



Appeal Decision

Site visit made on 8 November 2023

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/U2750/W/23/3327143

Land to the rear of 48 Eshton Road, Gargrave BD23 3PN

- 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 Hall Varley Homes Limited against the decision of North Yorkshire Council.
 - The application Ref 2022/24500/OUT, dated 24 October 2022, was refused by notice dated 27 April 2023.
 - The development proposed is up to 4 no. residential dwellings with all matters reserved except access.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 4 no. residential dwellings with all matters reserved except access, at Land to the rear of 48 Eshton Road, Gargrave, BD23 3PN, in accordance with the terms of the application, Ref 2022/24500/OUT, dated 24 October 2022, and the plans submitted with it, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. The proposal is in outline for all matters except for access, and I have therefore treated the plans as indicative only with the exception of the access.

Main Issues

3. The main issues are:
 - whether the proposed development would be an efficient use of land; and
 - the effect of the proposed development on highway safety.

Reasons

Efficient Use of Land

4. The site incorporates the access to a semi-detached dwelling, and land behind including a stables building, menage, and a paddock. The proposal is to provide up to 4 dwellings, using the existing access point but with some alterations including increased visibility splays.
5. Scale and layout are relevant at this stage insofar as their impact in assessing the principle of the proposal's density. It would be a maximum of c.16 dwellings per hectare (dph), or a minimum of 4 dph for only 1 dwelling. Policy SP3(b) of the Craven Local Plan 2012 to 2032 (LP) (2019) requires new housing developments to be at appropriate densities of approximately 32 dph,

which make effective and efficient use of land, and having regard to local and site-specific circumstances. The provision of green space, landscaping, and avoiding flood risk are fundamental development management considerations, which are therefore already broadly taken into account in the Policy SP3 density requirement.

6. However, Policy SP3 part (c) also identifies flexibility in this density where this is necessary to, amongst other things, achieve local plan objectives. The National Planning Policy Framework ('the Framework') (2023) paragraph 124(d) and (e) also identifies that making an efficient use of land needs to take into account the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed and attractive places.
7. The suggested scale for each plot would broadly match that of the majority of the adjacent properties, notwithstanding that some have extensive rear gardens. This finding would also align with the Council's assessment of the proposal's impact on landscape character, which concludes that it would conserve the countryside's character in accordance with the development plan, albeit supports a denser form of development. I find that a layout of 8 dwellings as would be required in order to achieve 32 dph, would be out of keeping with the overall character of the area considering the site's narrow form and position on the urban fringe.
8. Moreover, as a windfall site which is not relied upon in order to achieve housing numbers, and as the Council does not have an identified under-provision in housing supply for Gargrave, an increased density is not essential in order to reduce urban creep elsewhere.
9. Therefore overall, the proposal would have regard to local and site-specific circumstances and achieve local plan objectives so as to justify its density. It would thus be an efficient use of land in compliance with the LP Policy SP3, and the Framework.

Highway Safety

10. The Council raises no issue with the proposed northern visibility splay, and I see no reason to take a different view. The southern splay required by the Manual for Streets (MfS) is 2m x 45m to the kerbside, whereas that proposed would only provide 2m x c.18.5m. However, the plans identify that cars and larger vehicles would be visible travelling northwards for the full 45m extent, even if overtaking. Only narrower motorised vehicles would be masked from view for part of this 45m, and only if overtaking right against the opposite edge of the carriageway.
11. Overtaking speeds would be low because the road is curved with limited forward visibility, including due to parked vehicles. While overtaking would be necessary to manoeuvre around a vehicle parked in the northwards lane, overtaking a moving vehicle would not be necessary, and so an attempt would be less likely. In either instance, I also find it highly unlikely that a 2 wheeled vehicle would overtake fully against the opposite edge, as this would be both unnecessary, and a higher skid risk than for the middle of the overtaking lane.
12. Notwithstanding the above, if narrow motorised vehicles were to overtake in this manner at speeds slightly lower than the speed limit, the MfS indicates that they would have sufficient time to stop after seeing a vehicle exiting the

appeal site. I acknowledge that overtaking may be up to or above the speed limit. However, the evidence suggests a relatively low number of motorbike movements along Eshton Road, and that a vehicle would only leave the appeal site on average less than once per hour. Overall, the likely confluence of 2 such vehicles would therefore be very low. The appellant's Stage 1 Road Safety Audit concludes that the chance of a collision is highly unlikely. When considering the above in totality, the deficiency in the southern visibility splay would only cause a collision in very specific and unlikely circumstances.

13. Interested parties identify that near miss collisions do occur with one collision reported this year, and that vehicles regularly exceed 30mph, including as shown by the Vehicle Activated Sign results on the junction with Chew Lane. However, I do not find these so specific or determinative to the circumstances I have described above, so as to outweigh my reasoning in this regard.
14. I also find that there would be betterment to the visibility splays in both directions compared to at present, and that the overall movements would be reduced compared to the maximum potential use of the existing site. The Council has not identified any concern regarding the lawfulness of the equestrian facility as a business use, and so I have assessed the suggested reduction in traffic movements as appropriate.
15. I therefore find overall that the southern visibility splay deficiency would not cause an unacceptable impact on highway safety. The Framework Paragraph 111 thus indicates that the development should not be refused on highways grounds.
16. Concerns have been raised that the visibility splays would require land potentially outside of the appellant's control. On the evidence before me, the provision of these works does not appear to have no prospects at all. The Planning Practice Guidance on the imposition of conditions therefore indicates that a dismissal of the appeal on this basis would not be justified.
17. The Council also identifies that the access would be narrow, and so would interfere with the free flow of traffic by causing vehicles to wait in the Eshton Road carriageway to enter the site. However, I find that this waiting may occur with the present access and use, and the proposal would generate fewer vehicles and a lower rate of opposing movements. There is acceptable forward visibility in approaching any vehicle paused and waiting to enter. The interested party concerns that Eshton Road would not be wide enough to accommodate large vehicles, have not been raised by the Highway Authority.
18. In conclusion, the proposal would not have an unacceptable impact on highway safety, and would comply with the LP Policy INF7, Policy G1 of the Gargrave Neighbourhood Plan (up to 2032) (2019), and the Framework. Together, these seek for developments to provide safe and suitable provision for vehicular access, which does not impact adversely on highway safety.

Other Matters

19. The Council has accepted the principle of the development, including as the adjacent allocation would envelop the site, and because of comparable permissions. I see no reason to disagree. The exact positioning of the traffic mirror could address any potential direction of sunlight through nearby windows. Disturbance during construction would be short lived, and I have

required a construction management plan via a condition to mitigate this as far as possible. Other interested party concerns raised have been addressed in my reasoning above, relate to the future reserved matters stages, or are not material planning considerations.

Conditions

20. I have attached the statutory conditions relating to the submission of reserved matters and the time limits associated with this, and one to specify the approved plans, to provide clarity for the terms of the permission.
21. Conditions relating to drainage and contamination are necessary in order to address water management, and mitigate for potential contamination. A Construction Method Statement will ensure that impact to neighbouring residents is minimised. A condition to ensure the appropriate provision of the access and visibility splays is central to allowing this appeal. Control over any external lighting is necessary so as not to impact on the dark skies of the Yorkshire Dales National Park, and to minimise impact on bats.

Conclusion

22. The scheme accords with the development plan as a whole. With no other material considerations indicating otherwise, for the reasons given above, I conclude that the appeal is allowed.

L N Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the 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) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan BOW-AO-ZZ-DR-A-0101 Rev P4,
 - Proposed Site Plan BOW-AO-ZZ-DR-A-0100 Rev P12 except in respect of the location of the dwellings which is indicative only,
 - Proposed Site Access AMA.21349/SK029.1,
 - Proposed Site Access AMA.21349/SK029.2.
- 5) As part of the reserved matters, a scheme to demonstrate details of separate systems of drainage for foul and surface water on and off site, the proposed means of disposal of surface water drainage including any balancing works and off-site works, and the proposed means of disposal of foul water drainage, shall be submitted to and approved in writing by the Local Planning Authority.
- 6) The development hereby permitted shall not be occupied until a signed statement of confirmation from a suitably qualified drainage engineer of implementation of the drainage works approved under condition 5 has been submitted to and approved in writing by the Local Planning Authority. The implemented drainage works shall be retained as such thereafter.
- 7) No development shall commence until a Phase 2 assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to, and approved in writing by the Local Planning Authority.
- 8) No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority.

The Statement shall include details of construction working hours, the parking of site operative and visitor vehicles, accommodation for site operatives, loading and unloading of plant and materials, and storage of plant and materials. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) The development hereby permitted shall not be occupied until the access point with Eshton Road and including the indicated visibility splays, shall have been constructed in accordance with the approved details. This access including the sightlines along the visibility splays shall be retained thereafter for the lifetime of the development.
- 10) The development hereby permitted shall not be occupied until details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

END OF SCHEDULE