



Appeal Decision

Site visit made on 22 August 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Appeal Ref: APP/V3120/W/23/3318846

Thatchers Barn, Horsecroft, Stanford in the Vale, Oxfordshire SN7 8LL

- 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 Mark Stoneham against the decision of Vale of White Horse District Council.
- The application Ref P22/V1821/N4B, dated 13 July 2022, was refused by notice dated 6 October 2022.
- The development proposed is conversion of an existing barn into 1x 5 bed dwelling.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Class Q of the General Permitted Development Order (GPDO) permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order and any building operations reasonably necessary to convert the building. The application includes details of both the change of use and the building operations proposed.
3. The change of use is only permitted by the GPDO under Schedule 2, Part 3, Class Q where it complies with the conditions set out at section Q2(1). One of these conditions is that the developer must apply to the Local Planning Authority to consider whether its prior approval will be required in respect of the transport and highways impacts of the proposal. This is the focus of the dispute between the appellant and the District Council.
4. Stanford in the Vale Parish Council (PC) and others have questioned whether the proposal meets the tests of GPDO Class Q paragraph Q.1 (a) and the definitions of 'agricultural building' and 'established agricultural unit' in the legislation. This matter did not form a reason for refusal of the appeal application. However, it goes to the heart of whether the proposal would comply with the GPDO, and the appellant has had the opportunity to comment on this issue. As such, this must also form part of my considerations of the proposal.
5. The District Council's decision notice has a second reason for refusal, relating to the payment of the Community Infrastructure Levy, should the appeal be successful. However, this appears to be erroneous, and a similar purported

refusal reason was acknowledged by the Council as an error during a previous appeal at the site¹. Therefore, I need not consider this matter any further.

6. The main issues are:

- whether the proposal complies with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO, and
- whether prior approval should be given for the proposal in respect of the transport and highways impacts of the development.

Reasons

Compliance with GPDO Class Q

7. The PC states that from January 2011 until January 2022, including a 12-month lease and 3-month notice period, the building was leased by a thatching company for the storage of brought-in roofing material. As such, it contends that it was not used for agriculture and that since January 2022 it has been disused. The PC also says that the building (and therefore the 'unit') has not been registered as an agricultural holding and has not been viable in its own right. On this basis, the PC believes that neither the building nor the unit constitutes a site used solely for an agricultural use as part of an established agricultural unit, as required by GPDO Class Q.1 (a).
8. The appellant disputes this, saying that the land and the barn does have an agricultural holding number; that the land was cropped and used for arable, and that the barn was used to store straw and agricultural machinery. The District Council has not questioned the previous use of the building and I have little substantive evidence before me on the matter. I therefore have little reason to conclude other than that the building and unit comply with the requirements of GPDO Class Q.1 (a).
9. The PC also states that the appellant has laid a concrete base over much of the earth floor within the building, despite such a base not being within the scope of GPDO Class Q. However, I have little clear evidence to suggest that the proposal would go beyond a conversion and so would fall outside the scope of GPDO Class Q for that reason. Whether any such installation would require planning permission, and if so what action to take (if any), is a matter for the District Council rather than for me.
10. The possible future use of land outside of the application site as garden is a matter of speculation. Nevertheless, this does not change the fact that the boundaries of the application site itself are within the parameters of GPDO Class Q. For these reasons, I conclude that the proposal would comply with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Transport and Highway Impacts

11. Paragraph 110(b) of the National Planning Policy Framework (the Framework) requires that safe and suitable access can be achieved for all users. Vehicular access to the appeal site is taken from a rural road and track known as Horsecroft. The section of the road from its junction with High Street to new

¹ PINS reference APP/V3120/W/22/3296379

- housing at Croft Meadow, is paved and has sufficient width for two vehicles to pass.
12. Beyond Croft Meadow, it narrows to a width suitable for only one vehicle, albeit with a possible passing place at Long Acre and another near to Frogmore Brook bridge. From the bridge towards the site, Horsecroft is again narrow, and becomes a bridleway instead of adopted highway. As a rural track, Horsecroft is used by dog walkers and those on horseback. As well as the site, it also serves a water pumping station and provides access to agricultural fields.
 13. The proposal seeks to convert part of the barn into a dwelling. This may reduce the number of agricultural vehicles using Horsecroft, but the rest of the building would remain in agricultural use. Therefore, use of Horsecroft by large agricultural vehicles from the site may still occur, in addition to any vehicles associated with the pumping station and the surrounding fields.
 14. The proposed use as a five-bedroom dwelling would itself generate new trips. As a single dwelling, these movements would be well within the capacity of Horsecroft, in respect of any potential delays being incurred to traffic. Most movements from the proposal would be light vehicles such as cars. However, it would also generate use by larger vehicles, such as supermarket, postal and other delivery vans, and those used for the collection of waste and recycling.
 15. The section of Horsecroft from Long Acre to Frogmore Brook bridge has kinks and tall hedgerows, with no lighting and little if any verge. These factors mean that forward visibility is in places restricted. The nature of the road means that vehicle speeds may generally be low. Even so, the proposal would increase the likelihood of two or more vehicles meeting when travelling in opposite directions.
 16. With insufficient space to pass, such vehicles would need to undertake a reversing manoeuvre, on a narrow road with limited visibility. Even for the most courteous and careful of drivers, such a manoeuvre would increase the risk of collision with other users, such as dog walkers. These risks would be greater given the small amount of verge available over this section, with little protection to those not in vehicles. The risks would be higher still at night or in inclement weather.
 17. The section between Frogmore Brook bridge and the appeal site currently serves no dwellings and is straighter than the preceding section. It also has a grassed verge, providing a degree of protection to some users. My visit was only a snapshot in time, but I observed that daytime shadows from the tall track-side vegetation could hide oncoming road users. Moreover, even on this section of Horsecroft, road users cannot initially fully see along its entire length.
 18. As such, when vehicles meet, reversing manoeuvres may well be required along this section too, with the resultant risks of collision. The risks would be heightened by use of the bridleway by horses, because of their greater degree of unpredictability. For the above reasons, I conclude that the proposal and the resultant increased use of Horsecroft would not be safe.
 19. Furthermore, for much of the bridleway section of Horsecroft, its surface has large potholes and is unmade, undulating and deeply rutted. Notwithstanding any improvements made, the poor quality of the surface of the track, and the

constraints already identified, means that it would be difficult for occupiers of the proposal to access or leave the site using means other than by private car. Access would be particularly difficult for those with (for example) pushchairs or restrictions on their mobility. As such, and given the aim of the Framework to limit future car use, the proposal would not provide a suitable means of access for all users.

20. The appellant has suggested that a condition could be imposed requiring the installation of several passing places along the bridleway section, to be made available for all users. Even if such a condition could be imposed, the passing places would not overcome the poor quality of the surface of the track, or the restricted visibility along the other parts of Horsecroft. The passing places may well also result in the harmful suburbanisation of the attractive rural character of the area. I am therefore not convinced that such a condition would be suitable or would overcome the concerns I have identified.
21. Applications for conversions under GPDO Class Q are inevitably in rural areas with their associated constraints on access and where transport solutions will be different from urban areas. Nevertheless, for the reasons given above, I conclude that the proposal would not provide safe or suitable access for all users, and so it would conflict with the Framework. Consequently, prior approval should not be given for the proposal in respect of the transport and highways impacts of the development.

Conclusion

22. For the reasons given above, and taking into account all other matters raised, the appeal is therefore dismissed.

O Marigold

INSPECTOR