

Darren Cryer
The Planning Inspectorate
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2 The Square
Bristol
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Your Ref: APP/H1033/W/24/3341655

Our Ref: 1065/PG

16 July 2024

Dear Darren,

LAND OFF MARPLE ROAD, CHISWORTH, DERBYSHIRE, SK13 5RZ

Introduction

I write on behalf of my clients, L and G Williams, further to your letter dated 10 July 2024 regarding the above, to which was attached the statement of the Council. This letter sets out the comments of the appellants on the Council's case, which is comprised of a written statement along with an addendum by the County Council's Highway Officer.

The Statement of the Council

The appellants have no observations to make on Sections 1 to 5 of the statement submitted by the Council, as they relate purely to the factual background for the case. The comments of the appellants on the remaining sections of the Council's statement are set out in the following table:

Paragraphs	Subject	Comments
6.1 to 6.4	Planning Practice Guidance	The appellants raise no issue with the quotation used by the Council in reference to the PPG, which simply provides reference to the retrospective nature of the application. However, the suggestion that the Council has been 'generous' to accept a second application is rebutted, given that the appellants spend around nine months trying to engage on a way forward without any response.
6.5 to 6.8	Green Belt Policy	The references made by the Council to the NPPF are noted, but it cannot logically be the case that the laying of a track for agricultural/equestrian use across land in the same purpose can be considered as conflicting with the stated objectives of the NPPF.
6.9 to 6.13	Green Belt Impact	Contrary to the Council's case, the statement of the appellants provides a robust explanation of the need for the access and track throughout its content and demonstrates that it has served to improve a previously hazardous route to the land via the poorly located junction with Sandy Lane which has extremely minimal visibility in either direction, particularly for large slow-moving vehicles such as those used by the appellants which resulted in a previous accident. The development also complies with the purposes of including land within the Green Belt and is not therefore inappropriate development.

6.14 to 6.16	Landscape Character Policies	The Council's references in these paragraphs to the policies of their Local Plan are reflected in the statement of the appellants, with their requirements all shown to be satisfactorily addressed.
6.17 to 6.21	Landscape Character Impact	The case for the Council is seemingly founded largely on the misconception that a gated access into a field and a track across it is in some way a visually harmful and unusual feature in the area, which is certainly not the case as will be evident to the Inspector when making the site visit. Furthermore, as the track is level with the adjoining land, it is a retiring feature within the landscape which preserves the visual and spatial openness of the area and the character as a whole.
6.22 to 6.27	Highway Safety	The access provides more than adequate visibility splays, which can be achieved not only in accordance with the Highways Technical Note provided with the application but also by the fact that the vehicles which utilise the access (a tractor and trailer once a fortnight) are by their very nature elevated up more than a car and can already see in each direction, unlike the existing access via Sandy Lane which has been shown to be dangerous via the content and images within the statement of the appellants. Furthermore, Appendix 3 provides the very document which the Council purport is missing from the information, a letter from the adjacent landowner (Mr Driver) providing confirmation of a legal agreement which is in place for the visibility splay to be taken across their land, assuming of course that the Inspector adjudges it to be necessary. Given that Mr Driver uses the same access for entry to his own fields, it is unrealistic for the Council to even doubt his consent to the visibility being put in place, if needed.
7.1 to 7.3	Conclusion	The appeal scheme puts forward an entirely acceptable form of rural development which will demonstrably improve highway visibility and is of an appearance (a gated access and a track across a field) that is standard for any rural landscape within the Green Belt. The provision of a far safer access point is therefore to the public benefit and should have been encouraged by the Council rather than being refused.
Addendum	County Council Highways	This document (dated 5 July 2024) essentially confirms that the Highway Authority withdrew their objection via the email dated 7 February 2024, which was provided as Appendix 2 to the statement of the appellants. However, rather than correctly offer the appellants the opportunity for a revised plan to be submitted, the Council moved to refuse permission just two days later without any further discussion. Accordingly, as it has been confirmed that a plan can show satisfactory visibility splays in each direction, this can be readily secured by the use of an appropriate planning condition.

Addendum (continued)	County Council Highways	The failure by the Local Planning Authority to engage with the appellants regarding the necessary visibility splay plan can hardly be considered as them “ <i>working with the applicant in a positive and proactive manner as required by Section 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and in accordance with Paragraph 38 of the National Planning Policy Framework</i> ” as suggested to have been the case in the informative on the planning decision notice, as a simple further piece of discussion would have eliminated the third reason for refusal.
~	Conditions	It is noted that the Council have also failed to provide a list of draft planning conditions for consideration by the Inspector, as per their obligation to do so. The appellants would however confirm that they are happy to comply with any reasonable conditions that the Inspector may consider to be necessary to enable the development to be approved, for example by planting grass seed along the track to make it even more in-keeping with the adjacent field if so required.

Comments Submitted by Third Parties

It is of significance to note that no adverse representations have been submitted by third parties regarding this appeal. It is very clear that local residents do not perceive that the development causes any harm, as suggested by the Council.

Closing Remarks

It is trusted that the appointed Inspector will take the contents of this letter into account, and your confirmation of the date on which the Inspector will make the site visit is awaited.

Yours sincerely,



Philip Garner
DipPS MSc MRTPI
Director