



Appeal Decision

Site visit made on 20 September 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/N2535/W/22/3291802

Land to south of Clixby Lane, Grasby, Lincolnshire DN38 6AH

- 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 & JM Frankish against the decision of West Lindsey District Council.
 - The application Ref 143815, dated 6 October 2021, was refused by notice dated 6 January 2022.
 - The development proposed is described as 'Outline planning application for the erection of up to 4no. dwellings with access to be considered and not reserved for subsequent applications - resubmission of 141429'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by DJ & JM Frankish against West Lindsey District Council. That is the subject of a separate decision.

Procedural Matters

3. The planning application was submitted in outline seeking approval for access with layout, scale, appearance, and landscaping reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to layout, scale, appearance and landscaping.
4. I received a request to view the appeal site from a neighbouring property. However, I was able to see all I needed from the appeal site and highway in order to reach a determination of the case.

Preliminary Matters

5. A previous application¹ for the erection of five dwellings on the appeal site was refused by the Council in 2020 on the grounds of the effect of the development on highway safety. A subsequent appeal² against the decision was dismissed on similar grounds.

Main Issue

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

¹ Ref 141429.

² APP/N2535/W/20/3265778.

Reasons

7. The appeal site is a sloping grassed field located on the edge of Grasby and to the south of Clixby Lane. The boundary with the roadside verge is defined by a hedgerow containing a number of trees, several of which are mature. These are growing on top of a bank that is steep in places with the land falling away into the field.
8. Clixby Lane is a single vehicle width narrow lane without any footway and limited passing places. Verges are also limited in width. There is a row of residential properties on the opposite side of the road to the appeal site with driveways onto the lane. Some of these properties do not have turning areas, requiring vehicles to reverse onto the lane. The front gardens of these properties tend to abut the road edge further limiting opportunities for vehicles to pass.
9. Clixby Lane is a no-through road and becomes a footpath at its eastern end with no clear turning area. On the site visit I saw that traffic levels were low. However, the road also forms part of the Viking Way footpath which accesses a further public right of way that runs along the western edge of the appeal site. This is accessed via a pedestrian gate. There is no existing vehicular access into the appeal site. Given the lack of a footway and limited verge, pedestrians walking the Viking Way tend to walk along the road.
10. The proposal has been reduced from the erection of five dwellings to four dwellings since the previous appeal. The appellant has provided an estimate of the number of vehicle movements per day generated by three (11) or five (18) dwellings. However, despite the reduction in scale, the number of vehicle movements would still be significant, having regard to the existing traffic levels, the narrow nature of the road and the number of pedestrians.
11. Visibility is limited by the curvature of the road. As highlighted by the previous Inspector, Clixby Lane changes alignment just after Bells Cottage. This along with the vegetation at the boundary provides some restriction to forward visibility from the position of the proposed access. The proposed plans show the creation of an access that would allow two vehicles to pass and would incorporate a turning area into the site. As part of the proposal, the appellant has also shown the creation of a passing place to the eastern part of the lane.
12. The proposed access would pass beneath the canopy of the mature tree, T1, and would extend into approximately 20% of the Root Protection Area (RPA). As a result, the appellant's Tree Survey³ advises that the access at this point is constructed using no-dig methodology and a cellular confinement ground protection system. At section 4.2 the Tree Survey states a shallow increase in ground levels resulting from the construction of the access road of approximately 220mm can be accommodated, depending on the finished surfacing used.
13. However, the bank is steep in this location. Furthermore, the Proposed Site Access Arrangement⁴ drawing states that it does not take into account topography. The plan notes that a topographical survey is required before a detailed design is carried out. Furthermore, the Transport and Access Technical

³ Revised BS5837:2012 Tree Survey by CBE Consulting, dated 19 November 2021.

⁴ Drawing Ref: 402.12107.00001.14.001.2.

Note⁵ states that visibility has been measured in the horizontal plane only and not in the vertical plane.

14. As such it is not clear whether the access can be constructed as shown on the proposed plans, or whether this could be done without conflicting with the no dig methodology and restricted changes to the ground levels required by the Tree Survey. Without any levelling this would lead to vehicles straddling the steep section of slope whilst waiting to exit the access. This would likely affect the eye height of drivers here as well as affecting the vertical visibility plane. I therefore cannot be certain that the 25 metres forward visibility shown on the proposed plans could be realistically achieved. The slope could also potentially limit visibility from vehicles manoeuvring in the proposed turning area.
15. Paragraph 110 of the National Planning Policy Framework (the Framework) requires new development to provide safe and suitable access to the site for all users. Having regard to the above and taking into account the limited visibility and narrowness of the road and the shared nature of the surface, I do not have sufficient evidence to conclude that the proposed access would not compromise the safety of pedestrians and other road users.
16. I note the Highway Authority did not object to the application subject to a condition that a visibility splay in both directions of 2.4 metres x 25 metres is provided. However, in line with the previous Inspector and taking into account my above assessment, I cannot be certain that the visibility requirements could be achieved. On this basis, it would therefore not be appropriate to allow the appeal with the recommended condition.
17. For the above reasons I conclude that the proposed development would have a harmful effect on highway safety. It would therefore conflict with Policies LP13 and LP26 which together and amongst other things seek to ensure new developments provide well designed, safe and convenient access for all. There would also be conflict with paragraph 110 of the Framework, described above.

Other Matters

18. I have had regard to the Planning Committee Report and the recommendation of approval, cited by the appellant. However, I also note that the Council Members have reached a different planning judgement, as they are entitled to.

Conclusion

19. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, and with regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

⁵ Transport and Access Technical Note by SLR, dated July 2021.