
Appeal Decision

Site visit made on 7 January 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/A3010/W/19/3238980

Land off Common Lane/Station Road, Ranskill, Retford

- 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 Mansfield Town Developments Ltd against the decision of Bassetlaw District Council.
 - The application Ref 19/00534/FUL, dated 11 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is full planning application for the erection of 9 no. open market starter homes, with associated private access driveway, off-street parking and private gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the site is a suitable location for residential development with particular reference to potential land contamination; and
 - the effect of the proposed development on highway safety.

Reasons

Character and Appearance

3. The appeal site is situated to the east of the main built-up area of Ranskill Village and is immediately adjacent to the main (east coast) railway line. The appeal site itself comprises open scrubland which is set within a larger area of open grassland with a more wooded area to its northern edge and more trees set out in a linear fashion along its boundary with the railway line. Beyond this larger area of open grassland to the east and north the land comprises what appears to be a predominately agricultural and relatively open landscape. Opposite the appeal site (to the south of Station Road/Common Lane) there is a residential development which also abuts the railway line and sits within a wider area of open grassland. Further to the east of this area of open grassland there is an industrial unit which fronts onto Common Lane.
4. The main built-up area of Ranskill Village is located to the west of the railway line with residential development both to the north and south of Station Road. As

outlined above, the land to the east of the railway line comprises open grassland set within a wider rural landscape. Consequently, given the existing character of the land to the north and east of the appeal site, the proposed development by virtue of its scale and location would have an adverse visual impact particularly when viewed from Station Road/Common Lane, thereby causing harm to the character and appearance of the area.

5. In support of the appeal scheme the Appellant has cited the residential development on the opposite side of Station Road/Common Lane as an example of recent residential development which has been permitted on a site to the east of the railway line. Whilst I acknowledge this example of residential development east of the railway line, the type of development permitted is not exactly the same as the appeal scheme in that it was the result of the conversion of an existing building meaning that the land to the south of the road was already less open than that to the north (including the appeal site), something that is reinforced by the presence of the industrial premises further to the east.
6. The Appellant has also asserted that the appeal site has a 'very different' character to the land surrounding it and also that it does not have a high landscape value or add to the character of the countryside setting around Ranskill. However, from the evidence before me, and from what I observed on my site visit, I consider that the appeal site and the land around it supplement the openness of the landscape to the north of Station Road/Common Lane, thereby making a contribution to the intrinsically rural character of the wider area they are linked to.
7. I therefore conclude that the proposed development would have an adverse visual impact which would harm the character and appearance of the area. As a result, it would conflict with Policies DM4 and DM9 of the Bassetlaw Local Development Framework Core Strategy & Development Management Policies DPD 2011 (BLDF) which aims to ensure good design and protect local landscape character, amongst other considerations. It would also conflict with Paragraph 170 of the National Planning Policy Framework (the Framework) which aims to ensure that the intrinsic character and beauty of the countryside is recognised, amongst other considerations.

Whether a suitable location for residential development

8. The Council have raised concerns in relation to the potential levels of land contamination at the appeal site due to historic tipping of calcium silico-fluoride and other potential unknown contaminants. In order to address this concern, the appellant has submitted a Phase I desktop study (including a preliminary risk assessment). This report indicated that there was a likely probability of contamination on the site¹ and also concluded that based on this initial risk assessment that *'insufficient information on the potential for contamination was availableand given the sensitive nature of the proposed development that further intrusive works would be required to determine if the site could be made suitable for use'*².
9. As a result, the Appellant commissioned the production of a Phase II report to assess the site for soil contamination, soil leachate contamination and water contamination. This Phase II report was due to be completed 'during the life of this Appeal'. However, none appears to have been submitted. Consequently, I am unable to assess the potential contamination levels at the appeal site in accordance with paragraph 178 (c) of the National Planning Policy Framework (the

¹ See Table 15: Preliminary Conceptual Model, Page 27 of the Phase I Desktop Study

² See Desktop Study Phase 1 page 29

Framework). Therefore, there is insufficient evidence before me to reach a conclusion on whether the site is a suitable location for residential development with particular reference to potential land contamination.

10. Accordingly, I conclude that the site would not be a suitable location for residential development with particular reference to potential land contamination in the absence of such information. As such, the proposed development would be in conflict with paragraph 178 of the Framework which aims to ensure that development sites are suitable for their proposed use taking into account ground conditions (including risks from former uses such as contamination).

Highway Safety

11. The Highway Authority have raised concerns in relation to the potential impact of the proposal on highway safety with reference to its overall layout and that of the associated parking area. In its view, the proposed layout fails to provide adequate footway provision, fails to demonstrate that there would be adequate manoeuvring space for the largest vehicle likely to regularly visit the site (a bin lorry), and would lead to a high degree of on street parking that would likely compromise the width of footways, available manoeuvring space, and visibility from junctions. In addition to this it is of the view that the inability of the appellant to provide direct access to an all-purpose highway would prevent the adoption of the proposed street layout by the Authority which would likely lead to disrepair³.
12. In support of the appeal scheme the Appellant has stated that the proposed development has been designed in accordance with the Nottinghamshire Highway Design Guide (HDG) and that the dimensions would allow two vehicles to pass each other at the site entrance and vehicles to turn and enter/exit the site in forward gear. However, whilst the width of the proposed access is acceptable to the Highway Authority, the appellant has not provided sufficient evidence to demonstrate that it would also be suitable for use as an area for larger vehicles to turn around safely.
13. I note the Appellant's point that the proposal meets the HDG's requirements in relation to visibility splays. However, the appellant has also not provided sufficient evidence to demonstrate that the proposed visibility splays would be appropriate for the speed of traffic usage on Common Lane to the satisfaction of the Highway Authority.
14. I also note the Appellant's point that the proposed site layout would provide pavements along each side of the access driveway and that these could continue along Common Lane/Station Road towards the railway line to allow safe pedestrian access from the proposal to the facilities and services in Ranskill Village. However, the submitted plan shows the provision of only one footway on the western side of the cul-de-sac which would pass across the front of Footpath No.4. Furthermore, the footpath leading to the proposed car park would only be provided on one side leaving pedestrians with a wide junction to cross towards the west of the car park. This would also restrict their ability to see vehicles emerging from the car park when walking in a southerly direction from proposed dwelling nos. 7-9 at a location where vehicles would be turning. Consequently, I consider that the proposal would pose a potential risk to the safety of local road users and pedestrians thereby causing harm to highway safety.
15. The Appellant has indicated that the location of the proposed parking area means that it would provide some form of noise buffer from the railway line and that this

³ See Highway Authority Appeal Statement

in combination with the courtyard being well-lit would deter crime, increase natural surveillance, protect local amenity and provide a useable, safe, and convenient car parking area for future residents and also make it more likely that they would park there instead of on Common Lane/Station Road. However, no substantive evidence has been submitted by the appellant to show how the proposed car park and lighting would be maintained in the absence of them being adopted by the Highway Authority, making it more likely that they would fall into disrepair to the detriment of the safety of its future users. Furthermore, given the distance of the proposed car parking spaces from the proposed dwellings the natural surveillance from their rear windows would be limited. Moreover, it would be reasonable to think that residents would park on the street closer to or outside their homes as this would be the most convenient option with the car park being the last resort. As a result, this would make it more difficult for visitors or others to use it which would, in turn make it more likely that vehicles would park on Common Lane due to the lack of alternative available spaces.

16. The Appellant has acknowledged that Common Lane is designated a public footpath but has argued that as it is hard-surfaced and regularly used by vehicles (associated with the residential development to the south of the appeal site and also the commercial business located further to the east), that the proposed access would cause no greater conflict than what is there already. However, substantive evidence has not been provided to show that there is a lawful private right of vehicular access to the appeal site off Common Lane which could in effect prevent the proposed development from proceeding.
17. I therefore conclude, on this main issue, that the proposed development would cause harm to highway safety. Accordingly, it would conflict with policy DM4 of the BLDF (adopted December 2011) which aims to ensure that new development supports safe streets and public spaces, amongst other considerations. It would also conflict with paragraphs 109 and 127 of the Framework which aim to ensure highway safety and the creation of safe places, amongst other considerations.

Other Matters

18. The Council and Appellant agree that the 'tilted balance' set out in paragraph 11 of the Framework should be engaged due to the limited weight that can be applied to Policy CS1 of the BLDF. They also agree that the appeal site is not isolated and that it is in a sustainable location close to the facilities and services within Ranskill Village. I see no reason to disagree with these points. However, in this case, (and being mindful of paragraph 78 of the Framework) I find that the adverse impacts arising from the proposal, including harm to the character and appearance of the area, the potential unknown risk to human health arising from contaminated land, and harm to highway safety, would outweigh any local economic and community benefits that the proposed affordable homes would potentially provide. As such, the Framework, when considered as a whole, does not indicate that planning permission should be forthcoming. Furthermore, as per S38(6) of the Planning and Compulsory Purchase Act 2004 the proposal would not accord with the relevant development plan for the area and there are no material considerations which indicate a decision otherwise than in accordance with it.

Conclusion

19. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR