



Appeal Decision

Site visit made on 6 June 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/K2420/W/22/3290710

Wide View, Fenn Lanes, Fenny Drayton CV13 6BJ

- 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 Lindley Hall Farms Ltd against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 20/01011/FUL, dated 28 September 2020, was refused by notice dated 14 July 2021.
 - The development proposed is the change of use from agricultural land to storage of agricultural machinery, vehicles and materials, vehicular access (Retrospective) .
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed use has already started with storage taking place across the appeal site. I shall take this into consideration within the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed use on the character and appearance of the area, and
 - the effect of the proposal on highway safety, especially with respect to the use of the access.

Reasons

Character and appearance

4. Fenn Lanes is a country road. Development along the highway is dispersed, consisting of a combination of isolated dwellings and farm holdings. The site is within the Sence Lowlands area, as defined by the Council's Landscape Character Assessment (2017). This area is characterised as having a flat and gently rolling landscape, of which the appeal site complements and contributes towards. The site is adjacent to the highway and partially screened by a hedgerow and boundary trees. Nevertheless, views can be obtained from the highway through the site into the distant countryside beyond. Some views can also be obtained of the site from the public footpath to its rear. The site is level and has been surfaced with compacted gravel offering a permeable surface. Due to its open character the site makes a positive contribution to the rural character and appearance of the area.

5. The Development Plan for the district includes the Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP). Policy DM4 requires development in the countryside to satisfy one of several objectives. This includes suitable development as being where at c) that it would significantly contribute to economic growth, job creation or diversification of a rural business.
6. During my visit I observed that the appeal site was in use for the storage of a container lorry, various materials and other equipment. These were highly visible from the highway and obscured some views through the site. Greater storage, than observed during my visit and maximising the full area of the site, would inevitably block further views of the countryside beyond. A combination of agricultural vehicles, machinery and materials would collectively form a conglomeration of storage items that would significantly erode the open character of the site. The site is not well screened by planting and would be relatively exposed due to the gap at the entrance and through gaps in the roadside hedgerow.
7. Although agricultural machinery and vehicles are not uncommon in the open countryside, the application form indicates that storage would also include general purpose vehicles and materials. Furthermore, the storage of a large quantity of vehicles and materials on site, would have an overt and detrimental impact on the character of the area due to its prominence. The appellant has also not adequately demonstrated that the proposal would support rural diversification. The reference made to 'storage facilities for haulage purposes' does not sufficiently illustrate how this would support an existing rural business or why the proposed site is necessary to serve such a purpose. As a result, the proposal would harm the character of the previously undeveloped field due to its high visibility and the nature of its open surroundings. Consequently, the proposal would harm the character and appearance of the area.
8. Accordingly, the proposal would conflict with policies DM4 and DM10 of the SADMP. These policies seek, among other matters, for a proposed use to respect and complement the character of the surrounding area.

Highway safety

9. Fenn lanes is a country lane with a 50mph speed restriction. It does not benefit from streetlights or footways and has occasional driveway access points serving the limited uses alongside the highway. The access is adjacent to a hedgerow that is set away from the highway by a short grass verge. The appellant's submitted vision splays show that the southwest view would be substandard due to the curvature of the highway. Motorists leaving the site would therefore not have a clear view of vehicles approaching the site from the north. This would be of particular concern given the slow-moving nature of large vehicles when leaving the site.
10. Manual for Streets¹ and its accompanying evidence explains that a visibility splay for a highway, with a 50mph speed limit, should be a minimum of 2.4 metres by 160 metres. The visibility splay plotted by the appellant would not accord with these dimensional requirements. I see no reason, within the submitted evidence, to disregard this requirement. Furthermore, the County's Highway Authority provides guidance for the design of a safe access within its

¹ Manual for Streets, Department for Transport, 2007

Design Guide. Although not an adopted planning document this provides useful technical expectations for an access. This states, at table DG4, that where the 85th percentile of traffic is travelling between 45 to 53 mph the Y distance should be 160 metres; reinforcing the importance of a speed survey if a reduced Y distance is sought.

11. Accordingly, the appellant has failed to demonstrate, with an appropriate speed survey, that visibility can be achieved within the 85th percentile of passing traffic. As a result, it has not been shown that vehicles could exit the site in a safe manner. I am cognisant that this is also a view supported by the County Highway Authority.
12. Consequently, the proposal would conflict with policy DM17 of the SADMP and the Framework. These seek, among other matters, for development to demonstrate that it would not result in a significant adverse or unacceptable impact on highway safety.

Planning balance and conclusion

13. Although not specifically identified by the appellant the proposal would be of some, albeit limited, benefit to the local economy by providing income to a rural business. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. As such, footnote 7 of the Framework establishes that the policies which are most important for determining the application should be considered as out-of-date.
14. However, Paragraph 219 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The Framework requires development to protect the intrinsic character and beauty of the countryside and to be refused if it would result in an unacceptable impact on highway safety. The Council's policies display a high degree of consistency with the Framework. Therefore, the conflict between the proposal and policies DM4 and DM17 should be given significant weight in this appeal.
15. The proposed storage use would be in an exposed location within the open countryside and would have an inadequate visibility splay. Consequently, the adverse impacts of the proposal on the area and highway safety would significantly and demonstrably outweigh the limited benefits to the local economy when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
16. The proposal would conflict with the development plan when taken as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR