
Appeal Decision

Site visit made on 31 January 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Appeal Ref: APP/A1910/W/23/3323376

Woodend Farm Grain Stores, Woodend Lane, Markyate AL3 8AY

- 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 Puddephats Farm Partnership against the decision of Dacorum Borough Council.
 - The application Ref 23/00070/FUL, dated 9 January 2023, was refused by notice dated 8 March 2023.
 - The development proposed is the change of use of an agricultural building to low-key storage (Use Class B8) including installation of personnel door.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of an agricultural building to low-key storage (Use Class B8) including installation of personnel door at Woodend Farm Grain Stores, Woodend Lane, Markyate AL3 8AY in accordance with the terms of the application, Ref 23/00070/FUL, dated 9 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 222249 COU 001, 222249 COU 002, 222249 COU 003, F22150/01 Rev C and F22150/02 Rev C.
 - 3) The development hereby permitted shall not be brought into use until details of a scheme to demonstrate an overall net gain for biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for implementation and the scheme shall be implemented in accordance with the approved details and shall be maintained thereafter.
 - 4) No commercial vehicle shall be operated in relation to an activity associated with the permitted use of the property, nor any deliveries taken or despatched from the property before 0800 on Mondays to Saturdays and 0900 on Sundays or on Bank or Public Holidays nor after 1800 on Mondays to Saturdays and 1300 on Sundays or on Bank or Public Holidays.
 - 5) No vehicles with a gross weight of more than 7.5 tonnes shall be permitted to access the site in connection with the use of the property hereby permitted.
 - 6) There will be no more than 28 vehicle movements to and from the site allowed per day in connection with the use of the property hereby permitted.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, buildings or alterations other than those expressly authorised by this permission shall be constructed.
- 8) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the building is brought into use. Development shall be carried out in accordance with the approved details and shall be retained in that form thereafter.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration to this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

Main Issues

3. I consider the main issues are;
 - whether the proposal would amount to an acceptable use in this location having regard to local and national policies relating to development within rural areas; and
 - whether the subdivision of the farm complex and proposed use would harm the natural beauty or tranquillity of the Chilterns Area of Outstanding Natural Beauty.

Reasons

Location

4. The appeal site comprises several agricultural buildings. The appeal proposal relates to the change of use of a large metal clad barn located centrally within the appeal site (the appeal property) from agriculture to a storage or distribution centre.
5. It is outside the settlement boundary and consequently the appeal site is within the open countryside. In such locations, Policy CS7 of Dacorum's Local Planning Framework – Core Strategy 2006-2031 (CS) sets out that among other things uses are acceptable if they are associated with a farm diversification project necessary for the continuing viability of the farm and consistent with the principles of sustainable development and that small-scale development will be permitted for the appropriate reuse of permanent substantial buildings.
6. Policies CS1 and CS14 of the CS seek to conserve the rural character of the borough and development that supports the rural economy will be particularly encouraged. This is consistent with the Framework which supports a prosperous rural economy and sets out that policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas including through the conversion of existing buildings.

7. An important material consideration in this case is the fact that the appellant has been granted prior approval for the change of use for about two-thirds of the appeal property to a flexible commercial use falling within use class B8 (storage and distribution) (the permitted development). The Council consider that I should give this fall-back limited weight. However, I do not agree.
8. The fact that the appellant applied for a change of use to a B8 use in the first place and pursued the appeal indicates their clear desire to use the appeal property for such use. I am not persuaded that the prior approval application was part of a planning strategy and is unlikely to be implemented. The appeal property is a simply designed and constructed building with an uncomplicated layout and internal arrangement. It would be a straightforward task to sub-divide it to allow for the majority to be used for storage/distribution and the remainder to be used for agricultural use.
9. It follows that I am satisfied that there is a greater than theoretical possibility that the permitted development might take place and will be implemented if this appeal is dismissed. I therefore accord the fallback position significant weight as a material consideration in making this decision.
10. Although the appeal site does not meet the definition of previously developed land as set out in the Framework, in accordance with relevant development plan policies the proposed change of use would involve the re-use of a permanent substantial building with only a very minor alteration to allow the introduction of a door in one of the elevations.
11. Approval has been granted for a new grain store to serve the farm and on balance I accept the appeal property is no longer required for agricultural use. That is because the new grain store can accommodate all the necessary crop storage needs. Moreover, because of a change in circumstances in relation to contractual arrangements and the way fertiliser is stored the appeal property is surplus to requirements and I accept that the income generated by the change in use would help to secure the long-term viability of the farm.
12. As a result, I consider that the proposal would meet a local business need in a rural area. The appeal property is located within the open countryside and is not well served by public transport. However, the Framework sets out that decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements in locations that are not well served by public transport.
13. That is the case here and as the proposal would involve only a minor change to the building itself and would not increase the area of hardstanding/gravelled area in comparison to the existing situation, the proposal would be sensitive to its surroundings. Further, although the officer's delegated report provides some commentary on vehicle trips, the highway authority indicates that traffic volumes are expected to be slightly increased but would not greatly impact the surrounding highway network and that the existing vehicle access is adequate for the proposed change of use given the small number of movements for such a small unit. I agree with that analysis. And as a result, the proposal would not have an unacceptable impact on local roads, particularly in comparison to the permitted development.
14. Moreover, the proposal would include the provision of cycle spaces and an electric charging point, and I am satisfied that, albeit in a relatively modest

way, the proposal exploits the opportunity to make the location more sustainable by improving the scope for access by cycling and by improving facilities for electric vehicles. Therefore overall, the proposal meets the guidance set out within the Framework for such development.

15. I therefore conclude that the proposed change of use would be an acceptable use in this location having regard to local and national policies relating to development within rural areas. As a result, the proposal would accord with Policies CS1, CS7 and CS14 of the CS and with the Framework which I have summarised above.

Effect on Chilterns AONB

16. The Chilterns AONB has many special qualities, and its significance derives from its dramatic chalk escarpment, mix of chalk grassland, wooded landscapes, extensive farmland and common land which together with other features combine to create a diverse landscape character.
17. The appeal site comprises existing agricultural buildings, hardstanding and gravelled areas surrounded by fields. As outlined above, the proposal would not make significant changes to the appeal property, and I consider it would appear sensitive to its surroundings.
18. The Council sets out that the appeal site falls to be greenfield within the definition of the Framework glossary. There is no definition of greenfield in the glossary and I can only assume that they consider it greenfield because the appeal site does not meet the definition of previously developed land. However, clearly the appeal property is an existing barn, and its appearance would not be materially altered as a result of the proposed change of use.
19. Further, the permitted development would utilise two thirds of the appeal property for the same use as proposed and like the proposal the permitted development would also result in the introduction of parking spaces and bays. Consequently, taking account of the existing use of the site and the permitted development, the proposal would not be harmfully injurious to the tranquillity of the Chilterns taking account of future activity, vehicular movements, noise and any signage requirements, which would equally be needed for the permitted development. The Council highlight that external lighting could also cause harm, but I am satisfied that this could be ameliorated by the imposition of an appropriately worded condition.
20. As a result, the proposal would not harm the character and appearance of this countryside setting and would not harm the landscape or scenic beauty of the AONB. Consequently, the proposal would comply with Policy CS24 of the CS which among other things seeks to conserve the special qualities of the AONB, as well as Policy DP2 of the Chilterns Area of Outstanding Natural Beauty Management Plan 2019-2024 which among other things seeks to ensure development is an appropriate use, supports local distinctiveness, enhances natural beauty, and does not harm the tranquillity of the AONB.

Other Matters

21. I am aware that Wood End Farmhouse is a Grade II Listed Building. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving its setting. The historic nature of this building located

within this countryside setting positively contributes to its significance.

Nevertheless, given the location with intervening buildings between the appeal property and the farmhouse, I consider that it would preserve the setting of this listed building and the contribution it makes to their significance. I note the Council had no concerns in this regard either.

22. In addition to the impact of noise on the tranquillity of the AONB which I have considered above, I have also considered whether the proposal would have an adverse impact on the living conditions of any neighbouring residents. Given the existing use of the appeal property, the permitted development and the distance from any neighbouring properties and intervening buildings, I am satisfied that the proposal would not cause an unacceptable level of harm to the living conditions of neighbouring residents due to either noise or due to the increase in traffic movements which I intend to restrict to certain times by the imposition of a condition.
23. I have also taken account of the concern expressed that this combined with other proposals will lead to the redevelopment of the site away from purely agricultural use. However, I have determined this appeal based on its individual planning merits. For the reasons set out I do not consider that the proposal individually even when considered alongside the other existing uses on the appeal site and the wider area would result in an unacceptable degree of harm.

Conditions

24. I have had regard to the conditions suggested by the parties and have amended them as necessary in the interests of precision and clarity, as well as to comply with the advice in the Framework and Planning Practice Guidance (PPG).
25. A condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. To ensure there is a net gain in biodiversity it is necessary to impose a condition requiring details to be submitted, approved and implemented. In the interests of protecting the tranquillity of the AONB and the living conditions of neighbouring residents it is necessary to impose a condition to restrict the times that commercial vehicles can operate and deliveries can be made to and from the appeal property.
26. Moreover, for similar reasons and to protect highway safety it is reasonable to restrict the size of vehicle that can enter the appeal site and the number of vehicle movements. The Council's suggested condition limited the number of movements to 17. However, that appears to be the number of movements that could have been generated by the existing use. The appellant's Highway Impact Statement indicates that the total number of daily movements would be 27.3. As a result, I consider it reasonable to limit daily movements to 28.
27. I note that the submitted plans indicate that parking bays would be provided for four cars, two cycle spaces and a delivery bay. I am satisfied that adequate provision would be provided for cycle and lorry parking. Moreover, as additional car parking could be comfortably accommodated on the appeal site it is unnecessary to impose any specific parking conditions. To ensure that the character and appearance of the area is protected it is necessary and reasonable to impose a condition to restrict permitted development rights to prevent any building, extension or alteration at the appeal site. Further, to

protect the tranquillity of the Chilterns AONB it is reasonable to impose a condition to ensure appropriate external lighting.

Conclusion

28. For the reasons given I conclude that the proposal would accord with the development plan and therefore the appeal should be allowed.

S Rawle

INSPECTOR

