



Appeal Decision

Site visit made on 24 June 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/P1133/W/24/3338008

Cross Park Farm, Heath Cross, Whitestone, Exeter EX4 2HN

- 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 Darren Gorrett against the decision of Teignbridge District Council.
 - The application Ref is 23/01069/FUL.
 - The development proposed is described in the application as “alterations to access and site layout (retrospective)”.
-

Decision

1. The appeal is allowed and planning permission is granted for alterations to access and site layout at Cross Park Farm, Heath Cross, Exeter, EX4 2HN in accordance with the terms of the application, Ref 23/01069/FUL, and the plans numbered 2022.GORRETT.04PP; and 2022.GORRETT.01PP.A.

Preliminary Matters

2. The description of development used in the banner heading above has been taken from the application form. However, in allowing the appeal I have removed wording that is not an act or description of development.
3. The appellant has provided revised drawings that were not before the Council when it made its decision. The plans amend the curved retaining walls on the westerly access by reducing its overall height. Furthermore, a stepped design is shown. These alterations do not lead to a substantially different application.
4. A photo of a partially completed westerly access is shown in the Parish Council’s response to the application. Additionally, the Council and Parish Council had an opportunity to comment on these revisions. Consequently, I am satisfied that there would be no procedural unfairness to anyone involved in the appeal.
5. The application form states that work began in June 2022. At the time of my visit, I saw that works to the east and west access points had already been carried out. I note that the application has been dealt with retrospectively. The revised plans broadly reflect what has been built but do not include the curved stone wall present at the eastern access. Nevertheless, I have determined the appeal on the basis of the revised plans. Any deviation from this would be a matter for the Council and appellant.

Main Issue

6. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) highway safety.

Reasons

Character and appearance

7. The appeal site comprises entranceways and surrounding ground which is part of a wider agricultural engineering business and contractor's premises and yard. It is in the countryside on land locally designated as an Area of Great Landscape Value (AGLV). It is also part of the Exeter Culm Slopes Landscape Character Area. Here, the Council's Landscape Character Assessment recommends that the rural character of historic lanes is conserved and enhanced through sensitive siting of new development. Policies EN2A, S1 and S2 of the Teignbridge Local Plan, May 2014 (TLP) are consistent with these aims. Amongst other things, they seek to promote high quality design that integrates with the adjoining natural and built environment, whilst protecting and enhancing the AGLV.
8. The western retaining walls are clad in stone and rise to a height part of the way up the large stone pillars they adjoin. The pillared entrance point is positioned at a higher ground level than the road and is above naturally vegetated banks. The stepped design of the walls reflects the ground contours, dropping to a low level where they are set back from the road. Additionally, the curved walls are surrounded by low level vegetation. As such, these walls do not stand proud of the surrounding banks, neither do they appear out of place. The use of stone material finish presents as an enhancement to an access fronting this commercial backdrop.
9. The 2m high gates on the eastern boundary were opened and in situ at the time of my visit. It is acknowledged that they are tall and large. However, the generous set back from the road and the presence of an adjacent taller building means that they do not dominate the lane frontage. Moreover, the dark stained timber material is typical of its agricultural and commercial setting. For these reasons, the gates are sympathetic additions within the AGLV.
10. Although glimpsed views of the internal walls can be appreciated from the highway, they are nestled within the context of surrounding built form. Consequently, they do not erode the rural character of the area.
11. For the above reasons, I conclude on this main issue that the proposal does not cause harm to the character and appearance of the area. As such, there is no conflict with policies EN2a, S1 and S1 of the TLP.

Highway safety

12. The Council's Highways Development Management Advice for determining planning applications, 2008 (HDMA) says that the overall height of visibility splays at the channel level should not exceed 600mm. This needs to be balanced against road conditions. The proposed walls at the western access are likely to exceed these recommended heights. Nevertheless, the wide splay of the entrance on rising ground means that vehicles exiting the appeal site would be able to join the highway from an elevated position at an optimum angle to view oncoming traffic. The low-level wall fronting the highway has a generous

set back. This would be likely to add further opportunity for drivers of vehicles to see oncoming traffic in both directions.

13. Furthermore, the western entrance to the appeal site is visible from a good distance in both directions. For the reasons given, I find it likely that the drivers of vehicles approaching the appeal site would be aware of emerging traffic. They would therefore be more likely to arrive at the appeal site with caution where the possibility of vehicles manoeuvring on and off the highway would be anticipated.
14. The appeal site is located off a rural lane where I observed road speeds to be relatively low. Although my observations only represent a snapshot in time, they nevertheless reinforce my view that the western entrance is suitable when considered against existing road conditions. Therefore, the scheme does not run contrary to the guidance contained within the HDMA. Furthermore, it is of note that the Council's highway authority has not raised any site-specific objection to the scheme.
15. I conclude on this main issue that the proposal would not be likely to pose a risk to highway safety. As such, there is no conflict with Policy S1 of the TLP which, in this respect, and amongst other things, says that proposals will be required to perform well in respect of road safety.

Other Matters

16. There are concerns that the proposed western entrance is not needed and that internal layout alterations are part of alternative plans for the wider site. The revised layout, including internal blockwork walls are said to be required for changing business needs. In the absence of any compelling evidence to the contrary, I find no reason to disagree. In any case, I have assessed the appeal on its merits and within the context of the main issues above. Accordingly, there is little evidence of any conflict with Policy EC3 of the TLP.
17. In respect of biodiversity, I have been provided with no substantive evidence to show there would be any conflict with Policy EN8 of the TLP.
18. Representations made in respect of the site history are noted. However, these have no bearing on my decision, which is based on the evidence before me and my own observations.
19. There is a grade II listed building nearby and consequently, there is a statutory duty to pay special regard to the desirability of preserving its setting. From the evidence before me it is apparent this building is significantly separated from the appeal site by intervening distance and vegetation. As such, the appeal site is not within its setting and there would be no conflict with Policy EN5 of the TLP.

Conditions

20. The Council has not suggested the inclusion of any conditions. Given the nature of the development and the fact that it has already taken place, I do not consider any conditions to be necessary.

Conclusion

21. For the reasons given I conclude that the appeal should succeed.

J Hills

INSPECTOR