

Appeal Decision

Site visit made on 26 May 2016

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 06 April 2017

Appeal Ref: APP/N2739/W/16/3145651

Land North of Brickyard Farm, Camblesforth Road, Selby, North Yorkshire, YO8 8ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr J Doyle against Selby District Council.
 - The application Ref 2014/1125/COU, is dated 9 October 2014.
 - The development proposed is the change of use of land to create a holiday park consisting of the siting of 10 log cabins and use of an existing cabin as manager's accommodation.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Summerton (an Interested Party) against Selby District Council. This application will be the subject of a separate Decision.

Procedural Matter

3. The appeal has been made on the basis that the Council failed to determine the planning application within the prescribed period. The Council has indicated that it consequently resolved on 11th May 2016 that had it been in a position to determine the application, that it would have refused planning permission on the basis that the increase in use of the existing field access and consequent increase in traffic movements from the appeal site would be detrimental to highway safety.

Main Issue

4. The main issue is therefore the effect of the proposed development on the safety of highway users.

Reasons

5. The appeal site comprises a broadly triangular, open and grassed area of land covering approximately 0.8 hectares. The boundaries of the site are delineated by a steep embankment to the north upon which the route of a disused railway line is situated, with the curtilage of Brickyard Farm itself to the south-east. The west boundary is defined by an existing fencing line, from which the
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existing field access is taken on to the adjacent A1041 Selby Road. There are existing dwellings located on the opposite side of Selby Road broadly at the point where the existing access is located.

6. Further to its resolution to refuse planning permission, I note that the Council has not produced any technical analysis or evidence of its own to support the reason for refusal, relying instead upon the highway submissions provided by an Interested Party as to the impact on the local highway network, and neither has North Yorkshire County Council as the Highway Authority made anything more than brief submissions. Nevertheless, I note that there are a number of issues of dispute which have been highlighted in the highway submissions.
7. There is no dispute between the main parties that the A1041, as part of the main route between the M62 and York, is a heavily trafficked road where vehicles are generally fast-moving at speeds either close to, or in excess of, the National Speed Limit. Whilst I have not been provided with any technical submissions or details of speed surveys related to this stretch of road, I would not disagree on the basis of my observations with this assessment.
8. In respect of the impact of traffic generation from the proposed development, I have had regard to the submissions regarding the expected vehicular movements to and from the site. I note there to be some considerable variance between the Council and Interested Party's assessment of 154 single vehicular movements (77 two way movements), and the appellant's conclusion of a maximum of 48 single vehicular movements. However, neither party has provided a recognisable technical basis for the calculation, nor has the Highway Authority commented on the figures. Whilst I consider that the actual number of vehicular movements associated with the proposed development may well sit somewhere within this range, in both instances I consider that there would be a significant increase in the levels of vehicular traffic accessing the appeal site at this point.
9. It is apparent from the submissions that the principal concerns relate to the impact of the physical movements of vehicles either entering or leaving the appeal site. In particular this has been expressed in terms of the adequacy of visibility splays, the existing speed of vehicles on the A1041, and the absence of arrangements to address right-turning traffic arriving at the access from the direction of Selby, and vehicles slowing to manoeuvre on to the site.
10. In addressing visibility, I note that the Highway Authority has concluded by virtue of its suggested conditions, that there is a technical solution in respect of the provision of appropriate visibility splays at the access point. In this respect, I have had regard to the conditions requiring the access to be completed to specifications including the raising of the level of the access, and the need to provide and maintain a 2.4 x 215 metre clear visibility along both carriageways of the passing road.
11. I am satisfied that the visibility splay to the south-east of the access can be provided and maintained without the need for extensive works or remodelling of the highway verge. However, my attention has been drawn in both the submissions and by the Council and Interested Parties at the site visit, to the various existing obstructions and encumbrances within the highway environment to the north of the access which exacerbate the effect of a dip in the carriageway on visibility, where the road passes under the location of the

former railway bridge. These include the level of the verge and apparatus and equipment chambers belonging to Yorkshire Water and British Telecom (BT).

12. In this respect, I accept that there would be a need for the raising of the level of the access in combination with a reduction in the level of the highway verge to improve visibility as a consequence of the visual impact of the dip in the road to the north of the site. I have noted that the suggested mitigation proposed by condition by the Highway Authority and accepted as necessary by the appellant in their Final Comments, would also include the lowering of the Yorkshire Water chamber and (if necessary) the lowering of BT equipment chamber. However, there is no indication or confirmation that permission for the undertaking of these works is likely to be forthcoming from the statutory undertakers. On the basis of my observations at the point of the access, I consider that as a consequence of the position of these installations on the periphery of the proposed visibility splay, that were the remodelling of this equipment not to occur then there would be a partial impact on the available visibility splay, which when assessed in combination with the dip in the carriageway, would result in itself in some limited harm to highway safety for drivers exiting the site as a consequence of reduced visibility. However, I feel that the matter could be dealt with satisfactorily by a Grampian-style condition preventing the start of the development until such time as the necessary works were completed.
13. I have had regard to the Interested Party's contention that the visibility splays should include a set-back of 4.5 metres rather than 2.4 metres as identified, and that there should be a sufficient offset of the access in accordance with Development Control Advice Note 15 (2nd Edition) 1999. However, I note that this guidance document was published as a non-statutory document by the Department of the Environment for Northern Ireland, and as a consequence would carry no weight or be applicable to the proposals. My attention has not been drawn to equivalent guidance for England. I have also considered the impact on the visibility splay of vehicles parking "under the bridge" adjacent to the retained parapet wall. However, as with many visibility splays there is the potential for temporary obstruction due to the parking of vehicles, and I have not been provided with any compelling evidence that this is a sufficiently regular occurrence to be considered as a permanent intrusion.
14. I have had careful regard to the appellant's submissions related to the position and nature of use of the many existing accesses on to the A1041 in the vicinity of the appeal site, and would not disagree that this is part of the existing character of access to Camblesforth Road. I have also accepted that the proposed use of the access would amount to a significant intensification of use over the existing situation, but have noted the appellant's submissions related to other existing accesses associated with commercial or more intensively used land uses accessing the A1041.
15. I acknowledge that the proposed manoeuvres required within the carriageway would not differ from those undertaken elsewhere in the vicinity, although there may be some limited impact on the free flow of traffic as a consequence. However, it is indicated from the submitted accident records that there has been a very high level of recorded incidents (details provided for the period 1st January 2008 to 30th September 2013) related to the section of the A1041 between the A63 and Camblesforth Roundabout. I have no reason to believe that the highway conditions have improved since the expiration of this

assessment period, and therefore accept them to be an accurate reflection of the current highway environment.

16. In interrogating the accident records, it is clear that a significant number of the accidents have related to vehicles carrying out right-hand turn manoeuvres or involving stationary vehicles within the carriageway waiting to undertake such a manoeuvre. It is also apparent that exceedance of the speed limit is identified as a contributory factor in some of the incidents, which I note to be a point which has been raised by the interested party in their submissions.
17. I am mindful that the Highway Authority has not raised any objections to the proposals, but has asserted in their brief submissions that the proposals would have an acceptable impact on highway safety subject to the imposition of a suite of conditions. However, whilst I have had regard to the Highway Authority assessment of the geographical relevance of the accident records as presented for the previous planning application for 10 log cabins (Ref. 2013/0651/COU), and included as part of the Interested Party submissions, I note that neither the Highway Authority nor the appellant has sought to substantiate or rebut the Interested Party's contentions in any technical detail in the appeal submissions.
18. In noting the Highway Authority comments, I do not agree that only accident data between Barlow Common Road and Common Lane should be considered as relevant in this instance, as a significant proportion of the remainder of Camblesforth Road beyond these junctions where accidents have also occurred, exhibits the same highway characteristics. In this respect, it is clear that there is significant evidence of conflict between road users where turning manoeuvres are being undertaken on the highway, to the detriment of highway safety. I am not therefore persuaded that right-hand turn manoeuvres accessing and exiting the appeal site can be undertaken without an unacceptable risk to highway safety, and I agree with the Interested Party's submissions that the suite of proposed conditions does not address this issue in any substantive detail.
19. I have noted submissions regarding the potential for surface water discharge on to the highway, and the safety of pedestrians crossing the road to access the adjacent bus stop. In respect of the matter of surface water discharge on to the highway, I am not persuaded that the drainage of the access and site would undoubtedly result in an adverse impact on highway safety. I am satisfied that this is a matter which could be addressed by condition in the interests of highway safety, although I accept that this would be dependent on the agreement of a wider comprehensive management and maintenance plan for surface water drainage for the site.
20. With regards access to the bus stops close to the site, I accept that neither the crossing nor waiting arrangements for people using buses travelling towards Selby are ideal in light of the already assessed highway environment. However, whilst I have no doubt that some use of the bus route would be made by potential future occupiers of the proposed log cabins, I consider that given the relative infrequency of buses that any use is likely to be comparatively limited.
21. I have carefully considered the impact of the proposed development on highway safety. I have concluded that the proposed improvements to the visibility splay would need to be implemented in full prior to the commencement of any development on the site. However, I am not persuaded

on the basis of the evidence before me and my own observations, that the level of traffic generated and the intensification of use of the access and egress from the appeal site can be achieved without an unacceptable impact on highway safety. As a consequence, the proposals would not accord with saved Policy T2(1) of the Selby District Local Plan 2005: Part 1 – General Policies, as the intensification of the use of the existing access would be to the detriment of highway safety.

Other Matters

22. The appellant has highlighted that the proposed rural tourist accommodation would make a positive contribution to the rural economy in respect of the creation of jobs and through additional expenditure in the local economy from visitors utilising shops and facilities. Whilst I would agree with this assessment, I consider that the positive benefit would be comparatively limited as a consequence of the scale of the proposed development, and would not outweigh the harm to highway safety which has been identified.
23. In addition to the extensive submissions of interested parties on the main issue, a number of other matters of concern have been raised. These include concerns regarding the principle and sustainability of the proposals; the impact on the character of the area; the impact of the development on wildlife and protected species; whether the proposals would safeguard the living conditions of neighbouring occupiers; the effect of the scheme on drainage, flooding and land contamination; and the safety and security of the site in light of the nature of the proposed use. I have had regard to the submissions on these matters, as well as those of the appellant in respect of the planning application and appeal, and the Council in the course of their assessment of the planning application. However, given my conclusions on the main issue, none of these matters have proved to be central or critical to my determination of the appeal.

Conclusion

24. For the reasons given above, and having regard to all other matters, the appeal is dismissed.

M Seaton

INSPECTOR