



Appeal Decision

Site visit made on 20 November 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/P0119/W/23/3322125

The Cottage, Dyers Lane, Iron Acton BS37 9XT

- 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 Mrs Laura Walters against the decision of South Gloucestershire Council.
 - The application Ref P23/00600/PIP, dated 13 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is the erection of 1no. dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for erection of 1no. dwelling at The Cottage, Dyers Lane, Iron Acton BS37 9XT in accordance with the terms of the application, Ref P23/00600/PIP, dated 13 February 2023.

Preliminary Matters

2. The proposal is for permission in principle. 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 stage ('technical details consent') 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 permitted. 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.
4. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a maximum of one dwelling at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and the PPG.

Main Issue

5. The main issue is whether the location, the proposed land use and the amount of development is suitable, with particular regard to highway safety.

Reasons

6. The appeal site relates to a parcel of land which currently forms part of the existing garden associated with The Cottage, which is a detached dwelling situated along Dyers Lane. The appeal site is situated just outside of the Yate and Chipping Sodbury settlement boundary, with the boundary situated approximately 100m to the south. Dyers Lane, which runs to the north, connects to Yate Road to the south, a main road running in to Yate. Access to Yate Road is also possible from Wade Road, a short section of highway which links Dyers Lane to Yate Road to the southwest of the appeal site.
7. Both Wade Road and Dyers Lane are single track highways, with no pavement and sporadic street lighting. Dyers Lane has a speed limit of 30mph, with some wide grass verges alongside the lane. Whilst Dyers Lane is a relatively quiet road, it currently already serves a number of dwellings and the appellant states that the lane is also well used by walkers, runners, cyclists, and horse riders. I also note that the roads are used for the running event, the 'Hogweed 10k'. Yate Road meanwhile is a well-lit, 2 way road, with pavements on both sides, which is subject to a speed limit of 40mph.
8. Wade Road would be the shortest route into Yate for any future occupants of the proposal. Whilst lighting is sporadic, I noted that there was a streetlight at the end of Wade Road, close to where it meets Yate Road, as well as a streetlight at its junction with Dyers Lane. Given the relative short nature of Wade Road, I am satisfied that with street lighting at either end would allow Wade Road to be a safe and attractive access route for future occupants, most notably for those on foot or by bike. It is appreciated that there is a slight bend in the road, which would restrict visibility, as well as a lack of passing places and a ditch on one side. However, Wade Road attracts a low number of traffic movements and would not bring pedestrians, cyclists and vehicles in conflict on a significant level to be materially harmful. Therefore, Wade Road would represent an appropriate, safe, accessible, convenient and attractive access for all mode trips.
9. In regard to the use of Dyers Lane, pedestrians and cyclists could use the driveways to the other properties along Dyers Lane as temporary refuge whilst a vehicle passes, in the unlikely event there was conflict with other road users. There is also the option to use the occasional wide grass verge as refuge. Street lighting may be sporadic along Dyers Lane, but it isn't entirely absent. Therefore, whilst there might be some sections of the road unlit, it is not considered that this would make it unsafe, inappropriate, or unattractive to be used by future occupants. Furthermore, given the sites proximity with Yate Road, the use of Dyers Lane would not be inconvenient either.
10. The narrow nature of both Wade Road and Dyers Lane results in 2 vehicles not being able to pass. However, the proposal for 1 dwelling would not increase the opportunity for conflict between road users to such a degree that it would be materially harmful. Furthermore, there are some relatively long straight sections along Dyers Lane which allow for good visibility. Given that there are a few passing places along Dyers Lane, in combination with the 30mph speed limit, this would allow for suitable time for a vehicle to pull in and wait if necessary. Therefore, given the low level of new trips generated by the proposal, this would not result in a significant increase for the potential for

conflict between road users along Dyers Lane. The residual cumulative impacts on the road network would not be severe.

11. The appellant advises that 'CrashMap data' shows only two reported incidents on Dyer's Lane since 1999 - one in 2005 and one in 2021. The data also shows no vehicular accidents along Wade Road. This data demonstrates that highway safety issues are not a particular concern along either Dyers Lane or Wade Road. There is no evidence before me which would suggest that additional vehicular movements associated with the proposal would exacerbate any highway safety issues.
12. I also acknowledge that the Council on another application for a new dwelling along Dyers Lane¹ accepted that 'a single property is unlikely to generate a significant number of vehicular trips per day, we do not consider that this development will have a severe or unacceptable impact on the adjoining highway'. Whilst I do not have the full details of this application to ensure it would be directly comparable to the proposal before me now, I note from the evidence before me that this earlier approval would utilise the same roads and is situated slightly further along Dyers Lane than the appeal proposal. Furthermore, the delegated report associated with this application acknowledges that 'The walking route along Dyer's Lane and Wade Road towards Iron Acton Way [Yate Road] is narrow and largely unlit without pavements', but still concludes by recognising the sustainability merits of this site. Therefore, whilst I have considered the proposal before me on its own merits, this other application does demonstrate there are circumstances where the Council have accepted additional dwellings along Dyers Lane.
13. Therefore, for the reasons set out above, the location, the proposed land use and amount of development would be suitable, with particular regard to highway safety. The proposal would be in accordance with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017) and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013). These policies, in combination seek to ensure that appropriate, safe, accessible, convenient, and attractive access is provided for all mode trips and to give priority to providing the users of new development with a range of travel options other than the private car.

Other Matters

14. I note the comments made by the Lead Local Flood Authority (LLFA) with regard to foul sewage and surface water disposal. I also note the concerns regarding drainage raised by the Parish Council. However, details of both drainage and foul sewage cannot be addressed at this stage. I am satisfied that these matters can reasonably be dealt with at technical details consent stage.
15. The Council have drawn my attention to an earlier appeal decision at Sunnyside Farm, Dyers Lane². The content of this decision is noted, most notably, paragraph 8 where the Inspector found that 'the roads had no footways and that street lighting was infrequent' and 'that travelling along the roads would not be an attractive option for occupiers, particularly in the dark or in poor weather'. However, whilst I do not have the full details of this application, I note from the limited evidence before me that it is situated approximately

¹ Application Ref P22/06574/F, Land Adjacent to Old Rose Cottage

² APP/P0119/W/20/3250348

1.7km further along Dyers Lane, further away from Yate Road than the appeal site. Therefore, it is not considered to be directly comparable to the proposal before me now and I can only attach modest weight to this earlier decision. Nevertheless, I have considered the proposal on its own merits and found it to be acceptable for the reasons set out above.

Conclusion

16. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development.
17. Therefore, for the above reasons, I conclude that the appeal should be allowed.

Laura Cuthbert

INSPECTOR