



Appeal Decision

Site visit made on 5 March 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/P2365/W/23/3331408

White Dial Farm, Moss Lane, Burscough, Lancashire L40 4AT

- 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 Carole Baillie against the decision of West Lancashire Borough Council.
 - The application Ref is 2022/1252/FUL.
 - The development proposed is described as 'the creation of a new access to the agricultural land as shown blue on the attached plan and described within the planning statement'.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a new access to the agricultural land at White Dial Farm, Moss Lane, Burscough, Lancashire L40 4AT in accordance with the terms of the application, Ref 2022/1252/FUL, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mrs Carole Baillie against West Lancashire Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of the development proposed, set out in the banner heading above, is taken from the application form. However, the reference to the blue line on the attached plan and the planning statement are superfluous and not acts of development. I have therefore omitted any reference to these and amended the description of the development accordingly in my decision.
4. Subsequent to the date of the Council's decision, a revised version of the National Planning Policy Framework (the Framework) was published. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issue

5. The main issue is the effect of the proposed development on highway safety.

Reasons

6. The appeal relates to a roughly rectangular shaped field that lies adjacent to the busy A59 Moss Lane highway. Although there are some buildings nearby,

the character of the surrounding area is predominantly rural, dominated by relatively flat open fields and agricultural land.

7. I noted on my midday site visit that there was a regular flow of traffic in both directions along Moss Lane, which is a principal road with 50 mph restrictions in place. Nonetheless, the appellant's supporting information indicates that the proposed access road is only intended to serve a single parcel of agricultural land and estimates little more than an annual total of 34 vehicular movements in and out of the site each growing year. I have no substantive reason to question this.
8. Based on the submitted swept path analysis drawings, I am satisfied that agricultural vehicles with trailers would not overrun the central markings on Moss Lane when turning into and out of the junction of the proposed access. The submitted plans and appellant's technical note also clearly set out that a dropped kerb crossing would be utilised, and I am mindful that there is an existing tarmac footway that runs along the western side of Moss Lane which has other dropped kerb access roads off it. Furthermore, the proposal would generate a minor number of traffic movements, and my site observations confirmed that given its relatively remote rural location, there is a low level of pedestrian activity along this part of Moss Lane.
9. In this context, and in the absence of any substantive evidence to the contrary, I am satisfied that the width and surfacing of the existing footway would provide an acceptable and safe route for pedestrians.
10. All of the factors above have therefore led me to find that the proposed development would not have a harmful effect on highway safety. It would thereby not conflict with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document (2013) (Local Plan). This seeks, amongst other matters, for proposals for development to incorporate suitable and safe access and road layout design.

Other Matters

11. The Council's reasons for refusal also refer to Local Plan Policy GN1, which sets out that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. However, given the Council's acceptance that the proposal would not be inappropriate development and would not have a detrimental effect on the visual amenity and openness of the Green Belt, I find no conflict with this policy.

Conditions

12. I have considered the conditions suggested by the Council against the tests of paragraph 56 of the Framework and advice in the Planning Practice Guidance: *Use of planning conditions*. Where necessary and in the interests of precision and enforceability, I have minor changes to the wording of the suggested conditions.
13. In addition to the statutory time limit condition, I agree that a condition specifying the relevant plans is necessary to provide certainty. In the interests of highway safety, a condition relating to the materials to be used in the first 5m back from the carriageway edge of the adjacent highway is also reasonable and necessary. In similar respects, and in the event of any access gates being erected, a condition is also required to ensure that they would be hung to open

inwards only and also be set back 5m from the carriageway edge of the adjacent highway. However, I have omitted the reference to incorporating 45-degree splays to each side of these gates as this would fundamentally alter the design of the proposal and I must deal with the appeal on the basis of the evidence before me.

Conclusion

14. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be allowed.

Mark Caine

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Appendix 1 - Site Location Plan, SCP/210207/ATR01 Rev D, SCP/2102017/F01, SCP/210207/F02 Rev D, and SCP/210207/ATR04.
- 3) Notwithstanding condition 2, the development hereby permitted shall not be used by vehicles until the area within 5m of the carriageway edge of the adjacent highway has been surfaced in bituminous macadam or cement bound materials that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a plan to show the proposed areas that are to be finished in the proposed materials.
- 4) Any access gates erected shall be hung to open inwards and shall be set back a minimum distance of 5m from the carriageway edge.

END OF SCHEDULE