



Appeal Decision

Site visit made on 21 May 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2024

Appeal Ref: APP/A2470/W/24/3338385

Quarry Farm, Holywell Road, Clipsham, LE15 7SQ

- 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 Mr T Fiducia of Fiducia Enterprises Ltd against the decision of Rutland County Council.
- The application Ref is 2023/1200/FUL.
- The development proposed is use of existing lane as additional access to Quarry Farm.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the decision notice refers to New Quarry Farm and the appeal form to Holywell Farm, the application form specifically describes the development as providing access to Quarry Farm, which is therefore presumed to be the name of the approved barn conversion site for which the additional access is sought. The description of development also refers only to the use of the existing lane, whereas the plans indicate a proposed new section of track, which had already been constructed at the time of my visit. Although the site address and description of development used in the banner heading above are taken from the application form, I have had regard to the new section of track in reaching my decision.
3. Shortly before my site visit, my attention was drawn to another appeal decision¹, relating to the same access, which was recently determined by a different Inspector. Both parties were invited to comment on this decision, which related to the construction of a grain store and access track without complying with a condition that required the grain store to be completed before the access was brought into use. The appeal was allowed subject to conditions, including that "The access track hereby approved shall be used in relation to agriculture only and to serve the grain store and associated agricultural land".

Background and Main Issues

4. The access track was originally approved in connection with a new grain store. Since then, much of the land surrounding the site has been sold to Forestry England, who have confirmed that they have no plans to build the grain store.
5. Having regard to the reason for refusal and the representations of other interested parties, the main issues are the effect of using the existing

¹ APP/A2470/W/24/3329311

agricultural access track to serve a residential property, on the character and appearance of the rural area, and on users of the public bridleway, which runs alongside much of its length.

Reasons

6. The reason given for requiring an additional access to serve the approved barn conversion development, is that the approved means of access to it is only partly owned by the appellant, and although he has a legal right of way over it, he is not responsible for the maintenance of the track, which I am advised is, in parts, difficult to use during the winter months and has previously caused damaged to visitors vehicles. There is little evidence before me to demonstrate why the existing access is unsuitable for the approved small scale residential use or why it cannot be maintained, subject to the agreement of the owner.
7. Although the application and appeal forms state that the whole of the appeal site is in the appellant's ownership, and that no part of it is related to an agricultural holding, the appeal statement confirms that much of the land was sold to Forestry England in 2023. I acknowledge that as part of the terms of sale, the appellant retained a right of way along the agricultural access track, for all purposes and at all times, together with rights to repair and maintain it. However, given that the track is intended to provide heavy farm machinery and associated vehicles with access to the agricultural and forestry land, it is likely to also become damaged and difficult to use, particularly during winter months, resulting in the same potential problems as the existing one. Whilst there is nothing before me to suggest that the track would be upgraded to for example a tarmac or concrete surfaced road, given the extent of the access track, its rural landscape setting and its use being intended for agricultural purposes only, any such works would further erode the rural character and appearance of the area.
8. Substantial parts of both the existing and proposed access routes form part of Public Bridleway E134. Having walked the full length of the existing and proposed access routes, I found both to be very similar in terms of condition. However, the existing route is a much shorter distance from the public highway and is less visually prominent. Moreover, the existing route is to Holywell Road, which appears to carry much less traffic than Castle Bytham Road and has a relatively level access and better visibility at its junction. The new junction with Castle Bytham Road currently has a loose surface, which together with the gradient of the new access road and the adjacent dense mature hedgerows, make safe egress onto the main road, in a car, quite difficult.
9. As there are no footpaths along Holywell Road or Castle Bytham Road, the Bridleway is popular with locals for walking, including walking their dogs, as well as for horse riding. Whilst I acknowledge that the widening of the access track and provision of passing places would reduce the risk of conflict between horses, pedestrians, and vehicles, this would not be necessary if vehicular movements were not increased.
10. There is little evidence before me of the historic or existing traffic movements along the access track, which is intended only for use by agricultural machinery and vehicles accessing agricultural land and the grain store that is no longer likely to be built. Based upon my observations at the time of my visit and the representations of local residents, it seems that there is currently very little

traffic movement, although I acknowledge that due to the seasonal nature of agriculture this will vary throughout the year.

11. The use of the track to serve the occupiers, visitors and domestic services and deliveries of the new dwelling and its annex would result in multiple vehicular movements every day and night. The different type and the increased, volume and frequency of traffic using the access would significantly intensify its use and fundamentally change the tranquil rural character of this agricultural land and the way in which it is experienced by users of the Bridleway.
12. The extended section of the access track to the north of the approved annex, has also introduced unnecessary development in the countryside further eroding its rural appearance. Given that the farm buildings are in the process of being converted to residential use, I see no reason why this additional access route to the agricultural land to the north is necessary. Even if the new dwelling is occupied as a farmhouse, it is unlikely that farm machinery, equipment and produce would be stored on the site once the farm buildings have been converted to residential use.
13. I therefore conclude that the new section of track and use of the existing agricultural access track for residential purposes would fail to preserve the agricultural character and appearance of the rural countryside area and would be contrary to Policy CS19 of the Rutland Core Strategy (2011) and Policies SP15 and SP23 of the Rutland Local Plan Site Allocations and Policies Development Plan Document (2014). These policies require development to contribute positively to local distinctiveness and sense of place, and to be sympathetic and sensitive to its landscape setting and character. The proposal would also conflict with the National Planning Policy Framework, in so far as it seeks to protect the natural environment.

Other Matters

14. The track extension and residential use of the existing track are proposed to serve a barn conversion development. I have not been advised that the occupancy of that new dwelling is restricted to an agricultural worker or that any of the buildings on that site would be retained for agricultural purposes. At the time of my visit the conversion of the former agricultural buildings was well underway. Whilst I am advised that the appellant has retained buildings and approximately 11 acres of land which he continues to farm, it is unclear where these are or what vehicular use of the access would be generated by the farming of the remaining 11 acres. Furthermore, the agricultural use of the access is not restricted.
15. As the use of the agricultural access route for domestic refuse collection contravenes the existing planning condition, it does not alter my decision.

Conclusion

16. For the reasons given above, the appeal is dismissed.

R Bartlett

INSPECTOR