



Appeal Decision

Site visit made on 28 January 2020 by Hannah Ellison BSc (Hons) MSc

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th March 2020

Appeal Ref: APP/C4235/W/19/3239429

65 Townscliffe Lane, Mellor, Stockport SK6 5AR

- 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 Kay Homes Ltd against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/072911, dated 25 March 2019, was refused by notice dated 16 May 2019.
 - The development proposed is the erection of one detached dwelling (resubmission of DC070062).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the appeal site is a suitable location for the proposed development, having particular regard to the effect on the safety of highway users.

Reasons

4. The appeal site is a vacant plot located on the northern side of Townscliffe Lane. It is bounded by detached dwellings on either side. The site is located along the eastern stretch of Townscliffe Lane, which becomes one lane wide and lacks pavements. It is not a through road to the east, however it does provide access to a small number of dwellings, storage for a car dealership, agricultural land and stables. The lane is a public right of way and three public footpaths converge to the east of the appeal site.
5. The appeal site is also located within the Green Belt. The Government attaches great importance to the Green Belt and inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. As set out in the National Planning Policy Framework (the Framework), new buildings are regarded as inappropriate except in certain circumstances including limited infilling in villages as indicated in paragraph

- 145(e). Policies GBA1.2 and GBA1.5 of the Stockport Unitary Development Plan Review (2006) (the UDPR) set out guidelines for development in the Green Belt, specifying certain types of development which may be granted. However, neither refer to limited infilling in villages therefore they are not entirely consistent with the more recently published Framework.
6. The appeal site is located between existing dwellings and within close proximity to services and this proposal seeks permission for a single dwelling. Having regard to the scale and location of the proposal, I concur with the Council's position that it would represent limited infilling in a village and thus falls within paragraph 145(e) of the Framework. Therefore, this proposal would not be inappropriate development within the Green Belt. On that basis there is no need for me to further consider the effect of the proposal on the openness of the Green Belt nor whether there are special circumstances necessary to justify the development.
 7. Vehicular access to the appeal site would be taken from Townscliffe Lane and the proposal includes proposed visibility splays. However, there is nothing in the evidence before me to confirm the average speed of vehicles using Townscliffe Lane. As such, I cannot be certain that the proposed visibility splays are of sufficient standard to provide adequate visibility for drivers leaving the site and entering the lane.
 8. In respect of pedestrian safety, on the approach to the appeal site the highway narrows significantly to single track and boundary treatments of neighbouring sites are positioned up to the highway thus there are no grass verges. As such, pedestrians walking to and from the dwelling would have to walk within the highway with the potential for conflict with other highway users and adversely affecting their safety. I note that the proposal includes a stretch of footway along the width of the appeal site, however that stretch would be limited in length and disconnected from any other footways. As such, there would remain a stretch of highway where pedestrians would be vulnerable.
 9. Townscliffe Lane is designated as a Quiet Lane under policy TD2.2 of the UDPR which states that developments that would result in a significant increase in traffic or conflict between different users of these lanes will not be permitted. There is nothing in the evidence to confirm the appellant's view that the volume of vehicle movements and vehicle speeds along this stretch of Townscliffe Lane are low. The increase in vehicular movements generated by an additional dwelling would be likely lead to additional conflict with other users of the lane. This would be detrimental to their safety due to the limited width, forward visibility and lack of pedestrian footway along this stretch of Townscliffe Lane.
 10. Three public footpaths converge at the eastern end of Townscliffe Lane and I note they provide access to various community facilities and a school. There are also stables located in the immediate locality. As such, there would be a range of highway users passing the appeal site in both directions. At the time of my mid-morning site visit I observed that, due to the restricted width of the lane, a vehicle cannot comfortably pass a pedestrian along a significant stretch of Townscliffe Lane immediately outside the appeal site. At peak times of the day it is likely that the potential for conflict between highway users would increase.

11. It is acknowledged that accident data for a recent five-year period indicates there have been no accidents along this stretch of Townscliffe Lane. Be that as it may, the absence of accidents does not overcome the need to demonstrate safe access and passing arrangements.
12. The appellant indicates that the proposed visibility splays and residential use of the site would improve highway safety compared with the existing access layout and use which the appellant indicates is for the storage of materials and machinery and is used on a daily basis. However, I am not aware of any planning history of the site for a change of use to storage purposes and, at the time of my site visit I observed that the appeal site was relatively overgrown with limited paraphernalia on site, suggesting that it has not been used or accessed in some time. These observations align with comments from neighbouring occupiers therefore I afford this matter only limited weight.
13. An appeal decision¹ at Heathy Bank Farm, which is located on Townscliffe Lane, has been referred to in support of this proposal. The main issue in that appeal was whether the site was within an accessible location. However, in this appeal there is no dispute over this matter, but rather the Council raise concerns over access arrangements to the site. I also note that a condition preventing the use of Townscliffe Lane for vehicular access to the Heathy Bank Farm proposal was attached to that decision. The Council has referred to an appeal decision at 65 Longhurst Lane however as I have not been provided with a copy I cannot determine its relevance to this appeal.
14. Consequently, taking all the above into consideration, I conclude that the proposed development would result in unacceptable harm to the safety of highway users. It would therefore conflict with policies SIE1, CS9, T1 and T3 of the Stockport Metropolitan Borough Council Local Development Framework Core Strategy DPD (2011) (the CS) and policy TD2.2 of the UDPR as they relate to, amongst other things, highway safety and access arrangements for all highway users.

Other Considerations and the Planning Balance

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
16. The Council cannot demonstrate a five-year housing land supply and, in these circumstances, paragraph 11 of the Framework indicates that the policies most important for determining the application should be considered as being out of date. However, as I have concluded that the proposal would not be inappropriate development in the Green Belt, the most important policies for determining the application are the highway policies in the CS and UDPR rather than the Green Belt policies. In so far as they seek to secure safe and accessible highway arrangements, CS Policies SIE1, CS9, T1 and T3 and UDPR Policy TD2.2 are consistent with the Framework and can be afforded full weight in this decision. Paragraph 11 of the Framework is therefore not engaged and the appeal falls to be determined under a normal planning balance.
17. This proposal would provide social benefits through the provision of a new dwelling and economic benefits during the construction phase and subsequent

¹ Appeal Ref: APP/C4235/W/18/3194334

occupation of the dwelling. Nevertheless, due to the small scale of this proposal these benefits would be limited, and it would also have a very limited impact on the Council's housing land supply shortfall. Viewing the development as a whole, the harm to highway safety would be contrary to the development plan when read as a whole, and there are no material considerations of sufficient weight to justify a decision other than in accordance with the development plan.

Conclusion and Recommendation

18. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Housden

INSPECTOR