



Appeal Decision

Site Visit made on 2 November 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/F2415/W/21/3278895

Southfields Farm, Leicester Road, Husbands Bosworth LE17 6NW

- 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 Stuart Garner against the decision of Harborough District Council.
 - The application Ref 21/00293/FUL, dated 8 February 2021, was refused by notice dated 25 May 2021.
 - The development proposed is a change of use of agricultural land to use for tourism accommodation including the erection of three timber holiday lodges, use of existing access drive including alterations to existing access, formation of car parking area and ancillary landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of agricultural land to use for tourist accommodation including the erection of three timber holiday lodges, use of existing access drive including alterations to existing access, formation of car parking area and ancillary landscaping at Southfields Farm, Leicester Road, Husbands Bosworth, LE17 6NW in accordance with the terms of the application, Ref 21/00293/FUL, dated 8 February 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The development would be accessed by the same driveway which leads from Leicester Road (A5199) to Southfields Farm. Here there are some agricultural buildings, but also a number of leisure businesses including 'Armouredgeddon', which allows customers to drive tanks and other military vehicles, and a fishing lake next to which the three lodges would be sited.
4. The accompanying highway report states that the site, with all its various activities, currently generates between 135 – 170 vehicle movements per day. It also estimates that the proposal would generate, at most, six movements per day. This would effectively be two trips, or one arrival and one departure, per day per lodge which would seem reasonable for lodges which would most likely act as a base for tourists to explore attractions locally, as well as those at Southfields Farm.
5. The A5199 is a generally flat road, subject to a 50mph limit near the site, and at the time of my visit appeared to be fairly quiet. A speed survey was last

undertaken in 2019 when the 85th percentile speeds were 58mph northbound and 59mph southbound. However, in 2020 the speed limit of the road was reduced to 50mph. No speed survey has been undertaken since in 2020, due to the Covid-19 pandemic and the effect that could have on traffic movements. Nevertheless, it would be reasonable to assume speeds are lower now than when measured in 2019. The appellant has considered an 85th percentile wet weather speed of 52.5mph, while the Council have assessed the proposal on the basis of the road's 50mph limit.

6. Though the Council have assumed a slower speed, their calculated required visibility splay distance of 147m is longer than the appellant's corresponding figure of 124m. The difference is explained by using different HGV deceleration rates, given in Manual for Streets 2, with the Council using the desirable deceleration rate and the appellant using the minimum deceleration rate.
7. There is no dispute that visibility to the south of the access is acceptable. To the north, a splay of 140m is achievable. This is less than the distance based on the desirable deceleration rate, but considerably more than the distance based on the minimum deceleration rate. On this basis I am satisfied that sufficient visibility to the north would be possible. I am also conscious that there is a sign to the north, far in advance of the site, informing drivers of the upcoming entrance to the site which may make drivers more cautious along this part of the road.
8. The Council advise that the Leicestershire Highway Design Guide indicates a splay of 160m would be required, which is based on advice in the Design Manual for Roads and Bridges (DMRB). However, DMRB is more applicable to motorways and trunk roads which the Council do not suggest this road is.
9. I recognise that a fatality occurred at this junction in 2018 when a vehicle attempted to turn right into the site and collided with a motorcycle travelling south. As this incident occurred before the speed limit on the road had been reduced and related to a vehicle entering the site from the northbound carriageway rather than emerging from the access, I do not consider this means visibility from the access is insufficient and the access unsafe. I also understand an appeal relating to a proposal for the use of the land for war games, in around 1992, was dismissed on highway safety grounds. But I have no further details on that case so cannot give it any beneficial weight.
10. Overall, I consider the development would be not lead to a material increase in traffic movements and the access has sufficient visibility. Consequently the development would not harmfully impact upon highway safety. It therefore would comply with policies GD8 and IN2 of the of the Harborough Local Plan which both aim to ensure development has safe access. It would also accord with policies EC2 and EC4 of the Husbands Bosworth Neighbourhood Plan which support development which does not harm highway safety.

Other Matters

11. I note the concerns from a neighbour regarding potential for overlooking and noise from the lodges, and regarding security. However the lodges would be a considerable distance from the nearest residential property and so views or noise from them would not be likely to be harmful to neighbouring properties. I also have no reason to consider security would be compromised by the development.

Conditions

12. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
13. The standard conditions relating to the commencement of development and identifying the approved plans are necessary in the interests of certainty. Conditions relating to the finishing materials of the lodges and hard and soft landscaping are required in order to maintain the character and appearance of the area. It is also necessary to impose a condition restricting the use of the lodges to holiday accommodation only so as to support the tourist industry. I have also imposed a condition relating to the improvements to the access, in the interests of highway safety. The condition relating to the storage of construction materials was suggested by the Council's Senior Planning Ecologist and is necessary to discourage the use of the site by great crested newts and so protect biodiversity.
14. I have not imposed the condition suggested by the local highways authority relating to the parking and turning areas as this is addressed satisfactorily by the condition relating to hard and soft landscaping.

Conclusion

15. The proposal would comply with the development plan as a whole. Therefore, for the reasons given above, and taking account of all other matters, the appeal is allowed.

Andrew Owen

INSPECTOR

Schedule of 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 following approved plans: Site Location Plan, Site Survey, plan at 1:2500 showing visibility splays, plan at 1:100 showing log cabin elevations and plan showing lodge floor plan.
- 3) The tourist accommodation hereby approved shall only be occupied for holiday purposes, and shall not be occupied as a person's sole or main place of residence or for any other purpose. Occupation of the tourist accommodation by any person shall not exceed a continuous period of 30 days. The site/premises owners or operators shall maintain an up-to-date register of the names of all occupiers of the tourist accommodation, their main home address/es, the dates of their stay and shall make this info available at all reasonable times to the local planning authority
- 4) Prior to the first occupation of the tourist accommodation, details of the site access arrangements including width, visibility splays, gradient, and surfacing shall be submitted to and approved in writing by the local planning authority. The approved works shall then be implemented in full prior to first occupation of the development hereby permitted.
- 5) Prior to the first occupation of the tourist accommodation a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include full details of proposed hard and soft landscape works including: access, driveway, parking, turning and all other surfacing materials; boundary treatments; retained planting/hedges/trees; new planting/hedges/trees; screened bin store area; and a timetable of implementation. The approved scheme shall be carried out prior to the first occupation of the development. Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The external materials used in the construction of the lodges hereby approved shall be those detailed on the application form.
- 7) Any materials, goods, plant, machinery, equipment, crates, containers, waste or any other item to be stored on the site during construction of the development shall be stored off the ground (e.g. on pallets) and all spoil/waste materials shall be removed from site at the end of each working day (or stored in a skip).