



Appeal Decision

Site visit made on 15 February 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/D2510/W/21/3281362

Hallams Close, Julian Bower, Louth, Lincolnshire LN11 9QN

- 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 Melanie Ewing (Louth Llama Trekking) against the decision of East Lindsey District Council.
 - The application Ref N/105/02041/20, dated 5 November 2020, was refused by notice dated 27 July 2021.
 - The development proposed is change of use of land to be used for Llama trekking and construction of a detached building to provide a briefing room and classroom, reception area, indoor eating/leisure area with an emergency sleeping area on the first floor. Construction of vehicular parking area, a corral area with fencing to a maximum height of 1.2 metres and picnic area. Existing field shelter on site to be removed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description on the appeal form is not the same as the application form but it is not confirmed that the amended description has been agreed. Even so, the appellant's statement refers to the appeal form description and this corresponds to that on the decision notice. Therefore, I have used this in the banner heading above, and determined the appeal accordingly. I have removed reference to work having commenced as this is not in itself development.
3. The drawings were amended during the application process and further supporting statements were submitted. I understand from the submissions before me that the amended drawings and additional statements were consulted upon, and the Council based its decision on these. I have determined the appeal on this basis.
4. The application was refused by the Planning Committee against Officer's recommendation, but there is no statement before me to explain the Council's position. Nevertheless, in the absence of anything substantive from the Council there are third party representations which I have had regard to, along with the appellant's submissions, in reaching my decision. The appellant has had the opportunity to respond to the third-party representations, and I have had regard to the comments received.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of residents of Julian Bower with regard to vehicle movements to and from the appeal site.

Reasons

6. The appeal site is an area of pastureland used in connection with the keeping and grazing of llamas, on the south side of Julian Bower within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The land is partly fenced into paddock areas. There is an existing stable building within the appeal site located adjacent to the lane.
7. Vehicular access to the appeal site is via an existing entrance broadly on the western side of the site frontage. Julian Bower is an unadopted single track private road accessed from the B1520. The appeal site entrance is estimated to be about 400 metres from the B1520 access point. The access also serves a number of residential properties, several parcels of land said to be used for farming activities, and pedestrian access to an allotment site. It also provides a route to a public footpath into Louth from Tathwell, with the route of the footpath through the appellant's land. Julian Bower has a rural character and appearance despite its proximity to Louth.
8. The amended proposal is to construct a building providing reception, classroom, indoor eating area and toilet facilities, with a first-floor mezzanine to be used as an emergency sleeping space. To the front of the building an area is to be cleared for parking and turning of vehicles, landscaping is proposed, and picnic benches provided.
9. There is no specific business plan with the appeal but the appellant states that it is the intention that the proposed building would enhance the overall visitor experience, rather than to enable the business to increase its intensity of use.
10. However, in its committee report the Council clarifies that the keeping of llamas and the associated impacts can operate within the terms of the grant of planning permission in 2005. I have been provided with a copy of this decision which was for the erection of stabling and tack room, and for the use of land for the keeping of horses. The permission was subject to conditions restricting the development to private use only.
11. There are various documents with the submission which collectively set out the appellant's proposed development. The planning application form confirms that the llama trekking opening hours would be Monday to Sunday 1030 to 1600. The Transport Statement confirms that there would be two trekking sessions each day on Saturday and Sunday with additional school holiday weekday sessions, maximum 2 per day. The Transport Statement further clarifies that there are currently 5 llamas on site which means 1 session would take a maximum of 10 visitors, although the most common session is for 4 visitors, so that in the majority the number of vehicles per session is 1 with a minority requiring 2 vehicles.
12. The appellant's outline statement clarifies that llama trekking is an hour-long experience and the number of sessions per day could not be increased due to llama's needing downtime. The proposed building would allow bookings all year round, for the meeting and greeting of customers, safety briefings and educational information. It would also provide facilities to meet the requirements for those with special needs and school children for educational projects. The indoor space would provide an area for small llama birthday parties and drinks and snacks facilities for customers and those using the footpath. Food for the business is currently collected and brought to site.

13. Even though the appellant indicates that 5 cars plus turning and manoeuvring could be accommodated on the area, this is not clarified on the drawings. In this respect there is insufficient information before me to be clear about how many vehicles associated with the development could be accommodated within the area of the site identified for parking and turning of vehicles.
14. The evidence indicates that the transport assessment does not account for all the likely traffic that would visit the site. Given the size of the building, the proposed opening hours, and the suggested popularity of the trekking sessions, I am not convinced by the evidence that the proposed use would only generate 1 to 2 vehicle movements associated with each trekking event or that the only traffic would be associated with the 2 trekking trips per day at weekends and during the school holidays.
15. The proposed parties, school trips and other events together with the associated organisation of these events, staffing of the site, opening times and necessary deliveries would likely generate significant other traffic movements to and from the site which would be in addition to those already needed to service the site for the keeping of llamas. For these reasons, I consider that the traffic generation would be considerably above that identified in the Transport Statement.
16. Whilst at its junction with the B1520 Julian Bower is wide enough to accommodate two vehicles alongside each other, the initial section of the lane rises sharply, is not wide enough for vehicles to pass each other, and is enclosed by steep sides which provide stepped pedestrian access to the allotment site and to a residential property. Vehicles beyond the brow of the rise would not be visible because of the alignment of the road and vehicles may need to reverse to give way. With the limited space for pedestrians to step off the highway, any increase in vehicle movements that results in additional manoeuvring would discourage pedestrians from walking or cycling along Julian Bower, likely increasing reliance on the car.
17. Further, access to the land via Julian Bower is a circuitous route with long sections that are poorly surfaced. The lane acts as a shared surface accommodating pedestrians and vehicular traffic. Because of its width and construction, Julian Bower is not suitable to accommodate notable increases in vehicular traffic, which would likely result in additional reversing manoeuvres. Nor can it support a business use that could not provide parking for all the likely vehicle trips to the site. Without sufficient parking the development would result in the parking of vehicles on the limited grass verges within the lane. Such additional traffic would create conflict between pedestrian and vehicle uses, would be detrimental to the living conditions of those living closest to the lane frontage and would undermine Julian Bower's tranquil, rural character.
18. I appreciate that other uses of Julian Bower generate traffic movements, that not all vehicle movements identified by the objectors will be associated with the appeal site, and that there are some limited passing places. However, these matters do not overcome my concerns that the likely traffic generated by the proposed business use would be detrimental to users of the lane due to its width and construction and its juxtaposition with existing residential properties.
19. I note the comments of Lincolnshire County Council Highways that the visibility at the junction with London Road is in accordance with Manual for Streets, but the Highway Authority's consideration of the proposal did not extend to the

operation of Julian Bower, and I do not consider that my assessment above is inconsistent with their conclusions.

20. I note that an alternative pedestrian route will soon be established that may divert some pedestrian activity from the lane, but I do not have any evidence before me that accessing the site at an alternative point would generate pedestrian movements only towards the west.
21. Overall, the proposed development would be detrimental to the living conditions of residents of Julian Bower with regard to vehicle movements to and from the appeal site. This conflicts with Policy SP10 of the East Lindsey Local Plan Core Strategy July 2018 where it seeks to ensure that development does not unacceptably harm or reduce the safety of highways, cycleways, or footways or unacceptably harm any nearby residents.
22. The proposal would also conflict with the National Planning Policy Framework (the Framework) where it seeks to ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. There would also be conflict with the Framework which only supports rural businesses in locations adjacent to existing settlements in circumstances where development does not have an unacceptable impact on local roads.

Other Matters

23. St James' Church is a grade 1 listed building. I agree with the Council that due to the separation distances, and the intervening land and buildings, the proposed development would not harm the setting of the church; the setting of the listed building would be preserved.
24. There is no disagreement between the parties that the design, landscape, visual and ecology impacts of the proposal including on the AONB and historic environment would be appropriate to the appeal site's countryside location; I see no reason to disagree. However, ensuring that the development's design is compatible with its surroundings is a requirement of the development plan and is a neutral matter.
25. I accept that there may be some social and economic benefits associated with the development and that there are supporters of the appeal proposal as well as objectors. Supporters refer to benefits to the local community and visitors to the area of a rural facility close to the town. However, these matters do not either individually or collectively alter my findings or outweigh the harm I have identified.

Conclusion

26. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR