



Appeal Decision

Site visit made on 2 August 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2024

Appeal Ref: APP/B3030/W/24/3340326

Chase Holt Farm, Sand Lane, Besthorpe, Newark, Nottinghamshire NG23 7HS

- 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 Sam Froggatt, Aubourn Firewood Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref is 23/01119/FUL.
 - The development is proposed new office building, car parking area and repositioning of bio-mass boiler.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.
3. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the highway network.

Reasons

5. The appeal site is an existing timber processing business which operates in a rural area. The site is accessed via a single width rural private track some 200m from the public highway, Sand Lane.

6. The Council confirm that planning permission has previously been granted in 2021 for two new buildings which included a welfare unit to provide staff toilets, kitchen, rest room and changing areas.
7. The proposed development would increase the storage capacity for the operation through the provision of a dedicated welfare building separate from the previously approved buildings.
8. The Council have confirmed that the business has expanded in terms of staff numbers and operation over the years, notwithstanding this I have not been provided with any substantive evidence to confirm if the business is restricted in terms of operation from a planning perspective.
9. Nottinghamshire County Council Highway Authority object to the proposed development on the basis of potential further expansion of the business and its impact on the highway network without improvement to the highway network.
10. The track to the site is a rural track an increase in traffic has the potential to exacerbate the poor condition of the surface which could cause loose material to be generated and carried onto Sand Lane. Loose material on the highway bend where the track meets Sand Lane would be a road safety concern.
11. Whilst I understand that the track serves other uses, nevertheless I have not been provided with substantive evidence to demonstrate that the proposed development would not increase operations or generate additional movements to and from the site which could be served adequately by the existing track.
12. On this basis I conclude that the appellant has failed to demonstrate that proposed development would not harm the highway network.
13. There is conflict with Spatial Policy 7 of the Newark and Sherwood District Council, Amended Core Strategy (2019) and Policy DM5 of the Newark and Sherwood Local Development Framework, Allocations and Development Management Development Plan Document (2013) which seeks amongst other things for developments to not impact the transport network and to provide safe and inclusive access.
14. There is conflict with the Framework which seeks to ensure developments have an acceptable impact on highway safety.

Conclusion

15. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR

