

Carole



Appeal Decisions

APPENDIX 5

Site visit made on Monday, 16 April
2007

by **J. Greenfield BA MCD MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Date: 9 May 2007

Appeal Refs: **APP/V3120/A/07/2033252 (Appeal A) & 2033259 (Appeal B)** **Faringdon Busines Park, A420, Great Coxwell, Faringdon, SN7 7SR.**

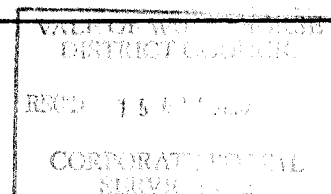
- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant, in the case of Appeal A, outline planning permission and, in respect of Appeal B, permission.
- The appeals are made by Tapeccrown Ltd. against the decisions of the Vale of White Horse District Council.
- The application ref. GCO/2087/21-X, the subject of Appeal A, and the application ref. GCO/2087/22, which gave rise to Appeal B, were both dated 10 October 2006 and were refused by notices dated 21 November 2006.
- In respect of Appeal A, the development proposed is the cessation of lorry park use and the erection of a new building for business use (648m²) with new parking and turning area, as well as the provision of new access onto the A420 route and the closure of 2 existing accesses.
- In the case of Appeal B, the development proposed is the provision of a new access onto the A420 route and the closure of 2 existing accesses.

Formal Decisions

1. For the reason set out hereunder, I hereby dismiss both appeals.

Planning Context

2. The appeals relate to the Faringdon Business Park (formerly known as as the Chowle Farm Estate) which is located in open countryside on the northern side of the A420 route between Swindon and Faringdon. It also lies within the locally-designated North Vale Corallian Ridge Area of High Landscape Value (AHLV). The appeal site contains a complex consisting principally of 3 low-profile, single-storey buildings, constructed mainly of painted concrete blockwork with corrugated roofing. To the rear is an area of surfaced hardcore used as a lorry park.
3. Originally the complex provided lairage for animal grading and interchange before despatch throughout the U.K. and Europe. This is a sui generis use and does not fall within the definition of "agriculture" for the purposes of the Town and Country Planning Acts. However, this trade has now ceased and the buildings have now been sub-divided into some 20 units and are used for business and commercial purposes. The planning status of all of these buildings is in the process of being clarified.
4. Part of the building complex has the benefit of a Lawful Development Certificate, whilst another section was the subject of enforcement proceedings.



In his decision (APP/V3120/C/05/2001297), dated 20 January 2006, the Inspector quashed the enforcement notice and granted permission for its use for the design and manufacture of shop fittings, but subject to conditions requiring the implementation of an access improvement scheme from the A420. Enforcement notices are outstanding on the remainder, but are currently held in abeyance. The lorry park was granted planning permission in April 1996, ref. GCO/2087/4-CM. However, the Council maintains that the conditions are not being complied with and that the appellant is in breach of the permission. It is also of relevance to note that the adjacent Chowle Farm House, which remains in the ownership of the appellant, is currently used as B&B accommodation. Chowle Farm House has a separate access onto the A420.

Main issues

5. Although outline permission is sought in respect of Appeal A, only landscaping of the 5 stated reserved matters is to be retained for subsequent approval. Otherwise, the proposals for the closure of the 2 existing accesses to the site and the provision of a new single access onto the A420 contained in both appeals are identical. The appeal proposals, in fact, involve 2 independent elements which, though part of an overall development package for the Faringdon Business Park, can be considered separately. Both have come forward as a consequence of previous appeal decisions affecting this site.
6. In respect of the proposed closure of 2 accesses onto the A420 and the provision of a new single access, this scheme emerged from the Inspector's decision of 20 January 2006 on the enforcement notice appeal, which sought the improvement of the access to the business use and involved the provision of a right-turning traffic lane from the main through route. With regard to the cessation of lorry park use and the erection of a new building for business use (648m²) with new parking and turning area, as proposed in Appeal A, this arose from the appeal decision ref. APP/V3120/A/05/1171589, dated 6 June 2005. The Inspector in this case identified 2 main issues, but in respect of the character and appearance of the locality was satisfied that the proposed scheme would not cause harm. However, he upheld the Council's concern regarding highway safety, with particular reference to the junction with the A420.

Reasoning

7. It is clear that the proposed new access onto the A420 represents a more than satisfactory solution from a purely highway improvement point of view. Not only would the ghosted right turn into the site be provided, but the reduction in the number of junctions by incorporating the existing access to Chowle Farm B&B would be of benefit to highway safety. Furthermore, the proposed bellmouth would have a shallow incline, as opposed to the steeper gradient at the existing access. This would remove the impediment to HGVs manoeuvring at the junction. In addition the internal road layout would be improved by the creation of a one-way loop system around the site which would also allow 2 HGVs to pass.
8. However, the proposed road scheme, whatever its benefits, involves a significant change to the layout and form of the business park. In fact, the

proposed junction lies to the south, outside its confines, and would occupy open land, rural in nature. Moreover, the existing farmhouse would be included within the proposed loop road, together with more open land to the rear. I am of the opinion that this would represent an inappropriate and incongruous intrusion into the countryside which would detract from, and be harmful to, the open and rural character of the area. It would be particularly prominent when viewed from the A420.

9. The business park occupies an isolated location in open countryside away from any defined settlement. As such the appeal proposals would conflict with Policy GS2 of the Vale of White Horse Local Plan 2006. Moreover, the business park far exceeds the scale of commercial development envisaged by Policy E9 outside of the 5 main urban centres of the District. It is also contrary to Policy NE7 which is designed to protect the AHLV from development likely to have a harmful impact upon its prevailing character and appearance.
10. These provisions reflect and translate into site specific terms the more strategic objectives of the Oxfordshire Structure Plan 2005, which together with the 2006 Local Plan, forms the approved development plan for the area. Whilst Policies G2 and G5 protect the local character and local landscapes respectively, Policy G1 provides a sustainable framework for development based on concentrating growth in the main centres so as to reduce dependence upon the private motor car.
11. However, the sustainability of the Faringdon Business Park rests on the fact that it has achieved the most effective use of buildings made redundant with the cessation of a previous agricultural-orientated business use. Whilst I see no objection in principle to the intensification of use within the confines of the existing complex, subject to highway safety and landscape considerations, I see no special circumstances warranting the extension of the business park into the surrounding open area. The road proposals contained in both appeals would, for the most part, lie beyond the existing complex. Whilst they would undoubtedly improve circulation within the complex itself, they would represent encroachment upon the countryside, contrary to the provisions of the approved development plan for the area. They would also encourage proposals to expand the present limits of the business park to fully utilise land served by the proposed road that would otherwise be left vacant.
12. The Council is of the opinion that the conditions imposed by the Inspector's decision of 20 January 2006 on the enforcement notice appeal can be met by improvements to the existing junction within land under the control of the highway authority. This includes the provision of a right-turning lane off the AA420. I share this view and have not been presented with any evidence which persuades me that such an arrangement would not be satisfactory. On behalf of the appellant it is argued that it would be perverse not to construct the most effective junction, particularly bearing in mind the cost involved. However, I consider that this has to be balanced against the strategic and environmental provisions of the development plan, upon which I place greater emphasis.
13. Without the necessary improvements to the junction with the A420 it is evident that the proposal to erect a building for business use on the lorry park, as envisaged in Appeal A, must be rejected. This is in spite of the fact that I

consider that the design, orientation and mass of the proposed development would not harm the character of the area, or intrude upon its appearance. Furthermore, the lorry park use would cease, thereby removing the sight of large trailers from the vista as obtained from Great Coxwell parish church, no more than 400m distant, and the opportunity would be available to impose a landscaping and tree planting scheme as a condition of permission. However, I consider it vital that the dispute regarding whether or not the conditions on the lorry park permission have been breached is also resolved. Until this is settled, no conclusions can be drawn as to whether the volume of vehicular traffic generated by the proposed building would be greater than the amount legitimately arising from the present use of the land or whether the nature of this traffic would be significantly different.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that both the appeals should be dismissed.

J. Greenfield

J. GREENFIELD

Inspector