety sense are based upon a 6m wide access of 10m depth being unable to be accommodated within the site area. Indeed, the site location plan depicts an access of approximately 5.5m in width. This relatively minor discrepancy would promote, it has been suggested, instances of vehicles having to wait on the public highway to gain entry into the site.
18. However, it was apparent upon inspection that an existing concrete apron of considerable width and depth is in place adjacent to Lodge Road. This apron falls under the appellant's control and is over which access to the site is intended to be drawn. Indeed, the proposal would not realistically result in motorists needing to wait or manoeuvre on the public highway prior to accessing the site. In any event, the access would be stepped away from the junction where Lodge Road meets Fowlmere Road and I experienced Lodge Road to be a lightly trafficked rural route.
19. For the above reasons, the proposal would not prejudice highway safety and would thus not cause harm in this context. Indeed, the proposal accords with the Framework in so far as it sets out that development should only be prevented or refused on highway 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. Policies H/14 and H/17 of the Local Plan, which relate to replacement dwellings in the countryside and to the reuse of buildings for residential use in the

countryside, are referenced within the Council's reason for refusing planning permission. However, each is of little relevance to a proposal that is centred upon a change of use of the building for commercial purposes.

21. The proposal accords with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conditions

22. The Council has suggested conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes and have omitted others. I have only imposed pre-commencement conditions where agreed to in writing by the appellant. In the interests of certainty, a condition specifying the suite of approved plans is required.
23. As discussed above, a substantial and robust concrete apron is already in place at the location where access to the site from Lodge Road would be drawn. It is thus neither reasonable nor necessary, in the interests of highway safety, to impose conditions setting out expected access measurements/specifications, access drainage measures or bound material requirements. Nevertheless, a condition setting out that the compound is to be used for the purposes of parking and manoeuvring vehicles is reasonable and necessary in the interests of safeguarding highway safety.
24. In the interests of ensuring that the scheme is adequately and appropriately drained, and to guard against potential flood risk, conditions setting out requirements for surface and foul water drainage schemes to be submitted and implemented are both reasonable and necessary. On the basis that limited groundworks are required to form the compound and new access track, the Council's suggested surface water drainage condition and associated maintenance condition are unduly complex and overly prescriptive.
25. Indeed, the aforementioned condition to secure that the compound is used for parking and manoeuvring vehicles shall also dictate that any new surface treatments (where set away from the highway) are to be constructed from unbound materials. Not only would such a requirement assist in offering assurances that surface water could be appropriately drained/managed on-site, it would also assist in ensuring that the scheme would protect the rural character and appearance of the area as well as the Green Belt's openness.
26. In the interests of promoting biodiversity enhancement, and in accordance with a request made by the Council's Ecology Officer, a condition securing the submission and implementation of an enhancement scheme (to include the provision of a kestrel box) is both reasonable and necessary.
27. It is stated within the appellant's appeal submission that no external lighting is proposed. However, a condition setting out a requirement for potential details to be submitted (should the appellant's intentions in this regard alter) is both reasonable and necessary in the interests of guarding against possible light pollution.
28. In the interests of protecting the character and appearance of the rural area and the Green Belt's openness, a condition setting out that vehicles, materials, equipment and paraphernalia (other than vehicles within the confines of the

compound or bins) are not to be stored external to the building is both reasonable and necessary.

29. In the interests of protecting the living conditions of any close by residential occupier, the character and appearance of the area and the Green Belt's openness, a condition ensuring that the building can only be used for car repairs and car building and for no other purpose, including where falling under Use Class B2 (General Industrial), is both reasonable and necessary.
30. On the basis that the building and associated land has historically been used for agricultural purposes and a commercial use of the building/site is now proposed, I do not consider it either reasonable or necessary to require that the site be investigated/remediated in terms of possible contamination. Indeed, the likelihood for contamination to be present and the associated risks are low. I witnessed nothing during my inspection to indicate otherwise.
31. In the interests of promoting a sustainable development, and in accordance with the specific requirements of Policy CC/4 of the Local Plan, a condition requiring the submission and implementation of a water conservation strategy is both reasonable and necessary.

Conclusion

32. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (scale 1:1250); DRAWING 3 v4; DRAWING 4 v1; DRAWING 5 v1; V-1001.
- 3) No development hereby permitted shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and including details of intended maintenance and measures to be taken to prevent pollution of the receiving groundwater, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is first occupied and maintained at all times in accordance with the approved details thereafter.
- 4) The use hereby permitted shall not commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is first occupied.

- 5) The use hereby permitted shall not commence until the car parking area and associated access track (as depicted upon approved plan DRAWING 3 v4) have been laid out in accordance with surfacing details to have first been submitted to and approved in writing by the Local Planning Authority. Other than where a concrete apron is already in place adjacent to Lodge Road, unbound surface treatments shall be utilised. The development shall be implemented in full accordance with the approved details and, thereafter, the car parking area shall be retained for the specific purposes of parking and manoeuvring vehicles.
- 6) The use hereby permitted shall not commence until a scheme of biodiversity enhancement, which shall include the on-site provision of a kestrel box, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.
- 7) The use hereby permitted shall not commence until a water conservation strategy, which demonstrates a minimum water efficiency standard equivalent to the BREEAM standard for 2 credits for water use levels (unless it can be demonstrated that it would be impractical to achieve this standard) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) No vehicles, materials, equipment or paraphernalia associated to the use hereby permitted shall be stored outside the building, other than vehicles parked within the car parking area (as depicted upon approved plan DRAWING 3 v4) or waste materials kept in bins for periodic removal from the site.
- 9) Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby permitted. Development shall be carried out in accordance with the approved details.
- 10) The building shall be used as a car repair and car building workshop and for no other purpose (including any other purpose falling within Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).