
Appeal Decision

Site visit made on 27 September 2016.

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/N2535/W/16/3151561

Clay Farm, Clay Lane, Gate Burton, Gainsborough, Lincolnshire, DN21 5BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by W E Barton Ltd against the decision of West Lindsey District Council.
 - The application Ref: 133584 dated 8 October 2015 was refused by notice dated 11 March 2016.
 - The development proposed is prior approval of proposed change of use of agricultural building to 3 dwelling houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the transport and highways impacts of the proposed development.

Reasons

3. Access to the proposed dwellinghouses from the A156 would be via Clay Lane. The distance from the A156 to the appeal site along Clay Lane is around 1.4 kilometres. Clay Lane has a single surfaced carriageway varying from approximately 3 metres to 2.8 metres in width. It is not a through road and it serves Clay Farm House and Sweet Meadow Cottage. It has grass verges to either side. Clay Lane climbs for over 200 metres from Gate Burton to a bend in the road and then, after a second bend, falls down towards a further bend, then a rail bridge and the appeal site. Visibility is somewhat restricted at the bends and there are few places to pass unless vehicles pull over onto the grass verges. The majority of the carriageway is adopted from the A156 until the rail bridge.
4. It was clear at the site visit, from tracks in the verge, that vehicles were having to leave the carriageway just beyond the dwellings at the A156/Clay Lane junction to either turn around or avoid oncoming vehicles. Grassed field accesses are located past the first section of bends. There is another field access at a bend before the rail bridge and a surfaced area next to the rail bridge. These latter two points have a degree of surfacing that would allow vehicles to pull off the carriageway in a relatively safe manner. However, there is a long straight stretch of Clay Lane and the area of bends towards the A156

where it is likely that vehicles travelling in opposing directions could meet, necessitating drivers to pull onto the grass verges or to reverse to one of the existing points where passing is possible.

5. The appellant has submitted a highway report which concludes that the increase in traffic from the proposal will be imperceptible even in the context of the low baseline flows along Clay Lane. The Highway Authority estimates that there would be an increase of around 21 trips per day. It is advised by the appellant that there are no safety issues, with no recorded accidents in the last 10 years, and that the geometry is constrained, which has the effect of reducing vehicle speeds. There was previously a dog kennel business at Clay Lane which generated traffic including delivery vehicles, but that has closed. The reduction in storage facilities at the barns would also reduce the number of movements of agricultural vehicles. The appellant considers that the residual cumulative impact of the traffic generated by 3 dwellings will not result in a severe impact on the highway network, therefore there is no justifiable rationale to resist development on highway grounds.
6. Paragraph 32 of the National Planning Policy Framework (NPPF) advises, amongst other things, that plans and decisions should take account of whether:
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
7. From all the evidence before me I find that Clay Lane would not be a suitable access to the site in its present condition because of the likelihood of opposing vehicles meeting on the single carriageway road with no convenient space to pass. The appellant has provided no compelling reasons why improvements could not be undertaken to provide formal passing places, appropriately surfaced in view of the rural location, in order to limit the impacts of the development in terms of inconvenience from opposing vehicle movements and damage to verges.
8. I accept that the increase in traffic using Clay Lane would be limited and that the appellant has control over the movements of larger agricultural vehicles at harvest times. However, there would be a greater mix of residential traffic and farm vehicles using Clay Lane than at present. It is also likely that the 3 dwellings would occasionally generate larger vehicles such as delivery wagons. The lack of passing places could be a particular problem for private cars in harsh winter conditions. In terms of the severity of impact I consider that, despite the location of the proposal in a rural area, the substandard width of the road and lack of surfaced passing places would be a constant concern for any occupants of the proposed dwellings when driving along Clay Lane.
9. All other matters raised have been taken into account. However, for the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR