



Appeal Decision

Site visit made on 22 August 2023

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2023

Appeal Ref: APP/P2935/W/23/3323779

The Haven Guest House, Back Crofts, Rothbury NE65 7YA

- 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 Ian Tinlin against the decision of Northumberland County Council.
 - The application Ref 22/01992/OUT, dated 1 June 2022, was refused by notice dated 14 February 2023.
 - The development proposed is described as erection of 1 no. dwellinghouse with granny annex (C3 use class).
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 1 no. dwellinghouse at The Haven Guest House, Rothbury NE65 7YA in accordance with the terms of the application Ref 22/01992/OUT, dated 1 June 2022, subject to the conditions in the schedule to this Decision.

Procedural Matters

2. The application was made in outline with all matters reserved. Plans were submitted to illustrate how the development, including an attached granny annex might be accommodated on the site. However, these are not for determination as part of my Decision. I have assessed the proposal on the basis that it is for one dwelling and this is reflected in my formal Decision which omits reference to an annex as that is a matter which relates to the scale and layout of the development.

Main Issue

3. The main issue in this appeal is whether the proposal is acceptable on highway safety grounds.

Reasons

4. The appeal site lies at the end of a private cul-de-sac road off Providence Lane, close to the centre of Rothbury.
5. Although the application has been submitted in outline with all matters reserved, it is indicated that the dwelling would be accessed via the existing private road. This road is narrow and with no footway. However, as it is not a through road and serves few properties, it is lightly trafficked. The proposed development of one dwelling would not alter this to any notable extent. Any conflict between road users would be infrequent, and the width of the road serves to keep traffic speeds low.

6. Furthermore, the road is straight with good forward visibility along its length. Users would be aware of oncoming vehicles, both along, and before, entering the road. The suggested provision of a formal passing place at the narrowest section would be of further assistance for all road users and the plans show how this could be provided within land in the appellant's ownership. It is not clear at this stage whether such a passing place would be sufficient to allow a refuse truck or other large vehicle to pass. However, as such vehicles already use the lane without a passing place, and this would be an infrequent occurrence, it is not determinative.
7. The precise parking and manoeuvring arrangements would form part of a future reserved matters application, but on the evidence before me, I have no reason to doubt that suitable provision could be made for vehicles to park and turn within the site in accordance with the Council's standards.
8. There is reduced visibility at the existing T-junction with Providence Lane due to the height and proximity of adjacent boundary treatment. However, the appellant's speed survey evidence shows that traffic speeds at this junction are low and this reflects my own observations. I saw that the junction provides appropriate visibility for the speed of traffic in this area, and I note that there have been no personal injury accidents associated with the junction. On the basis of what I have seen and read, the increase in traffic resulting from the proposal would not lead to an unacceptable impact on the safe operation of this junction.
9. Traffic travelling to and from the site would also pass through Providence Lane which is of a restricted width and is used by vehicles and pedestrians. Photographs have been provided showing incidents of obstruction, as well as a recent accident at the tight 90-degree bend. Even so, the increase in traffic from one dwelling would be small and I have no substantive evidence that existing highway safety concerns along this route would be materially exacerbated. The local highway authority did not object on this basis.
10. My attention has been drawn to a recent appeal decision at the site which was dismissed on highway safety grounds (ref: APP/P2935/W/21/3282413). However, as that scheme was for a greater number of dwellings, it can be differentiated from the scheme that is before me now and I have reached my own conclusions.
11. For all these reasons, I conclude that the outline proposal is acceptable on highway safety grounds, and so, complies with the access and highway safety aims of Policies TRA1 and TRA2 of the Northumberland Local Plan 2022 (NLP). It also accords with the National Planning Policy Framework (the Framework) which seeks to ensure that development is served by safe and suitable access.

Other Matters

12. Rothbury is identified in the NLP as a Service Centre and the site is within close walking distance of its range of shops and services. Therefore, the proposal is in accordance with the spatial strategy set out in Policy STP1 of the NLP and I note that the Council's officer report confirms this to be the case.
13. Matters of appearance, scale, and layout are reserved for future consideration where the effect on the living conditions of neighbouring residents, such as privacy and loss of light, would be fully considered. Subject to the future

approval of a detailed scheme, I have no reason to doubt that an acceptable scheme could be achieved at the site. Disturbance during the construction period would be for a limited time and could be appropriately controlled through conditions.

14. The submitted Ecological Impact Assessment concludes that, subject to the implementation of recommended mitigation measures, the development would not have an adverse effect on local wildlife, including protected species, or habitats. This was also the conclusion reached by the Council and there is no substantive evidence to lead me to reach a different conclusion.

Conditions

15. I have considered the Council's suggested conditions in light of the Framework and the Planning Practice Guidance. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. Some suggested conditions have been amended due to the outline nature of the permission and for precision, and I have imposed only those conditions which meet the relevant tests. Pre-commencement conditions have the written agreement of the appellant.
16. I have attached conditions relating to the submission of reserved matters and the associated time limits as standard. A condition specifying the relevant drawing showing the application site is imposed for certainty. Conditions 5 and 6 provide further clarification as to the details to be submitted in relation to the access, scale, and site layout details. These are necessary to ensure the provision of a vehicle passing place in the interests of highway safety; and so that the finished ground and floor levels provide for an appropriate relationship with the adjacent properties.
17. In addition, a pre-commencement condition in relation to a Construction Management Plan is necessary to manage the effects of construction on neighbouring residents. Conditions in respect of ecological enhancement and mitigation measures are reasonable to protect ecological interests and with regards to achieving biodiversity gains.
18. However, conditions relating to other access and parking details, cycle storage, and trees are not necessary at this stage as they relate to matters which are reserved for subsequent consideration, while provision of electric vehicle charging points is now mandatory under the Building Regulations so does not need repeating.

Conclusion

19. The proposal complies with the relevant policies of the development plan, and therefore with the development plan as a whole. Accordingly, and for the reasons given, I conclude that the appeal should be allowed.

A Caines

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) This approval relates to Site Location Plan: P/2122/015/001 Rev A.
- 5) The reserved matters to be submitted in accordance with condition 1 shall include details of the vehicle passing place to be provided; and the dwelling shall not be occupied until that passing place has been constructed and laid out as approved. Thereafter, the passing place shall be kept free of obstruction and available at all times for its intended purpose.
- 6) The reserved matters to be submitted in accordance with condition 1 shall include details of the proposed finished site levels and floor levels of the dwelling. Those details shall include cross sections drawings through the site, illustrating the relationship of the levels with adjoining land levels and buildings. The development shall be constructed in accordance with the approved details.
- 7) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of arrangements for:
 - i) any temporary traffic management measures;
 - ii) the parking of vehicles of site operatives;
 - iii) loading, unloading, and storage of construction plant and materials;
 - iv) wheel cleaning measures for construction vehicles leaving the site;
 - v) construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 8) No above ground construction works shall take place until a scheme for ecological enhancements within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details and arrangements for the provision of bat and bird boxes, and the location of hedgehog access points along the site boundaries. The approved ecological enhancements shall be implemented prior to first occupation of the dwelling and retained thereafter.
- 9) The development shall be carried out in accordance with the mitigation measures identified in the submitted Ecological Impact Assessment dated October 2019.

****End of Schedule****