The Planning Inspectorate

Appeal Decision

Site visit made on 27 April 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/N2535/W/20/3265778
Land to South of Clixby Lane, Grasby Lincs DN38 6AJ

- 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 DJ and JM Frankish against the decision of West Lindsey District Council.
- The application Ref 141429, dated 14 July 2020, was refused by notice dated 15 October 2020.
- The development proposed is outline application with all matters reserved for five dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the address for the appeal site from the decision notice as this is the most accurate address provided.

3. The application is in outline with all matters reserved for future consideration. I have determined the application on this basis. However, indicative layout plans and a tree retention plan have been provided and I have taken these into consideration in so far as they describe the development.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons

5. Clixby Lane is a narrow rural lane with no footpaths. It is a no through route accessed from Front Street and Vicarage Lane. In the vicinity of the appeal site the lane varies in width between 2.5 and 3 metres. It carries definitive footpath 29/2 which is part of the Viking Way. The entrance to footpath number 47/1 is also from Clixby Lane accessed via a kissing gate at the western side of the appeal site frontage. Beyond this entrance dwellings are located only on the north side of the lane. Properties have individual or shared driveways. Not all properties on the north side have vehicle turning areas and vehicles reverse out on to the lane.

6. The appeal site is part of a larger grassed field which is bounded by Clixby Lane to the north side. The site frontage to Clixby Lane has a grassed verge with several street trees within it and hedge planting along the boundary. The appeal site slopes down from Clixby Lane towards the south and there is a

change in land level within the site adjacent to the front boundary. There is currently no vehicular access into the appeal site. Footpath 29/2 follows the line of Clixby Lane and Footpath no 47/1 runs north/south along the appeal site's western boundary.

7. I observed during my site visit that Clixby Lane starts to narrow just beyond Bells Cottage and is single width for the rest of its length before becoming a footpath at its eastern end. There are no separate footpaths adjacent to the road and those using the definitive public footpaths share the road with vehicles. In this regard I noted at my site visit that the public footpaths are well used by walkers. I also note the comments of the Ramblers Association that the public footpath is popular with children completing their Duke of Edinburgh awards and adult walking groups and that the verge is uneven and not a suitable alternative to the tarmac road.

8. Clixby Lane changes alignment just after Bells Cottage and this, in addition to the location of boundary landscaping to the northern side of the lane, provides some restriction to forward visibility. There is no vehicle turning area along Clixby Lane with limited space at the end of the lane to turn larger vehicles.

9. The appellant anticipates that the level of traffic generated by 5 new dwellings would be low. However, 5 dwellings would generate additional traffic movement associated with their occupation, including deliveries and visitors and I consider that there would be noticeably more traffic using Clixby Lane as a result of the development.

10. The Framework promotes sustainable transport, development should be designed to give priority to pedestrian and cycle movements and create places that minimise the scope for conflicts between pedestrians, cyclists and vehicles. The development could be designed to ensure vehicles leave the appeal site in forward gear, but it would be highly likely that as a result of the development and the restricted width of the lane the number of vehicles reversing along the single section of Clixby Lane would increase in frequency and that these additional reversing manoeuvres would result in conflict between pedestrian and vehicle movements.

11. The appellant considers that the limited distance of the development from the junction of Clixby Lane and Front Street, and the fact that the road narrows only when it is past Bells Cottage, would mean that vehicles would see one another with ample time to allow a right of way. However, I am not convinced that there would be clear visibility for the reasons I have set out and providing the right of way to an oncoming vehicle on the single width section of the road would require manoeuvring within the highway.

12. Consequently, as the road acts as a shared surface, is primarily single width, has restricted forward visibility where it narrows outside Bells Cottage and supports significant pedestrian movements, development that increases its use would impose an additional safety risk to existing drivers and pedestrians. I do not have sufficient evidence to conclude that these matters would be resolved by the design of the proposed accesses, even if these accesses are shared rather than individual drives and have the potential to provide informal passing places.

13. In addition, the trees to the site frontage would be retained in accordance with the recommendations of the Preliminary Ecology Appraisal[1] and the Tree Survey Report[2]. The County Council's Highways Authority did not raise any objections to the development but seeks a condition requiring a visibility splay of 2.4 by 43 metres at the vehicle entrance/s with all obstructions cleared above 0.6 metres in that area. I note the appellant's comments that visibility would be addressed at reserved matters stage but the indicative layout plan does not demonstrate, and I do not have enough information to conclude, that the visibility splay requirements could be achieved given the proposed retention of the trees along the site frontage and therefore if the visibility splay condition could reasonably be imposed.

14. Notwithstanding the third-party concerns about the capacity of the junctions at Clixby Lane/ Front Street and Clixby Lane/ Vicarage Lane, I have no reason to conclude that the vehicle movements associated with the development could not be accommodated at these junctions.

15. However, overall, I conclude that the proposed development would compromise highway safety for users, causing harm. This would conflict with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (CLLP) where these policies seek to ensure that development provides well designed, safe and convenient access for all. It would also conflict with the National Planning Policy Framework where it seeks to ensure that safe and suitable access to sites can be achieved for all users.

Other Matters

16. There is no dispute between the main parties that the appeal site would meet the locational requirements of Policies LP2 and LP4 of the CLLP. Five dwellings would make a small contribution to the supply of housing. There would be small economic benefits in the short-term during the construction phase. New dwellings in this location would make a limited contribution to supporting local services and facilities. Given the dispersed nature of rural housing in this area, and the reliance on private car journeys, there would be limited social and environmental benefits in terms of the vitality of rural communities. These matters carry limited weight in favour of the scheme.

17. Notwithstanding the third-party representations, impacts on the living conditions of neighbours and scale and appearance of the development could be addressed at the reserved matters stage. Issues relating to foul and surface water drainage, ecology and tree retention could be addressed by planning conditions. However, these are requirements of the development plan and they do not weigh in favour of the scheme.

18. Whilst it has been brought to my attention that the building to the east of the appeal site has been granted planning permission for a business use (yet to be commenced). I have not been provided with the nature of the business proposed or its likely traffic generation.

19. I appreciate the appellant's disappointment that the matters of concern were raised following a positive recommendation to the Council's planning committee. However, this does not lead me to a different conclusion.

[1] Preliminary Ecological Appraisal Report dated 4 May 2020
[2] Tree Survey Report ref P2063/0620/01 V2 dated 06 July 2020

Conclusion

20. The proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal is dismissed.

Diane Cragg

INSPECTOR