



Appeal Decision

Site visit made on 27 August 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/W4705/W/19/3230883

School Cote Farm, School Cote Brow, Holmfield, Halifax HX3 6SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
 - The appeal is made by Mr John Walker against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 18/04552/PAR, dated 18 October 2018, was refused by notice dated 18 December 2018.
 - The development proposed is change of use of agricultural building and land to 3 dwellings (C3) and associated building operations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) enables certain types of development to take place without the need for specific planning permission, provided certain criteria are met. Provisions exist under Schedule 2, Part 3, Class Q.(a) for the change of use of an agricultural building to a dwellinghouse, and (b) the associated building operations, subject to limitations and conditions.
3. Paragraph Q.1. of the GPDO sets out the circumstances where development is not permitted. The Council has not raised any concerns in relation to these matters and there is no evidence that leads me to a different conclusion.
4. Paragraph Q.2.(1) of the GPDO states that where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. This includes, amongst others, matters relating to (a) transport and highways impacts of the development.
5. In refusing the application, the Council states that the access to the development is substandard, and the proposed use would intensify use of the substandard access to the detriment of the safety of its users.

Main Issue

6. Therefore, the main issue is the effect of the development from a transport and highways impact point of view.

Reasons

7. The appeal building is accessed from a private, single track public right of way. It terminates further along from the appeal site, servicing a commercial premises. The appellant's claim that he has a right of access is not disputed.
8. Based on the evidence that is before me, as well as my site visit, the commercial premises includes a car park for over 50 vehicles. Visitors and deliveries also utilise the same access road. The appellant has stated that approval has been given for new industrial units nearby, which will include amending the highway layout at the industrial estate to allow the commercial premises to gain access and as a result, vehicle movements relating to the commercial premises would be reduced.
9. The access to the site is narrow, and there are no passing places until beyond the appeal site. In addition, there are no pedestrian footways along the access. I have not been provided with any detailed information regarding existing traffic movements on the single track right of way, nor have I been given any information as to the current status of the approved scheme, which is extant, but is several years old. I cannot be certain that the access road would be built in order to alleviate many of the vehicular movements at present.
10. Irrespective of the long-term prospect of the proposed access road, I find the narrow single-track access road to be substandard in nature, with no passing places from the main highway junction to allow vehicles to pass safely, with considerable vehicle manoeuvres required to facilitate the passing of vehicles. It is likely that there would be a significant amount of vehicular and pedestrian movements associated with the proposed three dwellings and given the lack of passing places and pedestrian footways for users, who would be forced to share the narrow access road with vehicles, which could be magnified if pedestrian users were utilising wheelchairs, or had children with pushchairs. As a result I find that the proposal would be detrimental to both highway and pedestrian safety.
11. For the above reasons, I conclude that the transport and highway impacts of the development would be unsatisfactory, and consequently the proposal would not satisfy the conditions of Class Q of the GPDO.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR