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App No : 19/07193/FUL App Type : FUL  
Application for : Change of use to mixed use of agriculture and generator & equipment rental business (retrospective)  
At Hill View Farm, Moreton Road, Kimblewick, Buckinghamshire, HP17 8SX  
Date Received : 09/09/19 Applicant : Mr T Carr  
Target date for decision: 09/12/19

## 1. **Summary**

- 1.1. The application is described as a change of use to a mixed use of agriculture and a generator and equipment rental business. The application is retrospective.
- 1.2. The main areas of concern relating to this application are the location, specifically the lack of sustainability for business development in a rural area, not in accordance with the Council's spatial strategy, issues regarding highway safety given the nature of the surrounding highway network and the HGV traffic associated with the use, and the visual impact of the open storage and associated operational development on the site and its surroundings.
- 1.3. The application is therefore recommended for refusal.

## 2. **The Application**

- 2.1. Hill View Farm is a long established, mixed farm, comprising arable and livestock. The application seeks to regularise a change of use of part of the farm to a mixed use, to incorporate an equipment hire business operating from the site (Energy Generator Hire Ltd).
- 2.2. The farm is located on the north side of Moreton Road, amid a flat, agricultural landscape. Moreton Road is a single track, no through road. Kimblewick is a dispersed hamlet characterised by small groups of dwelling and farms. The surrounding network is generally of narrow, poorly maintained lanes. There is a public footpath running north – south immediately to the east of the farm, and another running in a north easterly direction on the other side of the field to the west of the farm.
- 2.3. From the planning history, map and aerial photograph records the farm appears to have comprised the “red” barn adjacent to Moreton Road and another building to its north and west, on the south side of the pond. The “yard” comprised an area north of the red barn to roughly level with the pond. This, and an area immediately behind what is now Chapel Cottage, but was then a former milking parlour, were used for agricultural storage, mainly of hay and some equipment.
- 2.4. A serious fire destroyed the majority of the farm buildings in July 2018. Last year permission was granted for replacement of the fire damaged buildings and for the erection of a new barn for hay storage. These permissions have now all been implemented. The farm buildings occupy the west side of the farm yard area.
- 2.5. From aerial photographs it is apparent that the “yard” has gradually expanded in a northerly direction in recent years. The hire business now occupies the east side of the yard and the expanded yard area to the north, it is also spilling into the fields beyond.
- 2.6. Within the yard there is a “business workshop / office” building, which appears to be a re-built / refurbished and extended building. There are a number of portacabins on the north side of the yard which are used for offices, which have been introduced since

2015, to serve the expanding business. In the north east corner is a concrete wash down area (built without planning permission). An earth bund has been formed on the north and east side of the north-west side of the yard (no permission has previously been sought for this). A substantial area is now surfaced using what appear to be scalplings. Both within the yard and beyond, spilling into the fields, are various items of stored hire equipment. This includes a large number of generators, and other items such as lighting rigs, buggies and telehandlers.

2.7. The application is accompanied by:

- a) Planning Design and Access Statement
- b) Transport Statement

2.8. In response to the comments by the Highway Authority the applicant submitted a transport statement.

### **3. Working with the applicant/agent**

3.1. In accordance with paragraph 38 of the NPPF (2019) Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

3.2. In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit information to address the comments of the highway authority.
- The application was considered by the Planning Committee.
- The application was determined in accordance with the timescale agreed with the applicant.

### **4. Relevant Planning History**

4.1. 14/06290/FUL – permission granted for conversion of barn to dwelling (part retrospective).

4.2. 19/05426/PNP6A – Prior notification application (Part 6, Class A) to construct a new hay store and extend existing workshop building. This application was refused as the combined floorspace of the building subject of this application, and the buildings proposed under the prior approval, exceeded the maximum which can be constructed under permitted development.

4.3. 19/05458/FUL – Erection of cattle shed and farm machinery building (Retrospective) Permitted

4.4. 19/05719/PNP6A – prior notification application to construct a new hay store. Prior approval of details not required.

4.5. 19/05708/FUL - Erection of side extension to existing Agricultural Workshop to replace building lost by fire. Permitted

### **5. Issues and Policy considerations**

#### **Principle and Location of Development**

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP2 (Overall Spatial Strategy), CP3 (Settlement Strategy), CP5 (Delivering Land for Business), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM44 (Development in the Countryside Outside of the Green Belt)

DSA: DM1 (Presumption in favour of sustainable development), DM6 (Mixed-use development)

- 5.1. The overall spatial strategy set out in the Local Plan is to direct development towards sustainable locations, well served by transport links, including public transport, and other services. As set out in Policy CP3 economic development will be directed towards the higher order settlements. Support for rural businesses will be given in sites allocated in the Plan or in neighbourhood plans. Outside of these areas and settlements development will be restricted to that which is appropriate in a rural area.
- 5.2. As set out in policy CP5, land for business will be delivered through allocated sites in the plan and safeguarding existing strategic and local employment areas, also through facilitating rural enterprise and diversification. It is further clarified in the supporting text that small changes to existing business centres or farm diversification can make a significant contribution to the rural economy.
- 5.3. Policy DM44 specifically addresses development in the Countryside. Whilst it makes provision for certain types of development, including additional buildings to support existing rural enterprises or businesses, it does not allow for change of use of land from an agricultural use to business use.
- 5.4. Farm diversification is regarded as proposals relating to a specific holding which are intended to supplement a continuing agricultural use on that holding. The diversified use would be expected to remain in the same ownership and control as the agricultural holding. If the diversified use is separated from the agricultural use this would be considered as an employment use.
- 5.5. In this instance the business comprises a hire business, which involves storing equipment on the land and then transporting it to venues around the country. The business supports outdoor festivals and events by supplying generators, lighting rigs, buggies and other equipment. The supporting information submitted with the application indicates that the peak period for hiring out equipment is the summer, with winter months used for repair and maintenance of equipment. There are nine office based staff who work at the site, and additional staff who transport and maintain equipment. The applicant has subsequently clarified that the business employs a total of 30 people.
- 5.6. In the supporting information the applicant indicates that the business was set up more than 10 years ago and that the mixed use could therefore be lawful. Whilst it may be the case that a hire business was set up some years ago, it appears that this was quite low key initially, and that more rapid growth / intensification has occurred within the last few years, amounting to a change of use.
- 5.7. It is apparent from information available that the business has expanded rapidly in the last few years. Aerial photographs from 2015 indicate that at that time much of the farm yard was still in use for storing hay, and there is no sign of the portacabins, the bund, or the wheel washing area. A lot of the equipment, such as the generators and buggies, appears to be quite new or recently acquired. It is your officers' opinion that, based on the information available, the current use is not therefore lawful due to the passage of time.
- 5.8. It is evident that the hire operation comprises a substantial business, which has expanded beyond the original farmyard and is spilling into the open fields. This goes beyond what might be considered farm diversification, and amounts to establishing a commercial business in the countryside. The site is not on the principle road network and has no access to public transport. It is therefore not a sustainable location for employment development and is contrary to the Council's spatial strategy for employment, as set out in the Local Plan. It is not, therefore, acceptable in principle in this location.

### **Transport matters and parking**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.9. Moreton Road is a single track no through road. The farm is served by one point of vehicular access into the yard from the lane, which is therefore used by both farm traffic and hire business traffic. The site is outside a defined settlement and is not accessible by public transport.
- 5.10. The supporting documents submitted by the applicant, in both the Design and Access Statement and the Transport Technical Note, indicate that in the peak summer season vehicle movements comprise about nine cars visiting the site, 3 HGVs and 4-5 pickup trucks. In the off-peak season less HGVs but more cars visit the site. The technical note suggests that this level of traffic is not significant.
- 5.11. The applicant has undertaken a traffic survey, which indicated on average 157 two way vehicle movements on Moreton Road per day, and for Kimblewick Road a figure of 245 two way movements. The traffic note states that taking a worst case scenario of 40 movements per day from the site, this amounts to 25% traffic flow along Moreton Road and 16% on Kimblewick Road, which, it is argued, is low in numerical terms therefore the risk is commensurately low.
- 5.12. The Highway Authority has commented on both the original documents and the additional Transport Technical Note. The latter confirms an awareness that the application is retrospective. The Highway Authority is satisfied that the site offers sufficient space within for the parking and turning of vehicles, so that they can enter and exit the site in forward gear. It is also satisfied that the access can achieve a satisfactory level of visibility for vehicles leaving the site.
- 5.13. However, they have raised objections to the additional traffic, particularly the HGV traffic, using the local highway network. Moreton Road and surrounding roads are substandard in terms of their width, with insufficient passing places, to accommodate the additional trips by large vehicles. As such the highway network is inadequate, by reason of its width and alignment, to serve the development with safety and convenience. The application is therefore recommended for refusal on these grounds.
- 5.14. The applicant has submitted a further letter to rebut the comments of the Highway Authority. Firstly, they query what it is about the nature of the highway network that the Highway Authority find unsatisfactory to serve the development, since both Kimblewick Road and Moreton Road are largely straight, has passing bays and is not bound by physical feature.
- 5.15. The Highway Authority has responded that, whilst these roads are largely straight in places the Kimblewick Road/Moreton Road and Kimblewick Road/Stockwell Lane junctions involve very tight corners/bends with very poor visibility making turning difficult. There are also very few passing places suitable for the passing of HGVs.
- 5.16. The applicant also queries what constitutes the “major highway network”, since they consider Stockwell Lane suitable for two way traffic. Stockwell lane is in fact a C-class road. The Highway Authority has responded that Stockwell Lane largely does not have a centre line and therefore would not be considered suitable for HGV movements. The closest road which could be considered suitable for HGV movements would be Lower Icknield Way which is some 3.5km from the development site. An additional issue with accessing the site from the south is that a number of the roads have low bridges crossing the railway line which are subject to weight or height restrictions restricting the access from the A4010.
- 5.17. The applicant suggests that the speeds on Kimblewick Road cannot be regarded as “high” as the road is subject to the national speed limit. In response to the comments regarding traffic speed and risk of conflict on Kimblewick Road the Highway Authority has said that Kimblewick Road is a narrow single track road and therefore although the posted speed is the national speed limit, 85th percentile speed in the region of 40mph would be considered high given the nature of the road. Whilst even the largest HGVs can achieve speeds in excess of 40mph, it would be irresponsible for a HGV to drive at those speeds given the nature of the road.

- 5.18. Finally, the applicant has suggested that the site is sustainable as the majority of staff live within 10 miles of the site. The Highway Authority has responded that, despite 95% of the 30 members of staff living within 10 miles of the site, the location of the site is such that it has only limited access by non-car modes of travel. The absence of adequate infrastructure and the sites remoteness from major built up areas is such that it is likely to be reliant on the use of the private car contrary to local and national transport policy.
- 5.19. The applicant has suggested solutions including a routing agreement and the provision of passing places along Kimblewick Road. Routing agreements are difficult to enforce and therefore is not something the Highway Authority would look to agree for this development. The provision of additional passing places along Kimblewick Road, suitable for the passing of HGVs, would be a large project which would have additional planning issues in itself. The Highway Authority therefore continues to raise objections to the proposals.
- 5.20. Moreton Road also carries three promoted routes: the Midshires Way and Swans Way for walkers, cyclists and horse riders and the North Bucks Way for walkers. The Strategic Access Officer at Bucks County Council has highlighted the potential for conflict between additional traffic and recreational users of the road. It is noted that the transport technical note has not addressed this point. The survey information is for vehicles only, although as it was carried out in November the number of recreational users would be lower than in the summer. The issue of conflict between cyclists and horseriders and large vehicles has been highlighted in representations. This further underlines the unsuitability of the road network for a business which generates significant amounts of traffic involving larger vehicles.

### **Raising the quality of place making and design**

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)  
DSA: DM11 (Green networks and infrastructure),

- 5.21. This application does not seek permission for any operational development, therefore the impact of the use on the wider area is considered below in relation to landscape impact.

### **Amenity of existing residents**

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality),

- 5.22. The nearest dwellings are Hill View Farm and The Chapel, to the east of the farm yard, both of which are occupied by family members related to the farm and business. The nearest unrelated dwellings are Dodds Charity approximately 200m to the east, and Poplars Farm, approximately 180m to the west.
- 5.23. Given the distance from the nearest unrelated dwellings the use of the site itself for business purposes is unlikely to have a direct impact on the amenity of neighbouring properties. As Moreton Road is a dead end all traffic leaves the site in an easterly direction, therefore there is a potential impact from traffic movements past Dodds Charity.

### **Environmental issues**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 5.24. Sufficient space is available within the site to accommodate refuse storage. The use of the site is for storage and distribution in relation to a hire business, therefore the main environmental impacts are likely to be potential noise. As noted above, the site is some distance from the nearest unrelated properties therefore it is considered that an objection on noise impact on residential amenity could not be sustained.

- 5.25. The provision of foul drainage is another potential issue associated with the portacabins. It must be assumed that some form of toilet facilities are provided, however no details of this have been provided therefore it is unclear whether adequate foul drainage provision has been provided.
- 5.26. One further possible impact relates to potential pollution from vehicles working within, visiting or parking within the site.

### **Flooding and drainage**

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 5.27. Much of the yard area has been covered in scalplings, and a concrete hardstanding area has been added in one corner to create a wheel wash area, there is also a “business workshop / office” building, which appears to be a re-built / refurbished and extended. None of these has been the subject of planning applications, nor are they included in the current application description, although it may be argued that they would all appear to facilitate the change of use and planning permission would be required for these works. While the change of use alone does not give rise to flooding or drainage issues, the introduction of the hard surfacing (which could also include the portacabins) would have implications for surface water drainage, as it would have an impact on infiltration and run-off rates. No information has been provided to demonstrate that any of the operational development, associated with this change of use does not have an adverse impact on flood risk from surface water.

### **Landscape and visual Impact**

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM30 (Chilterns Area of Outstanding Natural Beauty) DM32 (Landscape character and Settlement Patterns)

- 5.28. The site is located in open countryside and is not in an area designated for its landscape importance (such as the AONB). The character of the area is very much a rural one, a flat vale landscape, with narrow rural lanes bounded by hedges, with open fields used for pasture and arable cultivation, also bounded by hedgerows. Within this landscape are groups of buildings associated with farms, as well as a scattering of dwellings.
- 5.29. The use of the site takes up a sizeable area for outdoor storage of hire equipment, including vehicles, lighting rigs and generators. This is visible in the wider landscape as there is a public footpath at close quarters to the east, and another further afield to the west. The site is also visible above the roadside hedge along Moreton Road. Consequently the use results in a visual intrusion into the rural landscape which is at odds with its established rural character. Whilst it may be common to see groups of farm vehicles associated with a farmstead, the amount of equipment and vehicles goes far beyond what might reasonably be expected in connection with the average farm, both in quantity and the area occupied.
- 5.30. In addition the use is facilitated by various elements of operational development, including the workshop, portacabins, wheel washing area and bunds. These further contribute to the visual impact the development has on the surrounding area, giving it a more industrial appearance. Furthermore, given the inaccessibility of the site by public transport, the majority of employees will arrive by car. The supporting information says that nine employees work from the site on a regular basis, and the parking associated with this number alone would have a significant impact, with cars parked around the portacabins. However, with up to 30 employees overall there is potential for much higher levels of on-site parking, particularly as the supporting information suggests that more employees are based on site in the “off peak” winter months.
- 5.31. As has been noted by the Strategic Access Officer, who has commented on the application after approaches from local interest groups, Moreton Road connects

various local footpaths and bridleways. It carries three promoted recreational routes: the Midshires Way and Swans Way for walkers, cyclists and horse riders and the North Bucks Way for walkers.

- 5.32. The visual impact of the use is therefore quite significant on both the character and enjoyment of the rural landscape. It detracts from the established character of the area, which is of open cultivated or grazed fields. The introduction of large numbers of vehicles, plant and equipment, the portacabins, hardstanding and parked cars is out of keeping with the verdant rural character and is detrimental to its character, appearance and the enjoyment of the landscape by recreational users of the surrounding footpaths and bridleways.

## **Ecology**

Wycombe District Local Plan (August 2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

- 5.33. The area currently being used to for storage is either part of the yard, or what were previously grazed fields. As such there is unlikely to have been anything of significant ecological value in these areas. However there is a pond adjacent to the yard which provides a habitat for wildlife. There is no ecological survey information with the application and as such it is not clear whether the use may have an impact on ecological interests.
- 5.34. Had the development been otherwise acceptable then measures to enhance ecology and biodiversity, such as additional planting, bat / bird boxes, could have been sought to comply with the requirement that development should enhanced biodiversity.

## **Infrastructure and Developer Contributions**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth)

DSA: DM19 (Infrastructure and delivery)

- 5.35. The development is not a type of development where CIL would be chargeable. It is considered that there would not be other types of infrastructure that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

## **Weighing and balancing of issues – overall assessment**

- 5.36. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.37. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a) Provision of the development plan insofar as they are material
  - b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
  - c) Any other material considerations
- 5.38. As set out above it is considered that the proposed development would conflict with a number of development plan policies. The applicant contends that the contribution of the business to local employment and the economy should weigh in its favour, and that this outweighs the harm from additional traffic.

- 5.39. Although the business makes a contribution to the rural economy, the economic benefits do not outweigh the harm caused by the recent expansion of the business which results in harm to the visual amenities of the area and the safety and convenience of users of the highway. The application is retrospective – had permission been sought prior to recent expansion of the business the highway issues would have been raised at that point. The detailed sections of the report set out in more detail the issues relating to traffic, vehicle type and the impact on the local highway network, as well as visual amenity.
- 5.40. Whilst it is acknowledged that the refusal of permission will impact on the business, this is largely a situation which arises as a result of carrying out development without seeking the appropriate permission first. As retrospective applications must be assessed as if the development had not yet taken place, this can only be accorded limited weight in the weighing and balancing of the issues. In any event, the impact on the landscape and the highway network are considered to be so significant as to outweigh the economic benefits.

#### **Other matters**

- 5.41. It has been noted in representations that there appear to be several different business operating from the site, not just a generator hire business. These include motorhome hire, haulage, generator sales and electric cabling rental. It was also noted from observations on site that the area being used extends beyond the red edge of the site, and that operational development such as the bunds, portacabins, wheel wash facility and alterations to the workshop building, have not been included in what is applied for either.
- 5.42. In this instance the application has been decided on the basis of what has been applied for, that it the change of use within the red edge, and the associated operational development within that area. The other issues would be addressed through separate enforcement investigations and where appropriate enforcement action.

#### **Recommendation: Application Refused**

- 1 The change of use of the site to a mixed use to include a generator and equipment rental business results in the establishment of an employment generating use in Countryside Outside the Green Belt. The site is not within an existing higher order settlement or designated employment area and the use for employment purposes therefore fails to comply with the Council's spatial strategy, set out in the Local Plan, to direct development towards sustainable locations, well served by transport links, including public transport, and other services.  
The location of the site is such that it has only limited access by non-car modes of travel. The absence of adequate infrastructure and the sites remoteness from major built up areas is such that it is likely to be reliant on the use of the private car contrary to local and national transport policy. The development is contrary to policies CP3 (Settlement Strategy), CP5 (Delivering Land for Business), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM44 (Development in the Countryside Outside of the Green Belt), CP12 (Climate Change) and DM33 (Managing Carbon Emissions, Transport and Energy Generation) of the new Wycombe District Local Plan and the guidance in Paragraph 103 of the NPPF (2019).
- 2 The highway network serving the site is inadequate, by reasons of its width and alignment, to serve the proposed development with safety and convenience. Furthermore Moreton Road carries three promoted routes for walkers, cyclists and horse riders (the Midshires Way and Swans Way for walkers, cyclists and horse riders and the North Bucks Way for walkers). The increase in traffic using Moreton Road, including large delivery vehicles, which arises from the hire business, increases the potential for conflict with other road users to the detriment of their safety, convenience, and recreational use of the routes.

The development is therefore contrary to Policy DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the adopted Wycombe District Local Plan (August 2019), Buckinghamshire County Council Local Transport Plan 4 (adopted April 2016) and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018)

- 3 The use of the site for the generator and equipment rental business results in the use of a large area for external storage and has been facilitated by operational development including the formation of bunds and laying of hardstanding, together with the introduction of portacabins. This has a detrimental visual impact on the rural landscape character of the countryside and fails to protect and reinforce the positive key characteristics of the receiving landscape or to take account of views and vistas from public vantage points such as the highway and public footpath network.  
The proposal is therefore contrary to Policy DM32 (Landscape Character and Settlement Patterns) of the adopted Wycombe District Local Plan (August 2019).
- 4 The applicant has failed to demonstrate that adequate measures for surface water drainage can be provided to prevent an increased risk of flooding from surface water on or adjacent to the site, that adequate foul drainage has been provided which meets the requirements of the National Planning Practice Guidance and that the development protects and enhances biodiversity. The development is therefore contrary to Policies DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM38 (Water Quality And Supply) and DM39 (Managing Flood Risk and Sustainable Drainage Systems) of the adopted Wycombe District Local Plan (August 2019).

#### INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

In this instance the applicant was given the opportunity to respond to the objection from the Highway Authority. The application was determined in accordance with the revised timescale agreed with the applicant.