
Appeal Decision

Site visit made on 25 January 2016

by S. Ashworth BA (Hons) BPI MRTPI

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

Decision date: 24 February 2016

Appeal Ref: APP/X1925/W/15/3136314

Land to the rear of 39-59 Station Road, Ashwell, Hertfordshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Tingdene Developments Ltd against the decision of North Hertfordshire District Council.
 - The application Ref 15/00691/1, dated 4 March 2015, was refused by notice dated 1 July 2015.
 - The development proposed is up to 14 dwellings with associated access off Green Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with only access to be determined at this stage. I have dealt with the appeal on this basis.
3. Since the refusal of planning permission the appellant has submitted a completed planning obligation which would secure the provision and management of at least 4 units of affordable accommodation on site. I have taken the obligation, which is in the form of a Unilateral Undertaking, into account in my determination.
4. The site lies close to the boundary of the Ashwell Conservation Area and I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. In this respect, as the development would be located at the rear of existing dwellings, I am satisfied it would preserve those interests.

Main Issues

5. The Council cannot demonstrate a five year supply of deliverable sites as required by the National Planning Policy Framework (the Framework). In these circumstances, paragraph 49 states that relevant policies for the supply of housing should not be considered up to date, and paragraph 14 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of granting permission when assessed against the Framework as a whole.
 6. Accordingly I consider the main issues in this case to be whether, in the absence of a five year supply of deliverable housing land, the proposal would amount to a sustainable form of development in accordance with national and
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local policy, with particular reference to the effect of the development on the settlement pattern and the character and appearance of the area and the effect of the proposal on highway safety.

Reasons

7. The appeal site comprises an open area of agricultural land of around 0.91 hectares in size, and includes a grassed track running between Nos 37 and 39 Station Road. The site is bordered by properties fronting Station Road, Green Lane and by new dwellings on the Philosophers Gate development. It also includes a section of land directly abutting Green Lane.
8. Outline planning permission is sought for 14 units on the site served by vehicular access from Green Lane and a pedestrian and cycle access from the track off Station Road. An illustrative layout plan indicates that the dwellings would be of a variety of styles and sizes.

Policy Background

9. The development plan for the area includes the saved policies of the North Hertfordshire District Local Plan No 2 with Alterations (the Local Plan). Policy 7 relates to selected villages beyond the Green Belt and includes Ashwell. The policy states that development proposals within these settlements will be permitted where, amongst other things, the site lies within the main area of the village. The site lies outside of the village boundary and as such the proposals would not meet the provisions of that policy. Policy 6 relates to development in rural areas beyond the Green Belt and seeks to maintain the existing countryside and villages and their character. Development proposals will only be allowed in certain specified circumstances. The proposal would not fall within any of the specified circumstances and there is therefore a conflict with Policy 6.
10. However, the Local Plan precedes the introduction of the National Planning Policy Framework (the Framework) in 2012 which is a material consideration. The Framework establishes a presumption in favour of sustainable development, which, it advises, has three strands: social, economic and environmental. Whilst Policy 6 seeks to protect the countryside, which is a core principle of the Framework, it does not reflect this presumption. Consequently this reduces the weight I can give to it.

Character and appearance

11. The site has not been identified for any designation for the quality of its own landscape or its contribution to a wider area of landscape value. It provides a backdrop to the dwellings fronting Station Road and, glimpsed between buildings, contributes to the rural character of the village. However, residential development bounds the site on three sides and the site does not therefore form part of the truly open countryside.
12. Development of the site for housing would significantly change its character. Perceived at close range the site would no longer form a rural backdrop to this part of the settlement. However, the development would have a density that would be slightly lower than that of the surrounding area and subject to final decisions on design and layout would deliver an acceptable treatment for the site that would not appear out of place with the adjoining housing areas.

13. Consequently, although the proposal would result in harm from the loss of an open area of land, there would be potential for mitigation in terms of layout and landscaping. As such the development would not result in any significant harm to the settlement pattern or to the character or appearance of the area.

Highway safety

14. Green Lane, a no-through road, presently serves the Maltings, a development of 22 flats located close to the junction with Station Road and six additional residential properties. It also serves as an access to the wider parcel of agricultural land. The first section of the lane is surfaced and wide enough for two vehicles to pass. However, after this initial section the road narrows to a single track width and the surface changes to gravel. Grass verges abut the track for much of its length although they vary in terms of their width. The proposal includes the re-marking of road markings around the junction of the lane with Station Road and the provision of a passing/waiting area on Green Lane adjacent to the access into the site.
15. Guideline 3 of Policy 57 of the Local Plan requires residential road and footpaths to be 'safe, convenient and easily maintained routes for people and traffic to move around'. Amongst other things, it requires that a road and footpath layout provides safe and convenient pedestrian routes between homes and local community facilities and creates safe routes for vehicular movement.
16. The parties agree that it would not be possible for two vehicles to pass on the single track section of the highway which is around 3m in width at its narrowest point. Consequently it will be necessary for vehicles to have to reverse in order to allow another to pass. With the provision of the passing area adjacent to the access, the appellant estimates that there would be a maximum section of 70m over which vehicles might have to reverse.
17. This section of track is straight, and therefore has good visibility along its length when clear. However, Manual for Streets¹ advises that reversing causes a disproportionately large number of moving vehicle accidents in the waste and recycling industry and those injuries to collection workers are invariably fatal or severe. A maximum reversing distance for 12m is therefore recommended. Whilst longer distances may be considered where a road is straight, it seems to me that a reversing distance of up to 70m would be considerably above the recommended maximum.
18. The appellant's evidence suggests that the development would generate around 70 vehicles trips during the course of a typical day and that traffic flow would be generally 'tidal' and as such incidences of the need to reverse would be limited. However, the survey indicated that there were instances of both arrivals and departures on Green Lane at times. The arrivals included a refuse vehicle and a tractor and trailer. It seems to me therefore that it would not be uncommon, especially at peak times, for there to be some conflict between vehicles seeking to travel in different directions.
19. No provision is made for pedestrians along Green Lane, including the elderly, and those with prams or disabilities, who would share the surface with vehicles and therefore be vulnerable, particularly to reversing vehicles. In my judgement the proposal would be detrimental to the safety of such users. I

¹ Manual For Street 1 : 6.8.8.

have taken into consideration that an alternative pedestrian and cycle access would be provided onto Station Road and accept that this would be a convenient route to the village services for the occupants of the proposed development if it was suitably surfaced. However, the route a pedestrian may take cannot be controlled by planning condition and moreover, such a route is unlikely to be used by existing residents of Green Lane.

20. Local residents have drawn my attention to the number of cars that park on the wider section of Green Lane, close to its junction with Station Road. I noticed one such parked vehicle at my site visit. As a result the available road width at the start of Green Lane can become reduced and it seems to me that this could result in vehicles manoeuvring out onto Station Road. Given the nature of the junction, which is off-set with that of Lucas Lane and Station Road, and the amount of traffic using it, such a situation would be detrimental to highway safety.
21. In terms of emergency vehicles, Manual for Streets indicates that a minimum carriageway width of 2.75m over a short distance could be appropriate to accommodate a fire engine. It is clear from the evidence before me that the width of the lane is able to accommodate delivery and refuse vehicles. However, it seems to me that any conflict with another vehicle would impede the progress of an emergency vehicle. I acknowledge that the provision of a turning facility would be beneficial, both to existing road users and future residents, but this in itself would not outweigh the harm the proposal would cause to vehicle and pedestrian safety.
22. Plans submitted with the application indicate that a refuse vehicle would be able to turn into the and out of the access road to the development, and into Green Lane from Station Road. There is no convincing evidence before me to the contrary. However, this matter has no bearing on the harm outlined above.
23. The Framework at paragraph 32 requires that decisions should take account of whether safe and suitable access to the site can be achieved for all people and states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. The increased level of vehicle movements in unsatisfactory conditions would have a severe localised effect on highway safety and traffic movement. The proposal would not, therefore, accord with paragraph 32 of the National Planning Policy Framework.
24. I therefore conclude, for the reasons outlined above, that satisfactory provision has not been made for access to the site, and as such the development would compromise highway safety. This is a matter which carries significant weight. Consequently the proposal would not be in accordance with Policy 57 of the Local Plan as set out above.

Other Matters

25. I have taken into consideration the concerns of local residents regarding the impact of the development on local services. There is no firm evidence before me that the local services are at capacity or that demand would be significantly exacerbated by the introduction of the additional dwellings.
26. The proposal would result in increased noise as a result of the increase in traffic. However, there is no reason to suggest this would unduly compromise

the living conditions of adjoining residents and no reason that the development would cause a significant loss of privacy.

The Planning Balance and Conclusion

27. The Framework seeks to boost significantly the supply of housing and in this case there is no dispute that the Council's five year supply is lacking. The proposed development, which is of a limited size, would make a modest contribution to the deficit of housing land in the Borough. In addition, the proposal would provide at least 4 units of affordable housing to meet a local need. Given the close proximity of the site to the settlement, residents would be able to access local services on foot without reliance on the private car. There is therefore clear evidence of the social dimension of sustainable development. Economically the proposal would make a contribution to the local economy both during the construction period and in terms of support for local services. These benefits are limited by the scale of the development and therefore attract moderate weight in support of the proposal.
28. In environmental terms the character of the site would be altered by built development but harmful effects could at least be partly mitigated by a successful landscape infrastructure and appropriate layout and design which could be secured at the reserved matters stage.
29. However, the benefits of the scheme are significantly and demonstrably outweighed by the adverse impact of proposal in terms of its failure to provide a safe and suitable means of access for all people and its severe residual cumulative impact on highway safety.
30. For these reasons, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR