

## Stanford in the Vale Parish Council

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### Stanford in the Vale Parish Council

#### Objection made by the Parish Council in respect of Planning Application P22/V1821/N4B

#### APP/V3120/W/23/3318846

#### Reference:

*TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78*

*Site Address : Thatchers Barn, Horsecroft, Stanford In The Vale, Faringdon, Oxon SN7 8LL*

*Description of development: Conversion of existing barn into a single dwelling*

*Application reference: P22/V1821/N4B*

*Appellants name : Mr Mark Stoneham*

*Appeal reference : APP/V3120/W/23/3318846*

*Appeal start date: 27th June 2023*

#### Summary

Stanford in the Vale Parish Council (SITVPC) wishes to make further representations to the Planning Application Appeal P22/V1821/N4B

When the Planning Application was first brought before the Parish Council, the Councillors, who are all unpaid volunteers, had limited opportunity to investigate the full circumstances and the history of Thatcher's Barn. With the additional time available, and with the substantial backing of a large number of parishioners and others, the Council has now had the opportunity to establish many more facts that have a meaningful impact on this application and the Appeal. We earnestly ask that the Inspector take these new factors into account.

SITVPC believes that this appeal should be refused for many reasons as set out below but principally because this application should not be governed by the Class Q regulations as the building is not and has never since 20<sup>th</sup> March 2013 (the key regulatory date) been an agricultural building.

We set out below our understanding of the circumstances relating to Thatcher's Barn and the many reasons that we are objecting to Planning Permission being granted.

#### Background:

SITVPC understands this to be a planning application that has been made under the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596, Schedule 2, Part 3, Class Q – agricultural buildings to dwellinghouses regulations. See:

<https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/3/crossheading/class-q-agricultural-buildings-to-dwellinghouses/made>

We believe that this application fails to meet the regulations on the following grounds:

Under Clause Q.1.a development is **not** permitted by Class Q if:

the site was **not** used solely for an agricultural use as part of an established agricultural unit—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

The building was built for the purposes of storing commercial roofing material (thatching straw), which does not constitute agricultural activity.

The owners of the building who sold the building to the applicant never registered the land as an Agricultural holding.

The previous owners of the building sold the land & the building to the Applicant on 11<sup>th</sup> January 2011. Also in 2011 a 10 year lease was granted to Fowler & Sons (Master Thatchers) Limited. The lease was only for the building and about 3 acres of land. These 3 acres were never used to grow straw thatch. So since January 2011 the building was used exclusively for storage of bought in roofing material to store until the end of their lease in 2021. When their lease expired in May 2021 the Applicant offered a new 12 month lease with a 3 month notice period by either side. Clearly a 3 month notice period is inadequate for agricultural use but is suitable for a storage unit. Fowler & Sons (Master Thatchers) Limited continued to store their roofing material in the building before fully vacating the premises on 31<sup>st</sup> January 2022.

Since Fowler & Sons (Master Thatchers) Limited vacated the building we understand that the building has not been used at all.

So the building has been used exclusively for the storage of bought in roofing material since January 2011. Clearly on 20<sup>th</sup> March 2013 and since it has never been in agricultural use. It has been used only for storing bought in roofing materials.

After the Applicant acquired the land and the building it would have been included in his Agricultural holding, however, as the building, which is the only section of the block of land in question, continued to be used for non-agricultural storage, it cannot be perceived that it was engaged in agriculture at all.

Even if the Applicant argues that since then he has used the building for agricultural purposes, 10 years have not yet elapsed since Fowler & Sons (Master Thatchers) Limited lease expired.

After the 10 year lease that Fowler & Sons (Master Thatchers) Limited had from the Applicant expired, the Applicant laid a concrete base to  $\frac{3}{4}$  of the building which had previously been bare earth. This concrete then appears to have been made to look older than it is. We have been informed by a Parishioner that this concrete is in places no more than 1 inch deep and does not go to all sides of the building. We suggest that this floor was laid in order to circumvent the rules as, under Class Q(b) Q1 (i) (i) (aa) of the regulations, there is no provision for a floor to be laid as part of a Class Q conversion. The regulations are very specific in that 'Development is not permitted by Class Q if the development under Class Q (b) would consist of building operations other than the installation or replacement of: windows, doors, roofs, or exterior walls' There is no mention of floors. Furthermore the Condition report submitted by the Applicant following inspection of the property on 24<sup>th</sup> June 2021 clearly shows the newly laid concrete (see figures 4 & 5 of the Applicant's Condition report)

We believe that it was never issued a holding number (CPH number), and therefore was never a standalone unit. Furthermore to qualify as an 'established agricultural unit' it would have to be a viable unit in its own right which it never has been.

Furthermore Agricultural Buildings and Agricultural Units are to be interpreted (see Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596, Schedule 2, Part 3, Class V, Paragraph X as follows (See: <https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/paragraph/X/made>):

“agricultural building” means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and “agricultural use” refers to such uses;

“established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture—

(a) for the purposes of Class R, on or before 3rd July 2012 or for 10 years before the date the development begins; or

(b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins;

Thatcher’s Barn meets neither the above criteria as an ‘Agricultural Building’ or as an ‘Established Agricultural Unit’ meaning that the Class Q application is invalid.

Since Fowler & Sons (Master Thatchers) Limited moved out on 31<sup>st</sup> January 2022 the building has also not been used for agricultural purposes.

### **The Parish Council Objections in relation to the Class Q Application in principal**

Our objections (and we would ask that each objection is to be taken as an individual objection and if one does not stand then the other should be considered separately) and based on the above facts are:

- 1) The Applicants Appeal Application Section I (part 2) states that the Appeal site is, or is part of, an agricultural holding. SITVPC do not believe this to be true.**
- 2) The only reason a new house in open countryside originally can be applied for is because the Applicant claimed it was permitted development as a former agricultural building. It was never an agricultural building and so the Planning application fails at the first hurdle.**
- 3) The building was never part of an agricultural unit under Class Q of the legislation**
- 4) The building was never an agricultural building under Class Q of the legislation**
- 5) The building was never in agricultural use. It was used wholly for the storage of bought in roofing materials**
- 6) The building was not in agricultural use on 20<sup>th</sup> March 2013**
- 7) The building has not been in agricultural use for 10 years since 20<sup>th</sup> March 2013, indeed it has never been in agricultural use from when built to this day**
- 8) The lease offered to Fowler & Sons (Master Thatchers) Limited after the 10 year lease had expired was not appropriate for agricultural use, but was suitable for storage use.**
- 9) We contend that the concrete floor was laid in contravention of the regulations (Part 6) as it was not for agricultural purposes. We further suggest that this should be investigated by Planning Enforcement Officers.**

In the unlikely event that consideration is still given to this application as a Class Q Application then the Parish Council has further objections as follows:

### **10) Transport Statement Errors**

Clause 4.2 of the Applicant’s ‘Statement of Case by states that

Safety is not compromised to any users of Horsecroft as vehicle drivers can see a part of any approaching vehicle or movement group for the greater length of Horsecroft where it is single track. Vehicles approaching the site from the west can see other users of Horsecroft, and vehicles leaving the site are similarly visible.

This is not true. The tarmac road curves and kinks and with high foliage on either side it is not possible to see from one end to the other over an extended length to the west of the brook. We note that the Applicant has not asked the Inspector for a site visit. Could this be one of the reasons why not?

The Applicant's Transport Statement (para 1.2.4) is also untrue inasmuch as it states:

This TS does not demur from that initial assessment. In our opinion there would be likely to be no greater level of conflict potential along Horsecroft due to the proposed conversion. There would however be a much lighter vehicle mix i.e: any agricultural vehicles associated with the barn would be replaced by car movements associated with the conversion, and as such if and where vehicles meet other movements on Horsecroft the experience would be significantly less intimidating as agricultural vehicles tend to be both wider and higher than the cars more likely to be associated with domestic use.

There are no vehicle movements of agricultural vehicles to and from the building as the building is not and has never been used for Agricultural purposes. It follows therefore that any vehicle movements will be an increase and (using the Applicant's language) *significantly more intimidating to pedestrian and horses using the bridleway*. This is completely the opposite of the Applicant's contention. Furthermore the phrase 'less intimidating as agricultural vehicles tend to be both wider, longer and higher than the cars more typically associated with domestic use' seems not to consider other vehicles associated with domestic use such as refuse disposal lorries, internet shopping food delivery vehicles, post & parcel vans etc. No surface improvement on the full length of the route is contemplated by the Applicant.

Clause 3.4.1 of the Applicant's Transport statement talks again about:

.....There is no evidence of any great levels of conflict on Horsecroft currently, and in the future the removal of agricultural vehicles by lighter vehicle would in our opinion be beneficial in terms of the type of conflict. Any conflicts between cars and pedestrians being significantly less intimidating than conflicts between agricultural vehicles, and pedestrians. Such agricultural vehicles being generally wider, longer, and higher than cars.

For the reasons set out above this is incorrect as there have been no agricultural movements associated with Thatcher's Barn which is not an Agricultural Unit.

The Applicant's Transport Survey makes the same point in paragraph 1.2.13. For the reasons set out above this is just wrong.

Paragraph 1.2.12 is also simply false. It states that:

In our opinion there would be likely to be no greater level of conflict potential along Horsecroft due to the proposed conversion. There would however be a much lighter likely vehicle mix i.e: any agricultural vehicles associated with the barn would be replaced by car movements associated with the conversion, and as such if and where vehicles meet other movements on Horsecroft the experience would be significantly less intimidating as agricultural vehicles tend to be both wider, longer and higher than the cars more typically associated with domestic use

As mentioned above there is no usage of the 'barn' at present so no associated vehicles. Furthermore the Applicant on previous planning applications, which were approved, known as the Bow Farm development cited that one of the key reasons for the Bow Farm development was to prevent the need for the Applicants agricultural vehicles (for his farmland note – not the barn) needing to go through the village and use the Horsecroft road. We contend, therefore, that this paragraph is simply wrong. The Transport Statement makes a similarly misleading statement in paragraph 3.4.1

The Applicant contends in his Transport Statement (Paragraph 3.2.4 that):

As such, of the order of 375m of the 665m length of Horsecroft from Chapel Road / High Street through to the site is adopted highway, and it is only the last 290m that is classed as an unadopted bridleway.

There is huge concern about vehicles on the bridleway even where it is adopted highway. This is narrow and it is not possible to see from one end to another. A pedestrian or horse rider would have to turn back if faced by a car, let alone a van or lorry, on the adopted part of the route as the road is not wide enough. Additionally the sides of the bridleway are managed for conservation and have significant stinging nettles and other plant life (stinging nettles acting as a breeding ground for butterflies) – See: <https://www.northumberlandnationalpark.org.uk/butterflies-and-nettles/>. Clearly stinging nettles and dense foliage preclude pedestrians from stepping onto the verges to avoid traffic.

It is very clear that the photographic plates supplied by the Applicant with The Transport Statement are at times of year when the foliage is relatively low. The route would be in use year-round and when the foliage is higher the problems become greater of visibility, width and of spaces to step out of the way of oncoming vehicles which cease to exist

Paragraphs 1.2.15, 3.7.2 & 3.7.3 state:

1.2.15 The Council acknowledge that vehicle speeds will be "slow", and hence it is difficult to reconcile, in our opinion, how this would adversely impact upon safety as by the Council's acceptance any passing of pedestrians would be at slow speed, and slow speeds also enables vehicles to stop in a much shorter distance.

3.7.2 The TRL research assumed a passing place every 60 metres. In the case of Horsecroft there are significant lengths particularly east of the Frogmore Brook bridge where the full length of the bridleway is visible in both directions such that as vehicles associated with the proposed conversion would merely wait courteously for their neighbour or fellow housemate to pass. Over the same length, vehicle drivers can see other users of the lane, and would similarly be courteous although in that case they may slowly travel along the lane and pull over conveniently to allow any other movement to pass.

3.7.3 In reality, the chances of vehicles meeting are low. This situation could cause a very occasional inconvenience, but it is not considered to represent a highways safety issue as any driver would be aware. They would courteously wait until the other vehicle had passed and if they did this there would be little likelihood of delays to other vehicles on Horsecroft even at peak times as traffic flows are only of the order of a vehicle every hour or so. This situation is not unique or unusual on such rural roads. Given the likely frequency of vehicle movements on the lane, it is highly unlikely that vehicle conflicts will occur.

There are no passing places every 60m west of Frogmore Brook. The suggestion that Passing Places could be 'conditioned' is totally impracticable.

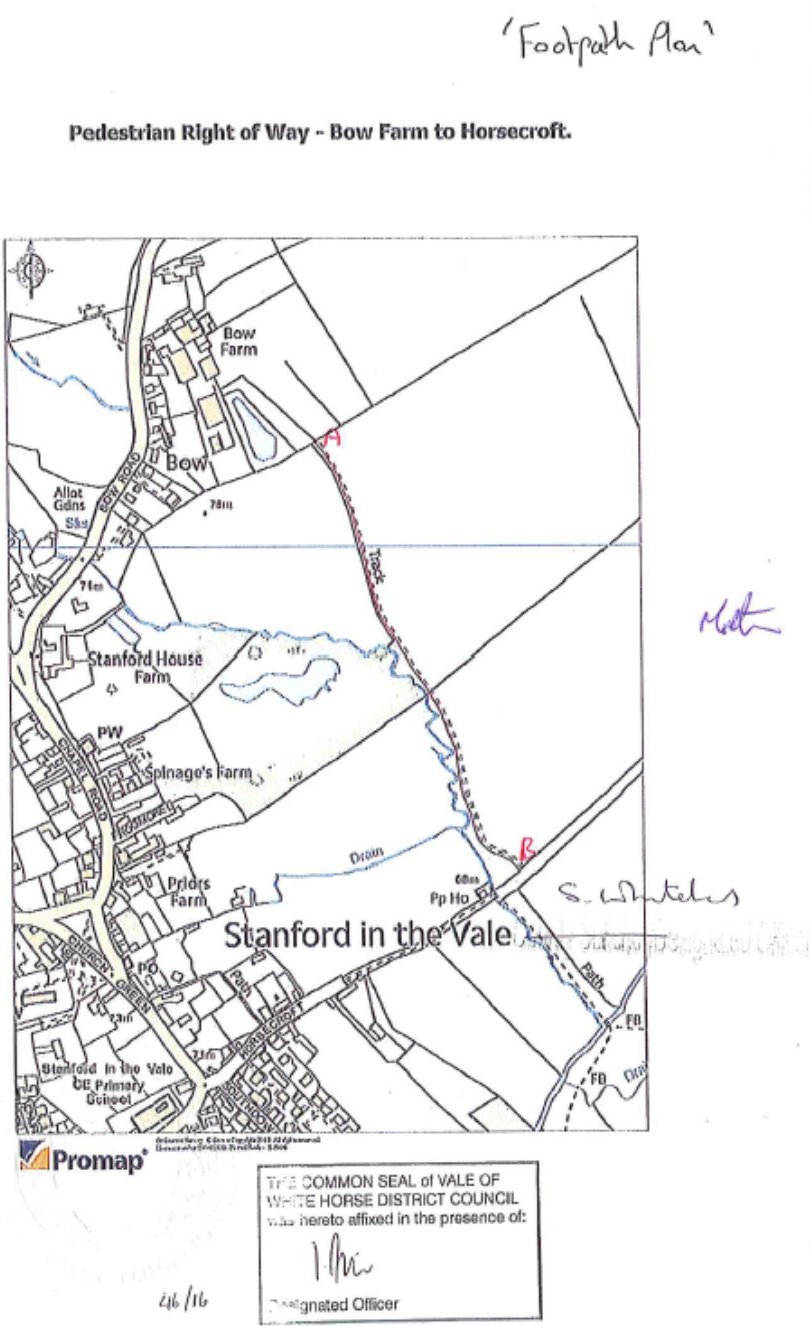
As regards drivers driving slowly, being courteous and waiting (or reversing back over a substantial distance) this seems improbable. With vehicle delivery drivers working to targets and tight schedules

research shows that this idyllic picture of courteous drivers and happy horseriders and pedestrians is not likely to be what happens in practice. The Parish Council urges decision making bodies to read the academic research on this matter which can be found via this link:

<https://discovery.ucl.ac.uk/id/eprint/10072460/3/Christie%20JTH%20Gig%20final%20draft%20clean.pdf>

Another factor, not considered in the Transport Statement, is the new footpath link from the Bow Farm development (see Vale of the White Horse District Council Planning Application: P13/V1949/0 – a previous development by the Applicant on the outskirts of the village) to Horsecroft. This was part of the Applicant’s s106 agreement with the District Council to link the new development and the school and other facilities in the centre of the village avoiding a dangerously narrow pavement. The adoption of this footpath, which the District Council and the Applicant are currently mandated to do, will increase the usage of the adopted part and part of the unadopted part of Horsecroft, particularly by primary school age children for whom traffic is a particular hazard.

An extract from the s106 agreement between the Applicant’s Company and the Vale of The White Horse District Council shows a plan of this footpath as shown below between the points marked ‘A’ & ‘B’



The map above clearly shows that the route of the path meets Horsecroft at 'B' and will increase pedestrian & probably child cycling only traffic along most of the road/bridleway in question

**The objections therefore are that:**

- a. **The Transport Statement is fallacious and that there is not sufficient road access for a dwelling. It will make the road & bridleway much less safe.**
- b. **The Application fails to properly consider the use of the proposed Bridleway by pedestrians, horse riders and cyclists.**
- c. **The unmetalled surface of a significant proportion of Horsecroft & the Bridleway is in poor condition as they note and as shown in various photos supplied. This will be exacerbated by increased and more frequent traffic movements and make the conditions far worse, to the detriment of pedestrians, cyclists and horse riders who we should be encouraging to use the Bridleway.**
- d. **The condition of the road may not encourage any resident to access the property by means other than private car, which is contrary to the recommendations of the NPPF. This is particularly the case when the route is flooded (see below)**
- e. **Further, the extended distance from the site location to the services within the village would suggest that any resident would be disinclined to walk and therefore lead to higher than average car journeys, again exacerbating the situation**
- f. **The statement highlights the narrow, single track nature of much of the access route. It suggests that drivers would be courteous - but there is nothing to substantiate why the drivers should or would be courteous. We have referenced an academic paper showing that the opposite is likely to be true.**
- g. **Crucially, there are no refuge areas for pedestrians, cyclists or horses and their riders on a substantial portion of the route. Given the increased movements identified above it is counter-intuitive to suggest this would not be a problem & pose an increased risk to vulnerable road/bridleway users**

**11) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule**

The development is outside the existing built up area of the village, not part of the strategic development sites, nor earmarked in the emerging Neighbourhood Plan. It is essentially a house in the countryside. VWHDC Core Policy 4 states that development in open countryside will not be appropriate unless specifically supported by other relevant policies as set out in the Development Plan or national policy. NPPF Para 79 sets out when development of isolated homes in the countryside should be permitted. In our opinion these do not cover this development.

**We object accordingly**

**12) Flood Risk & Hydrology**

Paragraph 3.7.8 of the Applicant's Flood Risk & Hydrology Survey states:

The property itself is indicated to be unaffected by flooding now or in the future. However, flooding is indicated on a discrete section of Horsecroft (lane) as it passes over the Frogmore Brook, with the site access situated within Flood Zone 3a and with further investigation required

The map provided at para 3.16.2 of the Applicant's Transport Statement shows that the access road/bridleway of Horsecroft is at high risk of flooding. We have added using a red dotted line box on the Applicant's plan below the high flood risk nature of the access route and we have further evidenced this in our Plates 1, 2 & 3 below. The dark blue line running down the centre of the red dotted box is the road/bridleway 'Horsecroft'



Figure 008: Environment Agency Surface Water Flood Map

Paragraph 4.2.17 then blandly states:

The flood risk to the access road is also indicated to be Very Low, with no flood mitigation proposed and with residual risks concluded to be suitably discharged via flood management, as outlined below.

Below are some photos of this 'Very Low' flood risk:



**Plate 1**



**Plate 2**



**Plate 3**

These photos are not unusual. This route floods almost every year & on occasion adult pedestrians wearing full height wellington boots cannot transit the bridleway as the water is too deep.

The alternative route for vehicles proposed by the Applicant in the Transport Statement (para 4.3.4) is extremely tenuous too in wet weather without a 4 wheel drive vehicle. Additionally pre-booked delivery vehicles, postal and refuse disposal vehicles will attempt to use the flooded Horsecroft route and either get stuck or cause considerable verge damage trying to reverse long distances through a flood on a very narrow tarmac surface.

**The objection therefore is that the access does flood significantly and regularly. It is often unsuitable for vehicle access and where access is attempted when flooded, damage will occur.**

### **13) Re-Hibbert Objection**

A fundamental concept of class Q is that the application represents a conversion and the existing building is suitable for conversion into a dwelling. The existing building is a modern industrial-style building with a steel frame and steel cladding. While the plans imply that structural elements of the roof and walls will be retained, the details suggest a much more radical reconstruction. The Hibbert case sets the precedent and defines the guidelines for interpretation of Class Q; this goes well beyond a conversion and is effectively a new building. The recently laid concrete floor adds further grounds for a re-Hibbert objection.

**The objection therefore is that the application falls outside the provisions of Class Q. 2. The application represents a development in open country. This is contrary to the VWHDC Local Plan Part 1 Core Policy 4 which states: Development in open countryside will not be appropriate unless specifically supported by other relevant policies as set out in the Development Plan or national policy. It is not supported by other policies or national policy. It is also contrary to the policies of the emerging Neighbourhood Plan and is not a reserved site for development within that plan.**

### **14) Garden Footprint**

The applicant's plan shows a red line parking and garden area within the larger site. Presumably the applicant is implying that the garden size is no larger than the size of the dwelling in accordance with the Class Q regulations.

Whilst the "red line" is within this, it is highly implausible that the remainder of the land surrounding the red line would be used for any purpose other than the amenity of the dwellings.

**The objections therefore is that the garden space is likely in reality to be greater than the dwelling size contrary to a Class Q application.**

### **15) Other Matters**

Aside from the provisions of the Permitted Development Order, the SITV Neighbourhood Plan Wildlife Survey Mar - Jun 2017 notes that "Barn Owls [are] seen over fields and neighbouring gardens [in the village and surrounding areas] from March to May." We are aware that Barn Owls have nested within the barn for many years and we have received information from parishioners that barn owls are nesting there this year too. The Barn Owl is on Schedule 1 of both the Wildlife and Countryside Act, 1981 and The Wildlife (Northern Ireland) Order, 1985; therefore the birds, their nests, eggs and young are fully protected at all times throughout the UK. The evidence of the NP is corroborated by numerous recent sightings reported to us by residents. This development will clearly destroy important habitat for this protected wildlife species and would likely be illegal.

**We therefore object accordingly**

### **16) Conclusion**

SITVPC consider that this whole application is flawed. It has been submitted as a Class Q application which we do not believe that it should be.

In the event that the application is considered as a Class Q application there are still numerous reasons why this application should be rejected.

The Parish Council encourage any Inspector to visit the site and would be pleased to meet to show on the ground the situation and explain the Council's position

**We look forward to hearing from you. Please contact Councillor Mark Isaacs ([mark.isaacs10@outlook.com](mailto:mark.isaacs10@outlook.com) or 07798 827543) in the first instance**