



Appeal Decision

Site visit made on 20 February 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8th March 2024

Appeal Ref: APP/Y0435/W/23/3330143

Leamington Farm, Bullington End, Hanslope, Milton Keynes MK19 7ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs F Taylor against the decision of Milton Keynes Council.
 - The application Ref is 22/03045/FUL.
 - The development proposed is the change of use from only agriculture to mixed use agriculture, dog training/walking/exercise area with planting of fir trees (Christmas trees – *Pseudotsuga menziesii*) with associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that during the appeal process revised plans have been submitted to ensure the appeal site does not include Council land. As no party would be prejudiced by me taking account of the revised plans, I have determined the appeal on that basis.
3. At my site visit I observed that some of the works have been undertaken and I have determined the appeal on that basis.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on highway safety.

Reasons

Character and Appearance

5. The appeal site comprises an area of open field with an existing track that runs along the southern boundary that links the field with the existing access from Wolverton Road. The appeal site and the surrounding agricultural fields are rural in character. A mature hedge is located along the southern boundary which complements the rural green appearance of the area and makes a significant contribution to the character and appearance of the area.
6. I accept there are many features of the proposal that are entirely compatible with this countryside setting. For example, I accept that a dog walking pasture, the planting of Christmas trees and the use of stock proof fencing would not

adversely impact the character and appearance of the area. Similarly, I consider that the hardstanding area proposed as a parking area and the actual new field access gate would not harm the character and appearance of the area.

7. However, as outlined above the existing hedge that runs along Wolverton Road makes a significant contribution to the character and appearance of the area. The appellant has prepared an access appraisal which indicates that a visibility splay necessary to facilitate safe entry and exit from the appeal site would need to have an x setback distance of 2.4m and a y distance of 215m eastbound and 160m westbound. Although no significant details have been provided about what impact such visibility splays would have on the hedge, having observed the position of the hedge relative to Wolverton Road such splays would have a significant impact on the existing hedge which would likely need significant realignment or even removal of a large part of this important feature. The proposed new field gate would also result in the removal of some of the hedge.
8. Although the submitted plans indicate that the existing hedge would be cutback or relocated as needed, inadequate details have been provided to show both what the actual impact of the proposal would have on the existing hedge and any proposals to mitigate that impact. I accept that the impact may only affect the hedge that borders the appeal site, but any significant loss or even relocation would have a profound impact on this countryside setting.
9. As a result, I am unable to satisfy myself that the proposal would not result in an unacceptable impact on the character and appearance of the area. Due to the lack of details, it is unclear whether any proposed landscaping scheme would be able to sufficiently ameliorate the impact caused by the likely need to realign or remove the hedge. As a result, it would not be appropriate to impose a condition to address this matter.
10. I therefore conclude that based on the available evidence I am unable to find that the proposal would not result in significant and unacceptable harm to the character and appearance of the area. It follows that the proposal would be at odds with Policies D1 and D2 of Plan: MK 2016-2031 adopted March 2019 (P:MK) which among other things seeks to ensure development responds appropriately to the site and surrounding context and creates a positive character. The proposal would also be at odds with the National Planning Policy Framework (the Framework) which seeks to ensure development is sympathetic to local character.

Highway Safety

11. Although the Council in their appeal statement set out that the reason for refusal is made purely on the basis of highway safety and does not make reference to sustainability or acceptability of the use, I am not sure I agree. The reason for refusal specifically highlights that the proposed location would rely on unsustainable modes of transport.
12. However, I consider that the proposal would meet a local business need in a rural area. The appeal property is located within the open countryside and is not well served by public transport. Although I do not consider the proposal to involve significant development, nevertheless the need to travel would not be limited and people using the dog training/walking/exercise area would be

reliant on cars to reach the site. However, the Framework sets out that decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements in locations that are not well served by public transport.

13. That is the case here. As the proposal would involve diversification of the existing farm business and would generate only a modest amount of traffic, I do not consider that the amount of traffic generated would have an unacceptable impact on local roads. Therefore, the proposed use would be acceptable in this location. I do not consider that the fact that future users of the appeal site would be reliant on cars to reach the site would be a sufficient reason to dismiss the appeal.
14. The same cannot be said for the proposed access. It is proposed that the existing vehicle access gate would be stopped up and a new 3.5m wide gate would be introduced in a different position. This would allow only one vehicle to enter or exit the site at a time. Such an arrangement would not be acceptable as if a vehicle was waiting to exit at the same time a vehicle was trying to enter this could lead to traffic backing up onto Wolverton Road, which is a rural main road operating under the national speed limit of 60mph. The situation would be exacerbated if several cars were arriving and leaving at the same time. This would result in significant highway safety concerns.
15. I note that the appellant indicates that a booking system would be in place and that users of the facility would arrive at specified times by appointment at 15-minute intervals. However, in practice this would be hard to control as users may arrive early or training classes may be running late. Therefore, even with a booking system in place I cannot be certain that there would not be conflict between vehicles entering and leaving the appeal site.
16. The appellant has also suggested that a condition could be attached to implement the highway officer's suggestions of setting the gates back 10m from the edge of the carriageway, providing a bell mouth, widening the access to a minimum of five metres to allow for two-way movement and re-positioning the parking area. However, such changes would materially alter the proposal before me. Consequently, it would not be appropriate to attempt to make such significant changes to the scheme by imposing such a condition.
17. I therefore conclude that the proposal would have an unacceptable impact on highway safety and would therefore not comply with Policy CT2 of P:MK which seeks to ensure development does not have an inappropriate impact on the safety of the highway network and provides safe, suitable and convenient access for all potential users. The proposal would also be at odds with the Framework which sets out that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

18. I have taken account of the fact that the site currently operates a dog walking business for no more than 28 days of the year and that certain elements of the proposal would be permitted development. However, the proposal would involve the permanent change of use of the appeal site. The fact that a similar use operates for up to 28 days of the year does not justify harmful development at the appeal site.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR