



Appeal Decision

Site visit made on 14 July 2020 by C McDonagh BA (Hons), MA

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/B2355/W/20/3247510

Land Adj. former Craven Heifer, 264-266 Burnley Road, Rawtenstall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M Blunt against the decision of Rossendale Borough Council.
 - The application Ref 2019/0572, received by the Council 3 January 2020, was refused by notice dated 18 February 2020.
 - The application sought planning permission for *change of use from agricultural to car sales, including sales cabin* without complying with conditions attached to planning permission Ref 2019/0128, dated 7 June 2019.
 - The conditions in dispute are No 1 which states that '*The development shall be carried out in accordance with the following drawings unless otherwise required by the Conditions below: Location Plan – Date received 18/04/2019; Site Layout Plan – Date received 18/04/2019*', and No 3 which states that '*No more than 6 vehicles shall be offered for sale from the site at any one time and these vehicles shall be displayed in the positions shown on the approved Site Layout Plan*'.
 - The reasons given for the conditions are, in respect of condition 1 '*For the avoidance of doubt and in the interests of visual & neighbour amenity and highway safety*', and in respect of condition 3 '*To avoid parking/manoeuvring of vehicles on highways, in the interest of highway safety*'.
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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 the effect of the proposed amendments to the conditions on highway safety.

Reasons

4. The appeal comprises a strip of land adjacent to the A682 road, which is used as a car sales forecourt. The site is accessed via Leebrook Road, which bridges a stream to afford access to several other businesses, including a car repair garage and trade units. The site currently has planning permission to display 6

- cars for sale. The appeal proposal seeks to vary conditions 1 and 3, which pertain to the site layout and the number of cars allowed, to increase this number to 9.
5. From my observations on the site visit, cars were parked along the back edge of the forecourt roughly in the spaces highlighted on the proposed site plan. The plan indicates 9 cars can fit in to these spaces and, from all I have seen and read, I have no reason to disagree. However, there were also vehicles parked in front of these spaces, parallel to the road along a stone wall, which would leave little room for cars to manoeuvre within the site itself. Even without these cars parked along the front of the forecourt, the amount of manoeuvring space would be limited and there is nothing on the submitted plan to indicate this is possible. While I understand this is not a public car park and would be an operational issue for the owner, the likely scenario would lead to drivers having to exit the site in reverse gear onto Leebrook Road due to the lack of manoeuvring space on site.
 6. I appreciate this road is lightly trafficked and would not be subject vehicles travelling at high speeds. However, its junction with the A682 is in close proximity to the entrance of the sales forecourt. I noted how busy the A682 was during my visit, even at the midday hour. Leebrook Road affords access to several other businesses including a car repair garage and several trade outlets. As such, drivers of vehicles may have to stop suddenly when turning onto Leebrook Road if meeting reversing vehicles from the sales forecourt, which would cause traffic to accumulate on the A682 while also posing a collision risk. This risk is exacerbated by the line of large trees lining the footway approaching the junction, which compromises visibility for drivers accessing and egressing Leebrook Road. While I note double-yellow lines are in place along this stretch of road which would preclude parking outside the forecourt, this would do little to aid visibility of drivers turning onto Leebrook Road.
 7. Submitted data from the appellant shows there have been no reported road traffic collisions in the area, although the time period for this data is unclear. However, this does not mean it is safe. The number of vehicular movements would be limited but would nonetheless increase as a result of the proposal. Moreover, while I appreciate the increase in cars available for display would benefit the appellant's business, and other garages may have a similar issue of manoeuvrability, neither argument would justify the harm to highway safety I have identified.
 8. Accordingly, I conclude that the disputed conditions are reasonable and necessary in order to safeguard highway safety and that it satisfies the other tests for conditions set out in paragraph 55 of the National Planning Policy Framework (the Framework). The proposed increase in the number of cars parked on the forecourt would be harmful to highway safety in terms of the lack of manoeuvring space on site and the consequences of vehicles exiting in a reverse gear. As such the proposal would be contrary to the aims of paragraph 109 of the Framework which seeks to ensure development does not cause unacceptable impacts on highway safety.
 9. The Council also refers to Policy 8 of the Rossendale Borough Council Core Strategy Development Plan Document in its reason for refusal. This Policy appears strategic in its aims for transport proposals and with regards to roads,

largely relates to easing congestion of key locations in the Borough rather than highway safety. As such, it is not considered relevant to this appeal.

Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR