
Appeal Decision

Site visit made on 11 October 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 8th November 2016

Appeal Ref: APP/J1860/W/16/3145698

Land adjoining A38, Tewksbury Road, Ryall, Upton-upon-Severn WR8 0PW

- 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 Mr Mark Southall against the decision of Malvern Hills District Council.
 - The application Ref 15/01740/FUL, dated 28 November 2015, was refused by notice dated 25 January 2016.
 - The development proposed is "the formation of (staff) car park and vehicular access (part retrospective)."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A hard-surfaced area had been constructed behind the footway alongside the A38 and is accessed off this main road by way of an entrance point. For clarity, the development has not been considered retrospectively as the appeal documentation indicates a different proposed access point to that existing.
3. Notwithstanding the development description indicated above, the proposal was considered by the Council for a temporary period of two years. Consequently, I shall consider the proposal on this basis as well.
4. The South Worcestershire Development Plan (SWDP) 2016 has been recently adopted. In the Council's reasons for refusal, the policies of the Malvern Hills District Local Plan 2006 have been replaced by Policies SWDP 21 and SWDP 25 which were referred to in the Council's reasons for refusal as emerging policies.

Main Issue

5. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the highway safety of road users on the A38 (Tewkesbury Road).

Reasons

Character and appearance

6. The appeal site comprises a part of a field on one side of the A38 which lies between housing development on Ryall Grove and a commercial site at Grove House Yard. Grove House Yard includes a number of businesses, including a
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- Waste Transfer Business to which the proposed staff car park on hard-surfacing would serve.
7. The appeal site is not located within any national or local landscape designation. Within the County Council's Landscape Character Assessment Supplementary Guidance (SG) 2011, it is located within the "Settled Farmlands on River Terrace" landscape character designation which is characterised by development being sparsely distributed, comprising wayside dwellings and small clusters. The SG is not part of any development plan policy document but nevertheless accurately describes the landscape character of the area. As I saw on my site visit, the appeal site's context comprises extensive countryside areas, much of which are in agricultural/pastoral use with boundary hedging and interspersed with buildings/dwellings and villages. Such a landscape character and appearance is attractive, to which I attach significant weight.
 8. Along the A38, there is roadside vegetation that screens the proposed development from certain viewpoints helped by a bend in the road. The proposed hard-surfacing, gravel on hard-core, would also be at a lower level compared to the road and the public footway. However, whilst there is some vegetation within the ditch between the footway and the development, this is low-lying. Therefore, the staff car parking areas would highly visible from the footway because it would be extensive in size covering a significant part of a field and used for the parking of vehicles. For these reasons, the development would be visually intrusive in an area with an attractive character and appearance as previously indicated.
 9. Planting has been suggested to screen the development but this would take some time to establish before it took effect and for the purposes of a two year temporary planning permission would be of limited value. It is indicated that smaller vehicles would only be parked from 0800 to 1800 hours, Mondays to Fridays and not at weekends, and that larger vehicles, such as lorries, would be parked at Grove House Yard. However, vehicles would still be parked for a significant period of time during the week at the site and outside of these hours, the development would still be intrusive by reason of the extent of hard-surfacing. In considering a temporary planning permission of two years put forward by the appellant, the shorter-term visual impact of the proposal would be reduced. Nevertheless, even for this period of time, the visual impact would be significant given the extent of the proposed hard-surfacing and number of vehicles to be parked on the site.
 10. Hard-surfacing is often associated with farms but here the impact of development would be harmful given its extent in a prominent location and its purpose for the parking of a number of vehicles. As such, I am not persuaded that agricultural hard-surfacing found elsewhere would justify this proposal and in any case, every proposal has to be considered on its own individual planning merits.
 11. In conclusion, the development would harm the character and appearance of the area by reason of the extent of hard-surfacing and the parking of vehicles. Accordingly, the proposal would be contrary to Policies SWDP21 and SWDP25 of the SWDP, which collectively and amongst other matters requires development (that would include hard-surfacing) to be of a high design standard, complementing the character of the area with reference to distinctive

qualities, and to take account of the latest Landscape Character Assessment guidelines.

Highway safety

12. As part of the proposal, the existing access serving the hard-surfaced area would be closed off and a new access created at the northern end of the site. A submitted plan indicates that a visibility splay of 2.4m by 96m and 2.4m by 149m would be achieved to the south and north respectively. Based on a vehicle speed survey, the County Council Highways authority indicates that the visibility splay to the south would be substandard by approximately 15m based on guidance in the Manual for Streets 2 2010.
13. Pre-application advice did not advise of a requirement for a speed survey to establish visibility splays according to the appellant. Furthermore, it has been highlighted that the A38 is a 2 lane highway with road markings designed to prevent vehicles overtaking when travelling south which is subject to a 50 mph speed limit. However, even if the development were only to attract 20-30 movements per day as suggested, there is an absence of technical evidence to refute the highway authority's requirement for a greater visibility splay to the south in the interests of highway safety of road users. Whilst the Manual for Streets 2 provides guidance, I attach significant weight to it by reason of it being a technical document based on empirical research relating to highway safety.
14. Consequently, I am not persuaded that the visibility requirement to the south should be relaxed. Given this, the highway safety of road users would be substantially jeopardised and the transport impacts of this development could be severe given that the deficiency in terms of visibility length is not insignificant. Accordingly, the proposal would conflict with Policy SWDP21 of the SWDP, which amongst other matters, requires vehicular traffic to be able to access the highway safely.

Other matters

15. It is indicated that the proposed car parking area is required for the employees of the Waste Transfer Business which employs approximately 20 staff. Due to the inadequacies of the current commercial site, it is argued that there is a need for an extension to the existing premises and this is currently being considered by the County Council as the determining authority¹. Until this is resolved, the car parking is required.
16. The National Planning Policy Framework (the Framework) supports a prosperous rural economy and businesses like the appellant's. However the Framework also attaches great importance to the design of built environment and here, the design of the development would be harmful to the character and appearance of the area. I attach greater weight to this harm by reason of the significant degree of intrusiveness arising from the development, even on a temporary basis. Accordingly, the development would not be sustainable.

Conclusion

17. In conclusion, the development would conflict with Policies SWDP 21 and SWDP 25 because it would adversely affect the character and appearance of the area

¹ Appellant's Statement of Case 19 February 2016.

and would severely affect the highway safety of road users. There are no other material considerations to outweigh the development plan conflict identified.

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

Jonathon Parsons

INSPECTOR