
Appeal Decision

Site visit made on 28 February 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 16th March 2017

Appeal Ref: APP/P1045/W/16/3164517

The Barn Haven House Farm, Unnamed section of C82 from Marston Lane to Marston Bank, Waldley, Doveridge DE6 5LQ

- 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 Mrs Jean Holbeche against the decision of Derbyshire Dales District Council.
 - The application Ref 16/00262/FUL, dated 8 April 2016, was refused by notice dated 6 June 2016.
 - The development proposed is modifications to existing agricultural access.
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Decision

1. The appeal is allowed and planning permission is granted for modifications to existing agricultural access at The Barn, Haven House Farm, Waldley, Doveridge, Derbyshire DE6 5LQ in accordance with the terms of the application, Ref 16/00262/FUL, dated 8 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 176/P/100.
 - 3) No development shall commence on site until a scheme of soft landscaping has been submitted to and approved in writing by the local planning authority, which sets out the size, number and type of hedgerow plants to be planted behind the visibility splay to be provided in respect of Condition 5 and the treatment of land up to the carriageway edge. All soft landscaping comprised in the approved details shall be carried out in the first planting and seeding season following commencement of the development. Thereafter, all planting shall be maintained in accordance with the approved details and shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any planting which, within a period of five years after planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other species, size and number as originally approved.
 - 4) Notwithstanding condition 2 above, the post and rail fence shown on plan no. 176/P/100 shall be located to the rear of the hedgerow agreed under condition 3 above.
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- 5) The existing agricultural access shall be modified as per the application drawings and shall comprise of an improved exit visibility sightline of 2.4m x 37m to the north, the area in advance of the sightline is to be maintained thereafter free from all obstructions greater than 1m in height (600mm in the case of vegetation measured relative to the nearside carriageway channel level).

Preliminary Matter

2. The address differs on the application form to the appeal form and decision notice. I have used the address from the decision notice in the decision above as having visited the site it appears to correctly identify the application site.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal relates to an existing access to a parcel of agricultural land some 209m² in size. An existing access and stone track lie at the south western corner of the field leading to an agricultural barn. The land is used for the grazing of a particular Hebridean rare sheep breed which were grazing the land at the time of my site visit. The surrounding land is predominantly agricultural with roadside hedgerows contributing to the visual amenity of the area. Access to a residential development lies opposite the site.
5. At present, the boundary between the field and the road comprises a hedgerow. A length of this hedgerow would be removed as part of the proposal to improve visibility to the access with the first section surfaced in tarmac. Notwithstanding comments in the Council's officer report, it is agreed by both parties that the stone track shown on the submitted plans is an existing stone track that has grassed over.
6. The Council are primarily concerned with the impact of the loss of a large section of roadside hedgerow on the intimate character and appearance of this part of the lane. However, the proposal does not include the removal of the hedge in perpetuity. The hedgerow would be replanted, albeit set back behind a grass verge to allow for visibility, the species of which could be subject to the Council's approval so that they would be compatible with the surrounding hedgerows and with the rural character of the area. I am not persuaded that the relocation of the hedgerow a short distance behind the verge would materially harm the rural character and appearance of the area, particularly given there is variation in the position of hedgerows relative to the road in the locality.
7. I acknowledge that there would inevitably be a change in the appearance of this side of the lane, which would be more noticeable in the short term, before the new hedge planting is established. However, because of the replacement of the hedge and because the views of the field beyond the hedge that would be available in the short term would be rural in character, that change would not materially detract from the rural appearance of the area even in the short term. Field accesses, even when properly engineered and with visibility splays, are common in agricultural areas, and an access of this nature in this location would not appear out of place. Therefore, I do not consider that the

modifications to the access with the associated replanting of the hedgerow would materially harm the character and appearance of the area.

8. I have had regard to the Council's assertions regarding the size of the holding, the number of trips required and the type of vehicle likely to be using the access. The Council has also stated that the appellant has not demonstrated that there are no other locations for the access, although there is no policy requirement for them to do so. Nevertheless, given that I have found no material harm on the substantive issue, these matters do not lead me to alter my view. I share the Council's concerns regarding the location of the post and rail fence to the front of the hedgerow but note that the appellant would be agreeable to its relocation to the rear of the hedgerow which can be controlled by condition.
9. Therefore, I conclude that the proposal would not have an adverse impact on the character and appearance of the surrounding area and find no conflict with Policies SF4 and NBE7 and NBE8 of the Derbyshire Dales Local Plan (2005). These seek, amongst other things, that development within the countryside is appropriate in nature and scale to a rural area, that development will not have an adverse impact on landscape features such as hedgerows and protects or enhances the character, appearance and local distinctiveness of the landscape.

Conditions

10. The conditions I have imposed are based upon those suggested by the Council with some minor variation in wording in the interests of clarity and precision. In addition to the standard time limit condition, a condition is necessary to identify the approved plan in order to provide certainty. A landscaping condition and a condition to relocate the post and rail fence are necessary in order to ensure a satisfactory appearance. A condition relating to the visibility splay is necessary in the interests of highway safety.

Conclusion

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

Caroline Jones

INSPECTOR