



Appeal Decision

Site visit made on 25 April 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/J0405/W/22/3307478

Dunsty Hill Farm, Edgcott Road, Calvert Green, OX27 0BJ.

- 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 Highbarrow Holdings Limited against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/00540/COUOS, dated 20 January 2022, was refused by notice dated 25 March 2022.
 - The development proposed is a change of use from agricultural building to a state funded school.
 - Determination under Class S of Part 3 of Article 3, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended) as to whether prior approval is required in respect of transport and highways impacts, noise impacts, contamination risks and flood risks, and whether the location or siting of the building makes it otherwise impractical or undesirable for the change of use of an existing agricultural building to a state funded school.
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Decision

1. The appeal is allowed and Prior Approval is granted for a change of use from agricultural building to a state funded school under Class S of Part 3 of Article 3, Schedule 2 to the GPDO and falling within Use Class F1 (a) at Dunsty Hill Farm, Calvert Green, OX27 0BJ in accordance with the terms of the application, Ref 22/00540/COUOS, dated 20 January 2022, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs has been made by the appellant against the Council. This is the subject of a separate decision.

Main Issues

3. The main issues are whether there is sufficient information to assess the highway impacts of the proposal on the local highway network, and if there is, whether this impact is acceptable in highway terms.

Reasons

Background

4. The GPDO¹ sets out various classes of development which benefit from a general grant of planning permission and Class S of Part 3 is relevant to this case. This allows the change of use of an agricultural building and land in its curtilage to use as a state funded school. The change is subject to restrictions where development is not permitted (as set out in paragraph S.1) and

¹ As set out in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

conditions in paragraph S.2 which include the Prior Approval procedure. Section (i) of this sets out various aspects which can be considered under Prior Approval and include (i) transport and highway impacts of the development; and (v) whether the location or siting of the building make it otherwise impractical or undesirable for the building to change into the use proposed. Moreover, the proposal is only for the change of use of the building. Any associated operational development required to convert the building to the state funded school use would need to be the subject of a separate planning application if Prior Approval is granted.

5. The appeal site is accessed by a long and twisting loose surfaced track which leads to a gated access to Edgcott Road/Perry Hill, which is a C class road mainly serving the villages of Edgcott and Calvert Green. Edgcott Road is unlit and has no footways in the vicinity of the appeal site.
6. The appeal site comprises a mostly open sided barn where the roof is held up on concrete pillars save where there are two internal walls holding up part of a longer 'cat slide' roof. The roof is made of a corrugated material and the interior walls are a mixture of concrete block with elements of brickwork. The area around the building is mainly pasture and rough grassland and there is another former agricultural building alongside which is the subject of a separate appeal to carry out alterations to facilitate the approved business use (see APP/J0405/W/23/3316912 (barn 4)). I also note there is another approval applying to Barn 5 for use as a hotel. The appellant says that the use proposed would enable a single form entry primary school catering for years 1-3 (Reception plus Years 1 and 2).

Whether sufficient information

7. The proposal needs to be considered in the context that the National Planning Policy Framework (the Framework) seeks to encourage sustainable development and within this promotes sustainable transport and healthy and safe communities. The Framework indicates that the planning system should actively manage patterns of growth to promote alternative ways of travel and to limit the need for travel particularly by car. The Framework says in paragraph 113 that all developments that will generate a significant amount of movement should be required to provide a travel plan and the proposal should be supported by a transport assessment so that the likely impacts can be assessed. Nevertheless, Para 111 stresses that development should not be refused on highway grounds unless there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
8. In terms of other national guidance, the Planning Practice Guidance (PPG) indicates² that Transport Assessments and Statements are required for all developments which generate significant amounts of traffic, but that Transport Statements can be used ('as a lighter touch') in the case of developments with anticipated limited transport impacts. The PPG also emphasises that the Prior Approval scheme is a 'light touch' process which does not replicate the planning application system.
9. There does not appear to be any current adopted guidance on the level of potential increase that only requires a Transport Statement. The Council considers that the threshold should be an uplift of 30 movements but this

² In Paragraph 002 IBD 42-002-20140306

appears to me to be too low bearing in mind that the general principle of the use under Class S has already been accepted by the Government.

10. The Technical Note (TN) submitted for this case suggests a potential increase of about 109 movements at peak AM hour, and therefore less than two vehicle movements per minute, and says this approach is appropriate as a more limited traffic impact is shown. Moreover, the TN takes account of the traffic generation from other uses at the Dusty Hill Farm site which have been approved or permitted. There is no reference to further development at Spring Hill Prison further to the south as the information before me does not establish that this proposal, and increase in traffic from it, is a commitment.
11. Overall, I am satisfied that the TN as a Transport Statement forms a reasonable basis to assess the proposal.

Transport and highway impact

12. The Technical Note prepared by Transport Planning Associates assesses potential traffic and highway impacts of the proposal. The TN suggests an assumed school size of 60 pupils and 10 staff in the school but makes an allowance for use with a school minibus which is judged to reduce the number of trips by private car to accommodate 45 children. From this the TN suggests that there would be a two-way flow of 101 vehicle movements in the AM peak hour and between 91 movements between 1500-1600- and 10 movements between 1600-1700.
13. The TN adds this traffic generation to the other consented development at barns 4 and 5 to give a potential maximum two-way movement at the AM peak hours of 109 movements and 92 movements in the PM pre peak hour as related to school hours. The TN suggests that this level of traffic movement would be unlikely to have a noticeable impact.
14. The predicted traffic generation would normally be assessed in relation to the cumulative levels by adding to the current levels of traffic on the local road system but the TN has not surveyed this. The Council says that a full origin and destination survey is required particularly as the journeys of the likely users of the proposed school is not known as the local schools have all spare capacity for more children. However this level of survey information appears to be disproportionate and unnecessary.
15. Although there is no actual survey information from the appellant neither does the Council submit any data on traffic conditions other than to confirm that there are no records of recent accidents along this stretch of road. Further, it appeared to me at the site visit from travelling along Edgcott Road/Perry Hill on a number of occasions that traffic on this local C class road was generally light. Even allowing for an increase in traffic at peak periods I have no reason to doubt the appellant's highway consultant's conclusion that the cumulative development would be unlikely to have a noticeable impact on traffic levels.
16. On all of the evidence put to me I find that it has not been shown that the proposed school would result in a severe impact on the local road network.
17. In terms of highway safety, although I have concerns that Edgcott Road/Perry Hill road is unlit with no footways and is not well designed for children to be able to safely walk to the site, there are no clear objections to the principle of the use on pedestrian safety grounds given the way in which the children would be likely to come and go to the site as set out in the TN. Moreover, although mainly a car-based solution, the Framework recognises in paragraph 105 that

sustainable transport solutions will vary between urban and rural areas and this should be taken account of in decision making.

18. The access to the site has good visibility on the inside of a shallow bend and the sight lines put forward have not been shown to be inadequate. The Council recommends conditions where the access can be improved to this standard prior to the use commencing.
19. On this main issue I conclude that the traffic generation that would be likely to arise from the proposed use as a state funded school would be unlikely to cause a severe impact on the local road network. Nor would the access to the site or the predicted way of pupils arriving at or leaving the school lead to harm to highway or pedestrian safety. Therefore, there are no fundamental reasons which indicate that the siting of the school would be impractical or undesirable in principle. On this basis Prior Approval should be granted.

Conditions

20. The Council recommends that 9 conditions be imposed on any approval although the numbering is not consistent. Bearing in mind the extent of the appeal site is limited to the building and its curtilage, in the interests of safety it is reasonable that plans of the parking and manoeuvring space for the drop-off and pick up of children are implemented prior to the commencement of the use. Likewise, in the interests of highway safety the access to the site must be improved in accordance with the approved plan and the specified sight lines provided and retained thereafter. As originally drafted, these latter two conditions were 'pre-commencement' ones to which specific regulations apply and I consulted the appellant's agent on their use. The conditions have been amended to take their comments into account.
21. In the interests of promoting sustainable transport it is reasonable to impose a condition requiring the submission and agreement of a scheme for the provision of electric charging points and covered and secure cycle parking and their implementation and retention. Finally in the interests of avoiding flooding and/or pollution it is reasonable to impose a condition to require the submission and agreement of schemes for the disposal of surface and foul water from the school site and for the provision of bin storage and collection of waste and their implementation and retention. I will combine these conditions where appropriate.
22. The Council also suggests conditions which appear to relate to a need to undertake further studies of contamination on the land but there is no evidence that this is a significant problem on site and therefore these conditions have not been shown to be justified or necessary.

Conclusion

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

David Murray

INSPECTOR

Schedule of conditions

1. The use hereby permitted shall be carried out in accordance with the following approved plans: 21/109/01 (Location Plan (Barn 3)), 21/109/02 (Block Plan (Barn3)), 21/109/03 (Highways Plan, Barn 3).
2. The development hereby permitted shall not be occupied until the means of access has been upgraded in general accordance with the approved planning drawing no. 21/109/03 and constructed to the appropriate Buckinghamshire Council access standards. For the avoidance of doubt, this access track must be widened to 4.8 metres to enable vehicles to safely pull clear of the highway.
3. No development shall commence until minimum vehicular visibility splays of 151m from 2.4m back from the edge of the carriageway from both sides of the existing access onto Edgcott Road are provided in accordance with the approved plans and these visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.
4. The permitted use shall not commence until the scheme for parking and manoeuvring indicated on planning drawing no.21/109/03 is laid out in accordance with the scheme. These facilities shall be retained thereafter and not be used for any other purpose.
5. Details of the provision of:
 - electric charging points;
 - secure cycle parking; and
 - facilities for the storage, disposal and collection of waste.

shall be submitted to and approved in writing by the Local Planning Authority. The approved use shall not be commenced until the approved details have been implemented and shall thereafter be retained as approved thereafter.

6. There shall be no discharges of foul water from the development until a foul drainage scheme including details of the provision for its future maintenance has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be retained thereafter.

End