



Appeal Decision

Site visit made on 24 August 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2020

Appeal Ref: APP/P3420/W/20/3250970

Land adjacent 50 and 52 High Street, Harriseahead, Kidsgrove ST7 4JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Millard against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 19/00463/OUT, dated 7 June 2019, was refused by notice dated 16 October 2019.
 - The development proposed is a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with access only to be determined at this stage. I have dealt with the appeal on this basis, treating the plans which show a potential site layout as illustrative.
3. The appellant has raised concerns with the Council's handling of the case including the lack of communication and whether the Transport Statement was assessed properly. These are matters that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on highway and pedestrian safety.

Reasons

5. The *National Planning Policy Framework* (the Framework) states at paragraph 108 that developments should ensure safe and suitable access to the site can be achieved for all users, and that any significant impacts on highway safety can be cost effectively mitigated to an acceptable degree. At paragraph 109 it goes on to state that development should only be refused on highway grounds if the impact on highway safety would be unacceptable and, in paragraph 110(c), that developments should minimise the scope for conflicts between pedestrians, cyclists and vehicles and respond to local character and design standards.
6. The appeal site is accessed by a long, narrow, unmade access track that lies between Nos 44 and 56 High Street. This currently provides access to 4

dwellings but only 2 of them appeared to have any off-road parking associated with them. The site used to contain a small number of garages, but these have largely been demolished and the site has not been used for parking for a considerable period of time. The access is also a Public Right of Way that leads onto the adjacent open fields. From evidence from third parties it is clear that this is a popular and well-used route.

7. Whilst the proposal is only for one dwelling, this would still increase the number of vehicular movements along the track and the use of the junction. The appellant suggests the proposal would create between 2-4 additional movements a day, whereas the Council consider that for a single dwelling it would be likely to be between 8-10 per day. The number of movements that would result from a single dwelling will vary on the occupier but given the limited range of facilities in the village, I consider the Council's estimate for the number of movements is likely to be more realistic.
8. The appellant has argued that a dwelling would create no more movements than the former use of the site for parking. However, as the site has not been used for this purpose for many years, there is no empirical data to support this. From my experience, people often only utilise a garage at the start and end of the day, and so even if the site had three garages the number of movements may not have been significant, especially given the constraints of the access track.
9. In addition, it is suggested that the site could start being used for parking again without requiring planning permission which would increase the traffic movements. Whether or not the re-use of the site for parking would require permission or not is not a matter before me, but there is no indication that it is the intention of the appellant to utilise the site in this way should the appeal scheme not go ahead. As a result, I give this little weight. Overall, I consider that the appeal scheme would result in an increase in the movements along the access track and utilising the junction with High Street.
10. For much of its length the access track is abutted by boundary walls and there is no lighting or drainage along the track. Other than the private driveways there are no passing places and the width is generally inadequate to enable a car to pass a pedestrian. Consequently, the greater vehicular use of the access track would increase the scope for conflicts with people using the public footpath. This would be contrary to the Framework which requires developments to minimise the conflict between pedestrians and vehicles.
11. It is not disputed that the junction of the track with High Street has substandard visibility, with the pillar of the boundary wall to No 56 obscuring visibility to the right in particular. Cars parked along High Street reduce visibility further and require cars to creep out into the road to be able to gain adequate visibility. High Street is a 2-way single carriageway road that is one of the main roads through the village and so carries a reasonable volume of traffic. Many of the dwellings in the area have off-road parking. Nevertheless, although the vehicular access to No 56 prevents on-street parking immediately to right of the junction, the presence of a hot food take away a few properties along from the access, increases the likelihood of on-street parking in the vicinity of the access. Notwithstanding the accident data for the immediate vicinity, given that the visibility at the junction is substandard, any intensification in its use would be detrimental to highway safety.

12. I note that Manual for Streets accepts that parking within visibility splays is not uncommon and some encroachment is not detrimental to highway safety. However, in this case the visibility is limited not only through parked cars but from the boundary walls of the adjacent properties, and there is no indication that the third parties are willing to allow any measures that would enable the visibility to be improved.
13. The appellant has suggested a number of potential mitigation measures that could be utilised to improve the situation at the junction. Nevertheless, no drawings have been provided to show the feasibility of these measures or what impact they would have on the visibility at the junction. In addition, I note that some of them would rely on a Traffic Regulation Order and so there is no guarantee that they could be successfully implemented.
14. It is suggested that there are numerous other access points along High Street where the visibility is also poor including the car park for the Methodist Chapel and a commercial garage. Be that as it may, the presence of other historic vehicular accesses with poor visibility does not justify development that would intensify the use of a substandard access. Nor does the fact that the Council have not carried out any mitigation measures to improve the access.
15. All in all, the access to the site is substandard in a number of respects. The appeal site would require cars to travel much further along it than any of the existing dwellings, and would increase the vehicular movements both along it, and utilising the junction with High Street. Intensification of the use of a substandard access, even if only limited, would increase the potential for conflict with pedestrians and would be detrimental to highway safety.
16. Therefore, I consider that the proposal would have an unacceptable impact on highway and pedestrian safety. Accordingly, it would conflict with the paragraphs in the Framework outlined above.
17. Whilst I accept that the Framework's use of the word 'severe' sets a high bar, the Framework uses that word in relation to the residual cumulative impact of a development on the road network not highway safety. In terms of the latter the Framework states a development should not have an unacceptable impact.

Other Matters

18. I note the appellants long association with the area, and their desire to live close to other family members. However, I have not been provided with any substantive evidence to show that the appeal scheme represents the only way that suitable accommodation in the village can be found.
19. It is not disputed that the appeal site lies within the settlement boundary of the village, where there is generally a presumption in favour of development. However, this does not outweigh the harm I have identified the scheme would cause.

Conclusion

20. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR