



Appeal Decision

Site visit made on 19 September 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2024

Appeal Ref: APP/W0340/W/24/3336343

Land between Kennet and Avon Canal and railway line west of Frouds Lane – Easting (x) 459033 Northing (y) 166710

- 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 Ryan Alexander of Ryan Alexander Associates Ltd against the decision of West Berkshire District Council.
 - The application Ref is 22/02341/FUL.
 - The development proposed is the formation of storage building, as an expansion of Ryan Alexander Associates premises, with associated external storage, access and parking.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by the appellant against West Berkshire District Council. This application is subject of a separate decision.

Preliminary Matters

3. The description of the development in the banner has been amended slightly to correct spelling.
4. Although not cited within any of the reasons for refusal of the application, conflict with area delivery plan policy 1 of the West Berkshire Council West Berkshire Core Strategy (2006-2026)¹ (the Core Strategy) is identified within the Council's case officer report, which is a publicly accessible document. As such, no parties would be prejudiced by my consideration of this policy, in determining this appeal.

Main Issues

5. The main issues are the effect of the development on;
 - highway safety;
 - the character and appearance of the area; and,

¹ West Berkshire Council West Berkshire Core Strategy (2006-2026) Development Plan Document Adopted July 2012 – West Berkshire Local Plan

- whether the appeal site is a suitable location for the proposed development, with particular regard to the effect it would have on the rural economy and on nearby land uses.

Reasons

Highway safety

6. The appeal site comprises a parcel of land between a railway line and the Kennet and Avon Canal. There is an existing field access from Frouds Lane (the Lane) to the appeal site. Although alterations to the site access are proposed, it is not proposed that it be relocated. On exiting the access onto the Lane, I observed that parts of the nearby bridge over the canal severely restrict visibility of oncoming traffic from the southeast. Albeit at a greater distance from the access, a hump in the lane on the railway bridge, as well as closer fencing and roadside vegetation were also observed to either obstruct or interrupt clear visibility of approaching vehicles from the northwest of the access.
7. Collectively, and amongst other things, policies CS 9, CS 10 and CS 14 of the Core Strategy require development to; be assessed in terms of its impact on the road network; to improve and promote opportunities for safer travel; and to create safe environments.
8. The evidence indicates that the access and parts of the appeal site have previously been used in connection with the maintenance and electrification of the nearby railway line and the maintenance of the canal. However, I have no reason to conclude that such uses have been more than occasional, or that the access is/has been frequently used for other purposes. The PJA technical note indicates that the site's proposed use would generate in the region of 32 daily 2-way vehicle trips. Even if a condition were to be applied preventing the use of the site for purposes other than storage and distribution associated with off-site hard and soft landscape projects, I have no reason to anticipate that the number of vehicle movements generated from the proposed use of the site would differ greatly from those identified in the PJA technical note. I therefore proceed on the basis that the development would result in a significant intensification of the use of the access.
9. I am advised that the automated traffic count (ATC) recording southeast bound traffic was undertaken on the lane to the far side of, but close to the railway bridge, in a location where the site access was not visible. I accept that in locations where forward visibility is restricted, the general speed of vehicles is likely to be lower than if there was better forward visibility. However, from the lane close to but before the apex of the railway bridge, drivers would have a reasonable forward visibility towards and some distance beyond the site access. That being the case, and in the absence of speed data for southeast bound vehicles between the railway bridge and the site access, I am unconvinced that actual speeds of vehicles using this stretch of lane are likely to be either the same as or less than those recorded in the ATC. Consequently, I cannot conclude that the ATC data, from which the stopping speed distance (SSD) and visibility splays have been calculated, accurately reflects the speeds of approaching vehicles approaching the site access from the northwest. As such, I have also been unable to establish that the visibility

splay that could be provided to the northwest of the access, would be sufficient to facilitate the safe use of the proposed access.

10. Given that the 85%ile speed of the northwest bound traffic is less than 60km per hour and having regard to the advice within Manual for Streets 2, I am satisfied that the associated SSD for northwest bound traffic towards the site access would be 60.3m.
11. The submitted plans do not include proposals to alter the nearby canal bridge structure. Furthermore, based on the general notes which form part of the PJA produced plan reference 06272-SK-0001, it is understood that with the entirety of the canal bridge structure left in situ, the achievable visibility splay to the southeast of the proposed access would be just 33.5m. That is based on the splay being taken from the centre of the access at a point 2.4m to the rear of the nearside edge of the lane, to a point 0.5m from the nearside edge of the lane. Such a splay would be considerably less than the 60.3m (y-distance) x 2.4m (x-distance) splay which is indicated to be required at 3.3.6 of the PJA technical note provided by the appellant.
12. Notwithstanding the above, plan reference 06272-SK-0001 also shows a 60.3m (y-distance) x 2.4m (x-distance) visibility splay to the southeast of the site access. However, this splay is taken to a point 1m beyond the centreline of the carriageway, rather than to the nearside edge of the carriageway or 0.5m from the nearside edge of the carriageway.
13. I understand that there are no highway restrictions preventing overtaking manoeuvres along the stretch of lane close to the appeal site. I also observed a reasonable amount of forward visibility along the lane from just beyond its junction with Fronds Park and the railway bridge. For these reasons, overtaking on the lane close to the appeal site could reasonably be anticipated. During such manoeuvres, lane users would not necessarily remain in the left side of the carriageway. Intervisibility between those lane users who would be within 60.3m the site access when approaching from the southeast, and those seeking to exit the site access could not therefore be relied upon. For this reason and given the anticipated increase in vehicle movements to and from the site, the development would harmfully reduce highway safety.
14. Nevertheless, it has been put to me that a 'Grampian' type condition could be applied to secure the introduction of a Traffic Regulation Order to prevent overtaking on the section of lane on the northwestern approach to the access, and to require the reduction in height of the pillars on the canal bridge. However, no suggested wording for such condition/s has been put before me. As such, and while the imposition of condition/s can potentially make otherwise unacceptable development acceptable, in this instance I cannot conclude that this outcome would result. Nor for the same reasons can I establish that such condition/s would meet the tests set out within paragraph 56 of the National Planning Policy Framework (the Framework).
15. For the reasons given, the proposed development would cause harm to highway safety. Consequently, and in respect of this main issue, it would conflict with policies CS 9, CS 10, and CS 14 of the Core Strategy. It would also conflict with paragraph 116 of the Framework, which amongst other things, requires development to create places that are safe. Given that the

development would give rise to unacceptable impact on highway safety, the refusal of the application would also accord with paragraph 115 of the Framework.

Character and appearance

16. Although within the countryside, for the most part, the appeal site comprises a fairly barren area of land which is lower than the adjacent lane, and which is partially hard surfaced with materials including crushed tarmac. Existing telecoms masts in and adjacent to the site, as well as infrastructure associated with the adjacent railway line all afford the site and the area around it, a far from an untouched and pristine character and appearance. Moreover, the wider area contains a range of sporadic buildings and complexes of buildings of various forms and styles, including those at the nearby Fronds Park. Consequently, the appeal site forms part of a patchwork of developed, and undeveloped areas, which together inform the varied character and appearance of the area.
17. The Council advise that the proposed building would have an agricultural appearance, and I have no reason to find otherwise. Moreover, the scale of the proposed building is not dissimilar to that of modern farm buildings that may ordinarily be expected to be encountered in countryside locations.
18. The building and the areas of hardstanding would be located on land which is lower than the adjacent lane. This and the intervening trees and plant growth would therefore prevent it from being a prominent feature when viewed by those passing the site on the lane. The intervening plant growth and the building itself, would also prevent all but glimpses of the parking areas and outside storage areas from the lane close to the appeal site.
19. From land beyond the adjacent train line that the development would be visible, it would be viewed in the same context as the ground level and overhead electrical infrastructure associated with the trainline, as well as the telecoms masts within and close to the site. The development would not be an inharmonious addition in such views.
20. Increased activity levels on the site and increased movements to and from the site would undoubtedly result from the implementation and subsequent use of the appeal site. However, given the relatively modest scale of the scheme, and the general activity levels in the wider area, such movements and activities would not be incongruous.
21. For these reasons, the proposed development would not cause harm to the character and appearance of the area. As such, and in respect of this main issue, it would comply with policies CS 14 and CS 19 of the Core Strategy. Collectively, these policies require development to be of a high quality of design that respects and enhances the character and appearance of the area, and to conserve and enhance the diversity and local distinctiveness of the District's landscape character. For the same reasons, the development would not conflict with the parts of the Framework that require development to be well designed and sympathetic to local character.

Development strategy

22. The appeal site is in a countryside location, outside and away from any settlements defined within the Core Strategy. It is also outside of a protected employment area as identified within the Core Strategy.
23. Together, Core Strategy area delivery plan policy 1 (ADPP 1) and Core Strategy policies CS 9 and CS 10, form part of a development strategy for the delivery of development across the District. Policy ADDP1 seeks to ensure that most development will be within or adjacent to settlements, with a focus on the main urban areas. In open countryside locations such as the appeal site, this policy guides that only appropriate limited development will be allowed, which focusses on addressing identified needs and maintaining a strong rural economy. Policy CS 10 then guides that proposals to diversify the rural economy will be encouraged. While this policy lends particular support to such proposals within or adjacent to rural service centres and service villages, it does not preclude such developments in other locations.
24. Although Core Strategy policy CS 9 indicates that proposals for storage and distribution uses will be directed to the District's protected employment areas and other existing suitable located employment sites and premises, it does not prohibit such development in other locations. Instead, outside of these defined areas, it guides that development proposals should be assessed having regard to matters including, their compatibility with uses in the area, and potential impacts on these uses.
25. Within the explanation of Core Strategy policy CS 9, it is indicated that over the longer term a potential shortfall in B8 floorspace may occur. More recently, the Council's Employment Background Paper dated January 2023, indicates that there remains an acute shortage of good quality [storage and distribution] space within the District. In the absence of compelling evidence to the contrary, I proceed on this basis.
26. Most of the land close to the appeal site appears to be in agricultural use. Nevertheless, the site is also close to various forms of telecom and railway infrastructure and contains 1 telecom mast within it. Furthermore, and although the appeal site is near to a collection of employment generating businesses, it is on the opposite side of the lane and the far side of the canal from the appeal site from it. As such, the site cannot reasonably be regarded as being in an area of existing employment activity. Nevertheless, I have already found that the development would not cause harm to the character and appearance of the area. Furthermore, it has not been cogently demonstrated how the proposed use of the site would otherwise be incompatible with, or cause harmful impacts upon, the uses of other nearby land. I therefore have no reason to conclude such incompatibility or harm would result.
27. Even if no employment generation would directly result from the use of the development and the business were to relocate from Fronds Park to the appeal site, I do not doubt the scheme would help a locally established business to develop and expand. It would thereby make at least a small contribution to developing the rural economy.

28. For these reasons the appeal site is a suitable location for the proposed development, with particular regard to the effect it would have on the rural economy and on nearby land uses. Therefore, and in respect of this main issue, it would comply with Core Strategy policies CS 9 and CS 10. It would also comply with those parts of the Framework that seek to support the sustainable growth of the rural economy, and to ensure that development is sensitive to its surroundings.

Other Matters

29. Even if parts of the site constitute previously developed land and there have been no personal injury collisions on Frouds Lane close to the appeal site in over 10 years, these considerations do not lead me away from my previous findings.

30. The development would help to reduce the shortfall in good quality storage and distribution spaces within the District. However, given the limited scale of the scheme, the associated economic benefits would be small.

Conclusion

31. Notwithstanding my findings in respect of the second and third main issues, the development would cause harm to highway safety. In my view, this is a prevailing consideration, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.

32. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

33. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR