

Appeal Decision

Site Visit made on 9 June 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/A2470/W/21/3271524

Land north of Holywell Road, Clipsham LE15 7SQ

- 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 T Fiducia against the decision of Rutland County Council.
 - The application Ref 2020/1001/FUL, dated 1 September 2020, was refused by notice dated 12 March 2021.
 - The development proposed is a grain store and access track.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address given on the application form was New Quarry House. That given on the appeal form, and the Council's decision, was Land north of Holywell Road. I have used this latter address in the header above.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

4. The proposed store would be located roughly centrally within the appellant's agricultural holding. Access to the store would be taken from Holywell Road. The track would initially run parallel with Holywell Road before turning towards the store and following a hedgerow up and over a hill. For the most part there is a hedgerow and bushes behind a grass verge along the side of Holywell Road, but there is a gap in this vegetation at the point where the access would be. As such it would be unnecessary to remove a section of hedgerow to provide the access. Similarly, any trimming back of the hedgerow to provide the necessary visibility splays from the access would be minimal.
5. There is a drop of around 2m from the level of Holywell Road down to the field, and there is a ditch between the field and the highway. The submitted drawings show the base of the ditch is 4m below the level of Holywell Road. Infill material would be required to enable the access to cross the ditch and span the difference in levels between Holywell Road and the field. There would be a 750mm diameter culvert within the infill. The infill material would be between 2m and 4m deep at its greatest, decreasing for around 10m either side of the access towards the headwall of the culvert. As a result, the total volume of infill material necessary would be significant. Moreover, the surface of the first part of the access would be tarmac.

6. Although the works would be lower than Holywell Road, the scale of them would be apparent by virtue of the access being considerably raised above the field and ditch to either side. This, in combination with the use of tarmac, would result in a development that appears industrial, in contrast with the prevailing agricultural character of the surrounding countryside.
7. The appellant suggests the access could be permitted development. However few further details are provided and so this can only be given minimal weight. Also the access track to The Grain Store, granted planning permission on appeal, does not provide a precedent as that appears to relate to the formalisation of an existing access.
8. The appellant has suggested that alternative routes to access the store have been considered but rejected. Primarily the proposal must be considered on its own merits, but alternative options may be material considerations in favour of the proposal if they would be more harmful. Though there are disadvantages with some of the alternative routes, they are limited. In particular, although the alternative route running west of the proposed grain store would involve HGVs using the same route as the bridleway, a long section of this is already clearly used by farm traffic. Therefore, from the details before me, I do not consider the alternatives would necessarily represent more harmful options than that currently proposed and so they do not lend positive weight to the development.
9. The track beyond the initial point of access would be constructed of stone from the nearby quarry. Although the track would be formally engineered it is likely that it would appear similar to the other tracks already across the farm, such as that which runs east/west across the farm following the route of the bridleway. In addition, due to the vegetation along the edge of Holywell Road, views of it from here would be limited, even when it rises up the hill.
10. The grain store building itself would have a capacity of 1200 tonnes and would primarily serve New Quarry Farm which currently has no such storage on site. The store would have a modern functional appearance, common to farms. It would be sited adjacent to a public bridleway but would be on land lower than the bridleway by around 1 – 2 metres. This, along with the trees and bushes along the north side of the bridleway which would provide a significant degree of screening, would mean it would not appear unacceptably prominent or incongruous from the bridleway.
11. Overall, although the store and the track to it would not unacceptably harm the character of the countryside, the point of access from Holywell Road would appear as an incongruous engineered development. Consequently the proposal would harm the character and appearance of the countryside and would be contrary to policies CS19 and CS21 of the Rutland Core Strategy and policies SP7 and SP15 of the Site Allocations and Policies Development Plan Document, which together seek to ensure that development reflects the character and appearance of the local area, the local landscape and the countryside.

Conclusion

12. The development conflicts with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons

given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

A Owen

INSPECTOR