

Appeal Decision

Site visit made on 3 September 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2024

Appeal Ref: APP/K0235/W/24/3343052

New Farm, Staughton Road, Little Staughton, Bedford MK44 2SX

- 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 Mr J Mitchinson against the decision of Bedford Borough Council.
 - The application Ref is 23/01764/FUL.
 - The development proposed is erection of a detached storage building (Use Class B8) and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An additional plan, 'Appendix GC1', was provided with the appeal and upon which the Council has commented. This plan annotates the position of the two Public Rights of Way (PRoW) that are set to either side of the site.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

Main Issues

4. The main issues are:
 - a) whether the proposed employment use is suitable or necessary in the open countryside,
 - b) the effect of the proposed development on highway safety, and
 - c) the effect of the proposed development on the PRoW.

Reasons

Location of development

5. The appeal site is set within the countryside as defined in the Bedford Borough Local Plan 2030 (adopted 2020) (BLP). The proposed development would be for an employment generating use albeit that the appellants notes that no jobs would be directly created at the site. BLP policy 75 sets out four scenarios where new employment development will be supported in the countryside. It is common ground, and I agree, that categories i, ii and iii are not applicable because the appeal site is not within a defined employment area, was not last used for employment purposes and is not for the expansion of an established business on the site.
6. The fourth criteria of the policy has two limbs, the first is for the diversification of an existing agricultural use. However, the site is not a working farm, and this was apparent from my site visit. The second limb is for the provision of other land based rural businesses. The development for which permission has been sought is a detached storage building in Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Aside from the storage of machinery, there is no indication that the development is connected with a rural land business. As such, BLP policy 75 iv does not apply.
7. I have noted arguments relating to the building being ancillary storage, although what the building would be ancillary to is unclear as it is common ground that the land is not presently in any employment use. Little clarification has been provided as to what the building would store except that it would amount to non-vehicular equipment and day-to-day vehicles. The Transport Technical Note does note these items as being a digger, forklift, access platform and trenching machine; nevertheless, this information does not resolve the ambiguity of what it would be ancillary to. Accordingly, I must take it on face value as being an independent storage use that does not meet the tests of criteria i-iv of policy 75.
8. A condition to associate the building with the dwelling at New Farm has been put forward. However, I am not satisfied that this falls within the ambit of what permission has been sought for. Moreover, given the relative size and separation of these two buildings, I am unpersuaded that such a condition would be reasonable or enforceable and thus would not meet the requirements on conditions as set out in paragraph 56 of the Framework and the Planning Practice Guidance.
9. The proposal amounts to employment development in the countryside which does not fulfil the criteria set out in BLP policy 75. The remaining criteria of this policy (v-x) are, in effect, conditions of development which are only applicable where one of criteria i-iv have already been complied with. Therefore, that the proposed development would not be harmful to the character and appearance of the area, and there being satisfactory landscaping and biodiversity enhancements, which could accord with criteria v-x of BLP policy 75 is a neutral factor. It weighs neither for, nor against, the proposal. The proposal thus conflicts with policy 75.

10. Paragraph 88 of the Framework supports rural business with 88(a) and 88(b) promoting the sustainable growth and expansion of all types of business in rural areas together with the diversification of agricultural and other land-based rural businesses. However, when read as a whole, this support is qualified by the provisions of Chapter 15 of the Framework which require development to contribute to and enhance the natural and local environment. It would not be in a suitable location for employment development and negligible information has been provided to indicate its necessity to be located in this rural context.

Highway safety

11. The existing access with the highway is noted as being substandard in terms of its visibility. This is not disputed between the parties although no information on the existing size of the access or visibility from it has been provided. No potential improvements to the access have been nominated.
12. The proposed building has a floorspace of 215 square metres and therefore has the potential to generate additional vehicle movements. However, again, there is no advice on this number and that some vehicles may be towing equipment does not clarify this any further.
13. It has been put forward that some movements would be shared between business and private use as the appellant resides at New Farm. I have no reason to disagree with this conclusion, but even so, I have negligible detail on the nature of the appellants business, the existing or proposed number of movements or the number of shared trips. In the absence of this information, it cannot be concluded with any degree of certainty, that the development would not result in an intensification of the use of a substandard access on a road which is subject to the national speed limit.
14. That there have been no recent incidents in the vicinity, along Staughton Road, does weigh in favour of the scheme. This of itself, however, is insufficient to persuade me that the intensification of a substandard access is justified.
15. For these reasons, it has not been demonstrated that the proposal would not result in unacceptable harm to highway safety and as such the development fails to comply with BLP policy 31. This policy sets out that development proposals should not have any significant adverse impact on access to the public highway. It is supported by paragraph 89 of the Framework which supports rural development that does not have an unacceptable impact on local roads.

Effect on PRow

16. The appeal site is surrounded on two sides by PRow 1 and 6. It remains unclear from the application material whether these are located within, on the boundary of, or adjacent to the site itself. However, it is apparent from the detail plan in 'Appendix GC1' that the proposed building would not be located on, or indeed, even close to these PRow.
17. BLP policy 91 sets out that development should safeguard existing PRow and ensure that existing routes are incorporated into the proposed development.

Given that no part of the proposal would directly interfere with these PRoW, a suitable condition could be imposed to ensure that any landscaping, fencing or other elements of the scheme would not interfere with these rights of way. I therefore conclude that this element of the proposal complies with BLP policy 91 in this regard and no PRoW would be compromised or require diversion.

Conclusion

18. The proposal conflicts with the development plan when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
19. The appeal is dismissed.

Nick Bowden

INSPECTOR