



Appeal Decision

Site visit made on 8 July 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/P1615/W/19/3228103

Lower Road, St Briavels GL15 6SA

- 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 Christine Blackwell against the decision of Forest of Dean District Council
 - The application Ref: P1782/18/FUL, dated 9 November 2018, was refused by notice dated 9 January 2019.
 - The development proposed is to erect a new entrance to a field from a minor road.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are as follows: (1) Whether the proposed development would conserve and enhance the natural beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB); and (2) Whether the proposed development would achieve a safe and secure access.

Reasons for the Recommendation – *First main issue*

4. The proposed new entrance would be located off Lower Road which is a rural road and there are hedgerows running along both sides past the appeal site. The AONB is a nationally important landscape. The Management Plan identifies that single trees and groups of trees in parkland or in hedgerows contribute to the landscape character of the AONB. Hedgerows add to the natural beauty of the area and soften the view of the road and development around it.
5. The access would be required in connection with the agricultural use of the land. However, based on the available evidence, a safe access could be created if visibility splays of 215 metres would be provided in both directions. That would, potentially, involve the removal of significant amount of hedgerow. The hedgerows along Lower Road appear to be mature and in good condition. The loss of a large amount of hedgerow along Lower Road would have a detrimental visual impact upon the street scene as it would create a vast gap. This would be localised nonetheless the loss of hedgerow would result in an uncharacteristic feature within this landscape.

6. I find that the potential loss of the hedgerows to deliver the required visibility splays would fail to conserve the natural beauty of the AONB. The proposed development would be contrary to Core Strategy Adopted Version 2012 (CS) Policy CSP.1. It would also be contrary to Allocations Plan 2018 (AP) Policy AP.1.

Second main issue

7. As stated elsewhere, the local highways authority indicates that, based on the speed limit for the road, the new access would require visibility splay distances of 215 m. The appellant argues that the actual speed vehicles travel along the road are likely to be below the speed limit. It appears drivers are unlikely to drive at the speed limit due to the narrowness and geometry of this rural road. However, in the absence of a speed survey to substantiate the appellant's claims, the required visibility splays would be necessary given the speed limit.
8. Having said that, it would be possible to impose a condition that would require details of visibility splays, which could be designed based upon a speed survey. A negatively worded condition could be imposed to address this matter because it would ensure that visibility splays were implemented. That said, it is possible that the work required to create the splays would be undertaken on land outside of the appellant's control. This might require the appellant to negotiate with the adjacent landowners which could take a significant period, but, on the evidence, there is a reasonable prospect of this being possible within the time limit imposed by the permission.
9. Contrary to the Council's arguments, subject to a suitably worded condition requiring details of visibility splays to be achieved at the access, I find that the proposed development would achieve a safe and secure access. The proposed development would not be contrary to CS Policy CSP.1, AP Policy AP.1 and AP.4.

Conclusion and Recommendation

10. Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Subject to suitably worded condition, safe and secure access would be provided. However, the development would result in significant adverse visual effect on the AONB, to which great weight is attached.
11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR