
Appeal Decision

Site visit made on 2 November 2016

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 15 November 2016

Appeal Ref: APP/A2470/W/16/3155671

Land at Stamford Road, Morcott, Rutland LE15 9EB

- 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 Philip Breslin against the decision of Rutland Council.
 - The application Ref 2016/0020/FUL, dated 8 January 2016, was refused by notice dated 22 March 2016.
 - The development proposed is vehicular access to land.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on highway safety; and
 - Whether the proposed development would preserve or enhance the character or appearance of the Morcott Conservation Area.

Reasons

Effect on highway safety

3. The appeal site is open countryside located opposite and adjacent of the settlement boundary of the village of Morcott. The site fronts Stamford Road, which I am told observes the national speed limit. The land is at a higher level than Stamford Road; separated by a steep grass bank; and its boundary is reinforced along much of its length with tree and shrub planting.
4. Stamford Road bends and rises in level when travelling from the proposed access point towards the village of South Luffenham. This, taken with the presence of the boundary planting and road side paraphernalia which is also sited close by, results in restricted visibility of the road and of oncoming traffic, travelling at speed, which would not be readily aware of the access until almost directly upon it.
5. I am therefore satisfied that a need to provide sufficient visibility splays is axiomatic. The Council states that such splays should measure 2.4m by 215m, and ideally the gradient should not exceeding 1 in 20. The appellant does not question the requirement, but fails to offer any sufficient evidence that the proposed access would actually be capable of being achieved on land within the appellant's control, and where visibility would not be impeded by the

identified visual obstructions. I acknowledge the appellant's desire to work proactively with the Council to secure an acceptable scheme. However, the safety of the access and the highway are principal matters which go to the very heart of the acceptability of the scheme, and it is not in my judgement sufficient to determine these details after the grant of a planning permission.

6. I have noted the presence of an access to a residential property on the adjoining site. I do not however draw any direct comparisons, as the residential access lies much further away from the bend in the road and as such egressing vehicles enjoy a clearer view of oncoming traffic. Furthermore, the existing access lies closer to Stamford Road's intersection with the A47 where oncoming traffic would in any event likely be slowing. The relevance of the pedestrian access and steps, and reasons for the need for the access arising from land disputes have not been substantiated and I have had little weight to this in my Decision.
7. I therefore find that insufficient evidence is before me to demonstrate the proposed access could be adequately accommodated without causing a danger to highway safety. I find the proposed development would not accord with policy SP15 particularly parts (l) and (m) of the Rutland Local Plan Site Allocations and Policies Development Plan Document 2014 (Local Plan) which states that development should make provision for safe access by vehicles, and should be designed and located so that it does not have an unacceptable adverse impact on the highway network.

Whether preserve or enhance the Conservation Area

8. S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the National Planning Policy Framework (the Framework) says great weight should be given to a heritage asset's conservation. Policy CS22 of the Rutland Core Strategy Development Plan Document 2011 (Core Strategy) and Local Plan policy SP20 state that the character of the historic environment of Rutland will be conserved and enhanced and particular protection will be given to the character and special features of conservation areas. Core Strategy policy CS19 and Local Plan policy SP15 (particularly part (b)) relate to general design criteria and state that development must compliment the character of the local area and contribute positively to local distinctiveness.
9. The appeal site is a short distance the Morcott Conservation Area. I observed at my site visit that the village is characterised by a uniformity of modestly-sized and tightly-knit properties, constructed with a similar palette of materials, and positioned at the back edge of the pavement along narrow roads. Collectively, the properties are visually attractive. The village is surrounded by open countryside, and I find the relationship between the buildings and the landscape defines the significance of the Conservation Area.
10. The Council has offered little evidence as to how the appeal site and the grass bank contribute to the setting of the Conservation Area. Moreover, it has not adequately explained how the proposed access would fail to preserve and cause harm to it. In my judgement, the appeal site is sufficiently distant from the Conservation Area, and I am not persuaded that the creation of an access would be of such a scale or magnitude as to have any undermining or injurious

effect. The proposal would, I find, have a preserving effect on the Conservation Area and would not conflict with Core Strategy policies CS19 and CS22, with Local Plan policies SP15 and SP20, or with the Framework, details of which I have set out above.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR