



Appeal Decision

Site Visit made on 27 July 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 07 September 2021

Appeal Ref: APP/C1570/W/21/3271558

Boytons Farm, Boytons Lane, Hempstead, Saffron Walden CB10 2PW

- 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 Mrs Pippa Doherty against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1946/FUL, dated 5 August 2020, was refused by notice dated 6 November 2020.
 - The development proposed is Change of use from C3 to D1 (Early Years Nursery)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the submission of this appeal, a revised version of the National Planning Policy Framework (the Framework) has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.

Main Issues

3. The main issues are:
 - the effects of the development upon highway safety; and
 - the effects of the development upon the character and appearance of Boytons Lane.

Reasons

Highway safety

4. The appeal site consists of a Grade II Listed Building with a gravel car park to the front of the site. The appeal site is accessed via the lane, which is a single-track route. The sides of this road feature grass verges with ditches beyond. The road is also subject to national speed limits.
5. The appeal site is located some distance away from the nearest settlement and from public transport links. Therefore, it is reasonable to conclude that the development would result in an increase in the level of usage of the lane by vehicles. This is a concern owing to its relatively narrow width as cars approaching from opposite directions would not be able to pass. Whilst this might not yet be a problem owing to the lack of verge erosion, a greater

- number of vehicle movements in the future could give risk to greater adverse effects.
6. Whilst the submitted documents show that passing places could potentially be installed within the lane, this causes concerns. This is because there are ditches to the rear of the grass verges of varying widths and depths. Therefore, there is the potential for such passing places to adversely affect the ability of ditches to carry out their intended drainage function as alterations may be required to the proportions or to provide structural support to enable the passing places to be constructed.
 7. I have had regard to the proposed condition suggested by the appellant. However, given the preceding uncertainties regarding the deliverability of such passing places, I do not believe that a condition can be drafted with sufficient precision regarding the extent of the proposed works.
 8. Therefore, whilst I believe that the road has sufficient capacity to accommodate the development, the lack of appropriate facilities for vehicles to safely pass means that the development adversely affects highway safety.
 9. In addition, it is possible that the design of the highway works might need to be varied following the detailed design process to meet contemporary highway standards. This means that it is not possible to draft a condition with a sufficient level of precision.
 10. The proposed development would increase demand for the number of car parking spaces at the property. Whilst this may be limited to specific times of the day, the lack of car parking creates the likelihood that vehicles will be displaced onto the surrounding road network. This is a concern as owing to its relatively narrow width, other vehicles would not be able to pass.
 11. The development includes seven car parking spaces to serve the nursery. However, some of these are in front of the dwelling's parking spaces. Therefore, at times, a vehicle associated with the dwelling might arrive at the site and be unable to access a parking space. In result, the driver might need to leave their vehicle in the road whilst they request the movement of another vehicle. In doing so, the road would become blocked.
 12. This would have an adverse effect on the overall level of highway safety owing to the lack of a means of passing. In particular, the gradient of the road to the side of the appeal site changes, which means that other road users would not necessarily have an appropriate amount of advance warning of a vehicle stopped within the highway.
 13. I note that the appellant's concerns regarding Policy GEN8 of the Uttlesford Local Plan (2005) (the Local Plan). However, one of the purposes of including minimum parking standards is to ensure that developments do not impinge upon highway safety. In this regard, there is some conformity with the Framework, which seeks to maintain highway safety. Therefore, I can give it some weight in my considerations.
 14. Furthermore, the parking spaces are fitted with a gravel type material. Therefore, the movement of vehicles off of the parking area has the potential to drag materials onto the road. This has the potential to reduce the ability of drivers or cyclists to remain in control whilst passing the appeal site.

15. Furthermore, I observed some evidence of gravel being deposited onto the road at the time of my site visit. Whilst my site visit represents a single 'snapshot' in time, should this occur on a regular basis, my concerns would be heightened. Such occurrences would not be desirable as it has the potential to reduce the overall levels of grip for passing motorists.
16. I have considered whether a condition could be imposed in order to secure an alternative surface treatment. However, the appeal site is a Grade II Listed Building and, for the purposes of this appeal, the significance of the building is in part derived from the presence of a traditional designed building within a landscaped and more natural setting. Therefore, the significance of the building is, in part, derived from its setting.
17. Therefore, the change of the surface treatment has the potential to have an adverse effect upon the setting of the Listed Building. Therefore, I cannot be certain that a condition can be drafted with sufficient precision so as to prevent this from occurring. In consequence, this would conflict with the relevant statutory tests.
18. Although the vehicles travelling in the lane are likely to be moving below the national speed limit, there is the potential that they could be moving at a notable rate. Therefore, the lack of appropriate visibility splays at the property means that people leaving the site would not have appropriate forewarning of approaching vehicles. This increases the likelihood of collisions between vehicles.
19. In addition, the appeal site is near to a footpath, which continues on the other side of the lane. Therefore, there is a likelihood that pedestrians will, from time to time, be present in the lane. Owing to the absence of separate infrastructure for pedestrians and motorists, the potential increase in conflict would have an adverse effect upon highway safety. The parking of vehicles on the front of the site is likely to further reduce driver visibility, particularly if reversing onto the road is required.
20. I therefore conclude that the development would have an adverse effect on highway safety. The development, in this regard, conflicts with the requirements of Policies GEN1 and GEN8 of the Local Plan; and the Framework. Amongst other matters, these seek to ensure that developments do not compromise road safety; carry the traffic generated safely; and have appropriate car parking.

Character and appearance

21. The appeal site is accessed via Boytons Lane. The character of this is derived from the presence of a narrow road located within the countryside. The presence of grass verges to the side of the road assists in assimilating the more engineered appearance of the road into the more natural appearance of the countryside beyond.
22. The proposed passing places would, in parts, significantly increase the overall width of the road. This means that it would erode the more verdant appearance of the lane owing to the increase in the overall level of hard surfacing within the highway. Furthermore, such passing places would have a design that would have a more engineered appearance that would conflict with the currently natural appearance of the grass verges and the fields and countryside beyond.

23. This is concerning given the prominence that the proposed passing places would occupy within the surrounding area. The proposed passing places would be discernible from some distance away from their individual locations. In addition, some views of the highway works would be discernible from the junction between the lane and the road.
24. Due to the nature of these installations and the need to not adversely impinge upon highway safety, it would not be possible to appropriately screen them from view. In result, the proposed development would impinge upon the aesthetic value of the lane.
25. Whilst I acknowledge that the development would bring some benefits arising from the increased child care provision, such benefits are outweighed by the significant adverse effects on the character and appearance of the surrounding area.
26. My attention has been drawn to Policy ENV9 of the Local Plan. Whilst I note the appellant's concerns, the policy should be applied to all developments, rather than specific types. In consequence, I ascribe it weight in my assessments.
27. I have also been referred to Policies S7 and GEN2 of the Local Plan. Policy S7 states that there should be strict control applied to new buildings in the countryside. Therefore, this policy is not applicable to the development before me. In addition, Policy GEN2 refers to the need for designs to be compatible with existing buildings and sets out other criteria for design, such as crime reduction. I do not believe that this is applicable to the scheme before me owing to its nature.
28. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, conflicts with Policy ENV9 of the Local Plan. Amongst other matters, this seeks to ensure that protected lanes are not harmed unless the need for the development outweighs the historic significance of the site.

Other Matters

29. The appeal site contains a Grade II Listed Building. From the evidence before me, it is apparent that the proposed development would not have an adverse effect upon its character and appearance. However, whilst a matter of note, it does not overcome my findings in respect of the main issues.

Planning Balance and Conclusion

30. The proposal would have an adverse effect on highway safety and the character and appearance of the surrounding area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR