



Appeal Decision

Site visit made on 12 November 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/T2350/W/19/3231274

Reed Deep, Whalley Road, Hurst Green BB7 9QJ

- 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 Hickey, Roman Developments against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2018/0685, dated 30 July 2018, was refused by notice dated 17 December 2018.
 - The development proposed is the change of use of agricultural land to a site for 8 no Eco Holiday Lodges and associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted an amended plan with the appeal in response to the Council's reason for refusal concerning highway safety. The appellant then submitted at the Final Comments stage, amongst other documents, a Written Statement on Highway and Transportation Matters (the Highway Statement) in response to the appeal representation made by the Highway Authority (HA). The Procedural Guide, Planning Appeals – England makes it clear, however, that no new evidence is allowed to be submitted at this stage of the appeal, and I appreciate that the Council and the HA have not had the opportunity to comment on the Highway Statement's contents. Notwithstanding this, I have taken this document into account as it does not change the appellant's position in relation to my concerns over highway safety, and so there is no possible prejudice.
3. The Council adopted the Housing and Economic Development - Development Plan Document (2019) during the appeal. In the interests of fairness, the Council and the appellant were given the opportunity to comment on this matter.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the area, including on the setting of the Forest of Bowland Area of Outstanding Natural Beauty (AONB); and (ii) highway safety by way of the proposed access arrangements.

Reasons

Character and Appearance

5. The appeal site comprises a small field. It also contains a small loose stone area and a container near to the gated access off Whalley Road. A hedgerow encloses the site frontage and there are trees and vegetation alongside its other boundaries. The site is located at the top of rising land in both directions along Whalley Road and the ground levels also fall across the site from the road, roughly in a south westerly direction. It also contains a Public Right of Way (PROW) which traverses its west and southern boundaries.
6. The site is found in an undulating open countryside landscape which contains mainly agricultural land with isolated farmsteads, dwellings and modest sized settlements. The edge of the nearest village to the site, Hurst Green, lies approximately 300 metres away. Directly adjacent to the site in the direction of this settlement is a small area of woodland. Such woodland clumps are also a landscape feature of this area. The site and its environs display the typical characteristics of this Landscape Character Area, Undulating Lowland Farmland with Parkland. The AONB lies on the opposite side of the road to the site. It similarly displays an undulating agricultural landscape with areas of woodland and limited amounts of built development. The site lies in an appreciably attractive rural area.
7. The proposal would involve a layout of 8 holiday lodges and associated infrastructure, including the internal access arrangements, car parking areas and an access with a splayed stone boundary wall. When in use, it would also involve parked vehicles on the site associated with the occupants and with the potential for associated holiday paraphernalia. It would substantially alter the largely undeveloped rural character of the site so that it would be markedly out of keeping.
8. With its location, it would appear detached from Hurst Green, in particular as it would be separated by the woodland area bordering the site and further open land. Where there are buildings that are most apparent from the site, these mainly relate to farm holdings and so, unlike the proposal, would be typically expected in this landscape. In these surroundings, the proposal would be of some scale and constitute a significant encroachment into the open countryside. It would be in stark contrast to the associated landscape character.
9. With the site's close proximity to the AONB, it shares many of its attributes and is noticeably part of its setting. As a consequence, I do not agree that by virtue of the site lying just beyond the boundary that it limits its intrinsic value in this regard or that the proposal would not unduly impact on its natural beauty because it lies outside of this nationally protected designation. When observed from Whalley Road, the site does not have appreciably less of a landscape value than the AONB. Accordingly, the proposal would also harm its setting, and so it would not conserve and enhance its natural beauty. In this context, the proposal would fundamentally alter the AONB character in the vicinity of the site, even if the broader effects across the designation would be more limited.
10. In respect of the visual impacts, the proposal would be experienced by users of the road including the associated footway, as well as the PROW. Whilst this

may be only for a short duration and the topography may limit wider effects, it would be prominent and visually intrusive during the period of time that it would be experienced in comparison to its more undeveloped rural location.

11. The design of the lodges in attempting to utilise the landform and grassed roofs would be somewhat unusual and this, in itself, would be likely to draw attention to that they would be untypical. Further tree planting and landscaping would not address that the incursion of the built aspects of the proposal onto the site would be out of character and so they would be unlikely to be effective in blending the proposal into its surroundings. In respect of other examples of holiday accommodation in the AONB and the countryside, these do not alter my views because the effect on character and appearance is dependent on the particular site circumstances and the development.
12. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area, including on the setting of the AONB. As such, it would not comply with Key Statement EN2, and with Policies DMG1, DMG2 and DMB3 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014) where they are concerned with protecting and enhancing the landscape and character of those areas which contribute to the setting and character of the AONB, that development is to be of a high standard of design and that within the open countryside tourism development is to be in keeping with the landscape, amongst other considerations.
13. It would also not accord with the National Planning Policy Framework (Framework) where it states that great weight should be given to conserving landscape and scenic beauty in AONBs which, along with other protected designations, have the highest status of protection in relation to landscape and scenic beauty. It would also not accord with the Framework where it concerns achieving well designed places.

Highway Safety

14. Visibility from where access would be taken off Whalley Road would be restricted, especially to the west of the site towards Hurst Green. This is due to a bend and a dip in the road before it rises up to the site access. The HA has stated that based on the traffic survey with the planning application, a visibility splay of 2.4 metres (m) x 120 m would be required. On the basis of the plans that were before the Council at the time of its decision, the splay to the west fell short by 40 m.
15. The amended plan that was submitted with the appeal sought to improve the visibility to the west to meet the required standard. In order for this to be achieved would involve land outside of the site boundary. The HA pointed out that the appellant has no apparent control over this land and, as I observed on my site visit, it contains vegetation that obscures visibility
16. The Highway Statement submitted with the Final Comments includes updated traffic survey data, and a review of the existing site line access, forward safe stopping and accidents. The traffic survey data indicates that the speed of vehicles along Whalley Road is slightly less than the survey submitted with the planning application. Whilst this would result in a reduced length of the required sightlines from the access, the Highway Statement acknowledges this would still not achieve the visibility splay to the west under the standards that the HA applied but would do so if Manual for Streets standards are used.

17. Deciding what standards are appropriate depends on the particular site circumstances. In this case, especially with the road characteristics to the left of the access, great caution has to be applied in deviating from the standards that the HA has utilised. The HA has already accepted that the required visibility splay can be based on substantially less than the speed limit of the road and I consider that to apply further reductions in visibility splay requirements would have the potential to raise significant safety concerns as it would result in insufficient visibility with traffic on the road approaching from a westerly direction. As a consequence, the proposed means of access would not be considered to be safe for the vehicles that would use it.
18. I have considered the traffic generation figures that have been presented but they does not sufficiently allay my concerns with the potential for highway safety related incidents. As regards the lack of recorded accidents along the road, this would not account for the potential safety issues arising at the access from the vehicle movements associated with the proposal itself. In relation to the potential for mitigation concerning signage or preventing overtaking along this stretch of Whalley Road, there is not the information before me which provides satisfactory assurance that such measures would be likely to be implemented, even if I was minded to allow the appeal. In coming to my views, I have had regard to the totality of the highway evidence before me.
19. I conclude that the proposal would have an unacceptable effect on highway safety by way of the proposed access arrangements. Therefore, it would not comply with Policy DMG1 of the CS where it concerns ensuring that safe access can be provided to accommodate the scale and type of traffic likely to be generated, amongst other considerations, and with Key Statement DMI2 as far as this concerns highway safety matters.
20. It would also not comply with the Framework where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning Balance

21. There is no dispute between the appellant and the Council that the proposal would not be in conflict with Policy DMG2 in so far as that, in principle, it would provide for small scale tourism and recreational development in a rural area, and with Policy DMB3 as far as that it would be reasonably well located to a settlement/village. Such policies are not, though, unqualified and in relation to the character and appearance matters that I have set out, they do not lend support to the proposal.
22. The proposal would bring economic and employment benefits, as are detailed in the appellant's Business Plan and there is no dispute that the Council views tourism as a primary strand of its economic development. The Framework also supports the rural economy. In the case of tourism and leisure developments this is, however, subject to respecting the character of the countryside. The proposed lodges are also intended to be energy efficient. In also having regard to the size of the scheme, these benefits would be on a moderate scale.
23. Concerning a lack of undue effects on the living conditions of the occupiers of the nearest neighbouring properties, trees, ecological interests and utilities,

these are neutral matters. The same applies as regards an absence of an effect on the nearest designated heritage asset, the Cross Gills Farmhouse.

24. I have also been referred to the Framework's economic, social and environmental objectives. These are not, though, criteria against which every decision can or should be judged, as the Framework makes clear. I have referred to the relevant factors which they contain within my decision.
25. In relation to the adverse impacts, the harm that would be caused to the character and appearance of the area, and highway safety, attracts significant weight in my decision. Accordingly, so does the conflict with the planning policies and the Framework that I have set out. On an overall basis, the benefits that would arise would not outweigh the harm.

Conclusion

26. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal with regard to the character and appearance of the area, and highway safety. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Hence, the appeal should be dismissed.

Darren Hendley

INSPECTOR