



Appeal Decision

Site visit made on 18 June 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2024

Appeal Ref: APP/V2635/W/23/3332289

Dairy Farm, Thiefgate Lane, Saddlebow, King's Lynn, PE34 3AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Messrs J and T Moses of H Moses and Sons against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/01156/F.
 - The development is change of use of agricultural buildings to B8 storage and distribution.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural buildings to B8 storage and distribution at Dairy Farm, Thiefgate Lane, King's Lynn, PE34 3AP, in accordance with the terms of the application, Ref 23/01156/F, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing numbers 1727-1 Barn 1, 1727-2 Barn 2, 1727-3 Barn 3 (revised July 2023), 1727-4 Barn 4 (revised July 2023), 1727-5 site plan (revised Aug 2023) and location plan.
 - 2) Within 6 months of the date of this decision the vehicular access to the site shall be upgraded to a bound surface for a minimum of 10 metres measured back from its junction with Thiefgate Lane. The upgraded access shall thereafter be retained as such for the life of the development hereby permitted.
 - 3) There shall be no external storage of goods within the site, and the hardstanding areas surrounding the buildings shall be retained clear at all times for the access, parking and manoeuvring of vehicles associated with the existing and proposed B8 use of the site and the use of the adjacent retained agricultural land and buildings.

Preliminary Matters

2. At the time of my visit the change of use for which planning permission is sought had partially commenced. I have dealt with the appeal on this basis.

Main Issues

3. The main issues are whether the appeal site is a suitable location for B8 storage and distribution use having regard to national and local planning policies relating to sustainable rural development and the effect of the development on highway safety.

Reasons

Suitability of the site location

4. The appeal site is located approximately 1.5km to the south of Saddlebow Industrial Estate, which is on the southern outskirts of King's Lynn. It comprises four redundant farm buildings, within an established farmstead, and is amongst other buildings that continue to be used for agricultural purposes.
5. Barn 1 is split into two small units each of which are similar in scale to a domestic double garage. One unit is currently in use by a local tradesperson to store tools, materials and equipment in connection with their business. I understand the other unit is currently still in agricultural use. The use of the whole of Barn 1 for B8 storage purposes, would not generate any significant vehicular movements or activity and would be little different to its original use as an agricultural store.
6. The whole of Barn 2, which is the largest of the four barns on the site and is split into two units, already has planning permission for the storage of touring caravans, motorhomes, classic cars and leisure boats, which is a B8 use. However, due to difficulties manoeuvring multiple vehicles in, out and around this building, this use, which is operated by the appellants, has been relocated to Barns 3 and 4, which comprise multiple open fronted and easily accessible bays. This relocation does not significantly alter the scale and nature of the existing permitted B8 use of the site or any associated traffic movements to and from it. The relocation of the permitted use does however leave Barn 2 vacant. As this building already benefits from B8 storage use, albeit limited to specific items, it is not excluded from the definition of previously developed land.
7. As the buildings are required for the storage of large bulky items that cannot easily be stored elsewhere, it is inevitable that the method of delivery and collection of items to and from the buildings would be solely by private vehicles. It would therefore be unrealistic to expect public transport to be provided to serve the development. Despite the barns having a basic water and electricity supply to them, and despite there being a portaloo on the site, the scale and nature of the buildings and their use for general storage purposes would be unlikely to generate any permanent on-site jobs. Accordingly, there would not be multiple persons travelling to work on the site in separate private vehicles. Nor is the use likely to generate any frequent visitors. The security of the site is monitored by CCTV and by the appellants, who live in the two houses immediately adjacent to the site.
8. Whilst the majority of the buildings subject to this appeal are not currently in active agricultural use, in the event that planning permission cannot be secured for alternative uses, there would be nothing to prevent the buildings from being sold or let to other farmers or agricultural contractors for agricultural storage use, in order to generate additional income for the farm. This would also result in regular trips to and from the site using private modes of transport.
9. Moreover, the previous use of the farm buildings in connection with a substantial beef cattle rearing business would have generated significant daily labour activity on site, in addition to the movement of large heavy vehicles. Whilst I am mindful of the fact that this use specifically required a rural location, due to changes in agricultural practices, the farm now being entirely

arable, and harvested crops being transported directly to larger producers, the buildings are no longer required for their intended purpose.

10. Policies and permitted development rights relating to rural conversions and farm diversification schemes, accept that such sites will generally be in countryside locations. However, they also recognise the sustainability benefits of reusing existing buildings and supporting agricultural and other rural enterprises. There would be no benefit in leaving these redundant farm buildings stood empty and disused. The re-use of these existing buildings creates a flexible mixed-use site that generates additional income to support the retained adjoining agricultural enterprise as well as providing local businesses and residents that require storage close to their homes and work with facilities to meet their needs. Accordingly, the development is a sustainable form of farm diversification.
11. I therefore conclude that the appeal buildings are in a suitable location for B8 storage use and would not conflict with Policies CS06 of the King's Lynn & West Norfolk Core Strategy 2011 (CS) and DM2 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP), which are supportive of farm diversification schemes and the conversion of existing buildings for business purposes in the countryside. These policies are consistent with the National Planning Policy Framework (the Framework), which at Paragraph 88 is clear that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, particularly through conversion of existing buildings and diversification of agricultural businesses. Paragraph 89 of the Framework also requires policies and decisions to recognise that sites to meet local business needs in rural areas maybe beyond existing settlements, and in locations that are not well served by public transport.
12. Policy CS10 of the CS relates to rural employment exception sites and sets out the criteria that must be satisfied for employment and diversification schemes on land which would not usually be appropriate for such uses. As the scheme before me relates to farm diversification through the conversion of existing buildings, which is supported by Policies CS06, DM2 and the Framework, I am not convinced that the exception policy is relevant in this case, as the development is not unacceptable. Furthermore, the requirement in Policy CS10 for rural development to be located adjacent to settlements, pre-dates the Framework and is not consistent with it. Accordingly, I afford this part of that policy very limited weight.
13. Policy CS11 of the CS is a strategic policy that seeks to support the delivery of a sustainable transport network. For the reasons already explained above, I do not consider this policy to be directly relevant to this relatively small-scale change of use, in terms of its requirement for new development to reduce the need to travel and to promote sustainable forms of transport.

Highway safety

14. The site is accessed along Low Road and Thiefgate Lane, from High Road roundabout. This is a two-way single carriageway tarmac road with a 60mph speed limit and no footways or street lighting. Whilst there is a short pinch point, where the carriageway narrows to approximately 4.2m wide in front of the dwellings adjacent to the site, this is visible from the site access and there is a generous passing place at the opposite end of it. As such drivers travelling

towards each other are able to see vehicles approaching the pinch point in advance and have space to safely give way.

15. I have already concluded that the scale and nature of the development is unlikely to result in any significant intensification of vehicle use along Thiefgate Lane and Low Road. I acknowledge concerns relating to large passing vehicles potentially overrunning verges, carrying mud onto the road and causing damage to carriageway edges. However, the same risk applies with agricultural use, which also has the potential to generate large vehicle movements by HGVs and farm machinery.
16. It is not disputed that there is appropriate visibility from the site exit or that there is ample parking and turning space within the site. The local highway authority has also confirmed that no accidents have been recorded on this road in the last five years.
17. At the time of my visit the access to the site was in relatively good condition albeit with a few small holes close to its junction with the public highway and a loose unbound surface. As the storage use would be accessed regularly by a range of vehicle types, it would be reasonable to require the initial section of the access, which also serves the retained farm business and Dairy Farmhouse, to be upgraded to a more substantial bound surface. This would reduce the likelihood of loose material being carried onto the public highway to the detriment of the safety of other road users.
18. Any future applications for additional diversification or changes of use on the wider farm site would be subject to further assessment, and granting planning permission for the scale of development currently before me, would not automatically justify future developments. Likewise, no precedent would be set for similar proposals elsewhere, which would be determined on their own merits.
19. I therefore conclude that the development is acceptable in terms of highway safety and as such it accords with Policy CS11 of the CS, Policy DM15 of the SADMPP, and Paragraphs 114 and 115 of the Framework, which require safe access and parking facilities to serve development and state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conditions

20. As the change of use has already commenced a time limit condition is unnecessary. I have imposed a condition listing the approved drawing numbers in the interests of providing clarity. A condition to provide a bound surface at the junction of the site access is necessary to reduce the risk of loose material being carried onto the public highway. There is a discrepancy between the condition suggested by the local planning authority and that suggested by the local highway authority, regarding the distance of the required upgrading of the access. Based upon my observations on site, and the type of vehicles that are likely to use the access in connection with the B8 storage use, I consider that surfacing the first 10 metres from the junction would be sufficient. This would take the upgraded surface to just beyond the access to the farmhouse.

21. A condition to prevent storage outside of the buildings is reasonable and necessary in order to protect the rural character and appearance of the area and to ensure safe access, parking and manoeuvring space is available at all times for users of the permitted use and the retained agricultural use.
22. As the display and sale of goods would not fall under the B8 use permitted it is not necessary to restrict this by condition. As the parking areas are existing and a condition has been imposed to prevent any external storage, there is no need to impose a duplicate condition to ensure the provision of parking spaces. As there is no permitted change from use class B8, other than to a temporary state funded school, which is highly unlikely, or back to agriculture, a condition to restrict the use to B8 is not necessary, the permitted use is clear from the description of development and the list of approved drawings.

Conclusion

23. For the reasons given above, the appeal is allowed.

R Bartlett

INSPECTOR