



Appeal Decision

Site visit made on 9 March 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/A2470/W/21/3284013

Former Pig Farm Ayston Road, Ridlington, Rutland LE15 9NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of approval required under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions.
 - The appeal is made by Mr Michael Lount against the decision of Rutland County Council.
 - The application Ref 2021/0673/PAD, dated 19 May 2021, was approved on 20 August 2021 and approval was granted subject to conditions.
 - The development permitted is conversion of agricultural building to dwellinghouse.
 - The conditions in dispute are Nos 1, 2 and 3 which state that:
 - "1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 7406 (03) 05, 7406 (03) 06 and 7406 (03) Rev D."
 - "2. Before the development hereby approved is occupied the new post and rail fence shall be erected in accordance with the details shown on Drawing Numbers: 7406 (03) Rev D and 20032- Post and Rail Fence Section and shall remain as such thereafter."
 - "3. Before occupation of the development hereby approved the new section of access track shall be constructed in accordance with the detail shown on Drawings: 7406 (03) 04 Rev D and Proposed Gravel and Drive Cross Section."
 - The reasons given for the conditions are:
 - "1. For the avoidance of doubt and in the interests of proper planning."
 - "2. In the interests of securing a safe and suitable access to the development."
 - "3. In the interests of providing a safe and suitable access to the development."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The parties have confirmed that the drawing referred to in conditions 1 and 2 of the approval should be No. 7406 (03) 04 Rev D not 7406 (03) Rev D.
3. Although the site address is Ayston Road, all the plans show the road in front of the site to be Ridlington Road and the Council also refer, in their evidence, to this road as Ridlington Road. I have therefore done the same.

Main Issue

4. The main issue is whether the conditions are reasonable and necessary in the interests of highway safety.

Reasons

5. Previously, approval was granted¹ for the conversion of some agricultural units at the former pig farm to four dwellings, annotated as units 1-4 on the plans. The approval, subject of this appeal, allows for the conversion of an additional building to a dwelling, identified as unit 5 on the plans. The effect of the disputed conditions is that the access to unit 5 would be taken from the gravel area in front of units 1-4 and would use the same access point onto Ridlington Road. A separate existing access to the west would be closed off by a fence. The appellant wishes to use this existing western access to serve unit 5.
6. Ridlington Road connects Ridlington and other villages to the A6003. At the time of my lunchtime visit a steady flow of traffic was using it.
7. Either side of the access there is a hedgerow along the highway verge which is generally around 4 – 5 metres in height, although at my site visit I noted that some of the shrubs in the hedge closest to the entrance had been cut down to a height of around 1 metre.
8. A short distance to the left of the access is the junction of Ridlington Road with Top Road, which is the main route into Ridlington. Ridlington Road bends to the north at this junction. There is reasonable visibility from the access along Ridlington Road across the inside of the bend where there is no hedgerow. However, visibility along Top Road is limited by the hedgerow on the highway verge. Likewise, visibility to the right is limited by the vegetation on the highway verge. The Council advise that due to the speed limit of the road, visibility splays of 2.4m x 90m would be necessary in both directions. Such splays are not achievable.
9. It is recognised that the access is an existing farm access and in light of the scale of the previous agricultural operation it is unlikely that the vehicle movements generated by a single dwelling would represent an increase in traffic using the access. Nonetheless, it would not be acceptable to sustain the use of an access with such poor visibility, particularly when there is no evidence before me to demonstrate why the permitted access, which has been deemed to be safe, cannot be used.
10. The appellant has provided two appeal decisions. However, in the first² of these the Inspector opines that visibility from the access is sufficient, and in the second³ the highway authority concluded that the visibility splays exceeded minimum requirements. Hence, in this key respect, they differ from this case.
11. The appellant asserts that the hedge on the highway verge is within his ownership and therefore its maintenance to provide sufficient visibility could be ensured by a condition. However, the plans do not show the verge as being within land owned by the appellant.
12. The condition of the access appears reasonable and not unsuitable for a single dwelling. Nonetheless, the existing access is substandard in terms of the visibility from it. Its use by a new dwelling would therefore be an unacceptable risk to highway safety and so the existing conditions are reasonable and necessary. Dismissing the appeal would reflect the guidance set out in

¹ Ref 2020/0003/PAD

² Ref APP/D3505/W/20/3254460

³ Ref APP/R3705/W/20/3260060

paragraph 111 of the National Planning Policy Framework which advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Conclusion

13. For the reasons given above, and taking account of all other considerations, I conclude that the appeal is dismissed and the conditions be retained.

Andrew Owen

INSPECTOR