



Appeal Decision

Site visit made on 12 December 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/U2750/W/23/3328332

Grimble Tor, Wetherby Road, Knaresborough, North Yorkshire HG5 8LL

- 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 Tim Simpson against the decision of North Yorkshire Council.
 - The application Ref ZC23/01981/FUL, dated 24 May 2023, was refused by notice dated 4 August 2023.
 - The development proposed is a new access from the Public Highway into the storage building to the rear of Grimbald Tor.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Tim Simpson against North Yorkshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised framework, the issues most relevant to this appeal remain unaffected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action. For correctness, I have used the 2023 Framework paragraph references.
4. Two spellings of the appeal property's name are detailed in the evidence. With the exception to the development description which I have left as shown on the application form, I have used 'Grimble Tor' in my decision.

Main Issue

5. The main issue is the effect of the proposal on highway safety.

Reasons

6. The proposal would provide a new dedicated access off the B6164, Grimbald Crag Way, to an existing storage building located to the rear of Grimble Tor. Currently, the rear building is accessed via a dedicated track along the rear of the properties on Wetherby Road to a junction arm on the Grimbald Crag Way/retail park roundabout.

7. The proposed access would be located over the grass verge almost opposite the protected right-turn junction that services Grimbald Crag Close. The main parties agree that no trees would be affected by the proposal.
8. Grimbald Crag Close provides access to a variety of retail/commercial units and is a secondary exit for the adjacent retail park. It also has a road link to Grimbald Crag Road. Grimbald Crag Way distributes traffic between Knaresborough and a variety of other routes. The main parties agree that the speed limit for Grimbald Crag Way is 30 miles per hour (mph).
9. The Highway Authority (HA) was consulted regarding the proposal and provided comments to both the appellant and the Council. The comments given slightly differ in the detail provided, but confirmed the HA's view that the Design Manual for Roads and Bridges (DMRB) should be used for assessing the proposal and the proposed junction's visibility splays and its separation from the existing junction did not accord with this design standard.
10. In relation to the design standard to be applied, the approved North Yorkshire Council's 'Design Standards for Development Funded Works' matrix, November 2012, sets out when the DMRB or the Manual for Streets (MfS) are to be used for different road classifications. The HA provided this matrix assessment for Grimbald Crag Way and confirmed that the DMRB design standard applied. The appellant contends that this road should be considered as a 'street' due to it meeting many of the MfS street requirements. However, no assessment of the design standard matrix to support this has been provided. On this basis, I see little reason to question the use of the DMRB for the proposal.
11. For the visibility sightlines, paragraph 2.7 of the DMRB's design standard CD109 (CD109) refers to the stopping sight distance being measured from an eye height of 1.05 metres. Furthermore, Table 2.10 of CD109 details that a desirable stopping sight distance of 90m would apply to a 30mph road. It also indicates that a one-step below desirable minimum relaxation would require a 70m stopping sight distance.
12. The HA advised the appellant that an eye height of 0.6m should be used in assessing the sightlines. However, no evidence to justify this change from the DMRB requirement is provided. While the HA does not provide a plan showing its assessment of the sightlines, it advised that measurements it took on site indicated the proposal would not meet the DMRB requirement. The appellant has challenged the HA's assessment and advises that sightline distances of over 90m are achievable in both directions of the proposed junction. The appellant provides photographic evidence to support this. The Council has provided no evidence to dispute this information. While the appellant does not provide a dimensioned plan, based on my visit, I saw little reason a sightline distance of 90m could not be achieved in both directions.
13. Notwithstanding this, due to its location, the proposal would add an access almost opposite the existing junction. This would not provide the separation from the existing junction recommended in paragraph 2.25 of the DMRB design standard CD123 (CD123) for staggered minor junction arrangements. Furthermore, paragraph 2.29.2 states direct accesses on single carriageway roads should not be positioned facing each other.
14. The appellant advises that the proposed junction is a private access and not a minor road and CD123 does not state that private accesses cannot be located

near an existing junction. However, little substantive evidence to show that the term minor road does not include private accesses or that the separation distances detailed in CD123 may be relaxed has been presented. I am therefore not persuaded that the proposal meets the CD123 requirements.

15. Further to this, the appellant argues that the existing junction's off-peak traffic is low and, as the traffic generated by the proposal would also be low, there would be no severe impact on the existing junction or highway network.
16. However, only one existing off-peak traffic assessment for the site is provided and this does not confirm where or when it was taken. No peak traffic assessment has been provided, and I consider the data to be inconclusive in demonstrating that the traffic at the existing junction is low.
17. In terms of traffic generated by the proposal, the application's Design and Access Statement states that less than one vehicle per week is expected. However, in the appellant's Appeal Statement a figure of less than ten vehicles per week is detailed. There is therefore some uncertainty regarding the traffic generated and I cannot be sure of the proposal's traffic impact on the existing junction.
18. The proposal would not meet the requirements set out in C123 and it has not been sufficiently demonstrated that the increase in traffic generated by the proposal would not cause an unacceptable increase in traffic conflicts and risk of vehicle collisions at the existing junction.
19. While the proposal's visibility sightlines would be achievable and traffic speed would be in the order of 30mph, these do not satisfactorily address the uncertainty regarding increased traffic conflicts and risk of vehicle collisions.
20. The appellant also advises that the proposal would prevent vehicles from being parked on the existing carriageway, reduce congestion and provide unrestricted access to the storage building. However, little compelling evidence of these benefits, or the need for the alternative access, is provided. I do not consider these to outweigh the increased risk to highway safety.
21. Accordingly, I find the proposal would compromise highway safety and would be contrary to paragraph 115 of the Framework which states that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

22. The appeal site is located outside of the Knaresborough Conservation Area but close to the Rural Area of Character Area G. As observed during my visit and set out in the Knaresborough Conservation Area Character Appraisal December 2008, the area has a rural and open space character with prominent woodland belts, hedgerows and sporadic development. This character is very different from the more modern housing and retail development area in which the appeal site is located. Given this visual distinction and the physical separation provided by the road and housing, the proposal would not have a significant effect on the setting of the conservation area. However, a lack of harm carries neutral weight in my assessment and does not overcome the harm that I have already identified.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR