



## Appeal Decision

Site visit made on 12 September 2023

**by K Savage BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 November 2023**

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**Appeal Ref: APP/M2840/W/22/3307676**

**Field below Abbey Farm, Wellingborough Road, Wollaston, Wellingborough**

**Grid Ref Easting: 490587 Northing: 263869**

- 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 Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
  - The appeal is made by Mr Clive Convine against the decision of North Northamptonshire Council.
  - The application Ref NW/22/00387/PAMB, dated 31 May 2022, was refused by notice dated 19 July 2022.
  - The development proposed is change of use and associated operational development of an agricultural building to one residential dwellinghouse (C3).
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs has been made by Mr Clive Convine against North Northamptonshire Council. This is the subject of a separate decision.

### Preliminary Matter

3. I have used the more detailed site address on the appeal form and omitted superfluous details from the description of development in the banner above.

### Background and Main Issues

4. Schedule 2, Part 3, Class Q 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 use falling within Class C3 (dwellinghouses) (Class Q(a)) together with any building operations reasonably necessary to convert the building (Class Q(b)).
5. Should the development fall under Class Q, Paragraph Q.1. sets out limitations to the permitted development right. If the proposal is found to accord with Paragraph Q.1., it is necessary to go on to consider Paragraph Q.2.(1) which lists conditions under which the developer must apply to the local planning authority for a determination as to whether prior approval will be required as to the impacts of the development.
6. The Council assessed the proposal as complying with the limitations of Paragraph Q.1 and there is no dispute between the main parties that the proposal would constitute permitted development under Class Q. The reason for refusal states that the proposal would have unacceptable transport and

highways impacts and would not satisfy the prior approval matters at Paragraph Q.2.(1)(a) and (e).

7. Therefore, the main issue is whether prior approval should be given, with respect to whether the transport and highways impacts, and by extension the location of the building for the change of use, would be acceptable.

## **Reasons**

### *Transport and Highway Impacts*

8. The appeal building is located towards the rear of a large, agricultural field next to the A509 road between Wollaston and Wellingborough. The proposed dwelling would be reached from the A509 by an access in the corner of the field and then along an L-shaped track skirting the southern and eastern perimeter.
9. The appellant argues that the access has long existed, but that kerb stones were allowed to become overgrown to deter unauthorised access to the farm and the access has been regularly used since summer 2022 by slow moving agricultural traffic, a situation that would improve with the change of use to a dwelling. However, the Council provides Google Streetview imagery that shows a well-established hedgerow prior to 2022 where the access now exists, which suggests that any historic access in this location was long closed off and has only been re-established since 2022.
10. The A509 is a busy road subject to the national speed limit at the point of the site access with constant, fast moving traffic at the time of my visit. The appellant's plan indicates that the required visibility of 2.0m x 215m in each direction can be provided. To the north, this is indicated to reach the next farm entrance. The visibility on site was significantly shorter than this in the northern direction, as the road curves slightly to the right and goes over a small rise, which blocks the view of oncoming traffic. To the south, the curve is more pronounced and the road goes over a larger brow, with a large road sign on the near side a further impediment to visibility. As a result, I am not satisfied that visibility would meet the required 215m in either direction. Moreover, the existing visibility is dependent on the verge grass being cut short for a substantial distance, which is not guaranteed to be maintained. The absence of sufficient visibility poses a significant risk for vehicles attempting to enter the A509 who may not see oncoming traffic approaching at speed.
11. The Council also raises the issue of vehicles attempting to turn right into the site, who may have to wait in the carriageway for the oncoming lane to be clear. Drivers following from the south over the brow would not be able to see a vehicle waiting in the road to turn right until they are considerably closer to the site entrance and I cannot be certain that these drivers would have sufficient forward visibility to stop safely. A similar risk exists where vehicles emerging from the site and not yet up to the speed of traffic may be unsighted by oncoming traffic until they clear the brow of the hill in either direction, at which point they would have significantly shorter reaction times and braking distances. As such, the proposal would increase the risk of vehicular conflict and pose a danger to highway safety.
12. I am not persuaded by the appellant's contention that safety would be improved, not least as the majority of the field would remain in agricultural use and there is nothing to suggest that agricultural vehicles would not continue to

use the access in addition to domestic traffic, particularly as the appellant attests to this being a preferred route for access to the A509 and farmland beyond to the west. The appellant refers to access via York Road not being possible due to the end of an agricultural tenancy, but there is limited evidence to demonstrate that all options in this respect have been exhausted.

13. The appellant refers to the proposal complying with the Northamptonshire Highway Development Management Strategy (December 2013) (the NHDMS), Policy DM8 of which states that all developments within the scope of the *Local Highway Authority Standing Advice for Planning Authorities – Domestic vehicle accesses serving 1 to 5 dwellings and Advertisement Applications* (April 2013) (the Standing Advice) should be assessed against this document. However, the Standing Advice states that any proposal for a new access onto an 'A' road requires consultation with the highway authority, indicating that it does not fall within the scope of the document. This aside, both the Standing Advice and the NHDMS at Policy DM9 require appropriate visibility distances to be achieved which, for the reasons set out above, the proposal would fail to do. My findings also indicate that the proposal would not achieve a minimum nil-detriment outcome in terms of highway safety, contrary to Policy DM4 of the NHDMS.
14. The appellant further refers to the National Planning Policy Framework (the Framework), which sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I recognise that the creation of a single dwelling would not create severe cumulative impacts on the road network, but for the reasons set out, the proposal would create adverse conditions for drivers that would increase the risk of conflict. The proposal would therefore have an unacceptable impact on highway safety and, so far as it is a material consideration, the Framework would point towards refusal in this circumstance.
15. For these reasons, I conclude that the proposal would not be acceptable with respect to transport and highways impacts, and Condition Q.2.(1)(a) is not satisfied.

#### *Location*

16. The Planning Practice Guidance (PPG) makes it clear that the permitted development right does not apply a test in relation to sustainability of location, in recognition of the fact that many agricultural buildings will be located away from settlements and public transport options.
17. The Council accepts this in its evidence but points to the PPG also stating that local planning authorities may consider that because an agricultural building is located on the top of a hill, with no road access, power source or other services, its conversion is impractical. The Council argues that the fact that the building would not have adequate road access makes its conversion impractical.
18. The building is isolated and set within an expansive open field. However, there is no substantive evidence that power and water could not be provided to the building. An access track does exist within the field, at least along the southern side, and I saw no reason it could not be extended to reach the appeal building.

19. My findings above with respect to the access means that, overall, the location of the building would make the proposed change of use impractical or undesirable; however, on the evidence before me I do not find additional reasons to find against the proposal in respect of this prior approval matter.

### **Conclusion**

20. The proposal would be a development of the type permitted in principle by Class Q and would satisfy the conditions and limitations of Paragraph Q.1. However, I have found that the transport and highways impacts of the development would be unacceptable and would not meet condition Q.2.(1)(a) of Class Q, and by extension would make the proposed change of use impractical or undesirable, contrary to condition Q.2.(1)(e). Prior approval should not therefore be given. For these reasons, and having regard to all other matters raised, the appeal is dismissed.

*K Savage*

INSPECTOR