



Appeal Decision

Site visit made on 1 February 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/A4710/W/23/3318870

Land adjacent to Blind Lane, Ogden, Calderdale, Halifax HX2 9NR

- 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 Charles Rhodes against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/01253/FUL, dated 14 November 2022, was refused by notice dated 14 February 2023.
 - The development proposed is the demolition of stables and construction of bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of stables and construction of bungalow at Land adjacent to Blind Lane, Ogden, Calderdale, Halifax HX2 9NR, in accordance with the terms of the application Ref 22/01253/FUL, dated 14 November 2022 subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council adopted the Calderdale Local Plan (CLP) on 22 March 2023. As a result, some policies cited in the reason for refusal of the decision notice have been superseded. The Council referred to Policies HS1 and BT4 of the emerging Local Plan (Emerging Plan), the adopted versions of which were provided as part of this appeal, and which the appellant has seen. I have therefore determined the appeal on the basis of the CLP.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

4. The main issue is the effect of the proposed development on highway safety.

Reasons

5. The appeal site comprises an L-shaped stables building with canopy addition along the north elevation and separate container on the north side of Blind Lane, from which it is accessed, within a notable rural setting. This stable is used for the housing of three horses. The proposal seeks to demolish the current stable building and container, and construct a two-bedroom bungalow

at the site, which submitted plans show would have two parking spaces in addition to cycle storage.

6. Blind Lane is a narrow, surfaced road unlikely to support two-way traffic but which provides access for a number of dwellings. It also acts as a public right of way between Bradshaw Lane to the east and the A629 to the west, which I observed on my visit to be a busy and well-used road. The visibility at the junction of Blind Lane and the A629 is somewhat limited, particularly when looking to the south due to the presence of a stone wall with elevated fencing and bus stop signage at the corner junction. Although clearer views are possible when looking north, in this direction the junction is close to a bend in the road and the other A629 junctions with Per Lane and Cow Hill Gate Lane. Submitted evidence also indicates that the visibility splays fall below those recommended by the Manual For Streets and the Design Manual For Roads and Bridges, and that there have been 4 road traffic collisions attended to by police in the past 5 years, one of which resulted in serious injury.
7. Combined with the likely amounts and speed of traffic along the A629, and the single track nature of Blind Lane, this creates a somewhat complicated junction with the potential for obstruction, collision, and highway safety concerns due to surrounding vehicular, pedestrian and equestrian movements. However, it is notable that this junction currently serves surrounding properties along Blind Lane, including the stables at the site. The issue therefore relates to whether the proposal would result in a level of increase of vehicular movements to and from the site that would significantly impact highway safety along Blind Lane and at the junction with the A629.
8. The current stable use of the site will inevitably create associated vehicular movements in its own right. I note that main parties disagree as to the precise level of such movements, with the Council citing a likely 6-8 vehicular trips associated with a dwelling. While the Council has also submitted trip generation figures for a stable block application in another authority area, I have little substantive information on this scheme or its comparability to the proposal such that I attach limited weight to this.
9. The appellant indicates that twice daily visits are currently needed to the stable for the upkeep and welfare of the three horses at the site, with multiple weekly deliveries and monthly farrier and horse clipping visits. Ad-hoc visits also include those from the equine physiotherapist, dentist, vet, saddler and family and friends. While the Council is of the view that the trips associated with the stables have been overestimated, I find the appellant's stance to overall be a reasonable indication of the likely trips associated with the site due to the nature and scale of its current use, even when discounting the fact that the appellant has horses located elsewhere.
10. Nevertheless, there would likely be additional trips generated by the proposed dwelling, such as journeys to work, shopping and leisure trips, with other daily movements to and from the site by visitors and deliveries, particularly given the rural nature of the area. Even acknowledging that there would be two car spaces and cycle storage at the site, the modest, two-bedroom, single-dwelling nature of the proposal, would limit the overall number of these trips. Overall, it is therefore likely that the change in trips generated by the proposal when compared with the stable use would not be significant. Furthermore,

based on my observations I have no concerns regarding the ability to access the parking spaces or turn within the site.

11. The Council has also raised concerns that an element of agricultural use would remain within the curtilage of the proposed bungalow. However, even if this were to be the case, as the appellant would be based at the site vehicular trips to and from the site solely associated with such agricultural use would be reduced from those currently relating solely to the stable use in this regard.
12. As such, notwithstanding the narrow, single-lane nature of Blind Lane and the current visibility at the junction with the A629, the nature and extent of the proposed use would not result in a significantly increased level of traffic that would raise additional highway safety concerns. Even if daily trips due to the residential use were greater than those connected with stable, there is nothing substantive before me to demonstrate that the overall net increase would be so significant as to have an unacceptable impact on highway safety, or to lead to severe residual cumulative impacts on the road network.
13. For the reasons given above I find that the development does not have a significant adverse effect on highway safety. As such, it accords with Policies BT4 and HS1 of the CLP insofar as they seek that development ensures safe and free flow of traffic in the interests of highway safety and creates no unacceptable traffic or safety problems.

Other Matters

14. The appeal site lies in the Green Belt. However, the Council have concluded that the proposal would not unduly impact upon the openness of the Green Belt or cause harm in this regard. Based on my observations I have no reason to disagree.

Conditions

15. I have had regard to the conditions suggested by the Council. Where necessary I have amended them in the interests of clarity and consistency. The appellant has been given the opportunity to comment on these.
16. The standard timeframe condition and a condition relating to the approved plans is attached in the interests of certainty and proper planning, I have also attached a condition relating to the materials to be used in the roofing and facing of the development in the interests of the surrounding character and appearance. A condition relating to drainage details is also required to ensure proper drainage of the site and no undue flood risk.
17. I have attached a number of conditions which are to be discharged prior to the occupation of the dwelling. These relate to: provision of cycle spaces; provision of waste facilities; provision of an electric vehicle charging point; submission of boundary treatment details and provision of parking spaces. These are necessary for: the promotion of sustainable transport methods; the sustainability of the development and in the interests of living conditions of future occupiers; the promotion of sustainable transport methods; the character and appearance of the area; and parking provision and highway safety, respectively.
18. The suggested removal of permitted development would also safeguard against any increase in the size of the dwelling and associated vehicular

activity and ensure the character and appearance of the area is not unduly harmed. I have therefore also attached this condition.

Conclusion

19. For the reasons given, the proposal would accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed subject to the conditions in the attached schedule.

C Rafferty

INSPECTOR

SCHEDULE 1 - CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Details 2001-22-001 Rev A dated November 2022; and Proposed Details 2001-22-002 Rev A dated November 2022.
3. Prior to the facing and roofing of the development, details/ samples of the materials to be used in the facing and roofing of the development hereby permitted, including colour finish, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/ samples.
4. No drainage works shall begin until full details of the foul and/ or surface water and/ or sustainable systems of drainage if feasible and/ or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the local planning authority. The details so approved shall be implemented prior to the occupation of the dwelling hereby permitted and retained thereafter.
5. The dwelling hereby permitted shall not be occupied until space has been laid out within the site for secure cycle parking in accordance with the approved details and that space shall thereafter be kept available for cycle parking.
6. The dwelling hereby permitted shall not be occupied until the bin and recycle storage area has been constructed in accordance with the approved details and that space shall thereafter be kept available for bin and recycle storage.
7. The dwelling hereby permitted shall not be occupied until a facility to permit the recharge of an electrical battery-powered vehicle has been installed at the site. Unless otherwise required by the location, the installation(s) shall comply with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1. The facility shall be so retained thereafter.
8. The dwelling hereby permitted shall not be occupied until details of the treatment of all boundaries of the site have been submitted to and approved in writing by the local planning authority. The boundary treatments shall be carried out in accordance with the approved details prior to the first occupation of the dwelling and shall be retained thereafter.
9. The dwelling hereby permitted shall not be occupied until the area shown as parking spaces on drawing no. 2001-22-002 Rev A dated November 2022 has been drained, surfaced and made available as parking spaces for the occupiers of the dwelling, and that area shall thereafter be kept available at all times for the parking of vehicles.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that order) no development falling within Classes A - E of Part 1 of Schedule 2 of the said order shall be carried out without the prior written permission of the local planning authority.