



Appeal Decision

Site Visit made on 3 August 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th August 2021

Appeal Ref: APP/N2345/W/21/3273208

Lewth Farm, Lewth Lane, Preston, Lancashire 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 Karl Ince (Pete Marquis Developments) against the decision of Preston City Council.
 - The application Ref 06/2021/0058, dated 12 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is change of use from agricultural building to storage and distribution building (Class B8) (Retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development is described in the application form as change of use to storage and distribution building. However, it has been completed and I have determined the appeal on the basis that retrospective permission is sought for the development that has been carried out. In the interests of clarity, I have adopted the description from the decision notice in the banner heading above.
3. In June 2020, planning permission (ref 06/2019/1172) was refused, and the decision was upheld on appeal¹, for 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). The grounds for dismissal in the previous appeal decision related to whether safe and suitable access to the site could be achieved for all users. The appeal proposal is supported by additional information including a traffic survey and a swept path analysis.
4. The revised National Planning Policy Framework (the Framework) was published in July 2021 and I have had regard to it in my determination of the appeal.

Main Issue

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

Reasons

6. The appeal site comprises an agricultural building and hardstanding. It is part of a group of former farm buildings in a variety of apparently unauthorised

¹ Ref APP/N2345/W/20/3254819

- uses, including offices and a gymnasium. It forms part of a larger loose cluster of development, including residential dwellings, accessed from Lewth Lane via an unadopted road that serves as a public right of way for part of its length.
7. The unadopted access road junction is on curve in Lewth Lane, which is a rural road with no footway or street lighting and it is subject to the national speed limit. The access road is then narrow, with no passing places except for the entrances to residential properties. Visibility is good along the stretch closest to Lewth Lane, but it is constrained by the sharp bends and mature hedgerows and trees beyond Lewth Cottage. Therefore, the access road does not obviously lend itself to an intensification of use, including by large commercial vehicles.
 8. The appellant suggests concerns in relation to the access could be overcome by a condition restricting the development to a maximum of 5 rigid HGVs per day. The swept path analysis demonstrates that 7.5 tonne HGVs, roughly 8m long and 2m wide, can negotiate the access road albeit that they encroach over the verges to do so. HGVs would be travelling at low speeds and, based on an average of 1 every 2 hours, there would be a low likelihood of HGVs meeting or colliding. However, while the Technical Note (SCP, 21 December 2020) concludes that this number of HGVs would not harm the safe operation of the highway, it apparently fails to take into account other road users.
 9. The traffic survey indicates an average of 14 vehicles visit the appeal site each day Monday to Friday. No details of the survey methodology have been provided, except that it was carried out by the appellant in March and April 2021. This coincided in part with the coronavirus pandemic lockdown, when people were encouraged not to travel and non-essential retailers were closed. Traffic movements at this time might not be representative of normal working conditions. The survey did not extend to all users of the access road and it does not establish a baseline in the absence of the development.
 10. The Technical Note considers that the development generates a lesser number of large vehicles than an unrestricted agricultural use at this site. However, as noted above, there is a lack of clarity in relation to the usage of the access road prior to the development. I understand Lewth Farm farmstead has not been a functioning farm and the access road has not been in regular use by agricultural vehicles in recent years. There is little substantive evidence that the development has resulted in a reduction in vehicle movements, including HGVs, along the access road.
 11. There have been no recorded vehicle accidents in the area. Nevertheless, an increase in the frequency and intensity of use of the access road, even with the suggested limit on the number of HGVs, increases the potential for conflict between road users. In this regard, the access road, which serves residential dwellings and functions as a footpath, needs to be suitable and safe for all users. The access road is not wide enough for vehicles to pass pedestrians. The safety of vulnerable road users, including those with reduced mobility, relies upon their ability to get out of the way of vehicles, which may themselves be distracted by the need to manoeuvre to negotiate traffic.
 12. The access road verge is reasonably wide on the approach to Lewth Lane, but elsewhere the enclosing vegetation leaves little or no room for larger vehicles to safely pass pedestrians and cyclists. The residential boundary hedges and trees require regular maintenance, without which there would be further reductions in both visibility and the space available to pedestrians to the side of

the access road. The neighbour representations suggest that the increase in the volume and size of traffic using the access road makes residential vegetation maintenance increasingly unsafe. Taking into account the length and narrow width of the access, and the constraints to visibility which would be exacerbated during low light levels, I find the access road is not suitable for an intensification of use by larger commercial vehicles.

13. Even if 5 HGVs would be a reduction in large vehicles compared to the pre-development situation, it has not been demonstrated that a restriction would work in practice or how and by whom vehicle movements would be monitored. A restriction on HGVs accessing the appeal site would not mitigate adverse effects if instead HGVs loaded and unloaded at the road junction, as has been reported, or if there was a concomitant increase in the number of smaller commercial vehicles accessing the site. There is little certainty that the development would preclude future unrestricted use of the access road by agricultural vehicles, with cumulative adverse effects. Consequently, I share the Council's concerns that a condition restricting HGVs would not mitigate the impact and it would be unlikely to meet the tests set out in the Framework.
14. Therefore, I find that the development fails to provide a safe and suitable access for all users. It conflicts with Policies ST1 and ST2 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) Adopted July 2015. This requires, among other things, that road safety and the efficient and convenient movement of all highway users is not prejudiced. It also conflicts with the aims of the Framework including in relation to giving priority first to pedestrian and cycle movements, both within the scheme and neighbouring areas, and creating places that are safe and which minimise the conflict between pedestrians, cyclists and vehicles.

Other matters

15. The Council considers the re-use of the appeal building is acceptable and I see no reason to disagree. A condition could be imposed to restrict the hours of operation to protect the living conditions of the neighbouring residential occupiers. A lighting scheme and noise impact assessment could also be the subject of conditions. Compliance with the development plan weighs neither for nor against the scheme. The contribution of 8 employment opportunities to the local economy does not outweigh the harm that I have found.
16. My attention has been drawn to businesses elsewhere with narrow access roads. Full details have not been provided. I cannot be certain that they, their access arrangements or relationship to neighbouring uses are directly comparable to the appeal scheme or that they provide a justification for it.

Conclusion

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

Sarah Manchester INSPECTOR