



Appeal Decision

Site visit made on 16 September 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2025

Appeal Ref: APP/F1610/W/25/3362835

Frogmore Farmhouse, Stow Road, Moreton-In-Marsh, Gloucestershire GL56 9AA

- 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 Christopher White against the decision of Cotswold District Council.
 - The application Ref is 23/03845/FUL.
 - The development proposed is described as application for farm diversification being the provision of 10 additional storage containers for commercial storage purposes.
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Decision

1. The appeal is allowed, and planning permission is granted for the provision of 10 storage containers for commercial storage purposes, at Frogmore Farmhouse, Stow Road, Moreton-In-Marsh, Gloucestershire GL56 9AA in accordance with the terms of planning application Ref. 23/03845/FUL, dated 5 December 2023, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Christopher White against Cotswold District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description in the banner heading is from the application form. While the application may be part-retrospective and is for farm diversification, neither are an act of development. The Council's delegated report confirms the yard area has an existing mixed use which includes storage, so I have not referred to a change of use. This reflects the description of development in the decision paragraph above.

Main Issue

4. The main issue is the effect of the development upon highway safety.

Reasons

5. The appeal site includes part of an established yard that includes equine, agricultural and storage buildings, serving a wider holding of the order of around 30.5 hectares that includes arable cropping, beef cattle breeding, DIY Liveries, as well as storage buildings. I could see a total of four previously permitted¹ containers were present, two additional containers of which the status is unclear and for which permission is not sought by this appeal scheme, as well as five of the 10 specifically subject of this appeal proposal. They would be positioned to extend

¹ Ref. 19/02372/FUL.

an existing row of three already authorised by the 2019 permission, between storage and agricultural buildings.

6. The appeal site is south of Moreton-in-Marsh with direct access off the A429. The appellant is understood to have an established lawful right to pass and re-pass with vehicles under common law on the approximately 0.9km access drive serving the site and holding, which also serves a small number of other properties. The drive is the route of Longborough Bridleway O17, which is intersected by Longborough Footpath O18, which crosses north to south towards the western end of the yard.
7. The A429 in this location has a speed limit of 60mph, is relatively straight with good forward visibility. Average annual daily flows for 2024 have been calculated as around 5,517 vehicles north bound and 5,524 vehicles south bound². It is estimated by the appellant that the existing authorised activities and buildings generate of the order of 56 daily trips. Though interested parties consider this incorrect, it would not seem unrealistic, and no alternative figures are substantiated.
8. The appellant's highway specialist has interrogated what I understand to be a widely recognised and applied system for working out traffic generation. It indicates there would be around on average, 9 additional movements per day. Though figures for example sites vary between 5 and 19 movements, assuming a normal distribution, movements towards the very upper end would only be likely to occur a limited proportion of times, if at all. The figures represent typical expectations based upon a balance of high and low frequency access, with some units accessed more often than average expectations, and others very infrequently.
9. Estimates do not include weekends, which the appellant's experience suggests generates less activity. It may well be that there would be some reduced business use, and it would seem unlikely domestic users typically would generate a high frequency of use. Therefore, it would seem highly unlikely movements would be much greater than the weekday figures.
10. The containers are modestly sized and there are no proposals for lighting, heating, running water or welfare facilities. They are proposed for a B8 storage use, which is distinctly different to a B2 or Class E use business premises. They could be conditioned for use as such, and I see no reason why this would be unenforceable. Though I note some initial concerns expressed by the Highway Authority (HA), they have stated they do not dispute the estimated generation figures. The average trip generation figure would equate to an approximately 0.09% increase in flows on the A429, which at times might be more and sometimes less. Even if there is some fluctuation, there is no substantive case that would lead to the view that the increases would be regarded as either perceptible or significant.
11. The HA and Council do not dispute the site access has minimum desirable visibility distance of 215m for a 60mph highway, which reflects what I saw on my visit, and I can see no evidence it conflicts with the relevant Manual for Gloucestershire Streets standards. I am provided with evidence of the location and nature of incidents on the A429, of which more recently, there has been two serious collisions and one 'slight' on the A429 north of the access.
12. The closest were plotted at a farm junction 25m north. In one, vehicles collided with a vehicle turning right at that junction, and in a more recent 'slight' incident it

² Department for Transport (DfT) 2023 flows with a 1.021% growth added for 2024.

involved a trailer turning into the access that swung out into the other lane. In another accident approximately 150m to the north a motorcycle collided with a lorry stationary in the carriageway at a field entrance. From what is before me, the appeal access was not a causational factor in any of these accidents, and there is no substantive evidence demonstrating any inherent defect with the highway layout, that this proposal might exacerbate.

13. I have considered the details of other accidents on the wider A429, I am provided with, some of which are a very significant distance from the appeal site. All accidents I am provided with details of, including the closest ones, appear to have been caused by human or driver error in one form or another. I cannot conclude they identify any inherent hazard from vehicles observing good highway practice, slowing, stopping, turning into an access, or highway geometry. The evidence does not point to this being an inherently dangerous section of road.
14. The appellant has also considered concerns through a COBAL³ analysis. It shows for the most recent 5-year period available no accidents have occurred within 20m of the access or along the PROWs. On the wider approximately 5.1km section between Stow-on-the-Wold and Moreton-in-Marsh the substantive evidence is that both the wider stretch and the A429/site access junction are experiencing fewer collisions than expected for traffic volume, and the additional traffic generated would be so small as to result in no measurable effect upon predicted collisions.
15. The appellant's view is that turning vehicles would not decrease highway safety and would be no different or present any differing risk for this proposal than any other junction or development. The National Planning Policy Framework (2024) (the Framework) expects safe and suitable access to a site is achieved for all users (115b)) and proposals should only be refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe (116). It is simply not substantiated that increased turning traffic from this appeal scheme would or could be regarded as unacceptable, and this scheme would not have any material effect upon the operation or safety of the access or the A429.
16. The highway access inside the site was of two-way width, in bound material for some length. Even with a gate closed there appeared to be sufficient space for vehicles to be clear of the highway, with good forward visibility between all users. The access track was of substantial construction, with some speed bumps, it was of sufficient width for large HGVs, with greater widths at some bends. Aside of one bend where in any event it was much wider, forward visibility was very good, and there is a grass verge as a potential refuge along its length. At the intersections with PROW O18 there were very good visibility splays.
17. The surface was in good condition, arguably to a significantly higher standard than otherwise required of a PROW. It would seem highly unlikely the order of increased vehicle use from the appeal proposal would result in any discernible wear, and there is no substantive evidence demonstrating to the contrary. In the unlikely event of significant deterioration, I understand there to be powers under section 59 of the Highway Act for the HA to recharge the cost of any repair work.
18. I have noted the concerns of the safety of PROW users and Framework paragraph 117c) seeks that proposals minimise conflicts between users. The accounts before

³ COst and Benefit to Accidents – Light Touch software developed by the DfT.

me of PROW usage are varying. This includes statutory declarations, statements that they are part of publicised well-known routes, used by schools and children undertaking awards, and views about increased usage given recent and future housing developments. I am provided with no substantive evidence of accidents on the PROW/site access lane, and it is not uncommon for pedestrians, cyclists, horse riders and vehicles to safely co-exist on the same surface, including rural PROWs. Given the track construction, width and forward visibility, it does not appear it is currently inherently unsafe.

19. There would be likely to be some increased interaction between vulnerable users and appeal site vehicles. However, given the number of increased movements, the likely number of interactions would be very limited. From what I saw and the substantive evidence before me, if a vehicle and vulnerable user met it appears they would have clear sight of each other and could pass safely.
20. Given the degree of forward visibility, it would seem highly unlikely that two vehicles and vulnerable users would all meet together at the same point. However, were they to do so, while there might be a short period of inconvenience, I cannot conclude it would be prejudicial to any user's safety. There is a suggestion that vehicles are using a private access to pass. However, I cannot conclude this would be essential to the safe operation of the PROW, and if the access owner wished to prevent this, then there are likely to be means of doing so.
21. Though noting the generalised concerns, and that this is an important matter, it is simply not demonstrated by substantive evidence and analysis there would be any prejudicial effect upon safety for users of the PROW, or the proposals would meet any threshold or policy test of being unacceptable. Therefore, in my judgement the proposal does not conflict with the aims of the Framework, including paragraphs 115b) or 117c). Having considered comments in respect of mitigation, such as additional signage, surfacing, passing places, I cannot conclude these would meet the Framework test of being necessary to make the scheme acceptable. I also cannot agree the proposal would materially effect of the way in which the PROWs are experienced or used.
22. In an appeal decision the HA refers me to⁴ the Inspector was not convinced the increased use of the access from 5 additional visits was suitable and safe, referring to increased likelihood of conflicts between vehicles, pedestrians and horse riders. The appellant has provided evidence to indicate that track is twisting and steeply sloping, unmade, with an average width of 2.76m, few passing places, a narrow access junction, and highly restricted visibility at the highway junction. Therefore, its circumstances are not directly comparable to this appeal proposal.
23. The full and detailed evidence that was before the Council and HA is not fully clear from when this appeal track and access were considered in a previous application for storage space⁵. Though noting the cumulative impacts referred to, from the evidence before me, it is not substantiated why an alternative outcome is justified in this instance, given the detailed highway evidence before me. In particular, there is no substantive evidence that PROW conditions have changed, or that any thresholds have been passed to judge this scheme would be unacceptable.

⁴ Ref. APP/B3410/W/24/3344567.

⁵ Ref. 19/02372/FUL.

24. I saw a site north of Moreton-in-Marsh for a recently permitted storage facility, envisaged to generate 10 additional movements per day on the A429⁶ where speeds were measured a limited amount below the 60mph speed limit. From what I saw of the access, traffic, and the evidence before me, it is not fully clear why a different decision was made on that application, to this appeal application.
25. For the reasons set out above, this appeal development would not be prejudicial to highway safety. It would not conflict with Policy INF4 of the Cotswold District Local Plan (2018) (the CDLP) which requires that proposals create safe layouts which minimise user conflicts, provide safe and suitable access, and avoids locations where the cumulative impacts on the highway network would be severe. The reason for refusal refers to the stated effects resulting a conflict with section 9 of the Framework, although no specific paragraphs are referenced. In-light of my findings above I cannot conclude there would be a conflict.

Other Matters

26. That there are already sufficient storage facilities in the area is not substantiated. This proposal gains some support from Framework paragraph 88 and Policies EC1 and EC3 of the CDLP, insofar as it would allow the diversification, sustainable growth and expansion of a rural business, contribute to maintaining and enhancing the rural economy, and facilitate the retention or growth of local employment. From what I was able to ascertain existing buildings could not accommodate the proposal. It would support an on-farm enterprise that contributes towards the economic viability of agricultural holdings, would not conflict with farm operation, or prejudice its continued viability.
27. The appeal site is within the Moreton-in-Marsh Special Landscape Area, but I could not gain visibility of the container area from the National Landscape (NL). While part of the track and access is close to it, there would be no perceptible effects upon the NL from the very minor increase in use onto a well-trafficked highway. Moreover, it would support an existing agricultural practice that contributes to creating and maintaining the area's landscape and historic character. Having regard to my statutory duties⁷, there would be no harm caused to the NL, and its wildlife, cultural heritage, landscape and scenic beauty would be preserved.
28. The aforementioned support to an existing agricultural practice and its location between taller buildings and hedgerow screening north and south, means it would integrate satisfactorily, and overall, result in a minor positive contribution to maintaining and enhancing the character, appearance, distinctiveness and landscape qualities of the area. The use would not be out of character with those in the yard, and its location, the screening and controls over hours of use would ensure it would not harmfully affect the tranquillity of the countryside or enjoyment of rights of way. Therefore, it would meet the relevant requirements and expectations of CDLP Policies EN1, EN2, EN4, EN6 and EC5, and the Framework.
29. The HA's statement states a conflict with Policy INF3 due to the inaccessibility by sustainable transport, and it references Policy EC1 which seeks to locate development to support the vitality and viability of centres. However, it offers little further substantive evidence in these regards. Framework paragraph 93 explains the sequential approach should not be applied to applications for small scale rural

⁶ Ref. 23/01864/FUL.

⁷ Section 245 of the Levelling-Up and Regeneration Act 2023.

development. The Council finds no conflict with the policies, and proposals for rural diversification would be very unlikely to be located within a settlement centre.

30. Framework paragraph 89 recognises sites to meet needs in rural areas may have to be found beyond existing settlements and locations not well served by public transport. Moreover, it would seem inherent in a storage use, very few would feasibly walk, take a bus or cycle to store and collect items. It is limited distances from main settlements, and consistent with Framework paragraph 115a) insofar as it emphasises that sustainable transport is prioritised taking account the type of development and its location. For the above reasons, I cannot conclude these matters result in a conflict with the development plan read as a whole.
31. The appeal scheme would result in some increased vehicle movements and activity and the potential for associated emissions. However, noting the existing use, noise environment, anticipated and potential levels of activity, screening, distance to residential properties, subject to the imposition of suitably worded planning conditions for the use and hours of use, the effects upon surrounding receptors and the environment would not be unacceptable. Therefore, it would not conflict with Policies EN2 and EN15 of the CDLP.
32. The appeal site comprises containers and hardstanding with no discernible biodiversity value, is in-part retrospective, was submitted prior to Biodiversity Net Gain requirements coming into force, and subject to the imposition of planning conditions to prevent undue disturbance, it would not conflict with Policy EN8 of the CDLP or relevant policies of the Framework in this regard.

Planning Balance

33. The development would result in limited economic benefits for the appellant's enterprise and gains support from development plan and Framework policies in respect of rural diversification and support to rural businesses. These matters attract limited weight in favour of the appeal scheme. For the reasons I have set out above, it would not be prejudicial to highway safety, and subject to the imposition of suitably worded planning conditions, the development would not conflict with the development plan read as a whole, or the Framework. Therefore, the appeal should be allowed.

Conditions

34. The development has commenced so a commencement condition is not necessary. For the avoidance of doubt a plans condition is necessary. I have added the location and layout plans for completeness. In the interests of the character and appearance of the area, a condition is necessary to require the containers are finished in a green colour finish, which is reflective of the colour of some surrounding buildings and screening vegetation. In the interests of the character and appearance of the area and the living conditions of neighbouring occupiers, conditions to restrict the hours of use, the use class of the containers to B8, and prevent outside storage are necessary.

Conclusion

35. The development is compliant with the development plan read as a whole and the Framework read as a whole. There are no material considerations that indicate the

application should be determined other than in accordance with the development plan. Therefore, for the reasons given above, the appeal is allowed.

Mr D Szymanski

INSPECTOR

----- Schedule of Conditions -----

- 1) The development hereby approved shall be carried out in accordance with the following drawing numbers: Location Plan, FFC 1-1, FFC 1-3, FFC 1-4 and W576/1.
- 2) The existing containers for which retrospective permission is granted, shall be retained in their existing green finish for the lifetime of the development. The proposed containers hereby permitted shall be finished in a colour and material to match the adjacent green storage containers and thereafter retained in accordance with these approved details for the lifetime of the development.
- 3) The storage containers shall only be accessed during the hours of 8:00 to 18:00 Monday to Sunday and at no other time.
- 4) There shall be no outside storage to the units on the site other than that approved by this decision.
- 5) The storage containers hereby permitted shall be used only for Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

End of Schedule.