



Appeal Decision

Site visit made on 17 December 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/D1265/W/24/3341901

Meadow Farm, Meadow Farm Lane Corfu Mullen BH21 3HT

- 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 John George against the decision of Dorset Council.
 - The application Ref is P/FUL/2024/00441.
 - The development proposed is creation of a new access and stopping up of three existing accesses to include an interconnecting farm track at Meadow Farm.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a new access and stopping up of three existing accesses to include an interconnecting farm track at Meadow Farm, Meadow Farm Lane, Corfu Mullen BH21 3HT in accordance with the terms of the application Ref P/FUL/2024/00441 and subject to the schedule of conditions attached to this Decision.

Preliminary Matters

2. The Council and others have queried the accuracy of the address of the appeal site on the application form and a number of variations of this are before me. For the purposes of my Decision, I have taken the address as shown on the Council's Decision, which also reflects that which is provided in the appellants Statement of Case.
3. As part of the appeal the appellant has submitted an amended drawing (Appendix JPC1- Ref: Central Entrance / Meadow Farm) ('Appendix JPC1'). This shows a 2.4m by 215m visibility splay in either direction from the proposed access, whereas the original drawings submitted with the application showed a visibility splay of 2.4m by 180m. The amended drawing includes further details in respect of the proposed access. As the amended drawing provides an improved visibility splay and additional details for the proposed access but does not alter the overall nature of the original proposal, I have accepted this in determining the appeal and do not consider that the interests of any party have been prejudiced by my having done so.
4. The Government published a revised National Planning Policy Framework ('the Framework') on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

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

Reasons

6. Meadow Farm is split between the north and south of the A31 and the land associated with this is mainly used for growing maize. The main range of buildings associated with Meadow Farm are located to the south of the A31. The appeal site 'as edged red' on the submitted plans incorporates tracts of land immediately to the south and north of the A31. The appeal site is also within the Green Belt.
7. Meadow Farm is currently accessed from the A31 via a main access from the east end of the field, which abuts the landowner's adjacent field which has a barn and is bisected by a public right of way and a hedge. The adjacent field has a separate access. There is another gated access at the east of the field and one directly opposite the proposed new access to a field opposite.
8. To the east of the main access is a slight bend in the highway which limits visibility in this direction. Also, this access is unmade and I observed that this suffers from poor drainage.
9. The appellant has advised that other accesses to Meadow Farm are all unmade historic accesses with limitations in visibility. Based on the appellant's submissions, the proposed new access is intended to provide a direct and improved access to serve a field south of the A31, which is principally in agricultural use.
10. The A31 forms part of the Strategic Road Network and therefore National Highways are responsible for operating and maintaining the safety and efficiency of this 'A' road. In particular, the Council's reason for refusal is predicated on the objection to the proposal from National Highways, which is based on the design of the proposed access.
11. The proposed access needs to reflect the design standards set out in Design Manual for Roads and Bridges ('DMRB'), CD123 - Geometric Design of at-grade priority and signal controlled junctions and CD109 - Highway link design, which apply to all new and altered access arrangements onto a trunk road.
12. The appellant commissioned a speed survey which confirmed an 85th percentile speed of 49mph and 46mph along the A31 near Meadow Farm. A further 2 surveys were commissioned which produced similar results. On this basis, the appellant suggests that the originally proposed visibility splay of 2.4m by 180m from the proposed access would be acceptable.
13. Whilst I note that National Highways requested speed surveys extending over a longer period, the 2.4m by 215m visibility splay in either direction as shown on drawing: Appendix JPC1 reflects DMRB requirements for the 60mph speed limit along the A31. Also, on the information before me and my observations, this visibility can be achieved in both horizontal and vertical planes and on land within the appellant's ownership and land forming part of the highway and could be secured by a condition if the appeal succeeds.
14. Appendix JPC1 also shows an 8m radii in a bell mouth design extending back for about 20m from the carriageway edge constructed in a made-up surface at a width of approximately 8m. This design exceeds the requisite standards and would allow a tractor and trailer to pull off the highway in order to open the field gate and vice versa.
15. In accordance with CD123, direct accesses can only serve a single field and not multiple fields and are only designed to accommodate less than 50 vehicle movements per week.

16. The appellant advises that the comings and goings of its agricultural use to this single field will remain unchanged as will its level of use and vehicles using it. Therefore, and even if the existing use generates more than 50 vehicle movements per week, the proposed access with its improved visibility and construction is likely to be a betterment over the existing substandard main access associated with the extant use of the site.
17. Based on the appellant's submissions an interconnecting farm track was installed a few years ago and links the existing eastern access to the lower part of the south field for ease of farming. Nevertheless, the appellant insists that the proposed access would only serve a single field, which could be secured by a condition if the appeal is allowed.
18. Meadow Farm also hosts 'slip and slide' events. These events are operated from the site under the provisions of permitted development. As such, these events are only subject to the conditions and limitations set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Furthermore, such events are limited to 28 days per year. Notwithstanding this, there is nothing before me to suggest that any such conditions and limitations would be affected by the proposed access arrangement.
19. The scheme also proposes the closure of other accesses which serve Meadow Farm. The reduction of existing substandard accesses on to the A31 would be a further betterment arising from the proposal. Because limited details have been provided on the closure of the other accesses, these will need to be secured by a condition if this appeal succeeds.
20. Although the appellant has sought planning permission for 'Temporary use of agricultural land for the Mega Slip and Slide' at Meadow Farm, this application was refused. Accordingly, this does not alter my findings in respect of the main issue.
21. Drawing on the above reasons, the proposed direct access to Meadow Farm off the A31, in lieu of existing substandard accesses would not prejudice highway safety. Therefore, the proposal accords with Policy KS11 of the Christchurch & East Dorset Core Strategy 2014, which amongst other things requires that development is designed to provide safe access onto the existing transport network.

Other Matters

22. The proposal is an engineering operation, which would largely comprise an area of hardstanding. This would preserve the openness of the Green Belt and would not conflict with any of the purposes of including land within it. Consequently, in accordance with the Framework, the proposal does not constitute inappropriate development in the Green Belt.
23. In addition to some of the matters addressed above, third parties have raised a number of other issues, including the effects of the proposal on landscaping and biodiversity. These were addressed in the Council's Officer Report and did not form part of its reason for refusal.
24. Whilst some landscaping is to be lost to facilitate the proposed access, this would be limited to a section of hedgerow and some agricultural land. Based on the nature of this landscaping and limited extent of its loss, I am unpersuaded that this would result in any unacceptable impact on landscaping and biodiversity. Also, for these reasons, the scheme does not need to secure any biodiversity protection or enhancement and new landscaping to make the proposal acceptable in planning terms.

25. Whilst there is a footpath running through Meadow Farm, the proposal would not interfere with this.

Conditions

26. I have taken account of the conditions put forward by the Council and National Highways with regard to the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale condition for the implementation of the planning permission, I have imposed a condition specifying the approved plans and drawings in the interests of certainty.
27. In the interests of highway safety, including the safe and efficient operation of the A31, I have specified conditions in respect of drainage for the development and the closure of the existing accesses for Meadow Farm, and a requirement that the proposed access only serves a single field. To ensure the satisfactory appearance of the proposed development, I have specified a condition requiring details of the proposed gates.
28. Subject to the suggested conditions, I have found the proposed direct access to be acceptable. Therefore, and because a Priority Junction is not being proposed, it is not necessary for me to require further information in respect of the design and construction of the proposed access or a Road Safety Audit for this. Any works which require a Section 278 Agreement would be a matter for the appellant and the relevant highway authority. Also, for the reasons already given, it is not necessary to impose conditions requiring a landscaping scheme and a biodiversity protection and enhancement scheme.
29. I have not included the suggested informatives because these are unenforceable. Some of the suggested conditions require details to be agreed with other organisations. This is not necessary as the requirement for discharging conditions and any necessary consultations arising from these are the responsibility of the local planning authority.
30. Conditions 3 and 4 which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for these to take the form of 'pre-commencement' conditions to have their intended effect. Where necessary and in the interests of clarity, flexibility and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

31. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and drawings: Location Plan (1:10,000 scale) Site Plan (1:1500 scale) and Appendix JPC1-Ref: Central Entrance / Meadow Farm.
- 3) Prior to commencement of the development hereby permitted, a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be designed, implemented and maintained to ensure no surface water run-off arising from the development site enters the trunk road or highways drainage systems. The approved surface water drainage scheme shall be implemented prior to the first use of the access hereby approved and thereafter retained and maintained.
- 4) Prior to the commencement of development hereby permitted, a scheme for the permanent closure of the three existing accesses which serve Meadow Farm and to ensure that the proposed access only serves a single field (including a timetable for its implementation) shall be submitted to and approved in writing by the local planning authority. The approved scheme for the closure of the existing accesses and use of the proposed access shall be implemented in accordance with the approved details/timetable and thereafter retained as such.
- 5) Prior to their installation, the details of the proposed gates for the access hereby permitted shall be submitted to and approved in writing by the local planning authority. Thereafter, the gates shall be installed in accordance with the approved details.
- 6) Prior to its use, the access hereby permitted shall be constructed in accordance with the details shown on approved drawing: Appendix JPC1 - Ref: Central Entrance / Meadow Farm. This shall include the provision of a 2.4m by 215m visibility splay. Thereafter, the approved access and visibility splay shall be permanently maintained and kept free from obstruction.