



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: 16 November 2021

Appeal Ref: APP/F2415/W/21/3279263

Tin House Farm, Welham Lane, Great Bowden LE16 7HF

- 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 Richard King against the decision of Harborough District Council.
 - The application Ref 20/01497/FUL, dated 25 September 2020, was refused by notice dated 10 February 2021.
 - The development proposed was originally described as part demolition of an industrial shed and the construction of a light industrial building (use class B2) comprising 7 No. units; associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for part demolition of an industrial shed and the erection of a light industrial building (Class E(g) (iii)) comprising 7 units with associated parking and landscaping at Tin House Farm, Welham Lane, Great Bowden, LE16 7HF in accordance with the terms of the application, Ref 20/01497/FUL, dated 25 September 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal was originally described as set out in the banner header above. However, because the Town and Country Planning (Use Classes) Order 1987 was amended whilst the application was being determined, the Council altered the description to reflect the new Use Classes and used that in their decision notice. I have used that altered description in the decision above.
3. The second of the Council's two reasons for refusal stated insufficient information had been received regarding carbon emissions, sustainable drainage and broadband infrastructure. The Council have since confirmed that these matters could be addressed with planning conditions. My decision therefore focusses on the first reason for refusal.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons

5. The site is currently vacant and located on Welham Lane which is a minor road which is accessed from, and crosses over, the A6. There are a few commercial businesses on the road, most notably a large depot which neighbours the appeal site to its west. Eastwards after the access to the depot, Welham Lane narrows to a single lane as it passes the appeal site. The road is signposted as

a no through road and during my site visit negligible volumes of traffic travelled beyond the depot. The road is also a single lane as it crosses over the A6 towards Great Bowden, and so it is likely that the vast majority of traffic comes directly from the A6 via a short slip road.

6. Opposite the site there is a layby. This may have once been an access to a property, but that site is now disused. There is also a layby almost directly opposite the depot entrance. As such, the only part of Welham Lane between the site and the A6 slip road that is so narrow that two vehicles could not pass each other, is between these two laybys. This stretch is not very long.
7. Currently, visibility from the site access to the right, towards the A6, is restricted by vegetation on the highway verge. Behind this, a palisade boundary fence is set well back from the carriageway edge. As such, were the vegetation on the verge removed, drivers would be able to see as far the A6 slip road. Consequently, vehicles emerging from the site access would be able to see if the narrow part of the road was clear before turning onto it. Likewise, vehicles travelling towards the site would be able to wait at the slip road junction, or momentarily by the layby in front of the depot access, if the narrow part of Welham Lane was not clear.
8. The appellant's Transport Statement advises that the number of trips in the morning and evening peak hours combined would be 36 and that overall between 7am and 7pm, the total number of vehicles trips would be 232. The Council does not dispute these figures. It also advises that as the units would be in light industrial use, few of these trips would be by HGVs, with TRICS data suggesting there would be just 5 HGV movements per day.
9. Due to the limited volume of traffic that passes the site, any vehicular confrontations on the narrow part of the road would most likely be by vehicles associated with the proposal. Based on the TRICS data detailed above, the likelihood of such vehicles meeting on Welham Lane would be low. Even if they did, vehicles could wait in, or opposite, the laybys for the approaching vehicle to pass. It is unlikely therefore that any vehicles would need to conduct reversing manoeuvres.
10. The width of the stretch of Welham Lane serving the proposal is not ideal, but due to the limited length of this narrow part, the good visibility achievable along it and the modest amount of traffic that would use it, I do not consider that its narrow width would lead to vehicles performing manoeuvres that would be a risk to highway safety. It also appears to be in a reasonable condition with only a few minor defects and little evidence of vehicles overrunning the verges. As such the proposal would accord with policy IN2 of the Harborough Local Plan which seeks to ensure that development has safe access.

Conditions

11. 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.
12. I have attached the standard conditions relating to the commencement of the development and the approved plans in the interests of certainty. For the same reason I have also imposed the condition defining the use of the site.

13. The conditions relating to the materials of the buildings, colour of the fence, landscaping and the provision of waste storage are necessary in order to preserve the character and appearance of the area. The condition relating to the bat mitigation is imposed in the interests of supporting biodiversity.
14. Conditions are also imposed to address the second reason for refusal and ensure the development is sufficiently serviced by infrastructure, by ensuring the development contributes to climate change, is adequately served by broadband infrastructure and is appropriately drained. For this same reason the condition relating to foul drainage is included.
15. A condition requiring the provision of a construction method statement is necessary to protect the amenities of nearby occupiers. The condition relating to the provision of cycle parking promotes sustainable modes of travel. The two conditions relating to the provision of the parking and turning area and the access are necessary in the interests of highway safety.
16. However, I have not imposed the condition requiring off-site road widening works as these works are not necessary, as explained above. I have also not imposed the condition requiring the retention of the trees and hedgerows on the south-east boundary of the site, as these seem to primarily be outside the appeal site and need to be removed to provide sufficient visibility from the access.

Conclusion

17. 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: L.10, L.11 and L.12.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class E(g) (iii) of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose (including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 4) No development above ground level shall commence until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved schedule.
- 5) Notwithstanding the details shown on drawing No. L10, the colour of the perimeter wire mesh metal fence shall be dark green.
- 6) The landscaping works shown on drawing no. L.11 shall be carried out in the first planting and seeding season following the first occupation of any part of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping shown on drawing No. L11 shall be carried out prior to the occupation of any part of the development.
- 7) No development above ground level shall commence on site until details of the provision for the storage of refuse and materials for recycling have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be retained as such thereafter.
- 8) The development hereby approved shall be implemented in accordance with the approved mitigation measures detailed in the Internal/External Bat Survey report dated September 2020; full details of which are to be submitted to, and approved in writing by, the local planning authority prior to the commencement of development above ground floor level. The approved mitigation measures shall be provided before the development is first occupied and shall be retained as such thereafter.
- 9) No development above ground level shall commence until a statement setting out details of how the development will mitigate against climate change has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

- 10) No development above damp proof course level shall commence until a scheme for on-site foul water drainage works, including connection point and discharge rate details, has been submitted to and approved in writing by the local planning authority. Prior to the occupation of any part of the development, the foul water drainage works relating to that part must have been carried out in accordance with the approved scheme.
- 11) No surface water drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the local planning authority. No hard-standing areas shall be constructed until the surface water drainage works have been carried out in accordance with the approved surface water management strategy.
- 12) Prior to the first occupation of the building, a scheme detailing the broadband infrastructure for the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) Prior to the first occupation of the building, and notwithstanding the submitted plans, 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 site access arrangements shall then be implemented as approved prior to first occupation of the building.
- 14) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing number L.11. for the parking and turning of vehicles, and that space shall thereafter be kept available at all times for those purposes.
- 15) The development hereby permitted shall not be occupied until the secure and covered cycle parking has been provided in accordance with drawings L.10 and L.11. The cycle parking shall be maintained and kept available for the parking of cycles thereafter.
- 16) No development shall commence on site (including any site clearance, preparation or demolition works), until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. Details shall provide the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading/unloading and storage of plant and materials;
 - c) the erection and maintenance of security hoarding;
 - d) wheel washing facilities and road cleaning arrangements;
 - e) measures to control the emission of dust during construction;
 - f) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - g) hours of construction work, demolition, deliveries and removal of materials;
 - h) full details of any piling technique to be employed, if relevant;
 - i) location of temporary buildings and associated generators, compounds, structures and enclosures.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.