The Planning Inspectorate

Appeal Decision

Site visit made on 18 June 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/P0240/W/19/3225943
Land adjacent to Moor Lane, Maulden MK45 2DJ

- 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 Nigel Worrall against the decision of Central Bedfordshire Council.
- The application, Ref. CB/18/04166/FULL, dated 8 November 2018, was refused by notice dated 6 March 2019.
- The development proposed is described on the application form as: 1. To treat existing earth surface of parking area with permeable surface (crushed stone); 2. To reposition existing vehicle access gates from edge of property to within property not less than one vehicle length from adjacent public highway; 3. To create visibilty splay to left and right of property entrance.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form has amended the proposal to the 'the creation of access, parking area and associated hard surfacing and visibilty splays' to tally with the Council's description on the Notice of Refusal. I have determined the appeal on this basis and the details illustrated on Drawing No. SK1: 'Site Plan', noting also that work has commenced and the application is therefore in part retrospective.

Main Issues

3. The main issues are: (i) the effect of the proposed works on the rural character and appearance of the site's road frontage and countryside setting, and (ii) the effect on highway safety.

Reasons

4. I saw on my visit that the site is a rectangular area of unused land located between Nos. 33 and 37 Moor Lane and at a somewhat higher level than the road. The frontage is a dense conifer hedge, but as I have already indicated work has commenced to form an access and parking / turning area at the same level as the road. The appeal documents confirm that the site was previously used as a side garden to No. 37 but has since become overgrown and it now appears as a meadow with two sheds close to the rear boundary.

5. On the first issue, the Council's objection is that the combined effect of the removal of the roadside hedge and the excavation of a substantial area of the

raised land to create the access and parking / turning area is harmful to the character and appearance of both the site itself and its surroundings. I have noted the comments in the appellant's statement to the effect that the conifer hedge is domestic and suburban rather than rural and its removal is not detrimental to the rural character of Moor Lane. I agree with this to the extent that a hedge of this species is not indigenous to its rural setting, nor in itself of particular visual merit.

6. Nonetheless, the planting does have the advantage of providing a pleasing enclosure for the appeal site and defining it with a 'natural' boundary. In addition, it disguises the rather awkward disparity between the road and the higher land with its unstable subsoil. In this regard I note that where the hedge remains this has to be contained by a low fence. And where the access has already been dug out, the combination of the flat area of land for the parking and turning area, its unstable and crumbling sides and the absence of the hedgerow in my view significantly affects the rural character and appearance of the Lane and its countryside surroundings.

7. On this issue I therefore conclude that the proposed access would be in harmful conflict with Policies CS14 & DM3 of the Central Bedfordshire Core Strategy and Development Management Policies 2009 and Section 12: 'Achieving Well Designed Places' of the National Planning Policy Framework 2019 ('the Framework').

8. Turning to issue (ii), the effect of the access on highway safety, the Council refers to three considerations that all weigh against the access maintaining highway safety along this part of Moor Lane. These are that there has already been substantial encroachment onto the road from the building of the retaining wall with the result that the application plan is misleading; that the visibility splays shown are inadequate for driver/driver and driver/pedestrian inter-visibility, and that the increase in traffic movements would in any event be dangerous and inconvenient for users of the road.

9. I acknowledge that vehicle speeds on Moor Lane are low because of its narrow width and that there are already established accesses at nearby properties that are also substandard. However, I do not consider that this would justify an access that, in order to be structurally sound to ensure land stability and safe to meet the Highway Authority's minimum standards, would have an even more harmful visual impact on Moor Lane than has already been caused by the partial implementation to date.

10. Even in the absence of this arguably overriding constraint, the appeal scheme's inaccuracy in terms of the submitted plans and its shortfall as regards the further detail and information required, means that it would be impractical to grant a permission subject to the imposition of conditions. On this issue I conclude that the present proposal would be prejudicial to highway safety and thereby conflict with paragraph 108b of the Framework.

11. For the reasons explained above, the appeal is dismissed.

Martin Andrews

INSPECTOR