



# Appeal Decision

Site visit made on 5 January 2005

by **M J Brundell OBE BA DipTP FRTPi**

an Inspector appointed by the First Secretary of State

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Date

21 JAN 2005

**Appeal Ref: APP/C3105/A/04/1152693**

**Cotefield Farm, Oxford Road, Bodicote, Banbury, Oxfordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is made by R P Bratt against the decision of Cherwell District Council
- The application ref 04/00766/F, dated 30 March 2004, was refused by notice dated 26 May 2004.
- The development proposed is the change of use of Buildings 4A and 4B to display, storage and distribution of antique furniture and effects, including internet sales and occasional on site retail sales

## Decision

- 1 I dismiss the appeal

## Reasons for the Decision

- 2 I accept that the proposed development, which has already taken place, is consistent with the advice in PPS7 in that it would bring into positive use redundant buildings which form part of a former farm complex and would contribute to a diversification into non-agricultural activities. I also recognise that the present intention is that the buildings would be used primarily for the storage and display of antique furniture and effects with most sales being made through the internet. Nevertheless, there is no dispute but that retail sales have taken place and would continue to form part of the business. They are specifically included in the description of the proposed development, which must therefore be considered against the national and local policies for retail development
- 3 The adopted local plan states that retail development in the countryside will normally be resisted except for certain exceptions. Although the appellants point out that these exceptions include small scale retail outlets which are ancillary to existing acceptable uses, this does not cover the present proposal which is for a use which is not ancillary to any other acceptable use on the farm complex. In any event, that plan was adopted in 1996, while the revised plan still has some way to go so that it can carry only limited weight. In these circumstances, I attach greater weight to the advice in PPG6 and subsequent Ministerial clarifications. This national guidance essentially sets out a sequential approach whereby the first preference should be for town centre sites, where suitable sites or buildings suitable for conversion are available, followed by edge-of-centre sites, district and local centres, and only then out-of-centre sites in locations that are accessible by a choice of means of transport
- 4 This site is clearly not in a town centre or on the edge of a centre, being located just outside the built up area of Bodicote. Although the site is on a bus route, this service is

infrequent. There is no evidence that the appellant has applied the sequential approach required by PPG6, although the council believes that the nearby centre of Banbury would provide suitable premises. I am therefore satisfied that this proposal is plainly in conflict with the objectives of national policy guidance for retail development.

- 5 While I accept that the business does involve some bulky goods and occasional access by heavy goods vehicles, the statement by the Minister on 10 April 2003 made it clear that, as regards bulky goods retailing, it rests with developers and retailers to demonstrate that a majority of their goods cannot be sold from town centre stores. Developments involving the sale of bulky goods are not exempted from meeting the policy tests in PPG6 and subsequent clarifications. Given that the buildings the subject of the appeal have an area of only some 370 sq m and that the business is said to require deliveries by heavy goods vehicles only once every 3 months, I do not accept that it could not be accommodated in a town centre. This is confirmed by my own experience in retail development that many antique shops, including those selling furniture, are located within town centres. No evidence has been provided to support the appellant's argument that the business could not support a retail rental.
- 6 I appreciate that the appellant considers the primary use of the premises to be for storage and distribution with most sales taking place through the internet. I also note that retail sales have so far played only an ancillary part of the business with some 99 sales in the first 15 months of trading. I do not, however, accept that it would be possible to limit the scale of retail sales by condition, since monitoring and enforcement of such a condition would be impracticable. The nature of the business may well change over the years as market conditions change and there must be a real possibility that the retail element would take on greater significance.
- 7 I accept that the proposed use would have little impact on the character and appearance of the area and would not create traffic problems. I also attach substantial weight to the national guidance in PPS7 encouraging the re-use of agricultural buildings. However, as I saw on my site inspection, some of the other buildings in this complex are being used for business purposes with planning permission. There appears to be no reason, therefore, why the buildings the subject of this appeal should not be used for more acceptable, non-retail purposes. In this particular case, I consider that the conflict with the policies of PPG6 outweighs the objectives of PPS7. This means that the appeal must be dismissed.



INSPECTOR