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## Appeal Decision

Site visit made on 7 February 2017

**by Andrew McCormack BSc (Hons) MRTPI**

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

**Decision date: 8 March 2017**

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**Appeal Ref: APP/N2535/W/16/3163778**

**Orange Farm, Sykes Lane, Saxilby, Lincoln LN1 2NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr J Colley against the decision of West Lindsey District Council.
  - The application Ref 133568, dated 3 October 2015, was approved on 17 November 2016 and planning permission was granted subject to conditions.
  - The development permitted is *'change of use of field to woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit'*.
  - The condition in dispute is No 6 which states that: *'Within 6 weeks of the date of this permission a scheme of passing places along Sykes Lane (between the site and the Saxilby settlement boundary) shall be submitted to, and approved by, the local planning authority. The approved scheme of passing places shall be implemented within 2 months of the date of the written approval and retained in good condition thereafter.'*
  - The reason given for the condition is: *'In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and STRAT 1 of the West Lindsay Local Plan Review 2006 and Policy LP1 of the Submitted Central Lincolnshire Local Plan 2012-2036.'*
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### Decision

1. The appeal is dismissed.

### Procedural Matters and Background

2. The original application Ref: 133568 sought retrospective planning permission for application for the proposed development. This was granted on 17 November 2016. This appeal relates to the imposition of Condition 6 attached to the approved scheme which requires the submission of a scheme to the local planning authority for approval to provide passing places along Sykes Lane between the appeal site and the settlement boundary of Saxilby in the interests of the safety of all road users.
  3. The Council has stated that the condition is required to address the deterioration of the roadside verges of Sykes Lane due to its narrowness and lack of capability for vehicles to pass each other at certain points. The appellant argues that a similar condition was not deemed necessary in relation to a previously approved scheme at the site which, it is claimed, did not materially differ in terms of the level of vehicle movements proposed from that in relation to this appeal. As a result, in the appellant's view the condition is not necessary or reasonable.
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4. This appeal therefore seeks the removal of Condition 6 attached to planning permission Ref: 133567 relating to the requirement for a scheme of passing places to be submitted to, and approved by, the local planning authority.

### **Main Issue**

5. The main issue is whether the condition is necessary and reasonable having regard to the safety of all road users using Sykes Lane.

### **Reasons**

6. The appeal site is in open countryside approximately one mile to the north west of Saxilby. It is accessed by Sykes Lane, a narrow lane which also serves a number of other properties. The site itself has a wide access and sufficient parking area to ensure that all vehicles visiting the site for deliveries or other purposes can be accommodated off the public highway. Furthermore, all visiting vehicles, including heavy goods vehicles (HGV) appear to be able to enter and exit the site in forward gear. To the east of the site is Willow Tree Farm which is also accessed from Sykes Lane. I am led to understand that the property is used for the transfer and treatment of recyclable domestic and light industrial waste.
7. The approved scheme for the appeal site was granted by the Council subject to a number of conditions as set out in the Officer Report. A suggested condition was submitted by the highway authority during the application process. However, the Officer Report indicates that such a condition would not be reasonable as the amount of HGV deliveries and traffic generated by the scheme would not differ significantly from the previous approved scheme.
8. Notwithstanding this, the Council's planning committee, having based their assessment on personal experience and the expertise of the highway authority, chose to impose the condition. The required scheme of passing points to be provided was identified as providing necessary improvements to the highway and verges of Sykes Lane as a result of, amongst other matters, damage being caused by vehicles passing each other at narrow points along the lane.
9. The appellant argues that the condition is unjust and unfair as the number of heavy goods vehicles travelling to and from the appeal site is negligible, with regard to that identified in relation to the previously approved scheme. However, I note that application Ref: 133568 was retrospective and sought approval for alterations already made on site to facilitate a change of use, including the installation of a Biomass boiler. Whilst the appellant states that there are no changes to the operations on the site and minimal changes to vehicle movements, I find that the approved change of use and the potential for an, on average, increase in HGV trips along Sykes Lane would justify improvements to the public highway along Sykes Lane to be secured.
10. Furthermore, I note that it is indicated that the operations requiring HGV trips to and from the site would be seasonal. As a result, it is reasonable to consider that there would be periods when the number of HGV trips along Sykes Lane would be much higher to meet the needs of the approved site operations. Therefore, the business could increase its production to meet market needs and this would result in a substantial increase given that there is no cap on production. In my view, this would be likely to result in a significant intensification of vehicle movements on Sykes Lane which would be over and

above previous activity. In addition, I must have regard to the activities and uses at other nearby properties which also generate a level of traffic already experienced along Sykes Lane, such as at Willow Tree Farm.

11. The appellant states that they could find no evidence of damage to the roadside verges. In its appeal statement, the Council has provided photographs of the damaged verges along Sykes Lane which indicate that vehicles are necessarily driving over verges in order to avoid oncoming traffic. This was confirmed during my visit where I observed such damage at the points identified by the Council along the lane and in other areas. Furthermore, I observed such damage taking place as two large vehicles passed each other at a particularly narrow point along Sykes Lane.
12. From all I have seen and read, I find that the required scheme set out in Condition 6 would involve relatively minor improvements to Sykes Lane. In achieving those improvements, safe passing places for vehicles and all road users would be provided and this would improve the overall condition of the public highway. The potential for more vehicle trips to and from the appeal site, including HGVs, as a result of the approved scheme would, in my view, justify the improvements requested under Condition 6.
13. Consequently, I conclude that Condition 6, as imposed and attached to planning permission Ref: 133568, is necessary and reasonable with regard to highway safety and the safety of all road users.

### **Conclusion**

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

*Andrew McCormack*

INSPECTOR