
Appeal Decision

Site visit made on 23 February 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2021

Appeal Ref: APP/K0235/W/20/3262808

Land at Old Mill House, Mill Lane, Keysoe MK44 2HN

- 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 & Mrs C Lennox-Lamb against the decision of Bedford Borough Council.
 - The application Ref 20/00746/FUL, dated 2 April 2020, was refused by notice dated 12 October 2020.
 - The development proposed is for the erection of a dwelling-house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have considered the main parties disputes over the red line on the submitted plans alongside other planning applications accepted by the Council. The red line adjoins a named highway which is in use. Therefore, I am satisfied that further amendment is not required for the of assessing the appeal and the other substantive issues in contention.
3. The site is located within approximately 4km of the Swineshead Wood Site of Special Scientific Interest (SSSI), which is a designated sensitive area as defined by the EIA Regulations. A screening opinion has been given that there would be no likely significant impacts and no EIA is required. I have no reason to disagree.

Main Issues

4. The main issue is whether access to the development would be safe inclusive of facilitating waste collection provision.

Reasons

5. Mill Lane is narrow and serves a small enclave of existing residential properties. Main parties agree it is an unadopted road. Because of the narrowness of the lane vehicles would find it difficult to pass each other without reversing along the road for substantial stretches. There are no suitably designed waiting areas along the road to accommodate oncoming vehicles obstructing each other. Day to day vehicle movements including larger delivery and emergency service vehicles would all encounter this issue. This would interrupt the free flow of traffic. Moreover, it would be left to largely random occurrence at the points in the lane where vehicles would potentially meet each other.

6. A new dwelling would introduce additional vehicle movements along the lane. Given the lane already functions as the main access road to five other existing dwellings an additional dwelling would further exacerbate risks of vehicle obstruction. This is a safety issue along the lane itself as well as potentially encouraging risks of accidents at the junction shared with the B660. The effect would result in inconvenience for road users and be detrimental to highway safety.
7. I appreciate that the proposal would be able to provide a turning area within the appeal site in order allow vehicles to enter and leave the appeal site in a forward gear. Furthermore, there is a grassed verge running alongside the road on the same side of the road as the appeal site. This would allow vehicles adequate visibility in either direction when exiting the appeal site. Nonetheless, it would not overcome the inadequacy of the carriageway width to allow vehicles to safely pass each other once committed to traveling along the lane when other vehicles could be present on the road.
8. I note that the Highway Authority is originally stated as having no objections to the appeal scheme during the determination period to the planning application. Nonetheless, their amended advice considers the existing number of residential properties already served by Mill Lane and therefore supersedes earlier comments. Thus, in assessing the impacts to public safety in dispute I give no significant weight to their initial comments.
9. The Council have referred me to the 'Highway Development Control Design Guide (1995)' which indicates that that private drives may serve up to 5 dwellings. They indicate that the advice within the document is still in use and that similar advice is to be carried forward within the Council's new forthcoming Highway Design Guide, which is yet to be formally published. In that context, even if I were to give the Design Guide reduced weight owing to its age the technical advice given by the Highway Authority is still broadly in line with its content.
10. I acknowledge the Highway Authority consultation response to a planning application in 2016 within Mill Lane referred to by the appellant. The comments confirm there is sufficient space for two cars to pass or for one car and one larger vehicle to pass within the junction and highway boundary shared with the B660. But that point does not address carriageway width issues drivers would be subject when committed to driving further into the lane where there is inadequate space to wait or turn around. Nor does it address the number of vehicles which could enter the lane at any one time, during the day or at night.
11. The appellant offers to install a sprinkler system within the property as fire emergency vehicles would not be able to turn around in Mill Lane. But such provision would not overcome my concerns in relation to the likelihood of obstructions occurring from other day to day traffic using the lane. It is also the case that the junction shared with the B660 could become blocked by vehicles if overly relied upon as a passing point.
12. I recognise that bin collection provision is an important component to the successful function of new residential uses. Main parties acknowledge that refuse collection vehicles do not enter Mill Lane. Consequently, existing residents in Mill Lane wheel their bins on collection days to the junction of the B660 for them to be emptied.

13. Whilst occupiers of the scheme could leave their bins close to the junction of the B660 doing so would exceed the 25-metre recommended walking distance from the proposed dwelling. The Council suggests the shortfall would in the order of 65 metres, whereas the appellant it could be limited to around 5 metres and therefore marginal.
14. Even if I were to accept the distance could be limited to a 5-metre shortfall it would still be substandard and inconvenient to residents. There is no pedestrian footway to facilitate transport of the bins from the appeal site. The arrangement would endorse substandard bin collection provision where there are other highway safety issues within the lane which I have already identified. Therefore, the resultant inconvenience as well as the potential for pedestrian and vehicle conflict from such activity weighs against the scheme.
15. Accordingly, I find that the erection of a dwelling would have a harmful impact to highway safety. It would conflict with Policy 31 criteria i), iii) and iv) of the Bedford Borough Local Plan 2030 (BBLP) which seek to prevent adverse highway safety impacts arising from new development. Furthermore, there would be conflict with Policy 32 criterion (v) and Policy 49 of the BBLP which combined require appropriate arrangements for dealing with waste (including recyclable materials) storage and collection. It would also conflict with Paragraph 108 (b) of the National Planning Policy Framework (the Framework) which seeks to ensure that safe and suitable access to the site can be achieved for all users.

Other Matters

16. The appellant alleges that the Council does not have a 5-year housing land supply, highlighting this issue with an appeal decision. However, the Council contest this and have evidenced a more recent appeal APP/K0235/W/20/3256134 dated November 2020. As a result, there is no substantive evidence before me to conclude that the Council is unable to demonstrate a 5-year housing land supply.
17. The impacts of COVID-19 are also referred to and that the scheme would assist with boosting jobs and employment. I accept that allowing an additional dwelling would increase housing supply and choice within the district. In doing so it would result in economic and social benefits. However, these would be moderate benefits for a single dwelling. In terms of environmental benefits, I accept that there would be no harm to the appearance of the area but there is no substantive evidence before me the scheme would offer a significant improvement. Therefore, a neutral impact would be apparent in that regard.
18. There are several listed buildings in the vicinity. I am cognisant of my duties under Section 66(1) of the Act which require me to have special regard to the desirability of preserving the setting of listed buildings. No harm has been identified to their setting by the main parties. The dwelling would be separated from heritage assets by a combination of intervening trees, dense hedgerow greenery as well as the road network. Because of those factors I agree the setting of listed buildings is not impacted upon.
19. Natural England (NE) do not object to the appeal scheme. In line with the guidance from NE and evidence provided further information is required to rule out any adverse impacts to great crested newts which are a protected species, alongside any mitigation measures if deemed appropriate. I accept that a

suitably worded planning condition would be able to deal with this issue without detriment to biodiversity.

Planning Balance and Conclusion

20. There is nothing to demonstrate that the Council does not have a 5-year housing land supply. It is also the case that the adverse effects of the scheme would significantly and demonstrably outweigh the limited boost to housing supply, and any associated economic and social benefits of that. As a result, the appeal proposal would not result in a sustainable form of development which the Framework supports.
21. I have found there would be conflict with the Council's development plan in relation to highway safety detriment which would all lead to substantial harm. Overall, I do not find that any of the benefits listed by the appellant would outweigh the demonstrable harm identified. There are no other material considerations which lead me to the conclusion that the development should not be anything other than in accordance with the development plan.
22. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR