



Appeal Decision

Site visit made on 8 March 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal Ref: APP/L3245/W/21/3284054

Redthorne Farm Barns, Redthorne Hill, Cleobury Mortimer DY14 8QH

- 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 T Poyner against the decision of Shropshire Council.
 - The application Ref 21/00180/FUL, dated 22 December 2020, was refused by notice dated 13 April 2021.
 - The development proposed is the laying of a hardcore track and creation of a new access from an unregistered road into the field for the purposes of agriculture.
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Decision

1. The appeal is allowed and planning permission is granted for the laying of a hardcore track and creation of a new access from an unregistered road into the field for the purposes of agriculture at Redthorne Farm Barns, Redthorne Hill, Cleobury Mortimer DY14 8QH in accordance with the application, Ref 21/00180/FUL dated 22 December 2020 subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes it instead of the much longer and detailed description given on the application form.

Main Issues

3. The main issues are:
 - Whether there is an agricultural need for the proposed development; and
 - Highway safety

Reasons

Agricultural need

4. The appeal site consists of a number of sizable fields in pastoral use. The fields are in an area of undulating open countryside extending beyond the village of Cleobury Mortimer. When I visited the site, I observed that there were cows in the top field and a number of feeding troughs dotted across the landscape. There is an existing gated field access from Lion Lane.
5. A country lane extends along one side of the fields with sporadic residential development along it. The surrounding landscape has a largely verdant and agrarian character. The natural features on the boundaries to the site, including

- trees and hedgerows, add to the rural character to this part of the site, which is free from built development.
6. The proposed development involves the formation of a stone retaining wall, new access from the lane and a track into one of the appellant's fields, approximately 3m wide and extending for some 46m. The appellant has stated that the track is required to allow vehicles to enter the field to feed cattle during the winter and has been positioned in a field that is dryer than surrounding ones.
 7. Policy MD7b of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev) relates to the management of development in the countryside. Part 3 of the policy relates to agricultural development and criteria b. states that where possible development should be sited so that it is functionally and physically related to existing farm buildings.
 8. Whilst the proposed track would not be closely related to existing farm buildings the site consists of a number of sizable fields devoid of agricultural structures. Moreover, the proposal would have a clear functional agricultural purpose assisting the appellant to feed cattle during the winter.
 9. Representations have been raised questioning the need for the proposed development. Whilst it appears that a further gated field access is located further along the lane the appellant advises that this does not fall within their ownership and therefore cannot be used to access the site. In addition, the existing cattle holding pens cannot be used for feeding as they are required for animal welfare purposes only. As such, I am satisfied that no other reasonable alternatives exist and that the appellant has sufficiently demonstrated that the proposed development is required for agricultural purposes.
 10. The dimensions of the track and its finish combined with the natural changes in levels in the surrounding area and field boundaries means the proposed development would not be unduly prominent within the surrounding area and would not unduly diminish the surrounding rural characteristics.
 11. I conclude that the proposed development would accord with Policy CS6 of the Shropshire Core Strategy (2011) (CS) and SAMDev Policy MD7b which, amongst other things, requires development to be adaptable, safe and accessible, designed to a high quality and that is consistent with its required agricultural purpose.

Highway safety

12. The lane is single width with grass verges, banks and hedges close to the road serving agricultural land and dwellings. The proposed development is unlikely to intensify movements to and from the site given its continued agricultural use. Whilst a new access would be formed there is nothing to suggest that the lane is unsafe or that vehicle movements would be restricted due to the width of the road.
13. The visibility splays would be adequate and satisfactory views and sightlines could be obtained in both directions. Given the width of the lane vehicle speeds along it, and when entering and leaving the site are likely to be very low. Furthermore, in rural areas drivers would be mindful of encountering some farm traffic.

14. Paragraph 111 of the National Planning Policy Framework (the Framework) advises that development proposals should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network would be severe.
15. As such, based on the evidence before me and taking into account the advice of the highway authority, the proposed access is adequate, and there is no substantive evidence to indicate that the appeal proposal would have an unacceptable impact upon highway safety. Therefore, there would be no conflict with CS Policy CS6 which, amongst other things, requires high quality sustainable design or the Framework.

Other Matters

16. It is incumbent upon me to assess the merits of the proposal before me in respect of the main issues. The reference to the future intentions of the appellant in relation to the track is not a matter for me as part of this appeal. Therefore, I give it negligible weight in coming to my decision.
17. There would be no change in the agricultural use of the site and there is no substantive evidence to indicate that the proposed development would result in increased agricultural activity. Therefore, I am satisfied that the proposed development would not unacceptably harm the living conditions of nearby occupiers.

Conditions

18. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. A condition relating to landscaping has been imposed to ensure the satisfactory appearance of the development. A condition has been imposed for the Council to monitor the groundworks in the interest of archaeological significance.
19. The Council has suggested a condition restricting the use of the track solely for agricultural purposes. However, the application has been advanced as an agricultural project as such I do not consider that it is necessary to impose the condition.

Conclusion

20. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; Cross Section Plan and Agricultural Track Access Plan Drawing Number KK1665-1001 Rev A.
- 3) The development shall not commence until Shropshire Council's Historic Environment Team have been notified, not less than three weeks prior to commencement of ground works, to provide them with reasonable access in order to monitor the ground works to record any archaeological evidence as appropriate.
- 4) The development should not be brought into use until the hard and soft landscaping scheme has been laid out and completed in accordance with Agricultural Track Access Plan Drawing Number KK1665-1001 Rev A. The hard surfaced areas shall thereafter be kept available for its intended purpose for the lifetime of the development.
- 5) All planting comprised in the approved landscape details shown on Agricultural Track Access Plan Drawing Number KK1665-1001 Rev A shall be carried out in the first planting and seeding seasons following completion of the development; and any planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.