



Appeal Decision

Site Visit made on 4 May 2021 by G Sibley MPLAN MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/K3415/W/21/3268340

Glebefields, Mill Lane, Edingale, Tamworth B79 9HQ

- 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 Fred Williams against the decision of Lichfield District Council.
 - The application Ref 20/00935/FUL, dated 15 July 2020, was refused by notice dated 2 October 2020.
 - The development proposed is creation of new vehicular access from Mill Lane, with bell mouth, gates and flanking fencing, to serve the residential conversion of an agricultural outbuilding, as approved under Prior Notification 20/00518/PND.
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Decision

1. The appeal is allowed and planning permission is granted for creation of new vehicular access from Mill Lane, with bell mouth, gates and flanking fencing, to serve the residential conversion of an agricultural outbuilding, as approved under Prior Notification 20/00518/PND at Glebefields, Mill Lane, Edingale, Tamworth B79 9HQ in accordance with the terms of the application, Ref 20/00935/FUL, dated 15 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan: Proposed Vehicle Access DWG No: 479/220/01 Rev A.
 - 3) Prior to the installation of the access, a scheme of the proposed materials used in the access shall be submitted to and approved in writing by the local planning authority. The proposed development shall be carried out using the approved materials.
 - 4) The new site access shall be completed within the limits of the public highway as indicated on DWG No. 479/220/01 Rev A. The site access shall be surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5 metres from the rear of the carriageway edge.
 - 5) Prior to the clearance of the site, the site must be checked to be free of nesting birds by a suitably experienced ecologist with full methods of working submitted and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved methods.

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 Issue

3. The effect of the proposed development upon the character and appearance of the area and surrounding countryside.

Reasons for the Recommendation

4. The proposed access would be located off Mill Lane which is characterised by mature hedgerows which bound agricultural fields. To the north of the proposed access behind a large field is a dwelling and an agricultural barn that has been issued prior approval to convert to a residential dwelling. Currently, both buildings are accessed via an existing driveway that is located a short distance from the proposed access point. The field is open grassland that is relatively level and I am led to believe is in agricultural use. A timber gate has already been erected in approximately the same location as the proposed access.
5. The surrounding area is open countryside with sporadically located dwellings which are typically set back a substantial distance from the roadside behind agricultural fields. These dwellings are usually accessed via long driveways that pass between fields. To the rear and to the north east of the site are a number of dwellings as well as other agricultural buildings and because of this the landscape around the site is relatively constrained compared to the open fields to the south east of the site.
6. The existing driveways along this section of Mill Lane are relatively hidden within the landscape given that they are built at ground level and are screened by the mature hedgerows. Where the driveways are visible, it is fleetingly through the gated accesses or because of the fencing that has been erected alongside them. Consequently, gated accesses and long driveways, like the one proposed, are part of the established character and appearance of this part of Mill Lane.
7. The proposed gate and flanking fences would be constructed from timber which would be appropriate in this rural area. Within the context of the wider landscape the proposed driveway would be a relatively minor feature which would be screened from views from further afield by the hedgerows that bound the field. Moreover, given that the driveway itself would be built at ground level and would be relatively narrow, even with the proposed passing bay, it would not be overly visible within the local landscape. Furthermore, because the hedgerow is set back from the roadside, it would be unlikely that it would have to be cut back or removed to ensure suitable visibility splays are achieved. This would ensure the hedgerow would be relatively unaffected by the proposal which would retain an attractive characteristic of the area.
8. Furthermore, the proposal would include additional tree planting and does not propose any artificial lighting along the driveway. Consequently, the proposed planting would enhance the appearance of what is currently an open grassland field. Accordingly, the proposal would create a high quality sustainable built environment and would allow for the field to continue to be used for agricultural purposes.
9. Therefore, the proposed development would not cause harm to the character and appearance of the local area and surrounding countryside and would be in accordance with Policy NR1 of the Lichfield District Council Local Plan Strategy

2008 – 2029 (LPS) (adopted 2015) which notes that the countryside will be protected. The proposal would also comply with Policy BE1 of the LPS which states that development should ensure a high quality sustainable built environment can be achieved. Furthermore, the proposal would comply with paragraph 170 of the National Planning Policy Framework insofar as it notes that decisions should contribute to and enhance the natural and local environment.

Conditions

10. Further to the statutory commencement condition, in the interest of clarity it is also necessary to ensure that the development is completed in accordance with the approved plan. A condition requiring the proposed materials to be submitted to and approved by the Local Planning Authority is necessary in the interests of the character and appearance of the area.
11. A condition controlling the works within the public highway is necessary in the interests of highway safety. A condition requiring a nesting bird survey is undertake prior to the clearance of the site is also necessary in the interests of protecting the local ecology. I have however altered some of the suggested wording for clarity.
12. It has been suggested that a condition could be included that required a grass strip to be installed centrally along the driveway and that the driveway itself could be constructed from Grasscrete. Nevertheless, given that a condition requiring the submission of the materials to be used in the construction of the driveway has already been suggested, this would allow for such materials to be used if deemed to be acceptable.

Conclusion and Recommendation

13. There are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal, subject to the conditions set out in the report.

RC Kirby

INSPECTOR