



Appeal Decision

Site Visit made on 24 May 2021

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2021

Appeal Ref: APP/B3030/W/21/3270426

The Stables, Bull Yard, Southwell NG25 0AA

- 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 and Mrs Leach against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00886/FUL, dated 29 May 2020, was refused by notice dated 9 September 2020.
 - The development proposed is to replace existing garage with a self-contained unit to provide additional guest accommodation.
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Decision

1. The appeal is allowed and planning permission is granted to replace existing garage with a self-contained unit to provide additional guest accommodation at The Stables, Bull Yard, Southwell NG25 0AA in accordance with the terms of the application, Ref 20/00886/FUL, dated 29 May 2020, subject to the following conditions set out in the schedule at the end of this decision.

Main Issue

2. The effect of the development proposed on highway and pedestrian safety.

Reasons

3. The appeal site is located off Bull Yard between a building closer to Queen Street and Grade II listed No 4 Sheppard's Row. A public footpath spurs off around the building close to Queen Street, linking with a nearby hall. The area between those buildings is hard surfaced and in multiple ownership. Bull Yard itself is a Bridleway, historic in origin, linking Queen Street and King Street within the centre of Southwell. That through route is, however, only accessible by pedestrians, meaning that vehicles can only enter and exit Bull Yard from Queen Street. The appeal site is currently occupied by a single storey garage associated with 'The Stables' opposite it across Bull Yard, which I understand is used as holiday accommodation.
4. Bull Yard is used by a number of local businesses for deliveries, and parking is limited. At the time of my visit, a small number of vehicles were parked in Bull Yard and also in front and to the side of the garage. I am told that the hard surfaced area referred to above is used by vehicles entering, exiting, manoeuvring and unloading by informal agreement (the title deeds before me show differing and overlapping easements). I could also see that, due to its narrow width, space for turning and exiting Bull Yard into Queen Street is restricted. The vehicular access from Queen Street, which is a one-way street, into Bull Yard is at an awkward angle.

5. It is proposed to demolish the existing garage which currently occupies the site and erect a self-contained unit to provide additional guest accommodation. The plans show two parking spaces in front of the proposed building, one space for the Stables and one for the proposed development. I accept that the proposal would likely generate more vehicular comings and goings than the existing garage associated with the Stables, and have reasoned above that the width, orientation and location of Bull Yard is such that it is intensively used and parking is at a premium. I also acknowledge that, notwithstanding any informal agreements, easements and potentially the need for planning permission, the owner(s) of other elements of the hard surfaced area described above may seek to demarcate or fence off their land from general use. I note that neighbouring businesses have indicated that parking associated with the Stables has previously caused an obstruction.
6. However, ensuring individuals park appropriately is, to large extent, reliant on effective management and personal responsibility. I have reasoned above that Bull Yard is relatively intensively used, and against that baseline context the effect of a single additional use would be very limited. Moreover, the proposed building is likely to be occupied only at certain times of the year, and not all visitors would necessarily arrive by car. Furthermore, the proposed building would be set further away from Bull Yard, thereby creating more space for vehicle manoeuvring than presently exists. In central areas such as this access and parking inherently relies on collaboration and care between different users.
7. From what I observed on site, the proposed parking arrangement would allow for sufficient space for vehicles making use of the spaces proposed to enter and exit Bull Yard into Queen Street in forward gear. Given the nature of the access from Queen Street into Bull Yard, drivers would be likely to enter and exit cautiously and at low speeds. Moreover, I note that the Highway Authority did not raise any objections to the proposal in terms of its effect on public safety, and there is no indication that historically there have been accidents in this location that point to a particular cause for concern in respect of safety. Any disruption cause during construction would be temporary, and appropriate control could be exercised via an agreed construction method statement.
8. In conclusion, given the particular nature of the proposal relative to its surroundings, I am not of the view that the scheme would have an unacceptable effect on pedestrian or highway safety. The proposal would not conflict with Spatial Policy 7 of the Newark and Sherwood Amended Core Strategy (March 2019) or Policy DM5 of the Allocations and Development Management Development Plan Document (July 2013). These policies require, amongst other things, safe and inclusive to new development and provision of appropriate and effective parking provision. I also find that there would not be a conflict with the National Planning Policy Framework (the Framework), which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

9. The appeal site is located within Southwell Conservation Area and is adjacent to 4 Sheppards Row, a Grade II listed building. I have considered the effect of the scheme in the context of the obligations under the Act¹ and the requirements of the Framework. The scheme would be a modest building of

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

understated design. Nestled within a built up area, where the arrangements of buildings are informal and have evidently evolved piecemeal over time, I am of the view that the proposal would preserve heritage assets and their settings. That is subject to a sensitive approach to exterior design, which in my view could legitimately be secured via appropriate conditions as set out below.

Conditions

10. I have had regard to the conditions suggested by the Council in their statement, together with those additional conditions contained in the original officer report. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. In order to preserve the character and appearance of the area, conditions are also required in relation to samples of materials and the details of the construction of the building, including windows, verges and eaves and rainwater goods (given the limited details supporting the scheme in that regard). In the interests of highway safety, I have included a condition to require the provision of the parking space prior to occupation of the development. Whilst I appreciate the appellants' seeking some flexibility in terms of how precisely the proposal is used, nevertheless condition 8 is necessary to ensure that the development proposed is used as proposed and assessed above.
11. A pre-commencement condition to approve a Construction Method Statement is also necessary in the interests of highway safety. This must necessarily be pre-commencement as any activities on site have the potential to affect access and parking in the area. In imposing conditions I have had regard to the relevant tests in the Framework, Planning Practice Guidance and of statute. In that context I have modified the wording of some of the conditions proposed by the Council without altering their fundamental aims.

Conclusion

12. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be allowed.

Mark Ollerenshaw

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1950 (P) 00, 1950 (P) 03, 1950 (P) 04 and 1950 (P) 05.
- 3) Before their use in the development hereby approved, samples or details of materials to be used in the construction of the external surfaces shall have been submitted to and approved by the local planning authority in writing. The development hereby permitted shall be undertaken in accordance with the agreed samples or details, and retained as such thereafter.
- 4) Prior to the commencement of the external construction of the walls of the development hereby permitted, a brick sample panel, showing brick, bond, mortar and pointing shall be made available on the site for the written approval of the local planning authority. The approved sample panel shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panel.
- 5) Before their use in the development hereby permitted, details of the design, specification, fixing and finish of the features identified below, in the form of drawings and sections at a scale of not less than 1:10, shall have been submitted to and approved in writing by the local planning authority.
 - external windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars;
 - treatment of window and door heads and cills;
 - verges and eaves;
 - rainwater goods, and
 - extractor vents, flues, meter boxes, airbricks and soil and vent pipes.

The development hereby permitted shall be undertaken in accordance with the agreed details, and retained as such thereafter.

- 6) The development hereby permitted shall not be occupied until parking space has been laid out within the site in accordance with the approved drawings, which shall thereafter be kept available for parking for the lifetime of the development.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking and turning areas for construction and delivery vehicles and for site operatives and visitors;

- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) The development hereby permitted shall be occupied only as holiday accommodation and for no other purposes including any individuals' only or principal home. The owner of the development hereby permitted shall maintain details of all occupiers thereof in demonstration of the foregoing, which shall be made available for inspection by the local planning authority upon request.