

Encouraging sustainable housing growth to support creation of an overall balanced housing market;

Addressing the density and mix of housing types and tenure;

Giving full weight to agreed masterplans produced under housing regeneration area programmes; and

Providing new infrastructure to support the sustainability of communities.

Policy T3: New Development and Sustainable Travel

New development will be expected to:

Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;

Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;

Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and

Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition.

Where levels of accessibility through public transport, cycling and walking are unacceptable, we will expect developers to take action or make financial contributions in accordance with policy I1.

If it is not possible or appropriate for the minimum amount of parking for cycles, motorbikes, scooters and mopeds to be met on site, the developer must provide, or contribute towards, off-site parking, or improve or provide other forms of travel.

Policy D1: High Quality Design and Place Making

Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;

Views and vistas to key buildings, landmarks, skylines and gateways; and

Heritage and townscape character including the scale, layout, building styles and materials of

the built form in the locality.

Through its layout and design development should:

Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;

Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;

Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;

Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;

Provide clear and obvious connections to the surrounding street and pedestrian network;

Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;

Promote safe, secure environments and access routes with priority for pedestrians and cyclists;

Create clear distinctions between public and private spaces;

Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;

Make the best use of high quality materials;

Include a comprehensive and high quality scheme for hard and soft landscaping; and

Provide high quality public realm.

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

Policy HE1: The Historic Environment

We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets which are at risk

This will be achieved by:-

- a. Supporting proposals which conserve and enhance the significance and setting of the borough's heritage assets, paying particular attention to those elements which contribute

most to the borough's distinctive character and sense of place.

These elements and assets include:-

The nationally significant industrial landscapes of the Don Valley which includes Wortley Top Forge and its associated water management system.

Elsecar Conservation Village, its former ironworks and its workshops which were once part of the Fitzwilliam Estate.

A number of important 18th and 19th century designed landscapes and parks including Wentworth Castle parkland (the only grade I Registered Park and Garden in South Yorkshire), and Cannon Hall Park.

The well preserved upstanding remains of the Cluniac and Benedictine monastery at Monk Bretton.

18 designated conservation areas of special and architectural interest including three town centre conservation areas, as well as large areas incorporating Stainborough Park, Cawthorne, Penistone and Thurlstone.

The 17th century Rockley Blast Furnace and its later engine house.

Gunthwaite Hall Barn, a large 16th century timber framed barn.

Barnsley Main Colliery Engine House and Pithead structures.

The 17th century Worsbrough Mill (the only historic working water mill in South Yorkshire).

Relatively widespread evidence of pre-historic settlements, and occupation which are often archaeological and below ground but sometimes expressed as physical or topographic features.

The boroughs more rural western and Pennine fringe characterised by upland and (often) isolated settlements or farmsteads surrounded by agricultural land and dominated by historic and vernacular buildings built from local gritstone.

- b. By ensuring that proposals affecting a designated heritage asset (or an archaeological site of national importance such as a Scheduled Ancient Monument) conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in exceptional circumstances where there is a clearly defined public benefit.
- c. By supporting proposals that would preserve or enhance the character or appearance of a conservation area. There are 18 conservation areas in the borough and each is designated for its particular built and historic significance. This significance is derived from the group value of its constituent buildings, locally prevalent styles of architecture, historic

street layouts and its individual setting which frequently includes views and vistas both into and out of the area. Particular attention will be given to those elements which have been identified in a Conservation Area Appraisal as making a positive contribution to its significance.

- d. By ensuring that proposals affecting an archaeological site of less than national importance or sites with no statutory protection conserve those elements which contribute to its significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, an understanding of the evidence to be lost must be gained in line with the provisions of Policy HE6.
- e. By supporting proposals which conserve Barnsley's non-designated heritage assets. We will ensure that developments which would harm or undermine the significance of such assets, or their contribution to the character of a place will only be permitted where the benefits of the development would outweigh the harm.
- f. By supporting proposals which will help to secure a sustainable future for Barnsley's heritage assets, especially those identified as being at greatest risk of loss or decay.

Policy HE2: Heritage Statements and general application procedures

Proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the heritage significance of the site and its setting.

This description will need to include an appropriate but proportionate level of detail that allows an understanding of the significance of the asset but no more than is necessary to understand the impact of the proposal.

For sites with significant archaeological potential, a desk based assessment may be required in line with the provisions of Policy HE6.

Applications made in outline form will not be accepted for proposals which will which affect a conservation area, a listed building or any other designated heritage asset. In such cases, sufficiently detailed plans and drawings to enable an assessment to be made of the likely impact of the development upon the significance of any heritage assets affected will be required.

Policy HE3: Developments affecting Historic Buildings

Proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance. In such circumstances proposals will be expected to:

Respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials that contribute to the special interest of a building.

Capitalise on opportunities to better reveal the significance of a building where elements exist that detract from its special interest.

Policy BIO1: Biodiversity and Geodiversity

Development will be expected to conserve and enhance the biodiversity and geological features of the borough by:

Protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment & Rural Communities Act 2006 (for list of the species and habitats of principal importance) and in the Barnsley Biodiversity Action Plan.

Maximising biodiversity and geodiversity opportunities in and around new developments.

Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors.

Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate) which is used to evaluate the impacts of a development on biodiversity interest.

Protecting ancient and veteran trees where identified.

Encouraging provision of biodiversity enhancements.

Development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

Development which adversely effects a European Site will not be permitted unless there is no alternative option and there are imperative reasons of overriding public interest (IROPI).

Policy GB1: Protection of Green Belt

The general extent of the Green Belt is set out on the Key Diagram. The detailed boundaries are defined on the Policies Map. Green Belt will be protected from inappropriate development in accordance with national planning policy.

Policy GB2: Replacement, extension and alteration of existing buildings in the Green Belt

Provided it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt:

Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces.

Extension or alteration of a building where the total size of the proposed and previous

extensions does not exceed the size of the original building.

Dividing an existing house to form smaller units of accommodation.

All such development will be expected to:

Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials; and

Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

Policy GB3: Changes of use in the Green Belt

We will allow the change of use or conversion of buildings in the Green Belt provided that:

The existing building is of a form, scale and design that is in keeping with its surroundings;

The existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction for the proposed new use;

The proposed new use is in keeping with the local character and the appearance of the building; and

The loss of any building from agricultural use will not give rise to the need for a replacement agricultural building, except in cases where the existing building is no longer capable of agricultural use.

All such development will be expected to:

Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials;

Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety; and

Preserve the openness of the Green Belt.

In addition to the above, when a residential use is proposed, we will allow the change of use provided that:

There are not strong economic reasons why such development would be inappropriate; and

Residential use would be a more appropriate way of maintaining and improving the character and appearance of the building than any other use.

We will not generally allow the change of use of Green Belt land to extend residential curtilages for use as gardens.

Policy CC1: Climate Change

We will seek to reduce the causes of and adapt to the future impacts of climate change by:

Giving preference to development of previously developed land in sustainable locations;

Promoting the reduction of greenhouse gas emissions through sustainable design and construction techniques;

Locating and designing development to reduce the risk of flooding;

Promoting the use of Sustainable Drainage Systems (SuDS);

Promoting and supporting the delivery of renewable and low carbon energy; and

Promoting investment in Green Infrastructure to promote and encourage biodiversity gain.

Policy CC2: Sustainable Design and Construction

Development will be expected to minimise resource and energy consumption through the inclusion of sustainable design and construction features, where this is technically feasible and viable.

All non-residential development will be expected, to achieve a minimum standard of BREEAM 'Very Good' (or any future national equivalent). This should be supported by preliminary assessments at planning application stage.

Policy RE1: Low Carbon and Renewable Energy

All developments will be expected to seek to incorporate initially appropriate design measures, and thereafter decentralised, renewable or low carbon energy sources in order to reduce carbon dioxide emissions and should at least achieve the appropriate carbon compliance targets as defined in the Building Regulations.

We will allow development that produces renewable energy as long as there is no material harm upon:

The character of the landscape and appearance of the area;

Living conditions;

Biodiversity, Geodiversity and water quality;

Heritage assets, their settings and cultural features and areas;

Key views of, from or to scenic landmarks or landscape features;

Highway safety, or Infrastructure including radar.

In assessing effect, we will consider appropriate mitigation which could reduce harm to an

acceptable level.

Proposals will be expected to include information regarding their efficiency.

Proposals must be accompanied by information that shows how the local environment will be protected, and that the site will be restored when production ends.

Appendix 2



Appeal Decision

Hearing Held on 16 October 2018

Site visit made on 16 October 2018

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2018

Appeal Ref: APP/W4325/W/18/3201869

Storeton Hall Farm, Lever Causeway, Storeton CH63 6HT

- 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 Richard Dingle (P.J. Livesey Homes Limited and Mr Peter Bowling) against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/17/00410, dated 3 April 2017, was refused by notice dated 14 December 2017.
 - The development proposed is the refurbishment and re-use of Storeton Hall and other historic buildings, new-build residential development, the relocation of the existing equestrian business, associated car parking and landscape works.
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Decision

1. The appeal is allowed and planning permission is granted for the refurbishment and re-use of Storeton Hall and other historic buildings, new-build residential development, the relocation of the existing equestrian business, associated car parking and landscape works at Storeton Hall Farm, Lever Causeway, Storeton CH63 6HT in accordance with the terms of the application, Ref APP/17/00410, dated 3 April 2017 subject to the conditions in the schedule to this decision below.

Procedural Matters

2. A new version of the National Planning Policy Framework (the Framework) was published on 24 July 2018, which supplants the version relevant at the date of the decision on the application that led to this appeal. The Framework makes clear¹ that it is a material consideration in planning decisions from the date of its publication. Accordingly, the parties' views on the new Framework were sought and its contents were discussed at the hearing. I will take these comments and the Framework into account in my assessment of the planning merits of the case.
3. In the week prior to the hearing the appellants submitted copies of correspondence relating to one of the site accesses². This material was relevant to the portion of the discussion at the hearing that dealt with highway and access matters. As this material was familiar to the relevant parties, and was discussed at the hearing, I consider that no prejudice would occur as a result of me accepting it. Additional material was produced at the hearing by

¹ At paragraphs 2 and 212

² In an e-mail from Richard Wilshaw to the Planning Inspectorate dated 12 October 2018

an interested party in relation to this matter, which directly addressed some of the items in the correspondence. I allowed time at the hearing for the parties to consider this material and its contents were discussed. Consequently, I consider that no prejudice would occur as a result of me taking this material into account, taken together with the extracts of relevant Court judgements discussed at the hearing and submitted, by agreement, after its closure.

4. At the hearing a representative of Conservation Areas Wirral submitted material relating to the appeal including copies of representations previously submitted as part of the appeal and application consultations, and material relating to a proposed conservation area at Storeton. I allowed some time, during an afternoon adjournment, for the appellants to consider this material and its contents were discussed at the hearing. I consider therefore that no prejudice would occur as a result of me taking it into account in my consideration of the merits of the case.

Background and Main Issue

5. The appeal site is within the Green Belt, and it is common ground that the appeal scheme would constitute inappropriate development. Consequently, the main issue is whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, including reference to the appeal scheme's effects to the significance and special interest of Storeton Hall, a Grade II* Listed Building and Scheduled Monument.

Reasons

Site, Surroundings and Proposed Development

6. Set within the Green Belt, the appeal site comprises the Grade II* Listed Storeton Hall, which is also a Scheduled Monument, related historical buildings, and larger more modern structures, of a functional agricultural character, although predominantly in equestrian use, set amidst an expansive area of hard-standing.
7. The appeal scheme seeks a mixed use redevelopment of the appeal site, with equestrian uses rationalised and re-provided to the eastern part of the site, adjacent to existing buildings and related land, including a large block, a separate structure accommodating a menage, barn and muck store, and related exercise and parking areas. Residential development comprising 27 houses in a mix of short terraces, detached and semi-detached buildings would be developed on the rest of the site, predominantly within the areas currently occupied by hard-standing and structures, but with some dwellings to the north and south of the site located in parts of it that are currently relatively free from development. Residential re-use of Storeton Hall and the related traditional barn is proposed, which would result in the creation of four dwellings. Scheduled Monument Consents in relation to the works to Storeton Hall required to facilitate its residential conversion have been granted by the Secretary of State for Digital, Culture, Media and Sport³.

³ Reference no S0017426 Granted 31 August 2017; Reference no S00180119 Granted 23 January 2018

Green Belt

8. The Framework establishes⁴ that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. With limited exceptions, the construction of new buildings is inappropriate in the Green Belt⁵. Although individual elements of the appeal such as the residential conversion of the historic buildings, and the re-provision of the equestrian uses could fall under exceptions given to the Framework's general restriction on the construction of new buildings, it is common ground, expressed at the hearing, that the proposed development, taken as a whole would nevertheless constitute inappropriate development. The Framework establishes⁶ that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. For the purposes of Green Belt policy the concept of openness encompasses both visual and spatial aspects, and means that, on the whole, land so designated should remain free from development. The appeal site contains a number of existing large structures, set amidst an extensive area of hard-standing. The appeal scheme would introduce significant amounts of landscaping which would substantially soften its visual impact on openness. Nevertheless the proposed development would result in an intensification of built development, which in terms of its spatial implications would permanently reduce the openness of the site. Visually this would be particularly marked at its northern and southern extents where several dwellings would be located on portions of the site which are currently relatively free from development. This aspect of the appeal scheme would add to its overall Green Belt harm.

Other Considerations

Special Interest and Significance of Storeton Hall

10. The appeal scheme would result in the residential conversion of Storeton Hall, a high status medieval house, of 14th century origin, which was subsequently incorporated into related farm buildings in the 17th Century. Of two-storeys with a solar wing, and constructed in local stone which the listing description describes as "well-chosen", the Hall's exceptional degrees of significance and special interest derive not only from its historic associations with the Stanley family, subsequently the Earls of Derby, but also from its comparative rarity value, the evidence it yields about the changing social status of the site and area, and the considerable quantity of remaining medieval fabric. These aspects and others are recognised by its inclusion on the statutory list at Grade II* and its status as a Scheduled Monument.

Effect of the Proposed Development

11. I am mindful, however, of Historic England's response⁷ to the consultation on the application that led to this appeal regarding the disuse and structural condition of the Hall, and that the building has been on the Heritage at Risk Register for some years. Although I acknowledge the representations of interested parties regarding the respective duties of the landowner and the

⁴ At paragraph 133

⁵ Per paragraph 145 of the Framework

⁶ At paragraph 143

⁷ Dated 2 May 2017

Council for maintenance of the Hall, I have no substantive evidence before me to suggest that its current condition results from deliberate neglect of, or damage to, the building.

12. The proposed residential conversion of the Hall would be done in such a way which would remove more modern features of less significance and result in an internal arrangement which would allow its plan form to be read, and would reinstate earlier structural openings including the hall doorway and solar window, and retain and repair the bulk of the building's historic fabric. Moreover, in removing the hardstanding around it and the large, modern structures to its east and west sides in favour of landscaping, the proposed development would give the Hall considerably more breathing space, and a softer, less intensive setting, which taken together with the sensitive redevelopment of the historic barn within its curtilage, would better reveal the Hall's significance.
13. Although the proposed development would not entail public access to the Hall, a matter drawn to my attention in written responses and in discussion at the hearing, its positive effects in these regards would nevertheless constitute public benefits. Indeed the Government's Planning Practice Guidance⁸ (PPG), states that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits and may include heritage benefits, such as sustaining or enhancing the significance of a heritage asset or the contribution of its setting. This is clearly the case in this instance.
14. For these reasons, taken together with the potential of the appeal scheme to secure the maintenance of the Hall, retaining it in an active use consistent with its conservation, I consider that the proposed development would meet the requirements of the Framework⁹ insofar as it states that heritage assets are an irreplaceable resource, which should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Consequently, mindful of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is clear the proposed development would preserve the special interest and significance of the Listed Building, and in arriving at this view I am mindful of the Schedule Monument Consents in place in relation to the works necessary to facilitate the conversion.

Viability

15. The appellants submitted a Financial Viability Report¹⁰, (the Viability Report) which was independently assessed by both Historic England and the Council at the application stage, and I note that neither of those assessments challenged the assumptions which underpin it- a matter confirmed in discussion with the Council's representatives at the hearing.
16. The Viability Report¹¹ found that conversion of the Hall would lead to a deficit of £291,372. Moreover, rather than a positive return, conversion of the historic barn within the curtilage of the Hall would also result in a deficit of £31,760. These figures demonstrate that the positive benefits that would accrue from

⁸ At Paragraph 020 Reference ID: 18a-020-20140306 Revision date: 06 03 2014

⁹ In paragraph 184

¹⁰ Prepared by Keppie Massie Dated September 2016

¹¹ At paragraph 7.2

the proposed development in relation to the Hall's conservation would not be financially viable.

Enabling Development

17. Whilst the appellants acknowledge that the appeal scheme constitutes inappropriate development within the Green Belt, they nevertheless consider that the new build residential element would constitute "enabling development". The Framework sets out¹² that decision-takers should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. Moreover, I have been referred to the Historic England document *Enabling Development and the Conservation of Significant Places* (September 2008), (the Historic England Guidance) which whilst pre-dating the Framework, is nevertheless a consideration to which I accord considerable weight in this instance. The Historic England Guidance establishes seven criteria for a proposal to constitute enabling development.
18. My conclusions set out above in relation to the proposed development's effects on the special interest and significance of the Hall lead me to the view that it would meet criteria (a) to (c) of the Historic England Guidance in that it would not materially harm the heritage values of the Hall and its setting; it would avoid the detrimental fragmentation of management of the Hall; and it would secure the long-term future of the Hall and its continued use for a sympathetic purpose. Moreover, given the age and nature of the structure, I consider that the proposal is necessary to resolve problems arising from the inherent needs of the Hall, rather than the circumstances of its present owner, or any purchase price paid, and thus would meet criterion (d).
19. Funding has previously been accessed¹³ in relation to a dendrochronological study at the Hall, as a potential precursor to other funding bids. However, no further grant funding has been made available. I acknowledge also that other efforts to access subsidy, for example, from the Heritage Lottery Fund, have not been feasible due, amongst other things, to the necessity for match funding, the potential end uses that could be secured and the requirement for a commercial return to support both the building's refurbishment and ongoing maintenance. Consequently, I consider that it has been demonstrated that sufficient subsidy is not available from any other source, and thus criterion (e) of the Historic England guidance would be met.
20. The Viability Report establishes that the proposed development, taken as a whole, could still result in a marginal deficit, and on this basis concludes that the quantity of houses anticipated is the "very minimum" required to progress the works. I therefore find that, on balance, the quantity of new housing that the appeal scheme would deliver would be the minimum necessary to secure the very significant public benefits that would accrue from the Hall's conservation. In reaching this view, I have taken into account that independent assessments by Historic England and the Council found the assumptions on which the Viability Report is based to be reasonable. Moreover, it is clear that the layout of the proposed development, utilising as it does portions of the site that were previously occupied by buildings and

¹² At paragraph 202

¹³ In 2008

hardstanding, with only limited amounts of development outside of these boundaries is in a form that seeks to minimise its overall harm to the Green Belt. These considerations, taken together, lead me to the view that the proposed development would meet criteria (f) of the Historic England Guidance in these terms.

21. As criterion (g) of the Historic England Guidance refers to the overall balance of benefits against the disbenefits of breaching other policies, this is a matter that I will return to in my overall planning balance.

Highways and Access

22. The application that led to this appeal was supported by a Transport Statement¹⁴ based on industry standard data including the TRICS database, the National Transport Model TEMPRO, and Office of National Statistics material on travel to work areas in the vicinity of the site. The Transport Statement concluded that the proposed development would not result in a material impact on the existing highway network showing that only the Rest Hill Road junction would result in an increase of over 30 movements during the PM peak hours, with all other AM peak times and junctions well within the 30 movement range- some significantly under this figure. Whilst I note comments that the number of cars per dwelling assumed by the Transport Statement could underestimate the level of parking for each house, the evidential basis of higher levels of car ownership for each household is not before me.
23. I readily accept that there may be times when Lever Causeway is busier than others, particularly around the school opening and closing times; however, on balance I consider that the proposed development would not result in a material increase in this traffic flow. I consider that the increase in traffic movements that would result from the site would not therefore have material effect on walkers, horse-riders cyclists or joggers using the adjacent transport network over and above the existing situation including the authorised use of the appeal site.
24. I am mindful of comments of local residents regarding accidents and near-misses in the surrounding area. However, the recorded traffic speeds presented in the Transport Statement, the visibility that would be available from and to the proposed junctions, and the relatively limited amount of additional vehicle movements the proposed development would lead to, lead me to the view that the proposed development would not give rise to any adverse highway safety impacts.
25. Consequently, on balance I find that the proposed development would not have an unacceptable impact on highway safety grounds, or that its residual cumulative impacts on the road network would be severe- and that the highway aspects of the appeal scheme would therefore not weigh against it in the overall planning balance. In arriving at this view, I am mindful that the local highway authority did not object to the scheme at application or appeal stage.
26. An element of the Red Hill Road access to the site is outside the appellants' ownership; however, they claim that a private right of way exists- although I acknowledge that this is a rebuttable presumption. Due to the uncertainty of

¹⁴ Produced by Ashley Helme Associates dated March 2017