



Appeal Decision

Site visit made on 16 January 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/A2335/W/24/3352211

Back Lane, Tunstall, Lancashire LA6 2QQ

- 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 Ben Towers of J H Towers and Sons against the decision of Lancaster City Council.
 - The application reference is 24/00508/FUL.
 - The development proposed is the creation of a new access entrance off Back Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While the application form states that the site location is Coneygarth Lane, the proposed plans show the new access would be created off Back Lane, which is the location used on the appellant's appeal form and the Council's decision notice. I have used Back Lane in the banner header above as this more accurately describes the site location.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

4. The main issues are (a) whether there is a proven and justified need for the proposal, having regard to local plan policy for rural areas, and (b) the effect of the proposed development upon the character and appearance of the area.

Reasons

Proven and Justified Need

5. The appeal site comprises a field used for grazing. An existing field access is located on the corner of Back Lane and Coneygarth Lane, the track from which, extends to a barn that provides storage. A hedgerow bounds the southern extent of the field with Back Lane. The appeal site lies within the countryside, with the small settlement of Tunstall located to the southeast.
6. Policy DM47 of the Local Plan Part 2¹ (LPP2) considers all development in rural areas. It states that essential operations for agriculture and essential infrastructure

¹ A Local Plan for Lancaster District 2011-2031, Part Two: Review of the Development Management DPD, Adoption Version July 2020.

will be supported in principle, where there is a proven and justified need. The supporting text states that a balance is required between the delivery of economic growth and maintaining the character and function of rural areas, especially within the open countryside.

7. The appellant seeks a safer, more efficient access from the lane to the existing barn, albeit the existing access would still be used by larger farm machinery as the proposed entrance off Back Lane would not allow for turning of such vehicles.
8. The appellant indicates that the existing field access has been in situ for many years. It is located at the corner of the field, where Back Lane turns 90 degrees onto Coneygarth Lane. Forward visibility for drivers on either Back Lane or Coneygarth Lane is presently restricted by this bend in the road, while visibility is also likely to be restricted to a degree for those exiting the existing access, due to its angled position on the corner, along with the presence of hedgerow. However, this road serves only a limited number of farms and dwellings, while the single width of the road and the sharp bend will no doubt influence traffic speeds. The appellant confirms that the existing entrance has been used without recorded vehicular or pedestrian accidents.
9. The proposed access would be positioned further east, on a straight section of Back Lane. 43m visibility splays would be achievable in both directions. The proposed access would be 6.75m in width, which would generally be sufficient for two way traffic, avoiding the need for vehicles to wait on the highway. The information before me suggests that the proposed access would most likely provide an improved design in highway safety terms, over and above the existing access. The key design principles of LPP2 policy DM29 includes several references to ensuring suitable and safe access, along with a requirement that highway safety is maintained or improved. Therefore, this policy provides support for the proposal in this respect.
10. Nevertheless, while it may not be unusual for large fields to have more than one access point, it remains the case that there is an existing access serving this agricultural land and there is no evidence before me to suggest that a second access is necessary, either to maintain or enhance the economic prosperity of this rural enterprise, or to address an issue with highway safety.
11. While my attention has been drawn to the consultation comments from the Highways Authority relating to an application² for Prior Approval for the conversion of the existing barn to residential use under Class Q of the GPDO³, these comments were specific to a proposed residential use, a materially different proposal to the existing agricultural use of the land. The response from the Highways Authority provides no specific comments on the suitability or otherwise of the existing access for continued use for agricultural purposes. As such, this information has not demonstrated a proven and justified need for the appeal scheme, which does not involve any other use of the land or buildings.
12. For these reasons, I am unable to conclude that the proposed access is essential, based on a proven and justified need. Consequently, the proposal would conflict with LPP2 policy DM47.

² 3/01280/PAA

³ The Town and Country Planning (General Permitted Development) (England) Order 2015

Character and Appearance

13. Typical field accesses are not unusual within this area and so they form an established part of the rural landscape. It would not be unusual to see these bound by a combination of hedges, stone walls, post and rail fencing, or mesh fencing and so in this respect, the appeal scheme would be in keeping with other such examples. However, the proposed access would be notably wider than the existing field access that serves the land, which is single width, as is the access opposite. The plans suggest the access width would allow for two-way traffic, and that a formed hardstanding would retain this width for a further 8m back from the highway, along with the inclusion of a passing place further to the rear. It appears that the proposed access would be engineered to a greater scale than is typically necessary for a field access serving agricultural land. Thus, the introduction of the proposed development, and the resulting loss of hedgerow would have an urbanising impact that would be harmful to the rural character and appearance of the area.
14. The appellant suggests that the design of a safe and useable access is regulated by national highway bodies and the Council itself. However, I have not been provided with a copy of any standards that would be applicable to a field access serving an agricultural use. It appears from the appellant's discussion of the former Class Q proposal, that the design of the proposed access would meet the requirements of the Highways Authority in respect of a residential use of the barn, and the appellant is open in acknowledging that the proposed access would be a practical response to the refusal of the Class Q proposal. However, no Class Q development is before me. The available evidence does not demonstrate that an access of this specification is required to serve the present agricultural use of the land.
15. For these reasons, the proposal would be harmful to the character and appearance of the area, albeit the size of the proposal would be modest and so this harm is limited. The proposal would conflict with LPP2 policies DM29 and DM46 in this respect, which collectively and amongst other matters, require new development to contribute positively to the identity and character of the area through good design, including through matters such as layout, materials and scale, providing support for development that is in scale and keeping with the landscape's character and is appropriate to its surroundings.

Other Matters

16. The appeal site is not within a designated landscape and there are no designated heritage assets that would be impacted by the proposal. These are neutral matters that do not carry any weight for or against the appeal scheme.
17. The submitted Flood Risk Assessment (FRA), April 2024, indicates that the appeal site is Flood Zone 2/3, and it suggests that as a result of the proposal, escape from the site would be more efficient in the event of a 1 in 100-year flood. However, there is no detailed evidence to support this and so it is not a matter that I can afford any significant weight.
18. The appellant suggests that the appeal scheme would result in the removal of 18m of hard surfaced track that would be returned to productive farming. However, it is also suggested that larger farm vehicles would need to continue using the existing

access. Nevertheless, this would be a small amount of land and so this would attract limited weight in favour of the appeal scheme.

19. The Biodiversity Metric, June 2024, indicates that the proposed development would provide a 143% increase in habitat units and a 271% increase in hedgerow units post development. This would be a benefit of the proposal that I afford modest weight in favour of the appeal scheme.
20. I note the appellant's disappointment with the Council's approach to the proposal at the planning application stage. However, this is not a matter for this decision.

Planning Balance and Conclusion

21. LPP2 policy DM47 requires all proposals for infrastructure in rural areas to demonstrate a proven and justified need, to balance the delivery of economic growth with maintaining the character and function of rural areas. For the reasons set out above, this need has not been demonstrated, and so there is clear conflict with the development plan. The harm to the character and appearance of the area conflicts with LPP2 policies DM29 and DM46 also, albeit the weight to be afforded to this conflict is limited, due to the modest scale of the development.
22. The proposed access would most likely provide an improved design in highway safety terms, over and above the existing access. This attracts the support of LPP2 policy DM29 insofar as it requires all new development to maintain or improve highway safety and efficiency. However, as the evidence before me suggests that the existing access has been used for agricultural purposes for many years without incident, this tempers the weight I afford to this benefit of the appeal scheme.
23. As discussed above, the proposal would provide some other modest benefits. Albeit finely balanced, the benefits of the proposal do not outweigh the harm I have identified. The appeal scheme would conflict with the development plan when taken as a whole, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR