



Appeal Decision

Site visit made on 12 April 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/G2815/W/21/3288955

Land at High Hayden Nurseries, Alexandra Road, Rushden NN10 0HY

- 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 Michael Johnson against the decision of East Northants District Council.
 - The application Ref 20/01443/OUT, dated 4 November 2020, was refused by notice dated 16 June 2021.
 - The development proposed is planning for a 4-bed dwelling subject to the road being updated.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline form with all matters reserved, but an indicative plan was submitted showing means of access and the siting of the proposed dwelling. From the appellants statement it appears that all matters were reserved except access. Therefore, I shall deal with the appeal on that basis.
3. Since the appeal was made, the mitigation payment to offset the impact on the Special Protection Area (SPA) has been agreed and paid. As a result, the Council have withdrawn their second reason for refusal.

Main Issue

4. As a result of the withdrawal of the second reason for refusal, the main issue in the case is the nature of the access in and around the appeal site.

Reasons

5. The appeal site is off Alexandra Road, which is off the main A6 highway. A number of commercial and residential premises use the access road which is largely a single-track road in various stages of quality.
6. This access road leads to other properties and premises and is the only means of access to the appeal site. There are limited areas for vehicles to pass on the access road, as well as no formal pedestrian footways.

7. On most occasions where vehicles meet, it necessitates a reversing manoeuvre from one of the vehicles in order to achieve a pass. Visibility is poor in many places, including to and from exiting accesses. These manoeuvres would be more significant where, for example, a larger delivery vehicle was involved.
8. There are concerns from some consultees regarding means of access for service vehicles, and it is indicated the refuse bins would be available for collection further down the access road, which could be an inconvenience for future residents and road users.
9. Whilst this is a proposal for one dwelling, the appellant states that it would lead to a reduction in vehicle movements when compared with the existing commercial situation on site. It is apparent from the evidence that the Council are of the opinion that the existing business is operating without the correct planning consent, so I can give this argument limited weight.
10. I find that with the number of residential and other premises that utilise the access, that the "tipping point" (a phrase used by previous Inspectors) has been reached and an additional dwelling would cause unacceptable harm to the safe operation of the access road that approaches the appeal site from the A6. There would be additional risk to new and existing users from an additional dwelling utilising the poor access.
11. I find that the proposals conflict with Policy 8 (b) (i) and (ii) of the North Northamptonshire Joint Core Strategy (2016) which amongst other matters, states that development should make safe and pleasant streets and spaces by prioritising the needs of pedestrians and cyclists and resist development that prejudices highway safety and must ensure a satisfactory means of access.
12. In addition, I find the proposals conflict with Paragraphs 111 and 112 of the National Planning Policy Framework (2021) which, amongst other matters, state that development should only be refused on highway safety grounds if there would be an unacceptable impact on highway safety and it must create places that are safe, secure and attractive, minimising the scope for conflict between pedestrians, cyclists and vehicles.

Other Matters

13. With regard to the long-term re-design of the highway, this re-alignment is not yet formalised and is only part of an indicative larger masterplan for the area. As a result, I cannot attach any weight to this issue and would suggest that it could be revisited as and when formal proposals for the re-design of the highway are put forward.
14. The appellant has forwarded a number of alternative schemes that have been approved in other locations as support for his proposals. I do not have full details of these schemes or their context. I am required to assess the current scheme on its own merits, and I have identified harm accordingly.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR