

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE – 6 MARCH 2012

Title of report	PLANNING APPEAL DECISIONS
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Purpose of report	To report recent appeal decisions and to consider any implications for the interpretation of local and national planning policies to be applied in the determination of planning applications or enforcement proceedings.
Council Priorities	Pride in the Community
Implications: Financial/Staff Link to relevant CAT Risk Management Equalities Impact Assessment Human Rights Transformational Government	None. Place Shaping CAT. None. None. None. None.
Consultees	None.
Background papers	Decision letters of the Planning Inspectorate and the DETR.
Recommendations	MEMBERS NOTE THE DECISION OF THE PLANNING INSPECTOR

APPLICATION NO:	10/01037/FUL
DEVELOPMENT:	CONTINUED USE OF LAND FOR CARAVAN STORAGE WITH ALTERATIONS TO ACCESS
ADDRESS:	HOMEBRIDGE FARM VICTORIA ROAD ELLISTOWN
APPLICANT / AGENT:	Mr Paul Anderson / Mr Nigel Dutton
OFFICER RECOMMENDATION:	Refuse
DETERMINATION METHOD:	Delegated
DECISION:	Refuse
DATE:	10 January 2011
APPEAL METHOD:	Written Representations
DATE OF APPEAL DECISION:	3 October 2011
APPEAL DECISION:	Dismissed
COST IMPLICATIONS:	None

1.1 The appeal was lodged following the Council's decision to refuse planning permission for the continued use of land for caravan storage with alterations to access. The application was determined under delegated powers. The reason for refusal was:

(i) The use of the land for caravan storage has led to the increased use of an access onto a class II road which is substandard in terms of its visibility and geometry. Therefore to permit the proposal would be contrary to Policy T3 of the adopted North West Leicestershire Local Plan and Policy IN5 of Leicestershire County Council's 6Cs Design Guide and would be prejudicial to the road's safety.

1.2 The Inspector's report also relates to two enforcement appeals relating to the caravan storage and the erection of three buildings at the site (11/00035/UD).

1.3 Most of the site, including the area for caravan storage and the site of the buildings, lies within the District but the access onto Victoria Road lies within the Borough of Hinckley & Bosworth.

Caravan Storage

1.4 The main issue in the planning appeal and one of the enforcement appeals was considered to be the additional traffic generated by the caravan storage use and its effect on the junction with Victoria Road and on highway safety.

1.5 The Inspector found that although the site is within a 30mph zone, a recent speed survey indicated speeds to be nearer 40mph. He also noted that visibility was restricted in both directions along Victoria Road. Therefore the visibility at the existing access fell well short of the required standard. He also found that the stopping distance along Victoria Road to the access from the west is shorter than the recommended level.

1.6 The Inspector therefore considered that the existing access is inadequate in terms of visibility and its impact on the stopping distance. The increased use of the access and turning of cars towing caravans heightened his concerns. He therefore concluded that the use of land for the storage of caravans accessed via the existing access and the additional traffic movements would be harmful to highway safety and would not accord with Local Plan Policy T3 or national guidance.

1.7 The Inspector considered whether this harm could be alleviated by the provision of a revised access arrangement (which has been permitted by Hinckley & Bosworth Borough Council) under a 'Grampian' condition. However he stated that whilst the revised access would be better, it would still be substandard and therefore the caravan storage use would still be unacceptable even with a new access in place.

1.8 The Inspector took into account other considerations raised by the appellant but did not consider them to outweigh the harm to highway safety. He also had regard to the draft National Planning Policy Framework but gave it little weight as it was still at consultation stage.

1.9 The Inspector therefore dismissed the planning appeal and upheld the part of the enforcement notice relating to the caravan storage.

Erection of unauthorised buildings

1.10 The main issue in the enforcement appeal relating to three unauthorised buildings was their effect on the character and appearance of the area and other material considerations. The buildings have been constructed on land that lies outside the limits to development as defined in the Local Plan. The appellant had advised that the buildings were to be used as a stable block, a vintage car store and a farm implement shed.

1.11 The Inspector found that the stable block's design and form had not been primarily arrived at with horses in mind. He found one of the other buildings was being used for the storage of farm vehicles and implements and the other being used for the storage of three cars.

- 1.12 The Inspector stated that the erection of new buildings goes against the development plan strategy of minimising new building in the countryside. He found that the justification for the stable block did not accord with Policy S3 of the Local Plan as it has not been demonstrated that it has been designed and constructed for recreation purposes. He also stated that the scale of the buildings appeared to be unrelated to the domestic needs of the nearby dwelling, in particular as agricultural uses have long ceased. He also considered that the siting of the buildings is relatively remote from other built development on the site and would result in the undesirable sprawl of development in the countryside. He therefore concluded that the scale and siting of the buildings harms the character and appearance of the countryside.
- 1.13 The Inspector found that the other material considerations put forward by the appellant did not outweigh the visual impact of the buildings and that conditions could not overcome this harm. Again he also gave limited weight to the draft National Planning Policy Framework.
- 1.14 The Inspector therefore did not grant planning permission for the three buildings and upheld the (varied) enforcement notice.