



Appeal Decision

Site visit made on 22 March 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 APRIL 2023

Appeal Ref: APP/F2415/W/22/3298095

Land south of Kirby Agriculture Ltd, Leicester Road, Market Harborough

- 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 J Bates of Three Manors Developments Ltd against the decision of Harborough District Council.
 - The application Ref 21/01637/FUL, dated 9 September 2021, was refused by notice dated 17 February 2022.
 - The development is proposed construction of workshop, offices and associated external works including new vehicular access for the relocation of Harborough Hire Centre Ltd.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant company against Harborough District Council. This application is the subject of a separate decision.

Preliminary Matters

3. Although the address provided on the application form refers to land south of Kirby Agriculture Ltd, I noted at my visit that those premises are now advertised as Manns Market Harborough.
4. At the time the application was submitted a planning application was also made for development of the land adjoining to the south. That application was subsequently withdrawn, and the appellant advises that, as a result, the appeal scheme would no longer benefit from landscaping proposed as part of that scheme. He therefore submitted additional plans with the appeal which show proposed planting outside the appeal site. The proposed planting does not change the nature of the proposal, and interested parties have had opportunity to make additional representations through the appeal process. I am therefore satisfied that no party is prejudiced by the submission of these additional plans, and I have considered the proposal on that basis.

Main Issues

5. The effects of the development on:
 - highway safety; and
 - the character and appearance of the area, with particular regard to the setting of the Grand Union Canal Conservation Area (GUCCA).

Reasons

Highway Safety

6. The appeal site is a field north of Market Harborough, adjacent to the B6047 Leicester Road, which is a key route between Melton Mowbray and Market Harborough. The road is a relatively straight 40mph stretch of road beyond the built-up area of Market Harborough, located between the 30mph built-up area and the 50mph area further north. It is around 7.5m in width, and parts of the road are marked out to provide turning lanes for some accesses, for a pedestrian refuge, and for cycle lanes. There are footways either side of the road, reducing to a narrow footway on one side just north of the proposed access.
7. The proposal is the construction and use of the appeal site as a hire centre, with a workshop and offices and a concrete service yard used for construction plant and equipment storage. A new access would be formed onto the B6047 Leicester Road, which the appellant advises is designed to adoptable standards with 4.5m x 160m visibility splays in both directions.
8. Harborough Local Plan 2011-2031 (2019) (HLP) Policy IN2 requires development proposals to have regard to the transport policies of the Local Transport Authority. Its supporting text references the Local Highway Authority's (LHAs) Leicestershire Highway Design Guide (LHDG)¹, describing it² as "the starting point for detailed agreement on development proposals". The LHDG policies quoted by the LHA are therefore relevant to the proposal, and carry a degree of weight as material considerations, though not to the same degree as development plan policies.
9. Section IN5 of the LHDG relates to access to the road network. It looks to severely restrict access to the most important high-standard routes, and in principle applies a more flexible approach elsewhere. Where a new access is acceptable in principle the LHDG expects its layout to follow its design guidance. It states that, in relation to A- and B-class roads, the LHA will normally apply restrictions on new vehicular accesses on certain types of road, including those where measured vehicle speeds are greater than 40mph; those with a speed limit of 40mph or less which are essentially rural in nature; and those where there is an existing problem with road safety.
10. A speed survey identifies a northbound 85th percentile speed of 44.8mph and a southbound 85th percentile speed of 49.3mph. It is also essentially rural in nature in this location. The LHA advise that the B6047 is a popular leisure route for motorcyclists, has greater collision rates than the County average, and features high on the rural route priority list for additional investigation and improvement where possible. They also advise that there have been serious Personal Injury Collisions (PICs) within 500m of the proposed access within the last 5 years, one of which involved a turning manoeuvre; although these occurred further north, on the 50mph section of the road, they are on the same straight stretch of road, and within sight of the proposed access. Therefore, whether or not the section of the road in the vicinity of the appeal site is deemed to have an existing problem with road safety, it appears to meet one

¹ Adopted in 2007, although for this appeal the LHA refer to an Interim Update (2022) version which they advise is currently under review. The appellant advises the relevant text remains unchanged.

² The text may also refer to other documents, but it is clear it refers to the LHDG.

or more of the LHDG criteria for severely restricting access, being a B-class road which meets one or more of the criteria identified.

11. This starting point informs the LHA objection, which ultimately relates to the highway safety effects of the intensification of vehicular turning movements onto and off the B6047, where those manoeuvres could be an additional source of danger. The appellant's road safety audit recommends visibility splays appropriate to measured traffic speeds, and the appellant's proposal includes them.
12. At my site visit I saw at least four other accesses onto the B6047 from the location of the proposed access. Although there is street lighting on one side of the road at the point of access, there is none on the other. I observed the traffic behaviour at the time of my site visit, and although I note the proposed visibility splays, I have some sympathy with the LHAs concerns about infrequent use of the proposed access by slow-moving vehicles, and the potential for weaving and turning manoeuvres. The cycleway transitions onto and off the main carriageway, the pedestrian refuge, and the turning lane onto Peter Callis Way for southbound traffic just south of the proposed access on the B6047, are all in relatively close proximity to the proposed access; as is the agricultural machinery access, to a lesser degree. I also noted the recent closure of an access to vehicular traffic very close to the proposed access, and associated with the new Peter Callis Way access serving the strategic development area.
13. Considering all these matters, the proposed access would be an additional source of danger to road users, and potentially to pedestrians and cyclists. It would increase the number of vehicular accesses on a stretch of road with relatively high traffic speeds, where there are already multiple access points in close proximity, and where there is an accident record. In coming to this view, I have considered the appellant's technical access design and visibility splays, but also that there is good visibility in both directions even in the locations where the recorded accidents occurred.
14. The development would therefore be harmful to highway safety. It would conflict with the relevant provisions of Harborough Local Plan Policies GD8 and IN2, which require regard to be given to the transport policies of the Local Transport Authority, require safe access, and the safe, efficient, and convenient movement of all highway users. It would also conflict with paragraphs 110 and 111 of the National Planning Policy Framework (the Framework), which require safe and suitable access to the site for all users and seek to prevent unacceptable impacts on highway safety.

Character and appearance

15. The appeal site is part of a field located between the B6047 Leicester Road and the Grand Union Canal. At its northern extent it adjoins the access and forecourt of Manns Market Harborough, an agricultural machinery business, and beyond that the forecourts of car sales and service facilities. At the other end the field, which is laid to grass, has a largely open grass bank frontage onto the canal.
16. The canal's banks, towpath and boundary hedgerows are part of the Grand Union Canal Conservation Area (GUCCA), which covers the entirety of the canal corridor in Leicestershire; a total distance of around 30 miles. Although the

appeal site is not within the GUCCA itself, it is within its setting. Section 16 of the Framework advises that consideration should be given to the impact of a proposed development on the significance of a designated heritage asset. However, the appellant has not described the significance of the GUCCA, including any contribution made by its setting. And neither has the Council.

17. The Grand Union Canal clearly has historical significance in relation to the development of waterways linking London to Birmingham and Leicestershire. The Market Harborough Arm is part of its Leicester Line. It also has cultural significance and is part of the social heritage of the area. But there is little before me to establish the contribution of its setting along its route. For the purposes of this appeal, I have therefore considered the contribution its setting makes to its significance in terms of its general character and appearance.
18. From a short stretch of the canal towpath, a public area south of the appeal site, and parts of Peter Callis Way on higher land, the appeal site is a prominent and open feature of rural character. The flags and signs of the businesses beyond the appeal site are visible in the distance, but the proposed building would be significantly larger and closer, and the proposed access even more so. The development would therefore be an urbanising feature.
19. In the vicinity of the appeal site much of the canal is enclosed by vegetation on both sides, and the existing open vista makes a positive contribution to the setting of the canal. The appellant refers to this location as a transitional one, from countryside to urban character, but I did not witness such a transition given the significant vegetation on both sides of the canal. Despite the remaining open space between the appeal site and the canal, the proposed development would therefore harm the character and appearance of the area, and the setting of the GUCCA, without the proposed off-site landscaping.
20. The proposed off-site planting has the potential to reduce these effects in the long term if adequately secured and retained. There is little information before me about growth rates of the planting proposed, and the length of time for the landscaping to make a significant effect in terms of views from the canal. But considering the height of the proposed building, its establishment is likely to take several years.
21. The appellant also advises that a planning condition could secure implementation of the offsite planting scheme, and the landowner states the additional land required to carry out the planting would be included in the sale to the appellant. However, the land required is not within the appeal site, and although a condition could require initial planting prior to commencement of development³, I have not seen any mechanism before me which could secure its establishment thereafter to maturity.
22. The development would therefore be harmful to the character and appearance of the area, with particular regard to the setting of the GUCCA. Although the appeal site relates to only a small stretch of the GUCCA, I have not been advised of any other location which has the effect the development would have on its setting. It would conflict with the relevant provisions of Harborough Local Plan Policies GD8 and HC1, which require design respecting the context and characteristics of the local environment, the characteristics that make

³ As advised in Planning Practice Guidance Paragraph: 009 Reference ID: 21a-009-20140306

conservation areas and their settings special, and which preserves or enhances the character or appearance of the conservation area.

23. The harm I identify would be 'less than substantial harm' in the terms of the Framework, which must be weighed against the public benefits of the proposal in accordance with paragraph 202 of the Framework.

Other Matters

24. I note the economic benefits the development would bring to Harborough Hire, including the large external yard area. The appellant advises the sui generis use, could not be accommodated on existing sites due to the requirement for a large yard area, although no potential or discounted sites have been put before me. I have also seen little information demonstrating whether or not the use could be accommodated in proposed employment areas.
25. I note the expressed business expansion needs of a major national building supplies company in Market Harborough, and the potential loss of that facility locally. I understand the relocation of Harborough Hire from its existing premises would allow that company to expand its premises onto the adjacent plot and remain in the area.
26. I am also advised the appeal site is owned by a local charity, and the sale of the land would further support their work in helping local people, places and organisations. I have not been provided with details of the extent of the benefit, whether it would achieve specific and measurable goals, or a mechanism for securing specific support. I have therefore considered this matter in general terms.

Planning Balance and Conclusion

27. Paragraph 199 of the Framework requires me to give great weight to the conservation of the GUCCA. Although the appeal site is not located within the GUCCA, I have found less than substantial harm to its setting to which I attribute moderate weight. On the basis of the information currently before me I am able to attribute only limited weight to the economic and social benefits of the development in this location. Accordingly, the public benefits of the development do not outweigh the harm to the setting of the GUCCA.
28. I have also found harm to highway safety, and consequential conflict with the development plan and national policy, in relation to each main issue. I therefore attribute further significant weight against the development.
29. For the reasons above, I conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that would require a decision to be taken other than in accordance with the development plan. The appeal should therefore be dismissed.

Peter White

INSPECTOR