
Appeal Decision

Site visit made on 17 June 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/A0665/W/20/3244347

Land to the NE of Hatley Lane, Netherton. Easting:350979

Northing:377369

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr H Houlbrook against Cheshire West & Chester Council.
 - The application Ref 18/04180/FUL, is dated 24 October 2018.
 - The development proposed is the change of use of land from agriculture to the storing of caravans.
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Decision

1. The appeal is dismissed and planning permission for the change of use of land from agriculture to the storing of caravans is refused.

Application for costs

2. An application for costs was made by Mr H Houlbrook against Cheshire West & Chester Council. This application is the subject of a separate Decision.

Procedural Matters and Main Issue

3. The development to which this appeal relates has already been carried out. However, at the site visit I noted that the static caravan that serves as a site office is orientated differently to that shown on the submitted plans and caravans are stored outside of the buildings in numbered bays, this is not shown on the submitted plans. I have determined the appeal on the basis of the submitted plans that formed the application for planning permission.
4. The Council has confirmed that had it determined the application, consent would have been refused on grounds relating to highways safety and specifically the resulting use of the highway network by leisure vehicles.
5. Therefore, the main issue is the effect of the proposed development on highway safety.

Reasons

6. The Council identifies that the appeal scheme would result in the use of Hatley Lane by leisure vehicles accessing and existing the site via Hartley Lane resulting in an increase of "the risk of accidents with other vehicles and with no footways, pedestrians".

7. Hatley Lane, the road leading to the appeal site, is a narrow winding lane with grassed verges often bound by hedges and with access gates to the adjacent agricultural fields. At the site visit I noted the absence of any formal passing places, kerb or footpath. Hatley Lane also serves a number of residential properties and agricultural enterprises.
8. The appellant has carried out works to the junction of the site access with Hatley Lane and to the site access road, creating additional space for vehicles to manoeuvre and, as detailed on the submitted plan, to pass. Furthermore, I observed that at the gated exit from the site, signage prohibits left hand turns and the appellant states that this is monitored by CCTV with sanctions for those that do not comply.
9. I have not been provided with details of likely vehicle movements on to and off the site nor have I been provided with details of the vehicle movements relating to the previous use, which I understand to have been a piggery serviced by large vehicles
10. Nonetheless, it is clear that the road leading to the appeal site is narrow and without formal passing places. The appeal scheme introduces additional vehicle movements, likely to lead to conflict between leisure vehicles using the site, agricultural traffic servicing nearby fields and farms and other road users.
11. Therefore, on the basis of the evidence before me I find that the appeal scheme harms highway safety contrary to Policy STRAT 10 of Cheshire West and Chester Council Local Plan (Part One) Strategic Policies and Policy T5 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies that, amongst other matters, seek to ensure that new development can safely and appropriately access the highway network.

Other matters

12. In support of the appeal the appellant refers to a traveller site, I have not been provided with all the details of this site and in any event, I have determined the appeal on its own merits. Furthermore, that the appeal scheme results in the reuse of redundant agricultural buildings to the benefit of the appearance of the area is a material consideration that I give some weight to, but it does not outweigh the harm that I have identified previously.
13. The appeal site lies within the Green Belt, the Council have stated that the development, as detailed on the submitted plans, will not have a detrimental impact on the openness of the Green Belt because it does not include any outside storage and indeed suggest a condition to prevent outside storage. Storage outside of the existing buildings has the potential to have a detrimental effect on the openness of the Green Belt. However, because outside storage is not detailed on the submitted plans and because of the harm identified with regards highway safety, I have not considered the effect of outside storage on the openness of the Green Belt in this instance.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR