



Appeal Decision

Site visit made on 27 August 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2019

Appeal Ref: APP/M0933/W/19/3231453

Land at Garth Row, Skelsmergh, Kendal

- 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 J Hayton against the decision of South Lakeland District Council.
 - The application Ref SL/2018/0908, dated 8 November 2018, was refused by notice dated 22 January 2019.
 - The development proposed is described as "Conversion of part of a barn into a single residential dwelling".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would be in a suitable location and the effect of the proposal on highway safety with regards to access.

Reasons

Suitable location

3. The appeal site includes an existing barn building which sits approximately 200 metres away from the nearest residential dwellings that form part of a scattered group of properties. Given the sites proximity to nearby buildings and in line with some of the findings of the Court of Appeal¹ Judgement in relation to Braintree, it is not unfathomable to consider that the appeal site is not within an isolated location.
4. The appeal site and the nearby group of buildings are detached from other settlements in the area by open countryside. The future occupants of the proposal would be reliant on services from nearby settlements. The surrounding roads are narrow and do not have footpaths or street lighting and therefore accessing nearby services would not be desirable walking or cycling routes. There is no evidence before me to suggest that there are any frequent public transport links near to the appeal site which connect to settlements which have services and facilities. The nearest settlements which have services and facilities are not in close proximity to the appeal site. It would be most likely that future occupiers of the property would access services by the use of private motor vehicles.

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610.

5. The National Planning Policy Framework (the Framework) does indicate that development may support services in a village nearby. The Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, given the above factors, the proposal would still be likely to result in the majority of journeys being by private motor vehicle, with its associated cumulative negative effects in terms of emissions and air quality. The small benefits from future occupants of the properties contributing to nearby services would not be outweighed by the reliance on motor vehicles and subsequent negative environmental effects.
6. I have had regard to the appellants statement of case including the Policy Briefing document "Sustainable Villages – Making Rural Communities Fit for the Future". Whilst it is noted that the use of the internet does allow access to a range of services remotely, this does not remove the need to travel completely. The submitted "Technical Note – Highways" by Curtins concludes that a TRICS assessment shows that a total of three trips a day would be attributed to the proposed development. It is stated that the appellant currently undertakes two trips a day to the appeal site. The proposal would therefore increase the number of vehicle trips to and from the site.
7. The appellant has referred to the Rural Economy Report published in 2019 including findings that there is a shortage of the right types and tenures of housing in rural areas and highlights the importance of developing new homes in smaller, outlying settlements to ensure their survival. No evidence has been submitted which indicates that there is a shortage of one-bedroom properties in the area. The introduction of a single dwelling will also have minimal effect on the viability of nearby settlements.
8. The proposed development would not be suitably located in relation to services and facilities. The proposal would be contrary to Policies CS1.1, CS1.2 and CS10.2 of the South Lakeland Local Development Framework Core Strategy 2010 (CS) which seek development to reduce the need to travel and to maximise the use of sustainable forms of transport.

Highway safety

9. The site is accessed from Garth Row Lane (GRL) which is a single lane road. The road is described as public highway however, due to the narrow width of GRL, two vehicles could not pass each other. Therefore, if two vehicles met each other on this road, this would likely lead to a vehicle reversing and performing an unorthodox manoeuvre. The restricted road width would also lead to an uncomfortable arrangement for vehicles passing any pedestrians.
10. I have had regard to the swept path analysis drawing 69926-CUR-00-XX-DR-TP-05001 which shows that an emergency vehicle can manoeuvre within the appeal site location. However, there would still be conflict on GRL should another vehicle or pedestrian meet an emergency vehicle.
11. These factors would lead to an unacceptable access arrangement for the proposal and the safety of vehicle users and pedestrians would be severely compromised.
12. It has been indicated that there have been no recorded traffic collisions along GRL over the last five years. Nevertheless, the introduction of a residential property at the appeal site would significantly intensify the use and increase

the number of vehicle trips using GRL which would be to the detriment of vehicle users and pedestrians.

13. The proposal would have a harmful effect on highway safety. The proposal would fail to accord with Policy CS10.2 of the CS, Policy DM16 of the Local Plan Development Management Policies 2019 and Policy H12 of the South Lakeland Local Plan 2007 which seeks development to be capable of being served by safe access to the highway network.

Other matters

14. The proposal would be constructed from traditional materials and retain its appearance as an agricultural barn. It has been indicated that the barn is structurally sound for conversion, has access to existing utilities and part of the barn would be retained for storage for the associated agricultural/equestrian use. These matters however, do not outweigh the harm I have identified in the main issues above.
15. A number of developments² in the area have been brought to my attention. However, I do not have full details of these development schemes or the circumstances that led to them being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of size of development, relationship with surrounding built environment and type of application. In any case, I have determined the appeal on its own merits.

Conclusion

16. I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Chris Baxter

INSPECTOR

² Local Planning Reference Numbers: SL/2016/1150; SL/2014/0648; SL/2017/0680; SL/2013/0292; CU/2017/0016.