



Appeal Decisions

Site visit made on 19 December 2023.

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 18th January 2024

Appeal A Ref: APP/K0235/W/23/3324889

Lower Honeydon Farm, Lower Honeydon Lane, Honeydon MK44 2LR

- 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 Alex Bates against the decision of Bedford Borough Council.
 - The application Ref 21/01513/FUL, dated 25 May 2021, was refused by notice dated 27 March 2023.
 - The development proposed is change of use of an agricultural storage barn to a fencing contractors store (Use Class B8), and the erection of lean-to canopy and external racking.
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Appeal B Ref: APP/K0235/W/23/3325452

Lower Honeydon Farm, Lower Honeydon Lane, Honeydon MK44 2LR

- 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 Alex Bates against the decision of Bedford Borough Council.
 - The application Ref 21/02976/COU, dated 8 November 2021, was refused by notice dated 28 March 2023.
 - The development proposed is change of use of land for the temporary siting of static caravan to provide accommodation for farm worker for a period of up to 2 years.
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Decisions

Appeal A Ref: APP/K0235/W/23/3324889

1. The appeal is dismissed.

Appeal B Ref: APP/K0235/W/23/3325452

2. The appeal is dismissed.

Preliminary Matters

3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Neither the appellant nor the Council have made any further submissions regarding the revised Framework, and I am satisfied that any references made to the revised Framework within these decisions would not be unreasonable to the parties.
4. As the development described in both Appeals A and B has taken place and the applications submitted retrospectively, I have determined the appeals on that basis.

Main Issues

5. The main issues are:

- Whether the proposals constitute sustainable development (Appeals A and B)
- The effect of the proposals on the character and appearance of the area (Appeal A)

Reasons

Sustainable Development (Appeal A)

6. The appeal site is located on part of an arable farm located in open countryside west of the A1 and the town of St Neots which provides a range of services and facilities.
7. In looking at the development under Appeal A first, the B8 storage and distribution use lies within part of an existing barn and on part of the established farmyard and land beyond this to the rear. The appeal site is being currently being let to a fencing company for storage and distribution purposes (Use Class B8).
8. At the site visit, I observed that the storage area was partially covered with some new lean-to structures added to the rear of the barn, as well as an enclosed yard. On a separate piece of land, beyond the existing yard is a racking system and areas of external storage which appear to include skips, fencing panels, concrete and timber posts and pallets holding bags of concrete mix. The external storage is also the location for a washing area and toilet facility. I note from the plans and the council's statement that the external storage area is significantly larger when compared to the total footprint of the barn, lean-to and secure storage area.
9. In their submissions, both parties agree that the change of use of the barn building (at no more than 62sqm in area) could have constituted a form of permitted development under Class R of Part 3 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, this would be a far smaller development than the red line area for the site in this appeal which extends to include a large area of external storage and I do not consider this to be a fallback position.
10. I have considered Policy 3S (Spatial Strategy) of the Bedford Local Plan (2020) (LP) which sets out the overarching strategic framework to guide development in the Borough, prioritising development in the town and limiting development in rural areas.
11. Further, Policy 65 (Reuse of rural buildings in the countryside) of the LP supports the re-use of rural buildings, subject to certain constraints such as size, suitability, ecology, heritage, structural integrity and on the basis that the building is a permanent structure. It is a requirement to meet all of the criteria from (i) to (xi). The appellant has said that the existing building is redundant, having been most recently used for the storage of agricultural machinery and equipment.
12. Further, Policy 75 (New employment development in the countryside) of the LP allows new employment development in the countryside where it (amongst other things) supports the reuse of rural buildings or the diversification of

- agricultural provision and other land-based businesses, subject to certain criteria (i-viii).
13. The council do not consider that the development would meet any of the four criteria of Policy 75 (i-iii). I agree with this as the development would not expand an existing business, it is not within a defined employment area, and it would not result in the re-use of existing employment land. Under criterion (iv) the council also consider that a B8 storage and distribution facility for a domestic fencing company would not represent agricultural diversification in this case and I concur with this assessment.
 14. The re-use of an existing building in the countryside for employment purposes is also required to demonstrate compliance with criteria (v) to (x) of the same policy. I discuss these later in this letter where these criteria relate to character and appearance.
 15. The policy requires that all of the remaining criteria (v-x) are met (for the purposes of farm diversification or the provision of other land based businesses). The remaining criteria require that the rural location must be justified, that the open storage is ancillary to the main business, the open storage is well contained, and that the development would not generate unacceptable levels of traffic movement. The final two criteria require there to be no harm to character and ecology.
 16. In relation to (vi), the policy requires justification for the rural location of the fencing storage and distribution business. This requires an explanation as to why the business could not be located within a Settlement Policy Area or within a designated Small Settlement.
 17. The appellant in their final comments sets out that the fencing company were originally located in a building that was too large for them, that there was no other appropriate location available. The appellant states that a letter from the fencing company was submitted to the council explaining this, but it did not form part of the appeal documentation before me and the council state that it was not received by them as part of the application. I am therefore unable to take a view as to its content, albeit I have been able to take account of the detail summarising the position in the appellant's final comments.
 18. It is my view that the points made by the appellant about the tenancy business are not an independent opinion on the availability of premises within the Settlement Policy Area or designated Small Settlement. Nor do they provide a comprehensive assessment of genuine alternative locations that would be sequentially preferable in planning terms.
 19. I therefore consider the proposals would fail on the grounds that there is insufficient evidence to demonstrate that the occupier could not be located in a more sustainable position. It is therefore not necessary for me to assess the development against the remainder of the criteria on that basis.
 20. I am aware that Paragraph 88 of the Framework sets out that planning decisions should support '*(a) the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed, beautiful new buildings; b) the development and diversification of agricultural and other land-based rural businesses*'. However, it should be

noted that one of the operative words here is 'sustainable' and it does not sanction uncontrolled development in rural areas.

21. Having regard to my assessment of the appeal against the criteria in the relevant policies of the Local Plan and the Framework, I consider that the proposals do not constitute sustainable development, contrary to Policies 3S, 65, 75 of the LP and the relevant parts of the Framework.

Sustainable Development (Appeal B)

22. The council (in their appeal statement at para 7.13) agree that there is sufficient evidence submitted by the appellant to show a need for two full-time workers at the farm. Whether this translates into a need for an agricultural worker's dwelling at the farm is rather less clear.
23. At para 7.2 of the appellants appeal statement, part of the justification requiring the appellant's son on site was that a local worker suddenly had to retire early due to ill health. That worker presumably did not live on the site (being local) and there is no evidence provided that this in any way hampered the operation of the business.
24. Policy 68 (Accommodation for Rural Workers) of the LP, criteria (i) and (ii) seek to support development of new rural workers dwellings where they are necessary for an existing viable rural enterprise and that there are no other alternative options available locally, including the conversion or replacement of existing buildings.
25. The Appellant has provided a report (dated 2022) exploring the availability of local homes, concluding that there are no alternatives, but no further up to date information has been submitted since then.
26. Whilst I have no doubt that the appellant's son is working for the business and that there is a likelihood that he will take over from his father, there is no timescale for this, rendering a temporary permission likely to require a more permanent solution. Indeed, since the application was submitted in 2021, over 2 years have elapsed and no further submissions have been made to explain what attempts have been made to secure a more permanent solution.
27. The appellant has made the case that due to the lack of accommodation locally, his son cannot live nearby. I cannot see how this could ultimately be remedied through a temporary permission and I am unclear on what the appellant's son could reasonably afford, with limited information as to what would be affordable locally.
28. The council state that the appellant already has permission to convert barns nearby, to two residential dwellings, at Lower Goodwick Farm (PINS Ref APP/K0235/W/23/3321084) which was recently allowed at appeal in November 2023. In their final comments, the appellant has not responded in detail on this point, other than to explain that these barns are owned by the appellant and some other family members and not the farm business. However, this does not provide me with any further explanation as to why either of these barns could not be capable of meeting the needs of a rural worker, particularly given the clear links that the appellant has to that development.
29. The council have supplied information on available dwellings in the area, within a reasonable distance of the appeal site. I am therefore unconvinced that there

are no other options available to the appellant's son in terms of local properties to rent or buy and consider that more evidence is required to demonstrate the need for a rural worker's dwelling (temporary or permanent) in this location.

30. Insufficient information has been provided to persuade me that an agricultural workers dwelling is essential at the appeal site. Given that Policy 68 requires compliance with all of the criteria, I am not convinced that there are no other accommodation alternatives available to the appellant's son and I therefore conclude that the development relating to Appeal B is, in this case, contrary to Policy 68 of the LP.

Character and Appearance (Appeal A)

31. The appeal site is located to the rear of one of the main barns located behind the farmhouse. The character of the area is one of a utilitarian and agricultural nature with a mixture of older and more modern structures arranged around a yard which extends to the rear of the barns.
32. Beyond the barn and secure yard there is an area of what was previously undeveloped land being used for open storage.
33. In relation to Policy 75 (vii), it is my view that the external storage area does not lead to an enhancement of the immediate setting. The appellant has made the case that a planning condition has the potential to deliver some landscaping to mitigate the impact, but I am not persuaded that this would make sufficient difference. I share the council's concern that the change of use could also displace the need for the existing farm business to make use of external storage elsewhere.
34. This further ties in with (viii) where I also consider that the development increases the impact of the site on the surrounding open countryside. The appellant argues that the development is small, but I disagree.
35. Finally, criterion (ix) of Policy 75 requires that any curtilage is not excessive in size and relates well to the existing building and landscape. Based on my views in relation to (vii) and (viii), I also consider that the development would be at odds with (ix), being excessive in size. Again, where the development fails against just one of the criteria (v to x), it is not supported by the policy.
36. Policy 28S (Place-making) Policy 29 (Design quality and principles) and Policy 30 (The impact of development – design impacts) of the LP require that new development is well designed, integrates and has a positive relationship with its surroundings and enhances the landscape.
37. Policy 7S (Development in the countryside) of the LP sets out that development in the countryside would be permitted where it accords with a series of other policies, taking account of the intrinsic beauty, character and in certain cases environmental status of the countryside.
38. Given the excessive scale of the external storage area, I consider there would be harm to the character and appearance of the area contrary to the relevant parts of Policies 7S, 65, 75, 28S, 29 and 30 of the Bedford Borough Local Plan 2030 as well as the relevant parts of the Framework.

Other Matters

39. The appellant has drawn my attention to another case at White House Farm, approx. 1.5km away. From the information supplied, it appears that the two schemes are similar in terms of the use class proposed (B8), although I note that the external storage area associated with the White House Farm development is considerably smaller than the storage area in case. The White House Farm development involves largely the re-use of an existing barn, rather than the creation of an additional extensive area of open storage.
40. I note the points made by the appellant where the council in that case did not assess the White House Farm proposals against Policy 75 of the LP. This and other potential inconsistencies identified by the appellant may well have caused them some confusion and I have some sympathy with their position in this regard. However, how the decision was taken in that case was clearly a matter for the council and I am not in possession of all of the facts relating to it, nor have I visited the site. I am therefore not in a position to undertake a rigorous appraisal of that scheme. I have therefore determined this appeal on its own merits and the points raised in relation to White House Farm do not change my conclusions.

Conclusions

41. For the reasons given and having regard to all other matters raised, I conclude that both Appeal A and Appeal B are dismissed.

Sian Griffiths

INSPECTOR