

Appeal Decision

Site visit made on 8 May 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/B2355/W/17/3168620

Huttock Top Farm, Newchurch Old Road, Bacup OL13 8HS

- 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 Bork against the decision of Rossendale Borough Council.
 - The application Ref 2016/0419, dated 2 September 2016, was refused by notice dated 14 November 2016.
 - The development proposed is temporary change of use from an animal farm to a farm of terror event/attraction from the 28 October 2016 to the 31 October 2016. The temporary development include the erection of 2 No tunnels between the existing barns and a 12m x 6m marquee on the existing paddock area.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form states that the application is for an event which took place between 28 October 2016 and 31 October 2016. However the appeal form states that the proposal is for an event which would take place for seven days each year. As I consider the same principles to apply to the consideration of both a one off and annually occurring event, I have considered the appeal on the basis that this would be an annual event.

Main Issue

3. The main issue is the effect of the proposal on highway safety on Bankside Lane.

Reasons

4. Access to the Farm on Newchurch Old Road is via Bankside Lane. This is a residential road of modest width. At the time of my site visit on a weekday afternoon there was some existing on street parking, thus limiting its capacity to accommodate significant levels of additional traffic. As such the Council states that the event risks causing traffic congestion and highway safety issues in this area.
 5. The terror event has taken place over the Halloween period for the 8 years prior to 2016 without planning permission. The appellant states that participants have been required to travel to this event via a shuttle bus service, having parked in the Morrisons supermarket which is less than a mile away in Bacup. The appellant also states that tickets are booked on line with specific time slots,
-

and that entry to the attraction is not permitted unless travel has been via the shuttle bus.

6. Specific details of the numbers of visitors to this attraction, including its growth over the years, have not been provided. Whilst the Farm itself is of modest size, I understand that the barns are adapted and external areas used during the event to create a series of tunnels, themed rooms, corridors and alleyways. The 'experience' itself lasts 20-25 minutes, with the likelihood of some overlap between guests arriving, being entertained and leaving. This suggests that over the time that the attraction is open each evening between 6-9pm, it is possible that a significant number of visitors have been accommodated.
7. The Council has presented details of a traffic survey which it states was undertaken in 2014 during both the week prior to the event and the week of the event to enable comparison. I understand that this was in response to complaints from neighbouring residents about the increase in traffic and parking along Bankside Lane. The Traffic Management Plan for the event states that the shuttle bus system involving 3 buses was introduced 4 years ago. Whilst it is not clear whether or not this four year period includes 2016, even if it did this would mean that the shuttle system was in place in 2013. As it is reasonable to assume that the complaints were made to the Council in the year prior to the survey, it is likely that the shuttle bus system was in place at the time of the survey.
8. The survey itself indicates that there was a marked increase in both north bound and south bound traffic on Bankside Lane between 6pm-10pm on the four days of the event. Some of this increase would have been caused by the shuttle buses. Whilst the travel arrangements for each group are not clear, a reasonable assumption would be that each bus load would accommodate a group booked for a particular time slot. Noting that each tour takes 20-25 minutes, this would suggest that each bus would undertake up to 6 journeys per hour, 3 in each direction. On this basis, and with 3 buses, a maximum of 9 additional journeys per hour in each direction would be undertaken. The survey indicates that around half the hourly vehicle numbers between 6pm-10pm showed an increase of more than 9 additional journeys. Whilst not conclusive, this would suggest that additional traffic other than the shuttle buses was accessing Bankside Lane during this time, contributing to the parking and congestion concerns noted by local residents.
9. It is possible that some of the additional traffic was associated with the additional staff employed to stage the event, which I understand are drawn from three local colleges, though the evidence before me is not clear in this respect. The Council also states that the event website has referred to tickets being available 'on the door', though no evidence is presented in this regard.
10. The appellant's Traffic Management Plan describes the measures employed each year to manage local traffic. This has included signage indicating that parking is not available at the farm and a security guard at the Bankside Lane/Newchurch Old Road junction to prevent access. However it appears that such measures have been undertaken without the appropriate sanction from the local highways authority. It is therefore not clear that these provisions would be effective in managing local traffic.

11. The Council also expresses concerns about the parking arrangements with Morrisons supermarket. An email has been provided acknowledging that the supermarkets management have been aware that their car park has been used for the event. However, contrary to the appellant's statement, it does not indicate that this is an annual arrangement, nor that a specific section of the car park has been allocated for this purpose. I noted on my site visit that, whilst the car park is a reasonable size, signage indicates that it provides time restricted parking for shoppers. Whilst the use of shuttle buses to manage traffic along Bankside Lane is a valid response to local concerns, the lack of formal agreement in this regard undermines the credibility of this arrangement.
12. The appellant refers to the strict policies in place for dealing with the large volumes of traffic visiting the petting farm. It is suggested that this temporary event could run under the same principles. The planning approval for the change of use to a mixed use agricultural unit and petting farm, itself a retrospective application, has restricted access to the farm to between 10am-4pm on Saturdays, Sundays and Bank Holidays and to 10-4pm 7 days per week during the school half terms and summer holidays.¹
13. From the documents relating to this approval provided during the course of the appeal, I note the concerns relating to the narrow and uneven nature of Newchurch Old Road and the possibility that this proposal could result in additional parking on Bankside Lane. Whilst details of visitor numbers for the petting farm are not provided, the Existing Layout Plan indicates that parking for up to 21 visiting cars is available at the Farm, suggesting that a reasonable number of visitors can be accommodated. However, the petting farm is able to attract visitors spread out over a longer period of time during the daytime period, when both traffic levels and parking in Bankside Lane and are likely to be lower and congestion concerns less significant.
14. In contrast, even noting the use of shuttle buses for the majority of visitors, it is probable that the terror event has and would attract higher volumes of traffic travelling along Bankside Lane over a more concentrated period of time during the busier early to late evening period. More specifically, I note reference in the committee report for the petting farm proposal that there was *no indication in the proposals for the occasional evening entertainment activities for children's parties or other petting farm activities outside the hours applied for, that in the past have led to significant highway congestion difficulties for local residents*. Given the nature of the current proposal it does not, therefore, appear reasonable to conclude that the same traffic management principles could apply.
15. Drawing these considerations together, some evidence of increased traffic levels on Bankside Lane linked to the current operation of the event has been presented. As I have noted that this road has limited capacity I accept that the increased levels of traffic, if not carefully managed, could lead to traffic congestion and highway safety issues in this area. I have also considered the largely informal traffic management arrangements in place during the event. As the appellant states that *the attraction has got bigger and better each year and has now been voted one of the UK's top terror attractions*, my view is that the transport arrangements are not sufficiently robust to ensure that this event has

¹ 2013/0550

not had, and would not continue to have, a detrimental effect on highway safety on Bankside Lane.

16. I have taken into consideration the facts that the appellant states that he has only just become aware of these concerns and that the application is for a temporary event, but these points do not detract from the highway safety concerns identified. In this respect there is conflict with the Rosendale Core Strategy Development Plan Document 2011 (CS) Policies 8, 9 and 24 which, taken together, seek to manage local parking issues, improve streets as attractive places for all users and require planning applications to address parking and servicing issues.

Other Matters

17. The Council have accepted that as this proposal would represent the diversification of an established agricultural business it would comply with Policy 21 of the CS. In this respect it is acceptable in principle and I have no reason to take a different view. The boost to local tourism referred to by the appellant is also a relevant consideration.
18. I also recognise that the event has given work experience to students from Accrington, Middleton and Rochdale Colleges. These have been drawn from a range of courses from business to drama and performing arts.
19. Finally, I note that the profits generated by the event have helped to pay for the animal feed during the winter period when the Farm cannot attract visitors.
20. Whilst accepting that these considerations weigh in favour of the proposal they do not, individually or collectively, outweigh my conclusion on the main issue which in this case is decisive.

Conclusion

21. As material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal is dismissed.

AJ Mageean

INSPECTOR