



Appeal Decision

Site visit made on 26 July 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2023

Appeal Ref: APP/J0405/W/23/3315493

Durrance Farm Business Park, Stewkley Road, Soulbury, Buckinghamshire, LU7 0UU

- 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 Mr M Faulkner against the decision of Buckinghamshire Council.
 - The application Ref 22/00165/APP, dated 17 January 2022, was refused by notice dated 27 July 2022.
 - The development proposed is change of use of land from agricultural/pasture land to B8 use and provision of hardstanding (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above reflects that on the decision notice and the appeal form but is different to that on the application form. The changed description is more succinct but the description on the application form also includes a landscaped buffer so I have taken this into account in my assessment. In the interests of clarity, I have referred to Durrance Farm Business Park in full in my description above rather than the abbreviated version on the application form.

Main Issues

3. The main issues are (1) whether the site is suitably located taking into account the relevant development plan policies; and (2) the effect of the proposed use of the land on the character and appearance of the surrounding area.

Reasons

Location

4. Durrance Farm Business Farm comprises a grouping of buildings set within an otherwise open rural landscape between the two settlements of Stewkley and Soulbury. It is accessed from a long drive off Stewkley Road. The appeal site includes the existing Business Park and its access plus an additional area of land to the north-east. The change of use to B8 (storage) has already occurred and the area is hardsurfaced and used for parking vehicles and portable structures, including some on trailers.
5. Soulbury and Stewkley are approximately 1.6 km/one mile to the east and west respectively and Stewkley is described in the Vale of Aylesbury Local Plan

(VALP)¹ settlement hierarchy as a medium village which is moderately sustainable whilst Soulbury is defined as a small village with relatively poor access to services and facilities (Policy S3). In this regard the development plan reflects the sustainable objectives set out in the National Planning Policy Framework².

6. The distance from the appeal site and the two nearest villages is such that this rural location is limited in its accessibility by modes of transport other than the car. There are public footpath links and these would provide some opportunities for accessing the site on foot but I have no evidence as to whether existing employees or visitors access the Business Park via these footpaths. In reality these may have limited benefits as they are across fields and less likely to be used in poor weather or in the winter months after dark. Furthermore, traffic on Stewkley Road is fast moving and there are no footpaths along it close to the appeal site.
7. The proposal includes improvements to the existing site including enlarging the passing space on the access road and improving vehicle movements through the site via a one-way-system plus the provision of additional parking space within the existing site. However, these measures only serve to make the site more useable for motorised vehicles although they do include an intention to encourage car sharing.
8. Also, the appellant has stated his intention to make improvements to the site's accessibility by providing secure bicycle parking and installing electric vehicle charging points. Furthermore, I am mindful that the appeal site comprises an existing established Business Park and the Framework accepts that rural businesses may not be in existing settlements or in locations well served by public transport. However, the proposal represents a substantial increase in the size of a business park in an unsustainable location.
9. Despite the unsustainability of this location, there are 14 tenants, employing in the region of 50 people and I saw for myself that the site is fully occupied and the available space on the Business Park is well used. Additional space is required by one tenant, Fortis Hire which employs approximately 20 people which I acknowledge is a sizeable portion of total employment on the site.
10. The company has explained that it has looked at alternative sites and examples of its search have been included in the appeal documents. Problems with other sites are explained and it is clear that remaining on the enlarge site here has practical and cost effective advantages. A statement from the company confirms that as they have grown they are likely to require alternative accommodation if the appeal site is no longer available to them for parking their trailers and facilities. I note however, that reference is made to their acquisition of another site which enables them to use two sites to cover a wider geographical area.
11. Whilst, the appeal site offers sizeable employment opportunities, I have no information as to where users of the Business Park currently travel from or whether they are local or not. Also, there is no evidence that this increase would meet a specific local or community need. Whilst it is clear that the

¹ Buckinghamshire Council Vale of Aylesbury Local Plan (VALP) 2013 – 2033 Adopted Plan September 2021.

² Department for Levelling Up, Housing & Communities National Planning Policy Framework, 2023 (the Framework).

appeal site suits the growing business requirements of one tenant, that business is one that depends on accessibility to the road network. This does not necessarily contribute to the local communities in either of the nearby settlements.

12. In conclusion, the appeal site is not suitably located for the proposal for the above reasons, in conflict with Policies S1, S2, S3, D6 and T1 of the Local Plan which collectively seek to support development that represents sustainable development.

Character & Appearance

13. Although the site is described as being within the Cublington-Wing Plateau Landscape Character Area and a Landscape Character Assessment (LCA) is referred to, no documents relating to this have been submitted. Nevertheless, it is clear that the character of the area is that of open countryside, comprising of large fields with hedgerows and interspersed with scatterings of buildings and public footpaths. The appeal site comprises a substantial group of buildings which, whilst set well back from the road, is visible from public footpaths which pass close by. The topography is relatively flat which adds to the site's high visibility.
14. The proposal represents a significant increase in the size of the Business Park and results in a significant incursion into the open countryside. The amount of additional land taken up by the B8 use is such that it causes harm to the open rural character of the area. Although the proposal does not include any permanent buildings, the size of the additional area of land and the number of trailers and other vehicles and equipment and vehicles present a strong physical presence that is prominent and dominant in the landscape.
15. The proposal attempts to overcome this impact by a 5 metre wide planting strip comprising of native species which would be planted around the whole of the Business Park including the extended part with any bunding which would to some extent provide a screen to the Business Park. A new species rich hedgerow would have environmental benefits and precise details of this could be secured through a condition. However, whilst I accept that effective landscaping can screen development that would otherwise be unacceptable in some circumstances, landscaping can fail and its effectiveness over the long term cannot be guaranteed. Moreover, it would likely take a considerable time for the landscaping to effectively mitigate the harm that I have identified.
16. The main users of the additional land, Fortis Hire indicate that there are seasonal variations in demand with the busiest time being between April and September. During this busiest time, trailers are either out on hire or being processed as they return to their base at Durrance Farm and then sent out again. During the winter months there are fewer events and so more trailers are stored on site and essential maintenance can be carried out. However, even if the additional land was intended for one company only, the likelihood is that others would overspill onto it if it was available. It would not be possible or reasonable to restrict who or how many vehicles could be stored on the site.
17. The proposed use of the site for open storage would have an adverse impact on the visual amenity and landscape character of the site and surrounding area. It would not be sensitive to the site's surroundings and conflicts with Policies NE4 and BE2 of the Local Plan which seek to protect landscape character and

distinctiveness together with the Framework and C1 of the National Design Guide³ which collectively seek to encourage the same.

Other Matters

18. The appellant points out that the Business Park originally grew from farm diversification arising from the original agricultural use of the site. However, this was subject to an approval over 30 years ago and Durrance Farm Business Park is well established. I do not accept that the continued growth of the Business Park, beyond its original site, can still be assessed against policies in the development plan or national policy that supports farm diversification.
19. I have taken into account the appeal decisions referred to but from the evidence submitted I do not find these comparable with the appeal site or this proposal⁴. In particular, although they include landscaping to improve the appearance of the sites in question, unlike the appeal site, the respective Inspectors found those site's to be in sustainable locations.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no other matters, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, the appeal is dismissed.

J D Clark

INSPECTOR

³ Ministry of Housing, Communities & Local Government National Design Guide – Planning practice guidance for beautiful, enduring and successful places, 2021.

⁴ Planning Appeal References: APP/J0405/W/21/3267540 & APP/J0405/W/21/3271894.