



Appeal Decision

Site visit made on 20 June 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal Ref: APP/H4505/W/22/3295230

West Byermoor Farm, Fellside Road, Whickham NE16 6BE

- 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 E Quigley against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/00510/FUL, dated 13 April 2021, was refused by notice dated 17 November 2021.
 - The development proposed is described as "New Vehicular Access including Access Road to Farm".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A Coal Mining Risk Assessment has been submitted with the appeal and the Coal Authority has provided comments on this Assessment. The Council have subsequently stated that they are satisfied to concede on the third reason for refusal relating to coal mining subject to planning conditions. I have assessed the appeal accordingly.

Main Issues

3. The main issues are:
 - i) Whether the proposal is inappropriate development in the Green Belt;
 - ii) The effect of the proposal on highway safety; and
 - iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the proposals.

Reasons

Whether inappropriate development

4. Policy CS19 of the Local Plan Document for Gateshead 2011 (LPD) relates to protection of the Green Belt. Paragraph 150 of the National Planning Policy Framework (the Framework) states that engineering operations are not inappropriate development in the Green Belt provided they preserve its openness. It is an agreed matter that the proposal would constitute an engineering operation.

5. Visual and spatial impacts form part of the concept of openness of the Green Belt. The appeal site is currently a grassed field which, at the time of my site visit, was occupied by horses. There are no engineering operations at the appeal site, therefore the introduction of the access road would, in spatial terms, have a greater impact on the openness of the Green Belt. The appeal site is visible from within the grounds of Byermoor Farm and the proposal would remove hedgerow and an embankment, and provide a hard standing area. The introduction of the access and the hard standing would be visibly prominent from both within the Farm as well on approaches from both directions along Fellside Road, which would have a more intense visual impact on the openness of the area in comparison to the existing arrangement.
6. I therefore find that in both spatial and visual terms, the proposal would have a greater impact on the openness of the Green Belt than the existing situation. The proposal would be inappropriate development in the Green Belt, and as such conflicts with Policy CS19 of the LPD and paragraph 150 of the Framework which seeks to safeguard the countryside from encroachment and preserve the openness of the Green Belt.

Highway safety

7. Fellside Road is a narrow road with hedgerow and embankments on either side. The proposed access would be located on a bend in the road and the Council have not raised any significant concerns in terms of visibility from the access and vehicles leaving the proposed junction.
8. Concerns have been raised in terms of stationary vehicles on Fellside Road that might be waiting to turn into the new access. Given the narrow width of the road and the hedgerows and embankments that flank the road either side, stationary vehicles waiting to turn into the proposed access may not be fully visible. Vehicles travelling along Fellside Road may have restricted views of stationary vehicles waiting to enter the proposed access and this could result in a hazardous situation.
9. I have had regard to the appellants statement of case, including speed survey results (SSR). However, these SSR are lacking sufficient information such as location of these speed tests and how moving vehicles can react to stationary vehicles given the obstacles like the hedgerows and embankments that are on either side of the road.
10. From the evidence before me, I am not convinced that the proposed access would not have a harmful effect on highway safety at this location. The proposal would be contrary to Policies CS13 and MSGP15 of the LPD which seeks development to not have an unacceptable impact on the safe operation of the transport network.

Other considerations

11. The proposed development is solely to serve the existing operational use of the site and would not create any conflict in terms of land use. There would also not be any variation to the vehicle types or movements which currently enter or leave the site.
12. The proposal would include the existing access points being blocked up and the appellant describes the proposed access arrangements as leading to significant improvements to highway safety. Whilst I witnessed at my site visit that

visibility from both the existing accesses are restricted, there is however, minimal evidence to suggest that the existing accesses are unsuitable, particularly with regards to accident data. From the information before me, I am unconvinced that the proposed access would be a significant improvement over the existing accesses.

Conclusion

13. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. From the evidence submitted, I am also not satisfied that the proposal would not harm highway safety or that it would be a significantly improved situation than the existing accesses. There are no other considerations that would clearly outweigh the harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
14. For the reasons set out above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR