



Appeal Decision

Site visit made on 2 December 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/J3720/W/24/3348963

Springfield Farm, Bridge Road, Pillerton Hersey

Easting (x): 478081 Northing (y): 381145

- 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 Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ian Crockett against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/03381/COUQ.
 - The development proposed is prior approval application for the change of use of an agricultural building into a larger residential dwelling (C3) and associated operational development under Class Q parts (a) and (b) of the General Permitted Development Order (GPDO).
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO) for "prior approval application for the change of use of an agricultural building into a larger residential dwelling (C3) and associated operational development under Class Q parts (a) and (b) of the General Permitted Development Order (GPDO)" at Springfield Farm, Bridge Road, Pillerton Hersey CV47 7RY in accordance with the application 23/03381/COUQ dated 8 December 2023 and the details submitted with it including drawing numbers 21-45-01, 21-45-11, 21-45-12, 21-45-13 and 21-45-14. The proposed development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GDPO and subject to the following additional conditions:
 - 1) Notwithstanding the submitted details, no development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.
 - 2) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before the building is occupied, and retained thereafter.

- 3) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
- i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
- ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

Preliminary Matters

- 2. The postcode on the application form does not correlate with the postcode on the appeal form. In the interests of clarity and accuracy, the address in the banner heading above refers to the grid reference provided on the application form.
- 3. On 21 May 2024, Statutory Instrument 2024 No. 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the GPDO. Due to the transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force at the time that the application was submitted in December 2023. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
- 4. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

Main Issue

- 5. It is common ground between main parties that the appeal scheme meets the requirements of paragraph Q.1 of Class Q of the GDPO such that it would constitute development permitted, subject to the prior approval of certain matters specified in paragraph Q.2(1). These include (a) the transport and highways impacts of the development. The Council refused the application on

the basis that the proposed development would not satisfy this prior approval matter.

6. Consequently, the main issue whether the proposed development would satisfy the prior approval matter at paragraph Q.2(1)(a) of Schedule 2, Part 3, Class Q of the GDPO with regard to the effect of the proposed development on transport and the highway.

Reasons

7. The existing agricultural building is accessed via a long and narrow private access track which leads off the main road which connects the settlement of Pillerton Hersey and Butlers Marston. The access crosses the edge of a triangular shaped village green that fronts onto the main road which is subject of a 30 mile per hour speed limit through the village. The same access track would serve the proposed dwelling and there would be parking and turning within the proposed site enabling vehicles to exit in a forward gear.
8. The Highway Authority (HA) raise no objection to the proposal subject to conditions. This includes the requirement for a specified visibility splay on land adjacent the junction of the site access and the main road, maintenance of the access surfacing including ensuring its initial length comprises bound material and an agreement with the Parish Council to ensure these requirements can be achieved and maintained.
9. Whilst no plans showing the required visibility splay have been provided, from my observations on site it is likely that this visibility splay would marginally cross the edge of the village green on one side and a highways verge on the other side. Given the mowed and grassed nature of this land, the village green was free from obstruction and adequate levels of visibility in both directions are currently achievable at the junction of the site access.
10. Whilst the character of traffic would be of a more domestic nature compared to its current agricultural use, it is unlikely that the additional use of the access by the occupiers of a single dwelling would result in a material increase in the use of the access. There is no substantive evidence before me to suggest otherwise. On the basis that a material increase or a material change in the character of traffic in the vicinity of the site would not result from the proposal, conditions relating to surfacing of the access would not be reasonable or necessary.
11. Paragraph W.10(b) of Schedule 2, Part 3 of the GPDO requires that regard must be had to the Framework so far as relevant to the subject matter of the prior approval. Even though the appellant may not have control over all of the land required for the access and the land within the suggested visibility splays, the ability to access the site is not in dispute. Whilst there lies a potential for the suggested visibility splay to be obstructed in the future, for example if grass is not mowed, such a circumstance would not be a direct result of the appeal proposal and would in any event relate to a very small part of the village green overall. Furthermore, the introduction of built form or planting within this part of the village green would be highly unlikely given the protection of the village green use of the land through non-planning mechanisms.

12. Overall, the existing access is safe and suitable, and the proposed intensification and change in the character or the traffic would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe in accordance with Paragraphs 114 and 115 of the Framework. I therefore conclude that the proposed development would satisfy the prior approval matter at paragraph Q.2(1)(a) of Schedule 2, Part 3, Class Q of the GDPO with regard to the effect of on transport and the highway.

Other Matters

13. The Council raises no concerns in relation to the prior approval matters Q.2(1)(b) to (g) of the GDPO which relate to noise, contamination (subject to a condition), flooding, location or siting, design or external appearance and the provision of adequate natural light in all habitable rooms. Based on my observations on site and the information before me, I have no reason to take a different view in respect of these matters. Therefore, the proposal would comply with these other prior approval matters under Class Q of the GDPO.
14. Matters relating to light pollution, noise pollution, fire safety, privacy, wildlife and provision of utilities are outside the scope of matters that can be considered in this case as they are not prior approval matters specified under Class Q of the GDPO.

Conditions

15. Section W. (13) of Part 3 of Schedule 2 of the GPDO allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. I have had regard to the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. I have also had regard to the tests in the Framework, Planning Practice Guidance and the GPDO.
16. Any prior approval granted under Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years, as well as the provisions of paragraph W., including paragraph W (12) which requires development to be carried out in accordance with the details submitted. As such it is not necessary to impose separate time limit or plans conditions.
17. In the interests of achieving acceptable design and external appearance, condition (1) requires details of materials, and condition (2) required details of boundary treatment. Whilst the wording of Condition (3) relating to contamination has been simplified from that put forward by the Council in order to reflect the scale and nature of the development, it is reasonable and necessary in order to protect the health of occupiers of the proposed dwelling and to ensure that any potential effects of ground contamination are mitigated.
18. The Council's suggested condition specifying the residential curtilage of the dwelling is not necessary since this is already defined on the approved plans.
19. A condition requiring agreement between the appellant and the Parish Council to ensure no building on the village green and maintenance of and legal rights over the access is not considered necessary, enforceable or relevant to the

development permitted and for the reasons set out in relation to the main issue. For similar reasons the HA's recommended conditions relating to surfacing of the access and maintenance of a specific visibility splay are not considered reasonable or necessary since these requests relate to an existing access.

Conclusion

20. For the reasons given above the appeal should be allowed and prior approval is granted.

H Marriott

INSPECTOR