



Appeal Decision

Site visit made on 19 March 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/E2205/W/24/3353079

Great Bromley Farm, Blackwall Road, Wye, TN25 5PA

- 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 William Fraser (FGS Agri) against the decision of Ashford Borough Council.
 - The application Ref is NOT/2024/0997.
 - The development proposed is a change of use to a building and associated curtilage from agricultural to (B8) storage and distribution.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use to a building and associated curtilage from agricultural to (B8) storage and distribution at Great Bromley Farm, Blackwall Road, Wye, TN25 5PA in accordance with the application NOT/2024/0997 and the details submitted with it, including plan nos 24.174-1001_P3 and 24.174-1005_P3 subject to the condition that:
 - 1) On the commencement of the use hereby approved, the parking spaces shown on the approved drawings shall be made available to the occupiers of Buildings 2, 11 and 13 and those spaces shall be kept available to those occupiers at all times thereafter.

Applications for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

Preliminary Matters

3. Class R of Part 3 of the Order contains a permitted development right for a change of use of agricultural buildings to flexible commercial uses, including Class B (storage or distribution) of Schedule 1 of the Use Classes Order.
4. Development is permitted subject to the condition that application is made for prior approval as to, amongst other things, the transport and highways impacts of the development. In determining an application, the local planning authority must take any representations made into account. It must also have regard to the National Planning Policy Framework so far as relevant to the prior approval matters and as if the application were a planning application. The same approach will be taken in deciding the appeal.

5. At the time of my visit the A2070 (Kennington Road) was closed to through traffic due to work on gas network upgrades. Therefore, the amount of traffic in the area and the pattern of movement is unlikely to have been typical of the usual situation.

Main Issue

6. This is the transport and highways impacts of the proposed development with particular reference to the use of Blackwall Road to access the site.

Reasons

7. Great Bromley Farm comprises a large complex of agricultural buildings a little way outside the built-up area of Ashford. The proposal relates to Buildings 2, 11 and 13 which have a combined floorspace of 585 sq m. Building 5 (153 sq m) has a lawful development certificate for storage and distribution and prior approval was given for the same use at Building 4 (415 sq m) in 2024.
8. The site is served by Blackwall Road. It is most likely that traffic would access Great Bromley Farm via the A2070 given that this links to the M20 and other major routes in and out of Ashford. This entails travelling along either Blackwall Road South which has a residential character or Blackwall Road North which is more rural. From their junction, Blackwall Road is single track and subject to a 2m width restriction. However, only one of the four gateways into the area covered by the Traffic Regulation Order has signage announcing the existence of the zone.
9. The characteristics of Blackwall Road are of a narrow lane. Formal passing places are limited but there are several 'informal' areas where vehicles have been forced to use fields or verges to avoid one another with consequential damage to these roadside areas. One section is enclosed by banking on both sides where passing would be especially difficult. Patching was undertaken in June 2024 but the road is not generally in good condition. Although there are bends in it, forward visibility is mainly good. There is evidence of surface water flooding at times leading to mud on the road. Local residents indicate that it is well used by walkers and cyclists, both of which I saw, and the lane is also part of a national cycle route.
10. All of this is typical of a rural lane on the edge of a town and the nature of Blackwall Road is unlikely to change whatever the outcome of the appeal. The question is therefore what are the likely implications of the proposal?
11. Prior to purchase by the appellant, Great Bromley Farm extended to about 121 hectares and comprised a mixed arable and livestock enterprise. The appeal buildings were previously used for various purposes including storage of tractors and trailers, machinery storage, general maintenance and other agricultural activities. The appellant's Transport Statement estimates that the three buildings could have generated in the region of 53 to 74 daily trips comprising staff, production and supply vehicles. These could have taken place at any time of the day or night. The agricultural traffic is also said to have mainly comprised HGVs, large tractors and trailers and machinery which are slow and hard to manoeuvre.
12. However, the assessment of previous vehicular flows from the site is not based on any empirical evidence. It is unclear what the "First Principles approach" referred to in the Statement means in practice. Furthermore, whether the number of movements relate to the buildings themselves or the farm as a whole is also uncertain. Moreover, as the farm is still running, the amount of traffic generated in

the past from the agricultural use may be continuing and so would be in addition to that brought about by the proposal. This includes the use of larger vehicles that are typically required around harvest time. For these reasons, the evidence provided in relation to the vehicle movements that took place along Blackwall Road due to the former use of the appeal buildings should not be relied upon.

13. Based on work undertaken in connection with a similar proposal at Woodchurch, there is no dispute that the proposal would be liable to generate 44 trips each day. Given the flaws in the information relating to past uses, this figure should be regarded as additional. As well as traffic from the remaining farm buildings, the other lawful and approved storage uses at Great Bromley Farm would also lead to vehicle movements.
14. The appellant states that Blackwall Road is “lightly trafficked” but there is no firm information from either party in this respect. It is also suggested that traffic from the appeal buildings would be modern vans with lower emissions. There is no guarantee of this and it cannot be ruled out that HGVs would be making or collecting deliveries from the proposed B8 units. However, as they are modest in size and not adjoining one another, it is reasonable to assume that the products kept there could be transported in small vehicles. Indeed, there is no evidential support for the highway authority’s view that a B8 use “will constantly generate large HGV movements”. That said, light goods vehicles tend to move more quickly than larger ones and so may be more likely to be involved in collisions.
15. The appellant highlights comparable but larger storage and distribution uses at Goodcheap Lane and the Hinxhill Estate which are accessed by a public highway similar to Blackwall Road with a width restriction. Furthermore, vehicular access to the wetland site to the east of Conningbrook Lakes took place via Blackwall Road during construction. This will continue throughout the lifetime management obligations of the project. However, these existing uses and the recent acceptance by the Council of a storage use in Building 4, do not assist greatly in determining the impacts of this proposal which would lead to further traffic.
16. In many ways, the concern about the intensification of the use of Blackwall Road is understandable. There is potential for further degradation of its condition and potential risks to walkers and cyclists due to its narrowness and configuration. The road has several constraints and was not designed to take high volumes of traffic. However, the proposal would be likely to amount to less than 6 additional movements an hour based on an even spread across an 8 hour working day. In practice this pattern is unlikely to be followed, but it provides an indication that the overall consequences in numerical terms would be fairly slight. Moreover, the main impact would only affect a relatively short stretch of the lane from the point where the two ‘arms’ of Blackwall Road meet.
17. There could come a point where incremental increases in traffic along Blackwall Road brought about by additional development become too much. However, there is nothing to suggest what its overall capacity might be. Indeed, the Framework provides that development should only be prevented on highway grounds if the residual cumulative impacts on the road network would be severe. That high threshold is not passed in this case. Furthermore, whilst acknowledging the vulnerability of walkers and cyclists using the lane, the evidence does not show that there would be an unacceptable impact on highway safety. It is only in this event that national policy expects proposals to be refused.

18. There is no technical evidence that the risk of accidents would increase due to vehicles exiting Blackwall Road South onto Kennington Road at this busy junction.
19. Therefore, in the light of the provisions of the Framework, the transport and highways impacts of the proposed development are acceptable.

Conditions

20. Under paragraph R.3 (2) of Part 3 of the Order development must begin within three years starting from the date of this decision. Paragraph W(12) of Part 3 requires the development to be carried out in accordance with the approved details.
21. Of the further conditions suggested by the Council, the submitted plans are included in the decision itself. In order that the permitted use functions properly and makes provision for employees, the land shown as parking should be kept available for that purpose. However, the use proposed has been accepted in principle by the Order and there is no requirement under Class R to accommodate sustainable transport modes. As no assumption has been made that workers at the site would cycle to it, the requirement for covered bike parking is not justified.

Conclusion

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

David Smith

INSPECTOR