



Appeal Decision

Site visit made on 23 September 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/F0114/W/25/3364653

Chicken Sheds, Langfords Lane, High Littleton BS39 6HN

- 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 D Clay (3C Commercial Ltd) against the decision of Bath and North East Somerset Council.
- The application Ref is 24/04751/PACOU.
- The development proposed was described as “change of use from an agricultural building to 2 no apart hotels with communal facilities.”

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal proposal relates to a change of use of an agricultural building last in use for the rearing of poultry. The permitted development right under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) allows for the change of use of an agricultural building to a flexible use falling within one of a list of use classes as set out in the Use Classes Order.
3. The above list includes a hotel, and the proposed use is described in the application form as “2 no apart hotels with communal facilities”. Providing further clarity, the proposal is referred to variously in the appellant’s evidence as a two unit apart-hotel or as two apart-hotel units. The appeal submission also includes an amended proposed floor plan¹. The Local Planning Authority (LPA) has confirmed that this plan was received prior to their decision and should have therefore been included in the decision notice plans list. I have determined the appeal accordingly.
4. As well as the appeal proposal building, the site contains another building (“the southeastern building”) in close proximity, which was also last used for agricultural purposes. Both buildings have historically been used primarily for egg production. Most recently, the LPA granted prior approval under Class Q for conversion of the southeastern building to ten one-bed dwellings, with associated works² (“the 2024 Class Q prior approval”). A previous prior approval was granted by the LPA³ in 2023 for conversion to provide three 3-bed dwellings and two 2-bed dwellings with associated operational development (“the 2023 Class Q prior approval”).

¹ Drawing No P24-020/010/A

² LPA Ref: 24/03125/ADCOU

³ LPA Ref: 22/03656/ADCOU

5. Following the grant of the 2023 Class Q prior approval, full planning permission was granted by the LPA⁴ for, as described in the officer report, “demolition, access, parking, drainage and landscaping works” in association with the 2023 Class Q prior approval. From what I could see during my site visit, none of the abovementioned schemes had been implemented.
6. The LPA may refuse an application where it considers that the proposed development does not comply with the conditions, limitations or restrictions set out under Class R of the GPDO. Based on all the submitted evidence, the main issue is whether or not prior approval should be granted, having regard to the transport and highways impacts of the development.

Reasons

7. In addition to the main parties’ evidence, as decision-maker I must take into account the representations made by nearby residents and other interested parties, as required by Paragraph W.10(a) of Schedule 2, Part 3 of the GPDO. Paragraph W.10(b) requires me to also have regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
8. The reason for refusal cites conflict with Chapter 9 of the Framework. Within this chapter, paragraph 116 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, taking into account all reasonable future scenarios. The refusal reason also cites conflict with Policy ST7 of the Council’s Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update 2023 (CSPP). This policy sets out that development will be permitted providing that, amongst other things, highway safety is not prejudiced.
9. There is no evidence before me that the abovementioned permissions include a planning condition requiring removal of the appeal proposal building. Thus, there appears to be a possibility that the 2023 or 2024 Class Q prior approvals could be implemented with retention and use of the appeal proposal building for agriculture.
10. Much of the LPA’s case for resisting the appeal use centres around what it describes as cumulative highway safety impacts when including the 2024 Class Q prior approval. The full evidence that underpinned its assessment of that Class Q scheme is not before me, namely the predicted vehicular movements. My initial focus must however be on comparing the likely impacts of the proposal in isolation against those arising from a realistic use of the appeal building for agriculture.
11. Although Langfords Lane is subject to a signed 20mph speed limit, it is in the main a very narrow single-track lane and has no footways. Apart from relatively short sections by the Goosard Lane and A39 junctions at each end, the lane does not have any street lighting.
12. The Transport Statement (TS) provided by the appellant includes results of an Automatic Traffic Counter (ATC) survey between Friday 06 December and Thursday 12 December 2024. The TS indicates that the ATC location was near to the appeal site vehicular access. For this reason, the ATC location is appropriate for assessment of the appeal proposal.

⁴ LPA Ref: 22/03642/FUL

13. The appellant advises that the gravelled access to the appeal site can be used as a vehicular passing point. From the Goosard Lane junction to the appeal site, I found just one other passing point of limited size, cut in to the verge opposite two dwellings that are near the junction. I have discounted both their private driveways as passing points because, as indicated in the representations, use of these driveways as passing points could be physically restricted by their owners.
14. Further along Langfords Lane beyond the other side of the appeal site access, I found some pedestrian refuge points on low verges and at agricultural access points. These could however be hazardous or impossible to use by many vehicles during inclement periods of wet weather, due to the risk of vehicles getting stuck in the verge or in an unmade access point.
15. Langfords Lane contains some relatively long and straight sections. I also found significant sections enclosed to each side by verges with high and dense shrubbery. Given this along with the amount of bends and undulations, I did not always find the lane particularly safe to walk along. I observed this lane being used by one pedestrian, one jogger and one dog walker, with no vehicular movements. This indicates a low level of use, although my site visit was only a snapshot in time. The lane is directly linked to the public footpath network, and I have no reason to doubt that it is not a locally popular section of highway network for recreational use.
16. A nearby resident has also provided some photographic evidence of vehicles using their driveway near the Goosard Lane junction as a passing point to allow the opposite vehicle to pass on the highway. Such vehicles included a tractor and a supermarket delivery van. Although this evidence is not representative of a specific wider time period, such as that set out in the ATC, it nonetheless indicates that instances of vehicles travelling in opposite directions encountering each other do occur on Langfords Lane close to the appeal site.
17. Residents also raised in consultation that during much of the time in which this ATC was installed, Langfords Lane was flooded due to storm conditions and caused a tree to fall and block the highway. Some photographic evidence of this was provided and the appellant has not refuted this. The lane is purported to be known locally to flood and is thus avoided during periods of heavy rain. To my mind, the above brings into some question whether the ATC forms a fair representation of average overall vehicle movement amounts adjacent the proposal site.
18. The recorded vehicle speeds could also have been impacted by the adverse weather conditions. However, the narrowness of Langfords Lane and its bends and undulations would also naturally reduce vehicle speeds. Following my site visit, I am also satisfied that sufficient access visibility splays to the appeal site from Langfords Lane can be provided without any operational development.
19. The TS also seeks to predict the possible vehicle trips associated with a use of the appeal building as a poultry house for the production of eggs. For this purpose, it refers to a Transport Statement undertaken for what is described as a similar change of use approved by the LPA at a different location. The same approach is taken to predict vehicle trips that would be generated by a use of the appeal building for rearing chickens for the table, with the cited example being in Wiltshire.
20. Neighbouring representations indicate some evidence of a lower amount of actual agricultural traffic generated by the appeal site in the years prior to this use ceasing, including a signed letter from the last sole agricultural worker for the site.

The LPA has concerns regarding a possible over prediction of potential agricultural traffic generation. However, no specific reason is given as to why the above cited examples in the TS are not appropriate to assess the proposal beyond the fact that they are inevitably in different locations. I therefore have no reason to dispute the methodology and informed professional judgement of the TS in this respect.

21. I must also consider the potential future lawful agricultural use of the appeal site. The TS sets out the upper range of vehicular movements associated with poultry production as approximately 14 two-way vehicular movements per day, including 2-4 movements associated with HGVs or large agricultural tractor and trailer combinations. There is however little substantive evidence before me demonstrating that this upper range forms a real prospect as a fallback, especially given that active agricultural use of the site has ceased.
22. In terms of predicting the possible vehicle trips arising from the proposed use as two apart-hotel units, the TS cites one example from the Trip Rate Information Computer System (TRICS) database. Whilst this example does not appear to be entirely comparable to the appeal proposal, I have no reason to doubt that TRICS contains few survey sites that are directly comparable to the proposal in terms of location, use and scale.
23. I accept that those who would stay at the apart-hotel units would primarily likely to be holiday makers, including families, making trips that would in the main be retail or leisure related. The units would also be likely to not be fully occupied throughout the year. However, the proposed floor plan indicates a significant level of internal communal recreation space, both in absolute terms and relative to the number and size of the proposed apart-hotel units.
24. This communal space includes significant seating areas within large rooms and open plan areas. This would provide dining and buffet space, lounge and social seating space, games space (with indicated pool and table tennis tables), a TV room and a cinema room. To my mind, the extent of communal recreational space relative to the proposed accommodation would make it attractive for various large social activities associated with the aparthotel use. Such activities and associated vehicle trips could go well beyond a typical single family holiday occupation.
25. The above is not however reflected in the TS, as it does not refer to any potential visitor or social event trips. Even if such journeys are not undertaken at peak morning and evening commuting periods, they are likely to often be unstructured and could lead to other peak periods. Social group events could lead to vehicles arriving and departing from the site at the same time, including taxis.
26. Furthermore, the proposal includes a reception area adjacent the communal entrance, along with a staff room. This strongly indicates that there would be daily staff movements to and from the site (including reception, cleaning and maintenance) that, given the site's location, would often be undertaken by car.
27. The above vehicular trips would materially increase the likelihood of vehicles on or approaching Langfords Lane having to reverse when facing oncoming traffic, when compared to a realistic agricultural use of the appeal building. Reversing manoeuvres could in some instances be necessary for a significant distance along a narrow and unlit section of this lane. Such risks to highway safety and all users of the highway would not be sufficiently mitigated by low vehicle speeds. I therefore view these risks as being unacceptable and prejudicial to highway safety.

28. The appellant is amenable to planning conditions restricting the number of occupiers of the apart hotel units and requiring a detailed management plan. However, given the size of the proposed communal and social areas, I do not have enough certainty that such planning conditions would control the characteristics and intensity of the proposed use in a sufficiently precise manner, in terms of vehicular movements to and from the site.
29. The appellant has also suggested a planning condition to secure a vehicular passing point on Langfords Lane. However, as Class R does not permit operational development, such a scheme cannot be considered as part of the appeal proposal. Absence of precise details of a passing point feature also means that I could not impose a negatively worded (Grampian style) condition, as there is insufficient certainty that such a scheme is deliverable and can be implemented. Such a scheme may also require removal of shrubbery, which could necessitate additional technical details that are not before me.
30. It is also put to me that the proposed change of use away from agriculture would reduce the number of larger and slower vehicles from using the Goosard Lane junction and Langfords Lane overall. The appeal building could also be used for storage of agricultural materials or parking of agricultural vehicles, which could generate regular daily vehicle movements to and from the site.
31. I accept that some agricultural vehicles can use the Goosard Lane junction. However, the relatively narrow highway widths appear restrictive for larger vehicles such as tractor and trailer type vehicle combinations and heavy goods vehicles. In this regard, larger vehicles are better catered for by the wider A39 at the other end of Langfords Lane. Reduction of agricultural traffic would therefore not mitigate the unacceptable highway safety impacts that I have identified.
32. The number of agricultural vehicle movements from future use of the appeal building could also potentially be greater than the abovementioned specific scenarios put to me, without recourse to LPA control. However, in the absence of information regarding a wider agricultural holding associated with the appeal building, I cannot give this possibility any meaningful weight as a real fallback.
33. The precise extent of traffic generated by the appeal proposal at the Goosard Lane and A39 junctions would very much depend on the specific origins and destination point locations of such traffic. This could vary considerably, especially as Langfords Lane runs broadly parallel with the A39. That being said, the Langfords Lane highway splays towards The Batch, which assists vehicular trips to and from High Littleton village and beyond. This suggests that a significant proportion of vehicle trips generated by the appeal proposal would use the Goosard Lane junction.
34. That junction and its immediate environs is also subject to a 20mph speed limit, where I observed low traffic levels and speeds. However, when looking to the right on egress, I found visibility to be significantly restricted by a hedgerow and a wooden electricity pole with attached street light. Interested parties refer to numerous accidents at this junction, although limited specific details are provided. In any event, I do not view the lack of officially recorded vehicle accidents at this location in recent years as a reliable indicator of highway safety, as only crashes which involve personal injuries are recorded by the police.
35. My attention is also drawn to the advice within Section 10.7 of Manual for Streets 2 (MfS2) (CIHT, 2010). This section however mainly refers to street parking, which is

generally a lower and more intermittent form of visibility obstruction than that which I have already outlined above. MfS2 also sets out that the impact of obstacles other than parked vehicles, such as street trees and street lighting columns, should be assessed in terms of their impact on the overall envelope of visibility.

36. It is also the case that under S154 of the Highways Act, where a hedge, tree or shrub overhanging a highway, amongst other things, obstructs or interferes with the view of drivers of vehicles, the Council may require this to be lop or cut so as to remove the cause of the danger, obstruction or interference. Be that as it may, the electricity pole adjacent the highway would still present a significant visibility obstruction for vehicles.
37. In light of all the above considerations, I conclude that when compared to a genuine potential agricultural use of the appeal building, its proposed use as apart-hotel units would result in unacceptable and prejudicial impacts on highway safety. This is due to the likely characteristics, timing and frequency of vehicular movements that would be generated by the appeal use along Langfords Lane and at its junction with Goosard Lane.

Other matters

38. The TS states that five spaces would be provided beside the access route within the appeal site. No specific location is before me. There is a wider gravelled area southwest of both appeal site buildings which could potentially accommodate this parking. I also note that the proposed site plan for the 2024 Class Q prior approval before me indicates a long row of parking spaces immediately adjacent to and beyond the southwest elevation of the southeastern building. It is therefore unclear whether sufficient on-site parking and turning space for both schemes could have been provided.
39. However, as I am dismissing the appeal on another substantive ground, I do not need to consider the above matter any further. For the same reason, I am not pursuing further the matter of whether or not there would be potential cumulative highway impacts when including the 2023 and 2024 Class Q prior approvals, as it could not lead me to a different decision.

Conclusion

40. For the above reasons, the appeal should be dismissed.

R Cahalane

INSPECTOR