
Appeal Decision

Site visit made on 2 March 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/K3415/W/21/3280957

Land adjacent The Crown Inn, Uttoxeter Road, Handsacre WS15 4EA

- 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 FB Developments Premier Ltd against the decision of Lichfield District Council.
 - The application Ref 20/01236/FUL, dated 04 September 2020, was refused by notice dated 23 April 2021.
 - The development proposed is new field access with gate and ramp down to field.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by FB Developments Premier Ltd against Lichfield District Council. That application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; and whether any benefits of the proposed development exist which would outweigh any identified harm.

Reasons

Character and Appearance

4. The appeal relates to agricultural land located to the east of the A513 and to north of the Trent and Mersey Canal. The site measures approximately 2.2 ha and forms part of the wider, open agricultural landscape setting at the northern edge of the village of Armitage with Handsacre. The site comprises 2 fields of primarily tussocky grass arranged in an L-shape, with mature hedgerow boundaries to the south, north and west, and a more open eastern boundary. There are small groups of trees at some of the corners of the fields, and also within the mature hedgerow boundaries. The land generally rises within the appeal site from north to the south, but it also falls away into the site immediately adjacent to the boundary with the A513.
5. Public views of the northernmost field, into which the new access from the A513 is proposed, are limited given the relatively level topography of the surrounding area and the field's mature hedge boundaries. The main visual contribution of the site is through the expanse of dense mature hedgerow along the A513 boundary that frames the main road towards the northern edge

of the village. Whilst the site is not within a landscape designated at either local or national level, its geographical location and undeveloped appearance is such that it helps to delineate the crisply-defined northern boundary of the village, contributing positively as part of the pleasant rural landscape to the north of the village.

6. The appellant's Transport Statement (TS) advises that a small amount of hedgerow on the A513 boundary would be removed to make way for the 6m access, and that some hedge trimming would be required. The TS states that a width of 6 m at the gate is designed to make turning easier and reduces the tracking width of vehicles on the A513. The appellant's statement advises that the change in level between the road and the field is slightly more than 3 m and the ramp approximately 35 m in length. Construction details of the ramp provided in the TS indicate that a free draining granular material (Class 6F2 or similar) would be used to provide a hard-wearing surface that is suitable for agricultural vehicles.
7. It is clear that the design specification of the access addresses the particular constraints of the site, namely the change in levels and the need to safely manoeuvre potentially large agricultural vehicles onto a main classified road with a 60 mph speed limit. Whilst I acknowledge the Council's concerns that the access is overengineered and larger than necessary, I have not been made aware of any other alternative accesses to the site that would provide a similar functionality for large agricultural vehicles and their various attachments.
8. The functional requirement for the access design does not, however, reduce the harm to the character and appearance of the area that would result from the loss of hedgerow and the intrusive nature of the ramp. Reference is made within the committee report and the appellant's statement as to how the ramp will quickly naturalise. The committee report also indicates the construction of the ramp will involve no hardstanding. I am not persuaded, however, that the substantial amount of aggregate required to provide a hard-wearing and functional surface for the ramp will comfortably assimilate into the landscape over time. At approximately 35 m in length by 6 m in width, the ramp would represent a harmful urbanising intrusion into the rural landscape surrounding the village. It would appear incongruous within its field and would be clearly visible through the new gap in the hedgerow, visually harming the open countryside approach to, and exit from, the village along the A513.
9. The presence of other double gated and wide agricultural accesses onto classified roads in the wider area do not define the wider landscape character of the area or mitigate the harm identified. The unchecked cumulative effect of such highly engineered entrances would be to harmfully urbanise the pleasant rural landscape to the north of the village.
10. The development, therefore, would have a detrimental impact on the character and appearance of the area, contrary to Policies CP3 and BE1 of the Lichfield District Local Plan Strategy (2015) (LP). These policies, taken together, require, amongst other things, high quality development that protects and enhances the character and distinctiveness of the district, and that has a positive impact on the natural environment.

Whether any benefits would outweigh any identified harm

11. There is significant support within both local and national policy for agricultural developments. LP Policy CP7 states that proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan Policies. Paragraph 84 of the Framework advises that planning decisions should enable development of agricultural and other land-based rural businesses. No substantive evidence, however, has been provided by the appellant to allow an accurate assessment of the economic benefits that could realistically result from the construction of the new access. In the absence of such evidence, and considering the small scale of the site, only moderate weight is given to the potential economic benefits of the proposal.
12. The Council's refusal reason cites conflict with LP Policy NR3 which relates to biodiversity, protected species and their habitats. The Council's Ecology Team have not objected to the proposal and consider that net biodiversity gain could be achieved through onsite habitat improvement works. I see no reason to disagree and consequently I do not find conflict with LP Policy NR3. I afford the potential net biodiversity gains limited weight in favour of the proposal.
13. I acknowledge that works to the existing A513 hedgerow could be performed without the need for planning permission. Such works would not, however, represent a realistic alternative to the current proposal. The fall-back position of works occurring to the existing hedge if permission is not granted is therefore given limited weight.
14. Whilst the Framework promotes economic development in rural areas, it sets this within the overarching objective of achieving sustainable development. The development would harm the character and appearance of the area contrary to Framework paragraphs 130 and 170 insofar as it would not add to the overall quality of the area, would not be sympathetic to local character, and would not recognise the intrinsic character and beauty of the countryside. I give significant weight to the identified harm to character and appearance of the area. The benefits would not outweigh the identified harm and the proposal would not therefore constitute sustainable development.

Overall Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that appeals be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. Although there would be compliance with limited aspects of the LP, such as through the encouragement of economic development in rural areas linked to agriculture, this is outweighed by the earlier identified conflicts with LP Policies CP3 and BE1 to which I attach significant weight. Consequently, I have found that the proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate that the decision should be made other than in accordance with the development plan.
16. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR