



Appeal Decision

Site visit made on 17 January 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/A3010/W/22/3306809

Cocking Lane, Treswell, Retford, Notts DN22 0EL

- 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 Peter Winter against the decision of Bassetlaw District Council.
 - The application Ref 22/00625/FUL, registered by the Council on 10 May 2022, was refused by notice dated 22 June 2022.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is no date on the planning application form. I have therefore used the date the application was registered by the Council. I have taken the description of development from the appeal form as it is more accurate.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety.

Reasons

4. The appeal site relates to a portion of a field that is enclosed by a post and rail fence with double gated access into it from the larger part of the field. The fence has been set back from the highway verge. Part of the appeal site has been surfaced with gravel.
5. There is no dropped kerb to the appeal site at present. As a result, in order to access the site in a vehicle it is necessary to travel a short distance along the highway verge via a dropped kerb serving the adjacent field.
6. Cocking Lane is a reasonably busy road that is subject to the national speed limit. However, the appellant has argued that speeds are lower in the vicinity of the appeal site due to a bend being visible ahead of vehicles leaving the 30 miles per hour limit at Treswell. The appellant also considers that vehicles will be slowing on the approach from the opposite direction due to the position of an existing access serving Treswell Kennels. Whilst I do not doubt that this may be the case for some road users, this has not been supported by any speed survey. Moreover, my impression on the site visit was that vehicle speeds were quite high, particularly for those vehicles leaving Treswell.

7. The appeal site lies on a bend in the road. The exact width and position of the proposed dropped kerb is not clearly shown on the proposed plans, with its general position indicated by an 'X'. I have also not been provided with any details of the proposed visibility splays. The Highway Authority has set out that in this location, minimum splays of at least 2.4 metres x 215 metres would be required. It is clear that the proposed access would fall far short of this.
8. The visibility when exiting the appeal site in the vicinity of the proposed access is poor in both directions. It is particularly restricted to the south with the view of oncoming traffic limited by the hedgerows forming the boundaries of the adjacent fields. Visibility of oncoming traffic for those turning right into the site is also poor and similarly limited by hedgerows and the curvature of the road.
9. No reasons have been given for the proposed dropped kerb, although the Council has speculated that it could be to allow access by caravans and has cited a previous refusal and appeal dismissal whilst noting that one of the plans shows pitch markers. Furthermore, whilst the appellant's statement refers to the site as '*agricultural in nature*' the '*existing use*' section of the application form has not been filled out. I am also mindful of the appearance of the site, occupying a part of the larger field and being part gravelled. As such there is no clear information available as to the existing or intended use of the site.
10. Without this detail, I cannot be certain as to the frequency of use of the proposed access, its likely width, or the type of vehicles using it. In the absence of this information and having regard to the substandard nature of the access, and the speeds I experienced on site, I am not able to conclude that the proposal would ensure safe and suitable access for all users.
11. For the above reasons I therefore conclude that the proposal would have an unacceptable impact on highway safety. The proposal would therefore conflict with Policy DM4 of the Bassetlaw Local Plan (2011) and paragraphs 110 and 111 of the National Planning Policy Framework which together seek to ensure new developments provide safe and suitable access for all users and avoid an unacceptable impact on highway safety.

Other Matters

12. The appellant has referred to a future reduction in speed limit along Cocking Lane but has provided no details of when or why this is planned. This therefore carries limited weight. The appellant has also identified other dropped kerbs in the vicinity, but I have no details of whether these received planning permission, or, if they did, when this was. I also have limited information as to the use of the land that they serve. It is therefore not clear if any of these represent a parallel with the appeal proposal. Their presence therefore does not justify an additional dropped kerb.

Conclusion

13. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR