



Appeal Decision

Site Visit made on 16 August 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/M9496/D/21/3273608

3 Wheatlands Lane, Baslow, BAKEWELL, DE45 1RF

- 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 Ms S Nutbeam against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0320/0224, dated 5 March 2020, was refused by notice dated 17 March 2021.
 - The development proposed is Vehicle pull-in with pedestrian path.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal I confirmed that the 1:200 scale on the proposed parking space layout plan¹ would apply if the plan was printed at A4.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the Peak District National Park; and,
 - Highway safety.

Reasons

Character and appearance

4. The development comprises the excavation of a raised garden area on a narrow semi-rural lane, to create a parking bay. The parking bay would be surfaced in resin-bonded aggregate and bounded to the rear by a gritstone retaining wall.
5. There are no dimensions on the layout, and the parking bays are not marked out. In my experience the minimum dimensions for a standard parking bay are 2.4 x 4.8 metres. I have concluded that the parking area would be about 4.5 metres deep and extend for some 16 metres along 3 Wheatland Lane's (No 3's) entire frontage. This would accommodate at least two cars parked side on to the lane, with a considerable margin on each side, or three small cars parked at right angles or at a diagonal angle to the lane. The highways authority and the planning officer refer to parking perpendicular to the highway

¹ Dwg. Y.N.20.1.B

rather than side on, and the officer's report broadly confirms my conclusions with regard to the parking bay's proposed dimensions.

6. The lane rises from the junction with Bubnell Lane and for the first 100 or so metres is lined on one or both sides by modest stone built cottages along an irregular building line, elevated above the lane by a stone retaining wall. The retaining wall continues beyond No 3 and forms a field boundary, topped with hedging.
7. The scale and extent of the proposed excavation would be very prominent and out of character with this country lane. It would diminish the distinct sense of enclosure and continuity experienced within the lane that is derived from the stone retaining walls. Stone walls bounding narrow lanes are a distinctive feature of the National Park, even within a building pattern. The extent of the excavations, into what appears to be artificially raised ground, would also be accentuated by the level difference between the parking bay and the top of the mound.
8. Furthermore, the development would require the lowering of the adjacent section of wall which is outside the appeal site to accommodate visibility splays. This would further diminish the visual impact and extent of the retaining walls.
9. I conclude that a parking bay of these dimensions would have an adverse effect on the character and appearance of the area. This would be contrary to Policy GSP3 of the Core Strategy which requires development to respect, conserve and enhance the valued characteristics of the site, amongst other considerations and Policy DMC3 of the Development Management Policies (DMP) which requires detailed treatments to respect, protect and enhance the natural beauty, quality and visual amenity of the landscape that contributes to the distinct sense of place, amongst other considerations. It would also fail to accord with DMP Policy DMT3 which permits new or improved access on to a highway where it does not detract from the character and appearance of the area. Finally, the development would be contrary to the design aims of Paragraph 130 of the National Planning Policy Framework (the Framework).

Highway Safety

10. The highways authority has raised a concern in relation to vehicles turning in and out of the parking bay, and also that the land required for the visibility splay to the west is both outside the appeal site and lacks landowner agreement to allow levels to be reduced.
11. There was no traffic along the lane at my visit and although I recognise that this is a snapshot, it seems unlikely that there would be significant volumes of traffic for most of the time. As the lane appears little used, I am satisfied that one vehicle parked side on close to the carriageway would not pose a particular hazard to highway safety.
12. However, the parking bay could accommodate two or three vehicles and it seems highly unlikely, given local parking stress, that it would not be used to its maximum capacity if built as shown. It would not be possible to restrict its use to one vehicle. In that case cars could be reversing in or out of the bay in order to use the space to its maximum extent. In such circumstances I conclude that a visibility splay would be required to mitigate potential hazards.

13. There is nothing before me to indicate that the adjoining landowner would allow the retaining wall to be reduced in height. As such, I conclude that there is nothing before me to indicate that there is an appropriate mechanism to secure the visibility splays.
14. On the basis of what is before me, I am unable to conclude that the development would not have an adverse effect on highway safety. In this regard it would be contrary to DMP Policy DMT3 with regard to highway safety and Paragraph 100 of the Framework which requires safe and suitable access to the site for all users.

Other Matters

15. I appreciate that parking stress seems to be a local concern and that No 3 is a holiday cottage. However, there is nothing before me to indicate that this would justify a parking bay of the size and scale proposed.
16. The appeal site appears to include a path to the adjacent cottage which has stepped access from the lane. These steps are slightly set back from the lane and I see no reason in principle why the steps would need to be altered. In any case issues of shared access are outside the remit of the appeal.
17. As far as I could ascertain the path to the property is along slabs laid on recently excavated ground. There is nothing before me to suggest that a path suitable for disabled access could not be provided without the parking bay. In any case, the provision of the parking bay would make a direct path to the cottage steeper as the overall length would be reduced. Nor is there any topographic survey data to demonstrate that a path meeting the requisite gradients and on the given line, could be achieved.
18. Moreover, although disabled access would allow a more inclusive range of visitors to No 3, there is nothing before me to indicate that the parking bay has been designed to accommodate one or more disabled parking bays. I give this argument limited weight.

Conclusion

19. In the light of the above, I conclude that the development fails to accord with the local development plan taken as a whole, and that the appeal should be dismissed.

A Edgington

INSPECTOR