The Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2020

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th November 2020

Appeal Ref: APP/N2345/W/20/3254819
Lewth Farm, Lewth Lane, Preston PR4 0TD

- 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 Smith against the decision of Preston City Council.
- The application Ref 06/2019/1172, dated 11 October 2019, was refused by notice dated 16 June 2020.
- The development proposed is change of use of one building to office (Class B1) and storage and distribution (Class B8) and use of one building for storage and distribution (Class B8).

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal in the application form is "change of use from existing stable block to owners offices and store. Change of use from B8 to D2 units." In the interests of clarity, I have adopted the description in the banner heading above from the decision notice and the appeal form.

3. The buildings subject of the appeal have been converted and the change of use has been carried out. Therefore, I have determined the appeal on the basis that retrospective permission is sought for the development that has been implemented.

Main Issue

4. The main issue is whether safe and suitable access to the site can be achieved for all users.

Reasons

5. The appeal buildings are part of a former farmstead. The site is accessed from Lewth Lane via an unadopted road that additionally serves several residential properties and is a public right of way (the FP) for part of its length. Lewth Lane is a typical rural road, with no footway or street lighting and it is subject to the national speed limit.

6. The access road is single width with soft vegetated verges to either side and no footway. In the absence of passing places, opportunities for vehicles to pass and manoeuvre are limited to the Lewth Lane junction and the entrances to residential dwellings including Lewth Cottage and Ryedale. Moreover, while there is good visibility between Lewth Lane and Ryedale, beyond this point

visibility is poor and access is constrained by the sharp bends in the road and its enclosure between tall hedgerows. In this regard, photographic evidence has been provided that illustrate the problems encountered by larger vehicles along the access road. Irrespective of whether or not the vehicles in question were associated with the appeal scheme, it does demonstrate the unsuitability of the access for larger commercial vehicles.

7. There is little before me in relation to the numbers or types of vehicle movements generated by the appeal scheme. Nevertheless, the intensification of use of the access will lead to increased conflict between road users, including vehicles and pedestrians. Vehicles meeting will not be able to pass one another resulting in reversing, either towards the junction with Lewth Lane or around the bends in the access road where visibility is constrained. Reversing onto or otherwise waiting on the highway to turn into the access road will increase the likelihood of conflict in and around the junction.

8. The historic agricultural use of the site would have resulted in the movement of large farm vehicles, equipment and machinery. While I note reference to a previous skip waste transfer yard, no details have been provided. Irrespective, in the absence of information about the vehicle movements arising from the development, I cannot be certain that the vehicular activity arising from any previous lawful use is directly comparable to the appeal scheme.

9. Although the Highway Authority initially raised no concerns in relation to the scheme, this was on the understanding that the offices and storage were for the appellant's private use. It did not indicate that a commercial use with an intensification of vehicular activity was acceptable. The absence of recorded incidents on Lancashire County Council's database of Personal Injury Accidents in the immediate area does not demonstrate that the development would not result in future incidents.

10. I have considered whether the adverse impacts of the development could be mitigated by a planning condition restricting the maximum size and number of daily vehicle movements. The National Planning Policy Framework (the Framework) is clear that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In the absence of information about the vehicular activity arising from the scheme, and a robust assessment such as a swept path analysis to demonstrate that the vehicles involved could be safely accommodated, I cannot be certain that a restrictive planning condition is necessary, relevant to the development to be permitted or reasonable.

11. Given the narrow width of the access and the constraints, including limited visibility and the FP, there is little compelling evidence that even a relatively modest increase in the number of large commercial vehicles could be safely assimilated. Consequently, in the absence of evidence to the contrary, the increased vehicular activity arising from the development will be prejudicial to the safety of all road users, including vehicles, pedestrians and cyclists.

12. Therefore, the appeal scheme does not provide safe and suitable access for all users, with consequent harm to the safe operation of the highway. It conflicts with Policies ST1 and ST2 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) Adopted July 2015. These require development, among other things, to provide adequate servicing space and to

show that road safety and the efficient and convenient movement of all highway users is not prejudiced. It also conflicts with the policies in the Framework that relate to avoiding harm to highway safety and minimising the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

13. I note the concerns of third parties about the operation of the site. In this regard, a restriction on the hours of operation of the scheme to protect the living conditions of neighbouring residential occupiers could be secured by planning condition.

14. There is planning policy support for the sustainable growth and expansion of businesses in rural areas, including through conversion of existing buildings, and for the diversification of agricultural and land-based rural businesses. However, in this case, the application form indicates that the development would not result in any employment and there is little information in relation to any rural economic, social or environmental benefits.

15. Previous permissions relating to new buildings in connection with the former agricultural use of the site are not directly comparable to the appeal scheme, which is a change of use. While there are small scale commercial developments elsewhere in the rural area, no details of such have been provided to demonstrate that they are directly comparable to the appeal scheme, including in terms of access and their relationship to neighbouring uses.

Conclusion

16. For the reasons set out above, the development conflicts with the development plan and there are no material considerations that outweigh the conflict. Therefore, the appeal is dismissed.

Sarah Manchester

INSPECTOR