



Appeal Decision

Site visit made on 8 November 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2023

Appeal Ref: APP/A3010/W/23/3319620

Land to North of Bevercotes Lane, Tuxford, Newark, Notts NG22 0LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Gareth Newman, of G Newman Building Services Ltd, against the decision of Bassetlaw District Council.
 - The application Ref 22/01428/PIP, dated 12 October 2022, was refused by notice dated 24 November 2022.
 - The development proposed is Application for Permission in Principle for Residential Development of One to Two Dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for a minimum of 1 dwelling and a maximum of 2 dwellings on land to the north of Bevercotes Lane, Tuxford, Newark, Notts NG22 0LQ, in accordance with the terms of application Ref 22/01428/PIP, dated 12 October 2022.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Background and Main Issue

4. The Council acknowledge that the site could satisfactorily be developed for up to two dwellings and the proposed development could be designed to integrate well with the character of the surrounding area. It is also accepted that the location of the site is generally a sustainable location for residential development because of its proximity to Tuxford Town Centre and there would be no conflict with policies of the Tuxford Neighbourhood Plan. However, permission has been refused on the ground that the location of the development would not be able to provide a safe and suitable means of access

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

that minimises conflicts between pedestrians, cyclists, and vehicles, and also allow for the efficient delivery of goods and access by service vehicles.

5. Consequently, the main issue is whether the site is suitable for residential development having regard to its location, with particular regard to highway safety.

Reasons

6. Bevercotes Lane, at its junction with the B1164, Eldon Street, has several residential dwellings and an electricity substation that extend along the road on either side. Beyond the existing built development, the lane narrows, and it has a more rural character.
7. I acknowledge that from the appeal site the future occupiers would be expected to walk along a single width road with no streetlighting for a short distance until they reach the built development along the lane and the junction with Eldon Street. This is likely to deter pedestrian movement during the winter months due to the hours of darkness and inclement weather conditions but to some degree, this is the case for urban locations also. Nevertheless, the terrain is flat, visibility is good, and the lane is unlikely to be heavily trafficked due to its prevailing rural character. Additionally, whilst pedestrian facilities are limited along Bevercotes Lane, many of the existing dwellings have grass verges along their frontage which would allow pedestrians an opportunity to safely step aside to allow a vehicle to pass. Therefore, in the absence of any substantive evidence to the contrary, occurrences of pedestrian and vehicle conflict is likely to be limited and future occupiers could safely access services, amenities, and public transport on foot and by bicycle. On this basis, I am satisfied that the accessibility of the site to local services and facilities would not be solely dependent upon the use of the private car.
8. Furthermore, the Council has not provided any substantive evidence in respect of how the efficient delivery of goods and access by service vehicles would not be possible. Vehicle access to the site would need to be provided as part of the technical details consent stage and whilst the lane is narrow outside the appeal site, the road appears wide enough to accommodate service and delivery vehicles.
9. For the above reasons, the proposed development would be acceptable in terms of its location, with particular regard to highway safety. It therefore accords with Policy DM4 of the Bassetlaw Core Strategy & Development Management Policies DPD (2011), which amongst other things, seeks new development that prioritises safe, easy and direct pedestrian movement.

Conclusion

10. For the reasons given above, the appeal is allowed.

N Bromley

INSPECTOR