
Appeal Decision

Site visits made on 24 May 2019 and 6 June 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 09 July 2019

Appeal Ref: APP/P0240/W/19/3219983

Land off Cobbitts Road, Maulden MK45 2ED

- 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 Mr J Gill against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/02273/OUT, dated 08 June 2018, was refused by notice dated 14 September 2018.
 - The development proposed is erection of 5 detached chalet bungalows with access road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters except access reserved for future consideration and I have assessed the appeal on this basis. I note that the block plan indicates that the proposed dwellings would have 4 bedrooms, while the appellant's appeal statement states that they would be a variety of 2 to 3 bed units. However, since the number of bedrooms would be a matter for future consideration, this has not been a determinative factor in my assessment.
3. I note the Central Bedfordshire Pre-submission Local Plan 2015-2035 January 2018. However, since there is no certainty that the policies within it will be adopted in their current form, I give them limited weight.

Main Issue

4. The main issue is the effect of the proposed development on highway safety and congestion.

Reasons

5. The proposed access to the appeal site lies at the turning head at the end of Cobbitts Road and is around 4.4m in width between an existing garage and boundary wall of neighbouring properties. This falls significantly below the Central Bedfordshire Design Guide September 2014 (Design Guide) requirement of a minimum of 4.8m for access streets. While the Manual For Streets (MfS) indicates that such a width could accommodate two vehicles, it states that these widths are not necessarily recommendations. Since the narrow width is between two solid features the risk of collision between two vehicles using the access at the same time would be significant as neither would have the option to avoid collision with the other vehicle without colliding

- with the neighbouring solid features. While the Design Guide allows for a reduction in width for pinch points, given the location of the access at an existing turning head and entrance to a development of 5 dwellings, this access would not be an acceptable location for such a pinch point.
6. Given the siting and close proximity to the access of the tall boundary wall of No 16 Cobbitts Road (No 16) and the garage, visibility of pedestrians using the footpath would be insufficient such that the risk of collision would be great. While the appellant considers that the use of the footpath is limited, given the limited visibility for pedestrians, the highway safety of pedestrians would be unacceptably impacted regardless of the frequency of use. I note comments from neighbours regarding the use of the area during evenings and weekends and by children. Indeed, these were borne out by my observations during the site visits, albeit I accept this represented a snapshot in time.
 7. I note that the scheme would be for five bungalows and may therefore generate limited vehicular movements. I also acknowledge the appellant's comments regarding the likelihood of the timing of traffic movements through the proposed access. However, there is no certainty in this respect and the risk of collisions caused by the narrow width of the access and lack of visibility would constitute an unacceptable impact on highways safety regardless of the frequency and timing of vehicular movements through the access. Even if the visibility of vehicles exiting the access was adequate such that oncoming vehicles could wait in the turning head to allow vehicles exiting the site to pass, this would not override the harm to highway safety that would be likely to arise from the lack of pedestrian visibility.
 8. I note the evidence regarding the location of bin storage. While the refuse bins would be likely to be brought to the front of the site on a weekly basis, given the narrow width of the access and potential conflict between pedestrians and vehicular traffic, as well as the number of bins that may be required for five dwellings, the placement of these bins along the pavement may be likely to obstruct visibility of vehicles exiting the site, further exacerbating the highways safety issues identified above.
 9. I acknowledge that the MfS states that carriageway widths should be appropriate for the particular context and uses of the street. The turning head from which the access would be taken is likely to be used by occupiers of the properties which face the turning head to access their driveways, by vehicles from Cobbitts Road seeking to turn their cars around, as well as by future occupiers of the proposed development as their only vehicular access to the site. Therefore, given the multiple functions of the existing turning head, the proposed narrow width of the access would not be appropriate for the context and use of the street. Furthermore, even if it were considered acceptable in these terms, it would not override the unacceptability of the access in terms of highways safety.
 10. While I note that all matters except access are reserved for future consideration, since the description of development states that five bungalows are proposed, the resultant increase in vehicular movements along Cobbitts Road would undoubtedly be greater than the existing situation. However, it would be unlikely to be a significant increase such that it would result in severe highways congestion.

11. Consequently, the proposed development would have an unacceptable impact on highways safety and would therefore conflict with Policy DM3 of the Core Strategy and Development Management Policies November 2009 (CS) which requires new developments to incorporate appropriate access and linkages, including provision for pedestrians. The proposal would also conflict with paragraph 109 of the National Planning Policy Framework (Framework) which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

12. I note local concerns including the accessibility and capacity of local services and facilities, outlook, design of the proposed dwellings, flooding, local infrastructure and wildlife. However, these have not altered my overall conclusions on the main issues.
13. I note that the evidence regarding a proposal at Clophill Road that was recommended for approval. However, limited details are before me and in any event each proposal must be determined on its individual merits.
14. None of the other matters raised outweigh or alter my conclusions on the main issues.

Planning Balance

15. Paragraph 73 of the National Planning Policy Framework (Framework) states that Councils should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies are more than five years old. Since the CS is more than 5 years old, this requirement applies in this case.
16. The Council considers that since the standard method relies on 2014-based household projections, it does not provide a realistic assessment of demographic growth in the district. Since the Five Year Land Supply Statement dated January 2019, which indicates 5.71 years supply of deliverable housing site, is based on the Central Bedfordshire and Luton Strategic Housing Market Assessment January 2018 (SHMA) and not the standard methodology, I cannot conclude that the Council is able to demonstrate a 5 year housing land supply as required by the Framework.
17. While previous Inspectors such as for the case at Cranfield¹ have considered that the Council can demonstrate a 5-year housing land supply based on the SHMA, these pre-date the introduction of the current standard methodology.
18. I acknowledge that the Framework is policy and should not be followed blindly. However, it is a material consideration to which I attach significant weight and there is little substantive evidence to suggest that it would not be appropriate to consider the standard methodology. I note the comments of the Inspector for the case in Maulden² and have taken a similar approach.
19. Consequently, the policies which are most important for determining the application are out-of-date. In this case CS Policy DM3 is considered out-of-

¹ Appeal Ref: APP/P0240/W/17/3186914

² Appeal Ref: APP/P0240/W/18/3211551

date and the conflict with the policy is attributed limited weight. However, the Framework is a material consideration to which I attach significant weight.

20. Although all matters except for access are reserved for future consideration, from the evidence before me, the proposal would be likely to provide a moderate contribution of five dwellings to local housing supply. Future occupiers may also contribute to the local community and there may be temporary economic benefits during the construction phase. Overall these represent moderate benefits. Applying the tilted balance in the terms of paragraph 11(d) of the Framework, given the unacceptable impact on highways safety and the significant weight attached to the conflict with the Framework in this particular regard, compared with the moderate benefits described above, the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

21. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR