

Appeal Decision

Site visit made on 18 January 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/B3438/W/21/3281975

South Fields Farm, Leek Road, Wetley Rocks ST9 0AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Plant against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0242, dated 31 March 2021, was refused by notice dated 27 May 2021.
 - The development proposed is the creation of vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The updated version of the National Planning Policy Framework (the Framework) was published in July 2021 after the submission of the appeal. However, the deadline for the appellant's final comments, the Council's appeal statement and representations from interested parties all postdate the publication of the new Framework. Therefore, I am therefore satisfied that all parties have had the opportunity to consider the changes to the most recent version. I have proceeded with reference to the 2021 Framework in my decision.

Main Issues

3. The main issues are as follows:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effects of the proposed development on highway safety, with particular regard to access;
 - The effects of the proposed development on the character and appearance of the area; and
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development in the Green Belt

4. The appeal site currently comprises an agricultural field adjacent the dwelling at South Fields Farm. There are outbuildings to the rear which serve the haulage business operating at the site and an existing vehicular access from the A520 (Leek Road) south of the dwelling.
5. The proposal seeks to create a new access to the north of the dwelling which would transect the agricultural field for approximately 60 metres before joining the existing haulage yard area. The proposal also includes gates with piers, which would be set back from the highway by 20m, low level brick walls and the removal of an existing hedgerow to the north. This hedge would be replaced by new planting. Although not mentioned in the description of development in either the planning application form or the decision notice, given the current use of the field and in the context of the proposal, a change of use of the land would also be required.
6. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 150 of the Framework details certain forms of development which are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraphs 150 (b), regarding engineering operations, and (e), pertaining to material changes in the use of land, are both of relevance to this appeal.
7. The field subject to the appeal is free of built form and is rural in character. The laying of hardstanding for the access and track would introduce built form, albeit at ground level and without retaining structures, and have a limited effect on openness in spatial terms. Although the large vehicles using the access would be transient and not park on the access road, the proposed gates, piers and walls would all further contribute to a partial loss of openness spatially. Moreover, the proposal would be clearly visible from Leek Road and therefore would also reduce openness in visual terms. This cumulative loss of openness would lead to moderate harm.
8. Furthermore, the proposal would introduce a lengthy section of hard surface material to an agricultural field. This would undoubtedly introduce an overtly incongruous urban element into the site. The encroachment of such an urban element would be contrary to one of the five purposes of the Green Belt, as set out in paragraph 138(c) of the Framework.
9. My attention is drawn to an appeal decision¹ for a proposed access at Stanhopea nearby. The Inspector in that case concluded that the hard surface would not reduce openness. However, this was to replace a large section of gravel with tarmac, rather than an incursion into an open field. Moreover, the Inspector concluded overall that there would be harm to openness due to the entrance gates and flanking stone walls. As such, this does not convince me the proposal before me is acceptable in this regard as I have assessed the impacts upon the Green Belt on its respective merits.

¹ APP/B3438/D/21/3274342

10. Similarly, I am informed of two approved planning applications at the former St. John's School² and Isaac Walton Farm³, both of which involved new access roads among their proposals. I only have extracts of the officer report for the school site, so the exact circumstances of the proposal are unclear. However, similar to the Stanhopea appeal, reference is made to an 'existing base' for the road, while it is also said to be screened from the road. The access at Isaac Walton Farm appears similar to the proposal before me. I have not found that the transient movement of vehicles would reduce openness in this case, although it is unclear as to what other aspects of the Isaac Walton Farm scheme are relevant. In any event, each proposal is assessed on its own merits and the existence of other developments in different locations with their own circumstances do not alter my assessment of the scheme before me.
11. In accordance with paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This harm, although moderate, is attributed substantial weight as per paragraph 148 of the Framework. Furthermore, although the proposal incorporates types of development included within paragraph 150 of the Framework, the case before me does not preserve the openness of the Green Belt and conflicts with the purposes of including land within it. Accordingly, the proposal is inappropriate development.

Highway Safety

12. Leek Road is straight in both directions in the vicinity of the appeal site with a 50mph speed limit. In these circumstances, the Council's Highways Engineer (HE) states visibility of 160m should be demonstrated in accordance with the Design Manual for Roads and Bridges (DMRB). I note this distance is not disputed. The 'Entrance Splays' drawing (Ref: 21/620/03) shows the northeast splay transects a well-established and mature hedgerow on land that is not within the appellant's ownership. Although the HE did not object to the proposal, this was subject to a condition that the development is not brought into use until visibility splays have been provided as per the submitted plan.
13. Although the hedge appears to be well maintained and trimmed, this is carried out as per the current circumstances of the road. The evidence before me indicates that to facilitate the visibility required, on the advice of the HE, an agreement with the neighbouring landowner to maintain this visibility in perpetuity would be needed.
14. I understand that in some aspects, the proposed access would include elements that are an improvement over the existing means of entering and exiting the site. While I have taken that into account, and regardless of any powers the authority has under the Highways Act 1980 (section 154) to control the cutting back of the neighbour's hedge, from the evidence before me it is unclear as to whether the proposal could provide a safe and suitable access.
15. Therefore, I am not persuaded that an acceptable visibility splay to the northeast of the access would be available at all times in the future. In the absence of a splay as set out above, visibility would be impaired, which would be harmful to highway safety. This would be contrary to Policies DC1 and T1 of the Staffordshire Moorlands Local Plan (LP) (adopted September 2020). These

² SMD/2019/0451

³ SMD/2020/0265

seek, among other things, for development to provide for safe and satisfactory access. The proposal would also be contrary to the Framework, which advises in paragraph 110 that development should ensure a safe and suitable access to the site can be achieved for all users.

Character and Appearance

16. The appeal site comprises an open agricultural field with a metal gate located in a gap in the tall hedgerow which lines Leek Road. The wider area is predominantly rural in character with expanses of open agricultural fields to either side of Leek Road. Between the settlements of Wetley Rocks to the north and Werrington to the south, there are sporadic dwellings and farmsteads which are mostly accessed either directly from Leek Road or from private access lanes branching off from the same road. Leek Road is lined predominantly by a mix of tall hedgerows, trees and low stone walls which is reflective of the wider 'Ancient Slope and Valley Farmlands' landscape character area to which my attention is drawn.
17. The appeal proposal would introduce a large amount of hard surfacing, including tarmac and radius kerbs, covering a significant proportion of an otherwise open and undeveloped field. This would be compounded by the proposed gates which would draw the eye to the access, despite being set back from the road. Although I appreciate these are for security purposes, their design would appear incongruous when compared to the more traditional appearance of metal farm gates, such as those existing on the field boundary and at the access to Darleyshire Farm adjacent. While I agree the introduction of gate piers would not be wholly incongruent to the area per se, the use of brick for these and the dwarf wall would jar with the use of more traditional stone walls found along Leek Road and field boundaries.
18. Moreover, the loss of the hedge and replacement with new planting would take some time to mature and establish itself. In the meantime, the operations at the haulage yard would appear much more conspicuous. Although 'instant hedge' planting is mentioned, I have no details of this before me. In any event, this would be set back behind the proposed dwarf wall, which would itself be set back 20m at the furthest point from the road. This would be contrary to the strong prevailing characteristic of hedgerows lining Leek Road on this side.
19. The appellant has suggested the inclusion of a condition to control the materials of the proposal and remove the dwarf wall entirely. However, I have found that other aspects of the proposal would harm the character and appearance of the area. Imposing a condition would not mitigate this harm and in any case, I am dismissing the appeal for other reasons.
20. Overall, the proposal would be a stark, urbanising feature and appear highly incongruous set against the prevailing rural character of the appeal site and local area. This would harm the character and appearance of the area, contrary to Policies DC1 and DC3 of the LP, which advise development should be designed to respect the site and its surroundings. The proposal would also be contrary to the Framework which states in paragraph 130 that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Considerations

21. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. The appellant considers the proposal would be an improvement over the existing access. While this may be the case for some elements of the proposal, such as the use of radius kerbs for turning larger vehicles, I have concluded the required visibility splays to the northwest have not been adequately demonstrated to allow safe egress from the new access. While there is some accident data for the road, I note that the red marker on Figure 4 (Extract of Accident Crash Data) of the appellant's appeal statement is located close to the section of hedge which is the subject of concerns regarding visibility splays. As such, I attribute this argument regarding the improvement to highway safety little weight.
23. I am informed the site has planning permission⁴ for a new repair and storage building to serve the haulage business. It is clear the appellant wants to improve and expand their business, to which the access would contribute. The Framework is clear in paragraph 84 in its support for the sustainable growth and expansion of all types of business in rural areas. However, the support for rural economic development in the Framework is not unconditional, or at the expense of ensuring that all development integrates appropriately with its surroundings. Whilst there would be economic benefits of the scheme, there is no precise quantification of these to enable me to balance them relative to the harm. As such I afford this matter limited weight.

Green Belt Balance and Conclusion

24. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. I have found that the proposal would be inappropriate development in the Green Belt, reduce openness and would conflict with the reasons for including land in the Green Belt.
25. I have also found harm to the character and appearance of the area while the proposal has not adequately demonstrated a safe and suitable access can be achieved. These matters carry further significant weight.
26. Set against these, material considerations cited in support of the proposal do not outweigh the totality of the harm the scheme would cause, especially given the lack of clarity regarding visibility for the proposed access. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

⁴ SMD/2020/0101

27. As such the proposal would conflict with Policy SS10 of the LP and Green Belt policy as set out in paragraphs 147 – 151 of the Framework. For the reasons given above, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR