



Appeal Decision

Site visit made on 18 July 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2023

Appeal Ref: APP/Y3940/W/23/3315509

Land adjacent to Bramblings, Yarmley Lane, Middle Winterslow, Salisbury, Wiltshire SP5 1RB

- 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 Sam Steadman-Lloyd against the decision of Wiltshire Council.
 - The application Ref PL/2022/08185, dated 20 October 2022, was refused by notice dated 3 January 2023.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the proposal on highway safety and ii) the effect of the proposal on designated nature conservation sites.

Reasons

Highway Safety

3. The appeal site is a vacant plot of land within linear housing development to one side of Yarmley Lane, a narrow, single track lane leading from Middleton, the main road through the village of Middle Winterslow. After the final dwelling at the southern end, the track becomes a narrow byway unsuitable for vehicular traffic. The lane is also a public footpath and, I am told, a well-used route to playing fields to the south.
4. The principal concerns raised relate to the safety of pedestrians using the lane, due to a lack of passing places and safety issues at the junction with Middleton where pupils of the adjacent primary school cross the lane on foot and where visibility is argued to be poor.
5. The lane is clearly narrow in width but has established residential development along its length. The appellant's evidence, based on industry-standard TRICS data, is that a three-bed dwelling generates an average of 7 two-way trips per day, equating to 1.26 additional vehicles over an hour long peak in the morning and afternoon. The proposed dwelling would be 4/5 bedrooms, which may result in some increase on these figures, such that peak two-way movements may be closer to two vehicles per hour.
6. I accept that the addition of one further dwelling would not create a significant increase in traffic in absolute terms, but neither would it be a negligible change

having regard to the limited number of dwellings along the lane and the expected level of traffic they already generate. Moreover, the increase would occur in the context of a narrow lane in poor repair in parts and with passing places mainly afforded in the entrances to dwellings, such that the overall conditions for highway users are less than ideal.

7. In addition, the lane is a shared space with pedestrians. I recognise that most users of the lane would be residents familiar with this arrangement who would adjust their driving speed and manner accordingly. However, the proposal would increase the potential for additional deliveries and visitors, with drivers who are unfamiliar with the shared nature of the lane. However small the risk of conflict between vehicles and pedestrians may seem to be on such a lane, it would nevertheless be increased by the addition of a further dwelling.
8. The proposal includes an in-out parking arrangement and a proposed passing place in front of the dwelling, which could provide a modest benefit in terms of easing the passing manoeuvre between oncoming vehicles. However, the plans before me are not entirely convincing as, having seen the site, the lane appeared to be demonstrably narrower than depicted and there is a suggestion on the plans, intended or otherwise, that the parking areas would not in fact operate as an in-out arrangement, which may result in parking within the proposed passing place if found to be more convenient for residents, such that it would not provide a betterment over the current arrangement.
9. I saw that junction with Middleton affords good visibility in both directions when emerging from Yarmley Lane if the road is clear, but there is a risk of restricted visibility if vehicles are parked on the nearside of the road to either side. This is more acute when looking to the left as the wall and fence of the school playground further restrict visibility when approaching the junction and attempting to see oncoming traffic or pedestrians. Given the footpath is only on the near side of the road, parking is likely to gravitate to this side, rather than the opposite side which has mature hedgerows immediately alongside the carriageway. I saw at my visit that the presence of just one vehicle would be enough to force drivers further out, across the walking line for pedestrians, to observe oncoming traffic from the left. This would increase the risk of unsafe manoeuvres and conflict between pedestrians and vehicles.
10. Much of the local concern raised relates to the operation of the junction during school drop-off and pick-up times. I accept that the junction already exists and pedestrians would be expected to exercise the same caution in crossing it as with any other junction. However, in this instance, many of the pedestrians during the peak periods would be smaller children, and the development would increase the frequency of traffic using what is a substandard junction in terms of visibility. Combined, these factors would result in increased risk to pedestrian and general highway safety.
11. In reaching a view, I have had regard to an appeal decision from June 2005 where development on the same site was refused in part due to similar highway safety concerns. The appellant points to officers initially supporting the proposal in 2004 that led to the dismissed appeal, in doing so referring to the good visibility along the length of Yarmley Lane and the mitigation of the footpath at the junction in terms of protecting school children and improving visibility to the left. The appellant also points to there being no recorded injury collisions at the junction in the previous five year period.

12. However, the Inspector's description of the lane is much the same as it exists now, and I am mindful of the established principle that similar cases should be determined in a consistent manner. I recognise that this decision predates the National Planning Policy Framework in 2012, the latest iteration of which sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
13. In this case, I am satisfied that the addition of one dwelling would not rise to the level of severe cumulative impact on the wider road network. However, as set out, the existing arrangements on Yarmley Lane are not adequate in terms of pedestrian and vehicular interaction, and though there is no record of recent incident and the development is small in scale, the introduction of further vehicular traffic along a narrow lane shared with pedestrians and at a junction immediately adjacent to a primary school would not simply have a neutral or negligible effect but would directly increase the risk of conflict.
14. For these reasons, I find that the proposal would result in unacceptable harm to highway and pedestrian safety, in conflict with Core Policy 61 of the Wiltshire Core Strategy (January 2015) which requires that development is capable of being served by safe access to the highway network and that consideration has been given to the needs of all transport users. The proposal would also conflict with the aforementioned guidance of the Framework.

Effect on Designated Nature Conservation Sites

15. The site lies within the catchment of the River Test, which drains into the Solent, an important maritime wildlife environment subject to several nature conservation designations, including the Solent Maritime Special Area of Conservation (SAC), the Chichester and Langstone Harbours Special Protection Area (SPA), the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and several Sites of Special Scientific Interest (SSSI).
16. Natural England has confirmed that high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which these sites are designated. These nutrient inputs mostly come either from agricultural sources or from waste water from existing housing and other development.
17. A new dwelling on the site would increase disposal of waste water with contaminants that may find their way into groundwater and lead to higher nutrient levels, particularly nitrogen, that would in turn lead to the aforementioned negative effects on the aquatic ecology for which the Solent sites are designated.
18. To address this, the Council has adopted a strategic nitrogen mitigation scheme to address the impact of development, which involves purchase of nitrogen 'credits' at a rate of £2,500 per 1kg of nitrogen, plus a legal fee of £350. Based on the appellant's submitted evidence, the proposal would generate a nitrogen load of 3.16kg per annum, resulting in a contribution of £7,900 plus the legal fee.

19. On the evidence before me, I am satisfied that this contribution is necessary to make the development acceptable in planning terms. The appellant has provided a signed unilateral undertaking which would secure the necessary contribution and legal fee. Consequently, I am satisfied that the proposal would mitigate its impact on the designated sites within the Solent and would therefore comply with Core Policy CP50 of the WCS which requires that development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. The proposal would also accord with the Framework's approach to protecting biodiversity.

Other Matters

20. A number of interested parties have raised concern over the scale and design of the dwelling, in particular that it is too large for its plot. However, the dwelling would be similar in footprint and plot coverage to The Elms next door. Its slightly lower height would aid the transition between the scale of The Elms and the lower height of The Bramblings, a bungalow to the other side. The design of the dwelling, with a partially hipped roof, would reflect the style of The Elms and not appear unique or anomalous in the street scene. The spacing of the dwelling within the site and between its neighbours to either side would be sufficient to avoid it appearing squeezed on the plot in a cramped manner. Therefore, it would be acceptable in terms of its effect on the character and appearance of the area.
21. The issue of drainage has been raised by interested parties. The site lies within Flood Zone 1 and is not identified as a high risk area for surface water or ground water flooding. The proposed dwelling would be served by soakaways for surface water drainage and connect to the mains sewer for foul drainage. I have no substantive evidence that these measures would not be adequate to address the needs of the development and prevent displacing drainage impacts beyond the boundaries of the site.
22. Concern is raised that allowing the appeal would set a precedent for future development on Yarmley Lane, with some comments suggesting applications may be made on other sites on foot of permission being granted in this case. However, it is a well-established principle that all applications should be treated on their merits and it will be for the Council to consider any applications as such and against the prevailing policy context at the time and the particular evidence provided. As such, this is not a decisive consideration in my overall assessment of the proposal.

Planning Balance and Conclusion

23. The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites, with supply stated to be 4.6 years. Therefore, pursuant to paragraph 11(d) of the Framework, the presumption in favour of sustainable development is engaged.
24. The proposal would deliver benefits in terms of delivery of an additional dwelling in an accessible location at a time when the Council cannot demonstrate a sufficient supply of deliverable housing sites. However, even in these circumstances this benefit would still be of limited weight in favour of the proposal given the small scale of the proposal. There would also be minor benefits in terms of the economic activity generated in the construction of the dwellings and subsequently by occupants in patronising local businesses.

25. Set against this, I have found that the proposal would cause demonstrable harm to highway and pedestrian safety. This results in conflict with the development plan and the guidance of the Framework to which I afford significant weight.
26. The benefits of the proposal are acknowledged. However, in providing new housing, the development would simultaneously introduce increased risk to highway safety. Overall, in the context of paragraph 11, the adverse impacts associated with granting planning permission would significantly and demonstrably outweigh the benefits, when considered against the policies of the Framework, taken as a whole.
27. Consequently, the Framework, as a material consideration, does not indicate that permission should be forthcoming, and there are no other material considerations that would justify a decision being made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR