



Appeal Decision

Site visit made on 27 January 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/P0240/W/19/3240060

Land to rear of 22 Station Road, Lower Stondon SG16 6JP

- 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 A. Holditch, M. Wells & T. Jordan against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/00332/FULL, dated 1 February 2019, was refused by notice dated 19 June 2019.
 - The development proposed is erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development proposed would make adequate provision for access to the site and to 29 Meadowsweet; and,
 - Whether the submission provides sufficient information to show that it would deliver net gains for biodiversity.

Reasons

Access

3. The appeal site lies to the rear of 22 Station Road, with access proposed via Meadowsweet, a cul-de-sac. For most of its length Meadowsweet is wide enough to permit 2 cars to pass side by side. However, the road narrows in front of No 29 Meadowsweet, with a change in paving surface and absence of pavement in this area indicating that this is intended to be used as a shared surface at the end of the cul-de-sac.
4. Based on the evidence before me, this area of shared surface is about 4 metres wide. It is clearly narrower than the road throughout most of the rest of Meadowsweet, where cars can pass one another freely. The appellants have referred to the Manual for Streets, which indicates that 2 cars can pass on a highway of 4.1 metres in width. The Manual also states that this is not a recommendation, that the cars would be very close together, and that a car could not pass a wider vehicle on a highway of that width. In any case, it is not clear from the evidence before me that the shared surface is more than 4 metres wide. I consider that the increase in traffic flow associated with the

- development proposed would be likely to cause conflict with the existing users of the shared surface, who currently can walk or drive freely across it.
5. Furthermore, significant evidence has been provided by the occupiers of No 29 and other third parties that regular access to the front of the property is needed for medical purposes as 2 of the occupiers require medical assistance on at least a daily basis. Based on the evidence provided at least 1 of these residents has restricted mobility such that any limitation of the existing access would inhibit their ongoing care. Their family have attested to No 29 being ideally sited at the end of the cul-de-sac where they currently have free use of the shared surface for parking by carers, with at least 1 care vehicle having a side access ramp that means it occupies a greater width on the road than a typical car when parked with the ramp deployed.
 6. In considering this personal circumstance I am mindful of advice in the national Planning Practice Guidance¹ (the Guidance) that in general planning is concerned with land use in the public interest. The Guidance further goes on to say, however, that provided regard is had to all material considerations it is for the decision maker to decide what weight is to be given to the material considerations in each case.
 7. Based on the evidence before me, which includes independent medical evidence from those familiar with their circumstances, the medical needs of the neighbouring occupiers are particularly severe. I have given them substantial weight in determining this application. Family members and carers have attested to the need for unimpeded access to No 29 throughout the day. No evidence has been provided that alternative access can be provided to No 29 without worsening access for occupiers and carers.
 8. The shared surface provides an optimal access for the occupants of 29 Meadowsweet who have particularly severe medical needs requiring frequent and extended periods of access by carers. The ongoing access needs of that property would be likely to restrict vehicle access to the appeal site, to the detriment of the occupiers of the proposed dwellings.
 9. The appellants contend that the shared surface is open to the public to use for access, and that the potential for conflict between existing and proposed residents would be low. However, the circumstances of the occupiers of No 29 Meadowsweet are uncommon and sometimes require that vehicles are parked outside of the property for extended periods. I consider that this would be likely to result in recurring access issues to and from the proposed dwellings.
 10. The appellants have further referred to a lack of objection to the proposed development from the Highways Officer and provided their own transport assessment relating to the access which concludes that safe access is possible. With regard to the lack of objection, this is a neutral consideration in determining this appeal, and does not absolve me of undertaking my own assessment of the adequacy of the access. It is not clear either in the Highways Officer's response or in the transport assessment that the appellant has provided that they were aware of all the evidence before me, in particular the evidence from medical professionals attesting to the severity of the medical conditions of the neighbouring occupiers. As set out above, I have given these substantial weight in determining this appeal.

¹ What is a material planning consideration? Paragraph: 008 Reference ID: 21b-008-20140306

11. Having considered the above matters I therefore conclude that the development proposed fails to make provision for adequate access to the appeal site and to No 29 Meadowsweet. It therefore conflicts with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies November 2009 (the CS), which requires, among other things, that development incorporate appropriate access and respect the amenity of surrounding properties. It also conflicts with the National Planning Policy Framework which, among other things, requires that development create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Biodiversity

12. The appeal site is part of a residential garden, and at the time of my site visit was largely laid to grass, although with a well-established conifer hedge along the boundary with properties on Long Close. Although third parties have reported clearance of vegetation and trees from the site prior to submission of the application, it is not clear from the evidence before me what effect this may have had on biodiversity.
13. Policy DM15 of the CS requires that where there is a need to protect or enhance biodiversity, developers will be required to carry out such work. I am satisfied that the site is of sufficient size that it could accommodate additional landscaping or other measures to deliver biodiversity net gains. The appellants have provided a biodiversity plan for the site, but it is marked as illustrative and therefore it is not clear that it has been specifically prepared for this scheme. However, were I minded to allow this appeal I consider that an appropriately worded condition could secure a scheme of improvements to deliver mitigation in line with Policy DM15.

Other Matters

14. The appellants argue that the appeal proposal would deliver benefits through increasing the supply of housing. In addition, there would be economic benefits both from the construction of the proposed dwellings, and their ongoing occupation and the contribution from residents to local services and facilities. I recognise that these benefits would arise from the development, but I consider that they would be outweighed by the harm I have identified.
15. The appellants have noted that the principle of the development is acceptable, and that there would be no adverse impact upon the character and appearance of the area. Be that as it may, the absence of identified harm on these issues is only a neutral consideration in determining this appeal and cannot weigh in favour of the scheme.

Conclusion

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

M Chalk

INSPECTOR