
Appeal Decision

Site visit made on 6 January 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: Thursday, 30 January 2020

Appeal Ref: APP/R1038/W/19/3241221

Holly House, Matlock Road, Spitewinter, Ashover, S45 0LL

- 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 D Howarth against the decision of North East Derbyshire District Council.
 - The application Ref 18/01265/FL, dated 19 December 2018, was refused by notice dated 1 August 2019.
 - The development proposed is conversion of two existing stable buildings to form one, four-bedroom dwelling, with associated access lane, parking area and garden.
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Decision

1. Appeal is dismissed

Procedural Matter

2. I note that the proposed accessed to the site from the track that serves Bank Farm crosses common land. Access to common land is covered by other legislation and I will not be dealing with this matter in this appeal decision.

Main Issue

3. The effect of the proposal on highway safety on Matlock Road, with particular reference to the visibility where the access to the site joins the Matlock Road.

Reasons

4. The site lies off the Matlock Road (A632) in the settlement of Spitewinter, behind Holly House and is currently accessed through a courtyard to the side of the house. The site is comprised of a large building which has been used as stabling and a smaller stable building.
5. The only issue between the parties is the suitability of the junction between the access track and the A632 to accommodate the traffic generated by the appeal proposal. I will be deciding the appeal on this issue.
6. A principal matter to be decided is whether the appeal proposal will increase traffic movements at the junction between the proposed access and the A632 to unacceptable levels, having regard to the lawful use of the site.
7. There is no direct vehicular access between the appeal site and the access track, serving Bank Farm, leading to the A632. The gate between the appeal site and the access track has been partially blocked by steel rails driven into

- the ground. The proposed access, within the appeal site, is grassed and there is no evidence of recent vehicular use.
8. The appellant argues that there is no increase in use of the access, as the stables are lawfully capable of being used and accessed via the route shown in the appeal proposal and this would generate 4, passenger car unit (PCU), trips daily. The appellant equates this to 6 daily (PCU) trips, as a horse box is equivalent to 1.5 (PCU). This, in the opinion of the appellant, would equal the (PCU) trip generation rate of the proposed four-bedroom dwelling i.e. 6.
 9. The local highway authority has suggested a trip generation rate of 8 for the proposed dwelling is reasonable. The appellant has stated that 8 trips for the day would be high. This is based on a letter from the former Derbyshire County Council (DCC) Cabinet Member for Highways Transportation and Infrastructure concerning a different site. I have no knowledge of the site referred to in the letter, the size of houses it refers to or whether the site is urban or rural. I therefore can give the letter little weight in the determination of this appeal as I have to decide this appeal on the evidence in relation to the site and proposal before me.
 10. In my opinion, having regard to the size of the dwelling proposed, rural location of the site, the need for the occupiers of the dwelling to travel to access schools, employment, shops, entertainment (leisure) and the increasing tendency for goods to be ordered on line for home delivery, I consider it reasonable that the appeal proposal would generate at least 8 trips a day.
 11. I therefore consider that the appeal proposal would generate increased traffic movements over and above the suggested existing use, at the junction of the access track to Bank Farm and Matlock Road (A632).
 12. The access at this junction is already substandard. In particular the visibility to the north, towards Chesterfield, when exiting the site is around 40m, when advice in Manual for Streets 2(MfS) states that it should be around 103m.
 13. The A632 is a busy road providing the principal route between the towns of Chesterfield and Matlock. The applicant can make no alterations to the access to improve visibility at the junction of the access track and the A632, as he controls no land at this junction.
 14. It is my opinion that increased use of this access by the appeal proposal, would give rise to increased highway danger for vehicles exiting the site turning right, and those waiting in the carriageway to turn right, into the site. This last point is especially important as the width of the access would not allow two vehicles to pass at the entrance.
 15. I have had regard to the accident data supplied by the appellant. I note that one of the accidents quoted, on the A632 in the vicinity of its junction with Highashes Lane, Spitewinter, is a 'rear end shunt' of the type the local highway authority is concerned about in this appeal. It is my view that this type of accident is more likely to occur at the access to the appeal site, should the appeal proposal be implemented, given the very restricted forward visibility for traffic approaching this junction from the Chesterfield direction, and the likelihood of traffic entering the site from this direction having to slow down or wait on the carriageway. This adds weight to my opinion that the increase in

use of this access brought about by the appeal proposal would increase the risk to persons using the A632 at this location.

16. I therefore dismiss the appeal, as it would result in an increase in vehicular movements at a junction that is already below the required standard in terms of the visibility to the north. To allow the appeal would risk increasing the danger to those using the public highway in the vicinity of the appeal site. The Framework states at para 109 "*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety...*". I find the increase in the use of this access, in this location, would have an unacceptable impact on highway safety by increasing the likelihood of traffic collisions, at a point where visibility is restricted.
17. The development plan, the NEDLP and the ANP, seeks to ensure that developments provide safe access to the road network. I find that the appeal proposal is in conflict with Policy T2 of the NEDLP and AP20 of the ANP for the reasons set out above.

Conclusion

22. I find that having regard to all the matters before me, including the policies of the development plan, when taken as a whole, the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR