



Appeal Decision

Site visit made on 13 September 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2023

Appeal Ref: APP/J0405/W/23/3315027

Weatherhead Farm, Barretts End, Leckhampstead, Buckinghamshire MK18 5NP

- 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 Mr & Mrs Gurney against the decision of Buckinghamshire Council.
 - The application Ref 22/03133/COUAF, dated 31 August 2022, was refused by notice dated 31 October 2022.
 - The development proposed is the change of use of part of an agricultural building to a flexible commercial use.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Gurney against Buckinghamshire Council. This application is the subject of a separate decision.

Preliminary Matter

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) do not require regard to be had to the development plan. However, in determining the appeal, I have had regard to Policy T4 of the Vale of Aylesbury Local Plan 2021 (Local Plan) together with the Buckinghamshire Council Local Transport Plan 4 2016 (Transport Plan), the Buckinghamshire Council Highways Department Management Guidance 2018 (Highways Guidance) and the National Planning Policy Framework (the Framework) in so far as they are relevant to the transport and highway impacts of the proposal.

Background and Main Issue

4. Schedule 2, Part 3, Class R of the 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 flexible use falling within Class B8 (storage and distribution), Class C1 (hotels) and Class E (commercial, business or service).
5. Development is permitted subject to limitations, conditions, and the requirement that the developer must apply for prior approval for a range of matters. The Council has not raised any concerns in relation to contamination risk, flooding or noise impacts, and based on the evidence before me, I find no reason to disagree. However, transportation and highway impacts are also

- matters requiring prior approval, and the Council has refused to grant such approval.
6. Therefore, the main issue in this appeal is whether or not prior approval should be granted, having regard to the transport and highway impacts of the appeal development.
 7. The appeal site relates to an existing and operational agricultural enterprise at Weatherhead Farm. As I observed at my site visit, Weatherhead Farm includes several existing agricultural buildings, a farmhouse, other commercial space and tourist accommodation. Access to the site is via Barretts End which is a narrow, single vehicle width lane that serves Weatherhead Farm and several other residential properties. There is a lack of footways and limited passing places along the lane.
 8. The Highway Information and Technical Note sets out that the use of the appeal building as a flexible commercial space would result in a monthly reduction in vehicular movements, including larger farm vehicles to and from the appeal building when compared to the existing agricultural use and that the agricultural use will cease irrespective of the appeal outcome. This is undisputed by the Council, and based on the evidence, I have no reason to doubt the reliability of the assessment. However, the unconstrained use would mean that the appeal building could be occupied by any business within that use-class. The wide range of businesses that can operate within the relevant use classes means that there would be potential for another operator to generate volumes of traffic in excess of that anticipated by the current tenant.
 9. In this regard, the Trip Rate Information Computer System data (TRICS) provided by the Council indicates that daily (weekday) vehicle movements associated with 480 square metres of B8 use floorspace in low population areas could range between 10 and 15 vehicles, of which there would be a likely ratio of 2:1 of cars to light goods vehicles (LGV's). Based on the available evidence, I am satisfied that these figures would be comparable to the rural location of the appeal site. Assuming the lower TRICS figure, this is indicative that substantially more vehicular movements, including larger LGV's could be generated by the proposed flexible commercial use. These movements would be in addition to those already generated by the other established land uses at Weatherhead Farm.
 10. The proposal would provide adequate visibility splays and on-site parking provision. However, the restricted width of the lane and limited passing places makes it difficult or impracticable for vehicles travelling in opposite directions to pass each other within the carriageway. Given the varied uses at the site together with the presence of other properties on the lane, it is considered highly likely that vehicles visiting the appeal building would meet other vehicles. In such instances, given the lack of passing places, road users would have to reverse a considerable distance depending on where they meet to reach places where they could pass safely.
 11. As I observed at my site visit, the alignment of the lane is not straight meaning that a reversing driver would not have a clear view of other vehicles or pedestrians. Combined with the likely reversing distance and lack of footways, I find that the conflict between motor vehicles, pedestrians and other road users would be harmful to highway safety. Under these circumstances, the

intensification of traffic movements as indicated by the TRICS data would have an unacceptable effect on highway safety to the detriment of its users.

12. It is indicated by the Council that the provision of passing places along the lane would be necessary to mitigate the adverse effect to highway safety. The evidence before me indicates that the appellant would be agreeable to the imposition of a Grampian condition and that this would be within the powers of Paragraph W(13) of Schedule 2, Part 3 of the GPDO.
13. The creation of the passing places would constitute operational development, and these would be located outside of the red line boundary of the appeal scheme. Whilst having had regard to the Bedford Borough Council decision, the provisions of Class R make it clear that it is only the change of use that is permitted. Class R does not in itself sanction any associated operational development reasonably necessary to use the building or land for the use proposed under Class R. I have no evidence that any permission for operational development has been applied for and therefore, I cannot be confident that the adverse effects would be adequately mitigated.
14. For these reasons, I find that the appeal proposal would result in harmful transportation and highway impacts which would be prejudicial to highway safety. Therefore, in so far as they are relevant to the prior approval matter, the proposal would be inconsistent with Policy T4 of the Local Plan, the Buckinghamshire Council Local Transport Plan, the Buckinghamshire Council Highways Guidance and the Framework where they seek to ensure sufficient capacity in the transport network and safeguard highway safety.

Other Matters

15. My attention has been drawn to several appeal decisions where Grampian conditions have been imposed however, I have not been provided with the full details of these prior approval cases. Nevertheless, these schemes were consented under separate parts of the GPDO where different provisions may apply. Thus, they do not lead me to a different conclusion.
16. Due to changes in the agricultural industry and reduced subsidy payments, the appeal proposal would provide a means to diversify as supported by the Framework. Furthermore, the proposal would facilitate the expansion of an existing rural business, the economic benefits of which are acknowledged. However, this is a prior approval appeal and I have limited my consideration to only those set out in the GPDO and which are in dispute between the parties.

Conclusion

17. Therefore, for the reasons given above, the appeal is dismissed.

H Wilkinson

INSPECTOR