



## Appeal Decision

Site visit made on 18 September 2023

**by E Worley BA (Hons) Dip EP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 October 2023**

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**Appeal Ref: APP/R3705/W/23/3316913**

**Delamere Purley Chase Lane, Mancetter CV9 2RQ**

- 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 Neal Pointon against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2022/0030, dated 14 January 2022, was refused by notice dated 30 November 2022.
  - The development proposed is described as 'Construct seven Holiday Lodges with associated access, car-parking, waste bin storage, services and landscaping'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The development has already started, and work in relation to the improvements to the access including the laying of hardcore has begun. However, I cannot be certain that the work that has been carried out reflects the submitted plans. For the avoidance of doubt, I have determined the appeal based on the submitted plans.
3. Matters relating to the lawfulness or otherwise of the existing use of the site and work that has been carried out to the vehicular access, including the removal of vegetation within the highway verge, have been brought to my attention. However, these are not issues for me to consider under a Section 78 planning appeal. In the determination of the appeal, I can only have regard to the planning merits of the case.

### Main Issues

4. The main issues are:
  - whether the proposed development would be in a suitable location having regard to accessibility to services;
  - the effect of the development on highway and pedestrian safety; and
  - the effect of the proposed development on the character and appearance of the area including landscape character.

## Reasons

### *Accessibility to services*

5. Policy LP1 of the North Warwickshire Local Plan adopted 2021 (LP) sets out the presumption in favour of sustainable development, and that planning applications that accord with the policies in the plan will be approved. Policy LP2 of the LP, refers to the spatial strategy and settlement hierarchy, and broadly seeks to direct new development to within development boundaries in settlements with accessibility to services. The site lies beyond a defined development boundary, in such cases Policy LP2 indicates that new development will not generally be acceptable, although there may be some instances where development may be appropriately located and would enhance or maintain the vitality of rural communities. Policy LP29 seeks, among other things, to encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities.
6. Policy LP13 of the LP supports proposals for farm diversification through the introduction of new uses onto established farm holdings, where it can be demonstrated that specific criteria are met. These include first and foremost that the development in terms of its scale, nature, location and layout would contribute towards sustaining the long-term operation and viability of the farm holding. The appeal submissions indicate that the holiday lodges would generate additional revenue to provide financial support to expand the farming enterprise at the holding, which includes raising goats for meat and market gardening. However, there is no substantive evidence that the proposal is required to support the growth and expansion of the existing rural business or that revenue arising from the development would be secured for use for such purposes. Accordingly, the proposal would not benefit from the support set out in LP Policy LP13.
7. Notwithstanding the existing use of the site, the proposal would be likely to generate a significant increase in the number of visitors, given the size of the lodges, each with 4 bedrooms and the potential for all year-round use. The appeal site is within walking distance of the edge of the village of Ridge Lane, where there are facilities including a public house, church, a corner shop and a bus stop. In the absence of any public footpath links to Ridge Lane, in order to get to the village, pedestrians and cyclists would be required to travel from the appeal site along Purley Chase Lane to its junction with Ridge Lane, where there is a footway. Purley Chase Lane is devoid of streetlights and roadside pavements, with traffic likely to be travelling at considerable speeds. Whilst the lane is not particularly heavily trafficked, I note that it is also used by HGV's leaving the nearby Mancetter Quarry. Moreover, the grass verges along the Purley Chase Lane are narrow in part and uneven due to the presence of ditches. They are therefore unsuitable for walking, cycling or wheelchairs. Consequently, considering the above factors, Purley Chase Lane would be an unsafe environment for pedestrians and cyclists.
8. It is therefore likely that visitors staying at the appeal site would be discouraged from carrying out journeys by foot or bicycle and that trips from the site to the village would be made by car. As such, the location of the proposed development would not provide access through a range of different means of travel and transport to local services and amenities. It would

therefore not be in a suitable location in relation to accessibility to services. In that regard it would fail to accord with LP policies LP1, LP2 and LP29.

*Highway and pedestrian safety*

9. Access to serve the holiday lodges is proposed via an existing field access to the land from Purley Chase Lane. Even if the access has been used previously, for the reasons set out above, the proposal is likely to result in an increase in vehicular movements.
10. Purley Chase Lane is a rural road with a single lane in each direction and a 60mph speed limit. I note concerns expressed by the Highway Authority (HA) that the appellant's ATC traffic survey, that was undertaken between the 7th & 13th September 2022, was not carried out at an appropriate time of year and was done so without licence. However, given that the highway is not in a residential area and there is no evidence to suggest that it is heavily used by school traffic, there is nothing before me to suggest that the results of the survey would have been influenced by the school holiday period or that it is otherwise not a robust assessment. Nor is there any conflicting evidence before me to suggest that the vehicle speeds that were recorded are not accurate.
11. Given the findings of the ATC survey, which confirm that vehicle speeds are more than 40mph, I agree that the guidance in MfS2 should not apply but rather the scheme should be assessed against the Design Manual for Roads and Bridges (DMRB). The submitted drawing No. DL601B 'Access and Visibility Splay' indicates that visibility splays of 2.4m X 177m to the right and 2.4m X 215m to the left respectively can be achieved. Whilst these distances exceed the visibility splays advocated by the HA, in accordance with the DMRB, the visibility appears to have been measured from a point further along the lane, beyond the appeal site boundary and the position of the access. Consequently, there is nothing before me to demonstrate that the required visibility splays can be achieved on land within the appellant's control and that the proposed access to serve the development would not have an adverse effect on highway safety, having regard to the visibility from the proposed access.
12. For the reasons set out above, it is unlikely that visitors staying at the holiday accommodation would walk along Purley Chase Lane to access the bus stop and services in Ridge Lane, or indeed to explore the local area. For this reason, I find that the proposal would not give rise to harm to pedestrian safety.
13. In light of the above considerations, I therefore conclude that, while the proposal would not have an adverse effect on pedestrian safety, it would harm highway safety. In that regard it would fail to accord with Policy LP29 of the LP in so far as it requires development to provide safe and suitable access to the site for all users. It would also fail to accord with the aims and objectives of the National Planning Policy Framework (the Framework) with regards to ensuring that development would achieve safe and suitable access to the site.

*Character and appearance*

14. The appeal site lies in an area of open countryside and comprises land between Purley Chase Lane to the front and an existing fishing lake to the rear. To one side there are existing agricultural buildings and residential properties beyond, and an area of woodland to the other side. It is used as a registered campsite, most recently accommodating 4 glamping pods, with a hardcore access drive

- from the highway to the front which runs through the site, which is otherwise mainly grass. The land is elevated in relation to the road and adjoining buildings and slopes down towards the fishing lake.
15. The proposal comprises the erection of 7 holiday lodges, in an irregular arrangement surrounded by new native woodland planting. The lodges would be single storey and constructed in timber boarding with sedum roofs with areas of timber decking. Each lodge would be accessed via pathways from the existing internal access track.
  16. The application is supported by a landscape and visual impact appraisal (LVIA). The report considers both the likely landscape and visual effects of the proposed development.
  17. The North Warwickshire Landscape Character Assessment 2010 (LCA) classifies the application site as falling within the Baddesley to Hartshill Uplands Area. The prevailing landscape character is one of wooded upland. The key characteristics of the area include a complex land use pattern made up of mining settlements, pasture and arable farmland, common land, areas of upland woodland, rock quarrying and spoil heaps. The outdoor recreational facilities and modern industrial buildings in the area are said to be generally absorbed by its prevailing wooded upland landscape.
  18. The LCA sets out that relevant landscape/management strategies to conserve and restore the character of the area seek to ensure new development reinforces the existing settlement pattern of small peripheral towns, retaining the rural character of scattered properties and farmsteads within; and that the design of any recreational facilities reflects the character of the existing landscape features. Ancient woodland should also be conserved and planting along woodland edges should favour native species.
  19. The LVIA concludes that while the construction phase would give rise to adverse effects of low/medium significance on the landscape characteristics and quality, as well as several of the identified receptors, any effects would be short term and localised. Once completed, the overall effect of the development on the landscape characteristics and quality would be beneficial and low in significance. Although the proposal would alter the topography of the site, new woodland planting would create a beneficial landscape feature of medium significance in the local landscape. In terms of visual impact, the LIVA concludes that the proposal would have a neutral effect of negligible significance from all viewpoints assessed and there would be no significant adverse landscape or visual effects as a result of the development.
  20. The Mancetter Neighbourhood Plan 2016 – 2029 (NP) identifies the view from the edge of the settlement of Ridge Lane across the fields to Purley Chase Lane as a key view. The view is towards but just beyond the edge of the Zone of Visual Influence of the proposed development at the appeal site. In addition to the new planting, the LIVA sets out that there will be no removal of landscaping to provide the required visibility splays. As such the holiday lodges would be screened from the lane and would therefore have no tangible effect on this locally important view.
  21. The proposal would introduce built form into an otherwise open area free of built development, and in contrast to the intermittent small-scale campsite use of the land. Nevertheless, despite the slightly elevated ground level of part of

the site in relation to the road, the proposed buildings would be modest in height and constructed using recessive external materials. The site is relatively well screened from Purley Chase Lane by the existing boundary planting and the development would be well contained in the wider landscape by the adjoining landscape features and nearby existing buildings. Accordingly, the development would integrate with its context and would not appear visually obtrusive in the rural landscape. Furthermore, in terms of visual impact public views of the development are likely to be limited and the effect in such views would also be relatively modest, particularly once the woodland planting becomes established.

22. The Council has expressed concerns regarding the practicalities of the proposed woodland landscaping within the appeal site given the size of the site. Whilst a detailed landscaping scheme has not been submitted as part of the proposals, there is nothing before me to suggest that an appropriate scheme could not be secured subject to a planning condition.
23. For the foregoing reasons I conclude that the proposal would not harm the character and appearance of the area or the landscape character. In that regard it would comply with the aims of Policies LP1 and LP14 of the LP, which include the need for development to integrate appropriately with the natural environment, and conserve, enhance, and where appropriate, restore landscape character, and Policy LP2 of the LP, in so far as it supports development beyond development boundaries where it would otherwise comply with the policies in the plan.
24. It would also accord with the collective aims of Policies DP1 and BE2 of the NP which require development to, among other things, to be appropriately located and of an appropriate scale and design, having regard to local character and the key landscape views and the aims of the Framework in so far as they seek to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
25. The Council's refusal reason refers to Policy LP13 of the LP, however, for the reasons set out above, Policy LP13 is not relevant to the appeal proposal.

### **Other Matters**

26. The proposal would increase the amount of holiday accommodation in the area, including the types of development for which potential opportunities were identified in the North Warwickshire and Hinckley and Bosworth Destination Management Plan (2017). There would also be economic benefits during the construction phase and once operational, through job opportunities and increased trade for local facilities and services. The proposal would also offer benefits in terms of landscape and biodiversity enhancements through new soft landscaping including native woodland. Nonetheless, these benefits would be relatively limited due to the scale of the development.
27. I have noted concerns raised by interested parties with respect to matters including the effect on existing infrastructure, future maintenance and operation of the site, foul water disposal, air quality and the effect on wildlife. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further.

### **Planning Balance and Conclusion**

28. The proposed development would not lead to harm to the character and appearance of the area and local landscape or pedestrian safety. These are neutral matters in the planning balance.
29. The benefits of the scheme would be relatively limited and would not outweigh the harm that would occur because of the location of the development, having regard to accessibility to services, and the harm to highway safety I have identified. Therefore, the proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.
30. Therefore, the appeal is dismissed.

*E Worley*

INSPECTOR