



Appeal Decision

Site visit made on 15 January 2013

by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2013

Appeal Ref: APP/T2350/A/12/2183013

Seven Acre Cottage, Forty Acre Lane, Longridge, Lancashire, PR3 2TY

- 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 A Ball against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2012/0259, dated 2 April 2012, was refused by notice dated 30 May 2012.
 - The development proposed was originally described as "proposed new vehicle/pedestrian site access drive. Present access drive forms a dangerous junction with Forty Acre Lane due to very limited sight lines looking towards Longridge centre".
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Decision

1. The appeal is allowed and planning permission is granted for a new vehicle/pedestrian site access drive at Seven Acre Cottage, Forty Acre Lane, Longridge, Lancashire, PR3 2TY in accordance with the terms of the application, Ref 3/2012/0259, dated 2 April 2012, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. The description of development given in the heading above includes aspects that are not descriptions of the development. I have therefore removed them from my formal decision.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the countryside.

Reasons

4. The appeal proposal, for a new access to serve two houses, would be located within open countryside to the north of the settlement boundary of Longridge. It would use an existing gateway and field access point on Forty Acre Lane. Therefore, it would not create a new feature along the lane. The drive would run in a curved manner through a field adjacent to the grounds of the properties and would re-enter the site at a point between the two houses. Access tracks are a feature of the countryside and in my view the appeal proposal would not appear significantly different in this respect.
5. The proposed drive across the field would be screened from Forty Acre Lane by the stone wall fronting on to it and the existing vegetation between the existing and proposed accesses. Therefore, it would not be visible from the lane. It would be visible from the public right of way which runs along the eastern edge of the field.

However, as referred to above, such tracks are not necessarily out of place in the countryside. In any event there would be no physical structures or features associated with the proposal beyond those of the surfacing materials of the drive, which themselves could be controlled by an appropriate condition so as not to appear unduly prominent when viewed from the public right of way or in the wider landscape.

6. There is no evidence to suggest that the appeal proposal would obstruct the public right of way which would, in any case, be protected from such obstruction by other legislation.
7. Concern has been expressed that the proposal would lead to an extension of residential curtilage up to the access drive. However, the submitted application sought consent for a vehicular/pedestrian access drive. Consequently, I have determined the appeal on that basis. The appellant has confirmed that the application was not for a change of use or extension to the domestic curtilage. Therefore, there would be no domestic garden features associated with the proposal and no need for boundary treatment alongside the drive. Accordingly policy H12 of the Ribble Valley Districtwide Local Plan which presumes against the extension of domestic curtilages into open countryside would not be compromised.
8. It is normal practice in rural areas for access tracks to pass through areas where livestock are present and such situations are effectively managed by ensuring that gates are opened and closed as appropriate and I have no reason to doubt that such a system would not operate effectively in this case.
9. The appeal proposal would allow for the closure of the existing access to the properties. I note that the Highway Authority considers that the proposed access would be an improvement on the existing arrangement in terms of sight lines. Accordingly, I consider the highway improvements would be a positive benefit of the proposal.
10. To conclude therefore, I consider that the proposal would not harm the rural nature and appearance of the site and would not appear as urban encroachment. In this respect it would not detract from the character and appearance of the countryside and it follows therefore that it would also not be intrinsically detrimental to the Area of Outstanding Natural Beauty (AONB) which is adjacent to the appeal site. As such it would accord with Local Plan policies ENV2 and ENV3 which seek to protect the landscape and character of those areas immediately adjacent to the Forest of Bowland AONB and ensure that development in the open countryside outside the AONB and areas immediately adjacent to it is in keeping with the character of the landscape area. It would also comply with policy G1 of the Local Plan which seeks to ensure that development does not adversely affect the amenities of the surrounding area.
11. I have considered the conditions suggested by the Council in the light of Circular 11/95 and for clarity. I have also had regard to the comments made by the appellant.
12. A condition, as suggested by the appellant, requiring the surfacing materials of the access drive to be agreed by the local planning authority would ensure a satisfactory appearance. It would also allow the Council to consider the surfacing of the initial length of the drive to help ensure that loose materials are not carried onto the highway. Accordingly, it is not necessary to impose a separate condition on this matter as suggested by the Council. I have concluded that the access

drive would not appear unduly prominent when viewed either from the public right of way or in the wider landscape and there is no need for boundary treatment alongside the drive. Therefore, the landscaping condition requested by the Council is neither necessary nor justified.

13. I am mindful that Forty Acre Lane is a narrow lane and in the interests of highway safety I have imposed conditions to ensure that there would be sufficient space for a vehicle to pull off the road to open the access gate, to ensure that the width of the access drive is constructed and retained to a minimum width of 5 metres and to require the permanent closure of the existing access.
14. Planning permission would be required for a change of use to domestic curtilage and illumination of the access. Therefore, I consider it unreasonable to impose the conditions requested by the Council in these respects. For the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is imposed.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR

Attached – Schedule of Conditions

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plan: Drg. No. 113/2012 dated March 2012.
- 3) Notwithstanding Condition 2 and any indications of materials given on the approved plan or in the supporting documentation, the site access drive hereby permitted shall not be brought into use until it has been surfaced in accordance with details to be submitted to and approved in writing by the local planning authority.
- 4) No gates erected at the access shall be positioned within 5m of the nearest edge of the carriageway of Forty Acre Lane and any gates shall only open away from the highway.
- 5) Before the access drive hereby permitted is used for vehicular access it shall be constructed to a minimum width of 5 metres for a minimum distance of 5 metres back from the nearside edge of the carriageway of Forty Acre Lane. This section of the access drive shall thereafter be permanently retained with a minimum width of 5 metres.
- 6) Within one month of the development hereby permitted being used for vehicular purposes the existing access to Seven Acre Cottage shall be physically and permanently closed and the verge shall be reinstated.