



Appeal Decision

Site visit made on 14 June 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/H1840/W/22/3290803

**Stonearrow Farm, Peopleton, Pershore, Worcester, Worcestershire
WR10 2DZ**

- 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 Carl Powell against the decision of Wychavon District Council.
 - The application Ref 21/01132/FUL, dated 25 May 2021, was refused by notice dated 4 August 2021.
 - The development proposed is a new farm access track.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon highway safety;
 - The effect of the proposed development upon the character and appearance of the area; and
 - The effect upon biodiversity.

Reasons

Highway safety

3. The appeal site is formed of an irregular shaped field located on the edge of the village of Peopleton. The site is largely overgrown with a hedgerow and ditch that run along the roadside. Main Street runs along one side of the site and is the main route through the village. The road in front of the site is subject to national speed limit.
4. At the time of the site visit I observed a frequent flow of traffic in both directions along the road. Whilst this is a snapshot in time, based on my observations, there is little to indicate that the traffic flows I witnessed are untypical.
5. The appellant's case essentially relies on the presence of an existing access. However, it has been overtaken by flora suggesting that it has not been used for some time. The access on to Main Street would likely result in agricultural vehicles, some of which would be large and slow moving, using the road increasing activity at the access and vehicle movements along the road.

6. The appellant has not provided any evidence to indicate that satisfactory visibility could be achieved in either direction of the access having regard to the speed of the road. As such, I am not satisfied that the proposed development would be acceptable with regard to the safe operation of the adjoining highway.
7. Consequently, the proposed development would be contrary to Policy SWDP 4 of the South Worcestershire Development Plan (2016) which, amongst other things, requires new development to address road safety. It would also be contrary to Paragraph 111 of the National Planning Policy Framework which, amongst other things, sets out that development proposals should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Character and appearance

8. Hedgerows and field boundaries are important landscape features in rural areas and intrinsic to its character. The hedgerow along Main Street is no different and positively contributes to the rural appearance of the area.
9. In the absence of details of the visibility splay and any associated works to the hedgerow to accommodate it I am not satisfied that the proposal would preserve the rural character of the road.
10. As such, the proposed development would be contrary to SWDP Policy 25, which amongst other things, requires developments to be appropriate to, and integrate with, the character of the landscape setting.

Biodiversity

11. The Council advise that the site is a Local Wildlife Site and a Site of Special Scientific Interest (SSSI). Therefore, there is the possible presence of protected species in the area.
12. Circular 06/2005: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system, states it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In this case I see no reason to depart from the guidance set out in the circular and the advice of the Council.
13. The potential for protected species on site carries statutory duties and is a matter of considerable weight given its designation. I am not satisfied that this matter has been investigated to demonstrate that there would be no harm to protected species.
14. Therefore, the proposal would be contrary to SWDP Policies 1 and 22 which, amongst other things, state that developments which would have an adverse effect on SSSI's will not be permitted.

Other Matters

15. I note that representations were made by local occupiers to the application raising additional concerns. However, given my findings, it is not necessary to consider these matters in detail.

Conclusion

16. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR