



Appeal Decision

Site visit made on 1 July 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2020

Appeal Ref: APP/P2935/W/19/3243820

Land North East of Inglenook Cottage, Mill Lane, Haltwhistle NE49 9LW

- 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 Ian Hunter against the decision of Northumberland County Council.
 - The application Ref 18/03493/FUL, dated 1 October 2018, was refused by notice dated 2 July 2019.
 - The development proposed is change of use of land to accommodate holiday lets.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been made retrospectively, but for the avoidance of any doubt I have considered the proposal on the basis of the application details.

Main Issues

3. The main issues are the effects of the proposal on highway and pedestrian safety; and upon the living conditions of the occupiers of nearby properties.

Reasons

Highway safety

4. I am informed that the appeal site is garden land of Inglenook Cottage, which is reached via the adopted highway Mill Lane, leading from the C1110 Castle Hill. My observations are consistent with the advice of the Highway Authority, that the width of Mill Lane is likely to make it difficult, in places, for vehicles to pass. In addition, pedestrians have to share the carriageway in places and thus there is also potential for conflict to arise between simultaneous vehicle and pedestrian users.
5. Of particular concern is the junction with Castle Hill, which is tightly constricted by flanking gable walls of the two-storey properties on both sides. These properties also severely limit visibility for and of vehicles and pedestrians on entering and leaving the junction. This means that vehicles exiting the junction have to edge forward past the line of the pavement to gain a clear view of oncoming vehicles or pedestrians. Furthermore, there is potential for dangerous reversing manoeuvres or queuing traffic on Castle Hill if vehicles are attempting to enter and exit Mill Lane at the same time.

6. The proposal is small in scale and I have had careful regard to the appellant's comments on the type and frequency of guest movements to and from the site. I am also mindful that the lane already serves existing properties. Nonetheless, by its very nature, the proposal would lead to additional vehicle and pedestrian use of the lane and junction by guests who are less likely to be familiar with the inherent highway dangers present. Indeed, the appellant acknowledges the increase in pedestrian use of the lane into the town. Consequently, the proposal would increase potential vehicle to vehicle and pedestrians to vehicle conflict. Even if there have not been any recorded highway incidents since the holiday accommodation has been in use, this does not automatically mean that the area in question is inherently safe from a highway safety perspective and is not a persuasive justification to increase the potential for an accident in the future. The Highway Authority considers that both the Castle Hill junction and width of Mill Lane are substandard to serve the proposal, and for the reasons above, I have no reason to take a different view to this statutory consultee.
7. The appellant refers to the previous registration of a business at the property and up to 15 associated vehicles being parked at and in the vicinity of the site. However, I am cognisant that registration does not necessarily mean that all of the associated business activities were taking place at the site. Moreover, there is no substantive evidence to support these claims, or even that the use referred to was lawful. Consequently, I give limited weight to this matter in my assessment. In any event, I must consider the proposal on its own individual merits.
8. My attention has also been drawn to an alternative access route, which leads past the appeal site. Although this route is outside the red line application boundary, I am not aware that there is any restriction on its use. However, I observed this route to be longer, narrower and less formal than Mill Lane. Vehicular and pedestrian traffic is likely to favour the shortest and most direct route to and from the site, particularly into the town, which is via Mill Lane. Furthermore, notwithstanding better visibility at the junction, the same highway safety concerns in respect of increasing potential conflict between vehicles and pedestrians would apply along this route. Accordingly, even taking the alternative access route into account, it does not lead me to a different conclusion.
9. I conclude that the proposal would have an unacceptable effect on highway safety for both vehicular and pedestrian users. This is contrary to saved Policy GD4 of the Tynedale District Local Plan 2007 (TDLP) and paragraphs 108 and 109 of the National Planning Policy Framework (the Framework) in terms of achieving safe and suitable access, and preventing unacceptable impacts on highway safety.

Living conditions of neighbours

10. The appeal site lies within a residential area, but towards the end of Mill Lane where the houses are more dispersed. Inglenook Cottage is one half of a semi-detached pair of houses. The other neighbouring properties are not immediately adjacent to the appeal site and lie on the other side of Mill Lane and the access track that leads past the site. Accordingly, there is a reasonable degree of physical separation to neighbouring properties.

11. I appreciate that the internal space of the shepherd huts is relatively compact, which could result in greater use of the outdoor space during the day and on an evening. However, in this case, the proposal is of a small scale. In addition, the site is close to the town centre facilities so guests would not be wholly reliant on the outdoor space for eating, socialising and recreation. Accordingly, I consider that the use of the outdoor space within the site is likely to be of a low key nature and could also be reasonably managed. The absence of any objections from neighbouring properties, whilst not decisive by itself, would seem to support this.
12. For these reasons, I conclude that the proposal would not have an unacceptable impact on the living conditions of neighbouring properties, with particular regard to noise and disturbance. This is in accordance with TDLP Policy GD2 and the Framework, where they seek to ensure that development does not have an adverse effect on the living conditions of the occupiers of adjacent land and buildings.

Other Matters

13. The appeal site is within the Haltwhistle Conservation Area (HCA). The Council has not objected to the visual appearance of the proposals and I have no reason to come to a different conclusion in this regard. I am satisfied that there would be no harmful effects on the HCA and as such, its character and appearance would be preserved. Similarly, I am satisfied that there would be no harmful effects on potential archaeological interests within the site and on the Area of High Landscape Value designation within which the site lies.
14. The appellant's comments regarding the Council's lack of engagement during the application are noted, but it does not alter my assessment of the planning merits of the appeal.

Planning Balance and Conclusion

15. It is likely that the proposal would support facilities and services in the town and surrounding area, thereby contributing positively to the local economy, albeit at a small scale. However, notwithstanding these moderate benefits, I have found that the scheme would prejudice highway safety, and this is a matter to which I attribute significant weight. The absence of harm in other identified respects is a neutral factor in my assessment.
16. Overall, I find that the harm to highway safety would outweigh the benefits of the proposal, which would conflict with the development plan when read as a whole, and the Framework. Accordingly, there is a clear justification for finding the scheme to be unacceptable and therefore the appeal should be dismissed.

A Caines

INSPECTOR