



Appeal Decision

Site visit made on 29 June 2022

by D Wallis MRTPI, BSc (Hons), PGDip (Environmental Planning)

an Inspector appointed by the Secretary of State

Decision date: 1 July 2022

Appeal Ref: APP/A2470/W/22/3293464

Land at North East Junction of the A47/A6003, Uppingham, LE15 9NY,

- 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 Recharge Roadside Services Ltd against the decision of Rutland County Council.
 - The application Ref 2021/0018/MAF, dated 5 January 2021, was refused by notice dated 27 October 2021.
 - The development proposed is Proposed roadside services and recharge centre, comprising eight pump petrol filling station including supporting retail unit (330m²) and canopy, six electric charging stations, drive thru coffee shop (165m²), new vehicular access, drainage, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended by mutual agreement during the course of the application to reflect the provision of 6no. electric charging stations as opposed to 4 as originally applied for. I have determined the appeal on the basis of this amended description.

Main Issues

3. The main issue for the appeal is the effect of the development upon the character and appearance of the area.

Reasons

Character and appearance

4. Policy CS4 of the Rutland Core Strategy 2011 (the CS) and policy SP7 of the Rutland Site Allocations and Policies Development Plan Document (the DPD) restrict development in the countryside to that which has an essential need to be located therein. Policy SP7(c) states that essential investment in "*infrastructure including utilities...and roadside services*" could be supported in such locations provided that the development would not adversely affect the character and appearance of the landscape, and the setting of towns and villages.
5. The settlement of Uppingham sits within undulating countryside. The northern boundary of Uppingham is contained by the A47 road corridor, although the dwellings within the settlement are significantly set back from the edge of this highway. The A47, providing an important cross-country route between

Leicester and Peterborough, is largely unlit within this setting, although it is illuminated at its roundabout junction with the A6003. The A6003 continues northwards through an open and rolling agricultural landscape, that is expansive across the northern side of the A47 corridor.

6. The appeal site sits adjacent to the roundabout junction between the A6003 and the A47. It is an open field at present that slopes down away from the A47 into a small valley, with the land rising up again beyond the appeal site's northern boundary. Whilst trees of varying sizes and maturity enclose the appeal site, a managed hedgerow kept at a lower height forms the boundary alongside the A47 in proximity to the roundabout. I noted from my site visit that the trees on the appeal site's northern boundary were low down in the valley, with the sloping land on either side of them rising up and above the treetops in some instances.
7. The proposal is for a roadside service facility comprising two buildings, a petrol and electric filling station with canopy, parking areas, turning areas and an engineered surface water management area. It would take access from a newly created arm to the roundabout, requiring removal of a proportion of hedgerow to enable visibility splays to be provided. A gabion wall would be installed on the southern boundary as a retaining feature, whilst a railway sleeper fence would be created alongside the public right of way that crosses the appeal site in a broadly central position. The appellant's landscape assessment considers that there would be localised changes resulting in a moderate adverse effect on the landscape and upon the public right of way in year 15 of the development.
8. I observed from my visit a number of gaps within the existing hedgerow boundaries on both the A47 and A6003, which allow views through them to the wider undulating countryside and sky even with the vegetation in full leaf. The appeal site, particularly when travelling south on the A6003, appears very prominently in these views and would likely appear more so during autumn and winter months. From the public right of way, the appeal site is completely exposed in southerly views.
9. Apart from the upper levels of existing buildings in the Uppingham Business Park, the settlement of Uppingham was largely concealed from view at the time of my visit. Given that the bulk of the settlement is physically separated from the A47 corridor by fields and trees, I do not consider the appeal site would be seen against an urban backdrop. I acknowledge that the land on the southern side of the A47 is allocated within the Uppingham Neighbourhood Plan for industrial and commercial use, but there is nothing to suggest any buildings on that land would be highly visible.
10. With the proposed buildings situated at the highest part of the sloping ground, the proposal would appear as a stark urban intrusion into an otherwise open rural setting. The development would significantly impose into numerous views and would completely alter the rural approach towards Uppingham, both from the roads and from the public right of way, affecting the countryside setting to the settlement. The introduction of expansive hard surfacing, as well as an electric substation, would add to the urbanisation of the appeal site, resulting in a harmful impact upon the quality, character and natural beauty of the landscape. I do not consider that planning conditions could be used to mitigate these adverse visual effects.

11. In addition, I noted that only the roundabout junctions on this stretch of the A47 are lit, leaving the rest of the highway dark. Notwithstanding the views through hedgerows mentioned above, much of the light emitted by passing traffic would currently be contained to the carriageway because of the extent of vegetation.
12. The proposed development would require lighting at an elevated level for both safety of all facility users and for operation. Furthermore, the large parking and turning area would be on an exposed face of a downward slope, with very little scope of effective landscaping to screen these areas from view. Vehicles using these areas would likely spread light pollution into the surrounding countryside, making the appeal site more incongruous in the landscape. Whilst restrictions could be imposed on the angle, direction and intensity of light being emitted from static infrastructure, I consider these measures would not reduce the obtrusive nature of the proposal in the rural setting.
13. Thus, even if there was a demonstrated need for the roadside services and it was 'essential' that the services had a countryside location, the proposal would still fail criterion (iii) of policy SP7 and be contrary to the development plan. I acknowledge that there are no specific designations for the landscape in this area, but the intrinsic beauty of the countryside should be recognised nonetheless in accordance with paragraph 174 of the National Planning Policy Framework.
14. On this basis, I conclude the proposal would cause demonstrable harm to the local landscape. The proposal would be contrary to policies SP7, SP15 and SP17 of the DPD and policies CS4 and CS19 of the CS, which seek to protect the intrinsic beauty of the countryside.

Other Matters

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that my determination must be in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out above, the development proposed is contrary to the development plan. It is therefore necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.
16. The appellant highlights a lack of 24-hour services in the locality and that road safety would be improved by providing drivers with a suitable rest area. With reference to appendix 2 of the appellant's statement of case, I attended facilities at points 2, 3, 4 and 5 during my site visit. I acknowledge that these services are time-limited and that there is a lack of availability of service facilities overnight, which puts drivers at a disadvantage. Furthermore, with the national shift towards cleaner vehicles, the provision of electric vehicle charging points and room to expand into hydrogen fuel in the future weighs in favour of the development.
17. Nearby land, known as Site D in the made Uppingham Neighbourhood Plan, has been allocated for a number of industrial purposes including a potential roadside service station. Whilst it is not my position to review the deliverability or suitability of sites allocated within the development plan for any uses, I acknowledge the appellant's evidence regarding the needs of a roadside service

station to function properly. This demonstrates that the proposal could not be accommodated within that section of the development limits of Uppingham.

18. I note there are factors where the Council has not raised concern, though these are largely matters that development such as that proposed would be expected to deliver. These weigh neutrally in the planning balance as a result.
19. I have had regard to all material considerations, including the suggested benefits of the scheme, but find these of insufficient weight to indicate that determination should be made otherwise than in accordance with the development plan. Accordingly, I conclude that planning permission ought not to be granted.

Conclusion

20. For the reasons given above, the appeal is hereby dismissed.

David Wallis

INSPECTOR