



Appeal Decision

Site visit made on 19 September 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/B3410/W/22/3311378

Land off School House Lane, Abbots Bromley, Staffordshire

Grid Ref Easting: 408393 Grid Ref Northing: 325408

- 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 Luke Aitkenhead against the decision of East Staffordshire Borough Council.
 - The application Ref P/2022/00235, dated 23 February 2022, was refused by notice dated 17 May 2022.
 - The development proposed is described as 'To erect a steel framed livestock building to be used for contract rearing calves and heifers in'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the planning application form. However, it is clear that during the course of the planning application, the description was revised to 'Erection of a steel framed agricultural livestock building and retention of a storage container'. This description was used on the appeal form. I have proceeded accordingly.
3. For the avoidance of doubt, I have taken the site address and grid references above from the appeal form.

Main Issues

4. The main issues in this case are a) the effect of the proposal on highway safety and b) whether the appeal site represents a suitable location for the proposed development, with particular regard to local and national planning policy and its effect on the character and appearance of the area.

Reasons

Highway safety

5. The appeal site is located off School House Lane. This road runs from the centre of Abbots Bromley and it is along the stretch closest to the village where a variety of uses are sited, including numerous residential properties, a nursery, school and medical centre.
6. I observed high levels of on-street parking along this stretch, which significantly restricted the already narrow carriageway. Given the variety of uses along this part, I consider that my observations were not unusual.

7. After this built-up stretch of School House Lane, the carriageway narrows to a single lane and winds towards the appeal site. There are limited passing points, no footways and the speed limit changes from 30 miles per hour to the national speed limit. I note the evidence which indicates that a variety of road users, including pedestrians and cyclists, use School House Lane.
8. The appellant has not provided any detail with regards to the total vehicle movements which the proposed development would generate throughout the day. I do however note the suggestion that the proposed building could house approximately 90 head of young cattle. It is unclear whether any additional calving cattle, or other, could also be accommodated.
9. Nevertheless, it is clear from this information and the large size of the building that very significant numbers of cattle could be housed. This would undoubtedly demand frequent visits per day by the appellant and/or others, to tend to the needs of the cattle and carry out other operations. Transportation of the cattle may also be required from time to time. Many of these visits would likely involve larger agricultural vehicles.
10. By virtue of the road characteristics as noted above and the likely high levels of comings and goings to and from the appeal site, the proposal would result in substantial conflict between vehicles and pedestrians as increased number of vehicles attempt to pass one another, parked vehicles or pedestrians and others, thus adversely affect road users.
11. Whether or not road users of rural lanes are considerate of one another does not overcome the need to demonstrate the likely extent of vehicle movements to and from the appeal site.
12. In terms of the access point, I note that at the time of my site visit it was existing and that it may provide access to another landowner. However, the evidence indicating the history of this access is ambiguous thus I cannot accurately ascertain whether it has the necessary approvals. Therefore, it is appropriate to consider whether it provides an acceptable access point to the proposed development.
13. The appellant has provided a drawing which intends to indicate that a left-hand visibility splay of 85m could be achieved. It seems to me that the submitted drawing is inaccurate and the actual distance which drivers could see to the left when exiting the site is considerably less. Further, no speed surveys accompany the appeal proposal, which would assist in determining what the stopping sight distance is and what the responding required left-hand visibility splay should be.
14. The highway is subject to the national speed limit at this point however I appreciate that its rural characteristics may result in reduced observed speeds. Nonetheless, there is no conclusive evidence to confirm the appellant's suggestion that traffic speeds in this locality are low. As the evidence before me is lacking I am not satisfied that the visibility which could be achieved in this location would be sufficient.
15. The evidence indicating that there have been no vehicular accidents in the immediate vicinity and that the access has been used for several years without incident does not overcome the above concerns, as the condition of the access

point and highway, along with the likely vehicle movements of the proposal, nevertheless represent a danger.

16. I note the examples referred to by the appellant however the detail before me is limited and, moreover, each example is determined on its own merits based on the particular circumstances of the case and its location.
17. Consequently, the proposed development would result in harm to highway safety, which conflicts with Policies SP1 And SP35 of the East Staffordshire Borough Council Local Plan 2012-2031 (October 2015) (the LP). Along with the National Planning Policy Framework (the Framework), these policies and guidance require developments to mitigate against adverse effects of development traffic and to not have an unacceptable impact on highway safety, amongst other things.

Whether suitable location

18. The appeal site is a parcel of land located to the north of Abbots Bromley. The immediate locality is characterised by rolling agricultural fields and a small, wooded area, through which the access to the appeal site is proposed.
19. For planning policy purposes, the site falls within the countryside. LP Policy SP8 sets out a number of criteria, of which the development should meet at least one. Of particular relevance is the first criterion which permits development which is essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location.
20. The proposed building would provide shelter for livestock, namely calving cattle throughout the year and young cattle in the winter period. The appellant seeks to expand their agricultural business by rearing the youngstock of other local farmers at the appeal site over winter.
21. I note that the appellant's herd currently grazes on a larger site elsewhere locally. As this other site is rented, permission is sought to erect a permanent building on the appeal site which is within the appellant's ownership.
22. Whilst I appreciate that this grazing land elsewhere could not be secured in perpetuity given its rented nature and that the grazing license could be terminated at any point, the use of rented land is not an unusual arrangement for a growing rural enterprise. I consider this sufficient justification for the siting of the proposed building in this location.
23. Although the appeal building is of a generous size compared to the site on which it would be located, it would be commensurate to the totality of land which is owned and rented by the appellant and the agricultural operations proposed to be undertaken. It would be an appropriate business in the countryside in terms of its operation, size and impact.
24. LP Policy SP8 goes on to require developments to be of a siting and design that is compatible with and visually well-related to the site and the character and setting of the surrounding area.
25. The building would be largely open on three sides and a careful choice of materials has been proposed so as the building is of a typical agricultural

design. Any distant views of the building, particularly any which may be achieved from Abbots Bromley, would be compatible with its rural environs and it would not appear as an intrusive addition. Further, mature trees and hedging line the stretch of highway closest to the appeal site, thus creating an enclosed route. Along with the landscaping separating surrounding fields, views of the proposal would be largely restricted.

26. Accordingly, the proposed development would be in a suitable location and would not harm the character or appearance of the rural landscape. It would therefore comply with Policies SP1, SP8, SP24 and DP1 of the LP which collectively seek to ensure that developments are appropriately located and of a design which respects the character of the locality.
27. For the above reasons, the proposal would also accord with the advice set out in the East Staffordshire Design Guide Supplementary Planning Document (February 2008) and the guidance on sustainable development and good design within the Framework.

Conclusion

28. The proposal would assist the expansion of a rural business, which would also bring wider economic and social benefits. The Framework provides clear support for rural developments and the rural economy. However, given the small scale of the development, I attribute these benefits limited weight.
29. Conversely, the proposal would conflict with the Framework as it would result in harm to highway safety. I give significant weight to the conflict with the Frameworks objectives in this regard.
30. Accordingly, the proposal conflicts with the development plan when read as a whole and there are no other considerations of sufficient weight that indicate a decision should be made other than in accordance with it. The appeal should therefore be dismissed.

H Ellison
INSPECTOR