



Appeal Decision

Site visit made on 20 August 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Appeal Ref: APP/P1615/W/24/3339466

Guy Hall Farm, Northington Lane, Awre, Gloucestershire GL14 1EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Timothy Truman against the decision of Forest of Dean District Council.
 - The application Ref is P1570/23/PR3PA.
 - The development proposed is the change of use of the existing barn to an indoor electric bike track for children.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed text which does not relate to an act of development from the description in the bannerhead.
3. Since the Council determined the application a new version of the National Planning Policy Framework (the Framework)¹ came into effect. During the appeal, the main parties have had the opportunity to provide further comments on the revised Framework and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.
4. Changes to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) came into effect² which extended some permitted development rights, including the use of agricultural buildings. For Class R of the GPDO, these changes expanded, rather than restricted, the permitted development rights of an agricultural building. I am, therefore, satisfied that no party would be prejudiced by taking the GPDO (as amended) into account in my determination of the appeal.
5. Development permitted under Class R is subject to the condition set out in paragraph R.3(1)(b) that before changing the use, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required regarding several considerations. This includes (i) transport and highway impacts of the development; and (ii) noise impacts of the development, amongst others.

¹ 19 December 2023

² 21 May 2024

6. The session times and number of riders per session indicated in the appeal documents differ from the proposals before the Council at the time the application was determined and upon which interested parties had the opportunity to make representations. An additional plan indicating the location of areas of parking has also been provided. If I were to determine the appeal based on these revisions and additional details, interested parties would be deprived of the opportunity to make representations on the amendments. As such an approach could be deemed to be so unfair as to be unlawful, as per the *Holborn case*³, I have based my determination of this case on the details and plans before the Council when the planning application was determined.
7. I note from the appeal documentation and my site visit that the proposed use of the barn on the appeal site had commenced. However, I observed that part of the bike track has been constructed into the adjacent barn. As I cannot be certain that this corresponds with the red line area overlaid on an aerial photograph of Guy Hall Farm, labelled Site Plan, I have based my assessment of the development as detailed in the evidence submitted with the prior approval application.

Main Issues

8. The main issues are:
 - whether the proposed use falls within the permitted development rights under Schedule 2, Part 3, Class R of the GPDO; and
 - if so, whether the prior approval details relating to transport and highway impacts; and noise impacts, would be acceptable.

Reasons

9. Schedule 2, Part 3, Class R of the GPDO permits the change of use of a building and any land within its curtilage from use as an agricultural building to a flexible use (a) falling within Class B2, B8, C1, E or F.2(c); or (b) for the provision of agricultural training.

Whether permitted development under paragraph R.1

10. Paragraph R.1 sets out when this change of use is not permitted, including:
 - (a) the building was not used solely for an agricultural use as part of an established agricultural unit (i) on 3 July 2012;
 - (b) the cumulative floor space exceeds 1,000sqm;
 - the site is, or forms part of, (c) a military explosives storage area or (d) a safety hazard area; or
 - (e) the building is a listed building or a scheduled monument.
11. The application form confirms the use of the site on 3 July 2012 was solely for an agricultural use as part of an established agricultural unit and the floor space proposed to be changed would not exceed 500 sqm⁴. I have no reason to dispute these details. The provisions in paragraph R.1 (c)-(e) do not apply to the appeal site. Consequently, I conclude that the proposed development constitutes development permitted under Schedule 2, Part 3, Class R of the GPDO. It is, therefore, necessary for me to consider whether or not prior approval would be required.

³ *Holborn Studios Ltd v Hackney LBC* [2017] EWHC 2823 Admin (the *Holborn case*)

⁴ Increased to 1,000 sqm in the amended GPDO

Prior approval matters – transport and highway impacts

12. The proposed use of the barn is for an indoor bike track for young people (those aged between 3 and 16 years old), to ride electric bicycles. Given the proposals include provision for up to 30 young people per session, due to the age of the riders and the site's rural location, this could result in more than 30 vehicles entering and exiting the site for attendees and volunteers. Although reference has been made to the use of existing areas of hardstanding adjacent to the appeal site being able to accommodate car parking, this has not been demonstrated as part of the prior approval application.
13. I observed areas of hardstanding located close to the barn during my site visit however, these areas are not located within the appeal site boundary. Moreover, due to their irregular shape and relationship to other uses on the wider farm estate, I cannot conclude with certainty that there is sufficient space to park and safely manoeuvre the number of vehicles likely to require a parking space at any one time. This could lead to conflict between vehicles and pedestrians in the parking area and/or drivers parking their cars in illegal or unsafe locations in the surrounding area.
14. Access to Guy Hall Farm is located adjacent to the appeal barn off Northington Lane, an unclassified lane which connects to an unnamed lane adjacent to Awre Village Hall. Although Northington Lane is narrow, the forward visibility is such that vehicles travelling to and from the site would have sufficient time to stop and/or move to a suitable passing point should a vehicle be travelling in the opposite direction. From the Awre Village Hall end of Northington Lane drivers have two choices of route to access the A48, both via other lanes. Whilst of a similar width to Northington Lane, due to the proximity of field hedgerows on either side of their carriageways, forward visibility and opportunities for vehicles to pass on these lanes are limited.
15. The proposed use would lead to an increase in vehicular movements, which would be concentrated around the start and finish times of the sessions. As a result, drivers travelling in the opposite direction would have to make way for a procession of vehicles going to or leaving the appeal site. Given the width of the carriageway and limited passing points, vehicles may be required to reverse significant distances and/or manoeuvre onto the verge. These situations would create conflict between drivers, vehicles and other road users, and would be detrimental to their safety.
16. Due to the presence of other uses near the appeal site, including the Severn Cider Mill and the Severn Valley Touring Caravan, large vehicles such as lorries, campervans and vehicles towing caravans are common on the lanes between Awre and the A48. However, the frequency and number of traffic movements to and from these uses would be more irregular and across a wider timeslot than those associated with the appeal site, even if only cars and vans were used to access the proposed use.
17. Whilst posting the timings of the sessions on the village's social media page could raise awareness of the events, there is no guarantee that all residents in the community have access to this page or would read it. Even if the appellant is willing to work with Awre Parish Council (the APC) to minimise conflict with other road users through changes in session times and the number of attendees, my determination of the appeal is based on the evidence before.

18. I therefore conclude that the prior approval details relating to the transport and highway impacts resulting from the proposed use of the barn would not be acceptable. It would conflict with the Framework which requires new development to provide safe and suitable access to a site for all users.

Prior approval matters – noise impacts

19. Whilst the noise from electric bikes is considered by the appellant to be low, the use of the barn for a bike track would generate other noise including talking, shouting and cheering from the operators, cyclists, parents/guardians and any other spectator. Externally, noise would be generated by vehicles arriving/departing the site, manoeuvring to park and from car doors being opened/closed in addition to attendees talking. Even if children are supervised whilst using the facility and attendees requested to keep voices down, the large open sections on two sides of the barn limit the extent to which the existing structure can retain noise.
20. The appellant is willing to provide a noise assessment or statement of noise control. However, no such documents are before me. Further unsubstantiated reference has also been made to noise recording equipment owned by the appellant. In the absence of a noise assessment demonstrating noise levels from the proposed activity, the impact it would have on the occupiers of the nearby properties of Allways and Guy Hall Farm has not been quantified. Even if the existing occupiers of these properties are supportive of the proposed use, this may not always be the case. Moreover, the proposed session times on weekday evenings and during the weekend are times when occupiers of nearby dwellings are likely to be at home.
21. I have no evidence before me to verify the appellant's assertion that noise from cows sheltered in other parts of the barn or machinery and generators used on the farm would be louder than the proposed use. Additionally, how often cows are kept in the barn and the frequency of the use of machinery and generators has not been evidenced.
22. Even if were to conclude that existing uses in the area, such as the Severn Cider Mill and the Severn Valley Touring Caravan Site, are more likely to have a detrimental impact on the living conditions of residents near the site, this is not a reason to permit further harmful development.
23. Accordingly, I conclude that the prior approval details relating to the noise impacts resulting from the proposed use of the barn would not be acceptable. Therefore, the proposed development conflicts with Policy CSP.1 of the Core Strategy which, amongst other provisions, requires development to incorporate mitigation measures to avoid all types of pollution. This is consistent with the Framework's objective of preventing new development from contributing to unacceptable levels of noise pollution. Consequently, the proposed development conflicts with the Framework.

Other Matters

24. The proposed use of the barn would provide social benefits for young people in the area through access to activities during the evening and at weekends, and the opportunity to ride safely on off-road electric bikes, rather than unsupervised in the Forest of Dean. The promotion of cycling to young people would be an environmental benefit whilst also providing mental and physical

health benefits. I attach moderate weight to these benefits in my determination of this appeal.

25. Whilst the proposed use may prevent the need to travel significant distances to a similar facility, no evidence has been provided indicating how many potential users of the appeal site would or could travel elsewhere. Nevertheless, cyclists would be heavily reliant on a private vehicle to travel to the bike track which, as identified above, would harm the safety of road uses.
26. The proposed use of the barn would provide economic benefits to the appellant through the diversification of the farm business. However, this would primarily be a private benefit. Similarly, any income the shop at the caravan park derives from visitors to the bike track purchasing items would be a benefit for the caravan park business. I therefore attach limited weight to these benefits.
27. Even if the facilities have the potential to expand by providing sessions to youth groups and schools, I have no substantive evidence before me to conclude that this is a feasible outcome and within what timescale. Therefore, it attracts no weight in my decision.
28. Whilst I note that no representations were made by interested parties during the determination period of the prior approval application, this does not confer support from local residents, irrespective of the positive relationship between the appellant and the local community, including the APC.
29. The evidence before me indicates that there are two listed buildings located close to the appeal site, namely the Grade II* listed Guy Hall Farm and the Grade II listed The Old Vicarage. As the prior approval matters relevant to this appeal do not include amenity, siting or location, or design and external appearance, an assessment of the impact of a development on the setting of a listed building is not required. Therefore, it is not necessary for me to have special regard for the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses⁵.

Conclusion

30. For the reasons given above, whilst the proposed use comprises development permitted under Schedule 2, Part 3, Class R of the GPDO, the prior approval details relating to transport and highways, and noise impacts, would not be acceptable. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR

⁵ As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990