
Appeal Decision

Site visit made on 6 February 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2024

Appeal Ref: APP/A3010/W/23/3327368

Land off Rook's Lane, Misterton, DN10 4AF

- 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 Dent against the decision of Bassetlaw District Council.
 - The application Ref 23/00236/FUL, dated 21 February 2023, was refused by notice dated 27 April 2023.
 - The development proposed is a single new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the application form states that no new vehicular access is proposed from the public highway, there is no existing access and the submitted plans indicate that a new tarmac vehicular access crossing would be constructed to serve two car parking spaces within the site. The vehicular access is not included within the red line application boundary, and I have received confirmation that the strip of land between the red line site and the public highway is not within the appellant's ownership. Moreover, the ownership of that land is unknown, and the correct procedure has not been followed regarding ownership certificates and notices. Notwithstanding my concerns regarding the validity of the application, I have proceeded to determine the appeal based on the plans submitted, including the new vehicular access, which is outside of the red line.

Main Issue

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

Reasons

4. Rook's Lane comprises a single carriageway that runs between the A161 Haxey Road to the east, and Debdhill Road to the west. Although it has street lighting, it has no footpaths and very narrow grass verges. There is no space for on street parking, passing, or waiting, and part of the road is restricted to one way traffic. As there is no turning space, vehicles entering Rook's Lane from Debdhill Road, have to turn within the road, overrunning grass verges or using private accesses, before reaching the no entry sign, which is located just before the Haxey Road junction.
5. At the time of my visit, I was initially unable to reach the site from Haxey Road, due to a parcel delivery vehicle approaching from Debdhill Road and

blocking the carriageway. To enable the driver to pass after delivering his parcel and returning to his vehicle, I had to pull into an access crossing point, blocking a private access drive. Whilst I appreciate my experience was a single snapshot in time, I have no reason to think that it is unusual for residents of Rook's Lane to have visitors and deliveries to their homes on a fairly frequent basis.

6. The proposed access to the site would be approximately 10 metres from the junction of Rook's Lane and Debdhill Road, which is not restricted to one way traffic. This junction is very narrow, and visibility when exiting Rook's Lane is obstructed by the 1.8 metre high solid timber fencing around the sub-station on one side and by a 1.5 storey building on the other side. Vehicles parked on Debdhill Road further restrict visibility.
7. I acknowledge that the proposal would not generate a significant increase in traffic, that traffic volumes and speeds in this area are not high, and that visibility at the junction with Debdhill Road is an existing problem. However, any increase in traffic movements would make the existing below standard situation worse. Due to the absence of any parking along Rook's Lane, the proposal would also increase visitor parking pressure along Debdhill Road, which could further restrict visibility. Vehicles exiting the site so close to the junction could also result in approaching vehicles having to reverse back onto Debdhill Road to let them out.
8. I therefore conclude that the proposal would increase the risk of conflict between road users in this area. Consequently, the proposal is contrary to Policy DM4(B)(v) of the Bassetlaw District Local Development Framework (2011), Policy 5 of the Misterton Neighbourhood Plan 2028-2035, and paragraphs 114 and 116 of the National Planning Policy Framework (as revised December 2023). These policies seek to ensure that new development would provide suitable vehicular access that is not detrimental to highway safety, and which minimises the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

9. I share the concerns raised regarding the effect of the development on occupiers of the adjacent dwelling at 20 Debdhill Road, and whilst the Council's report states that site levels are likely to be lowered, the site sections submitted confirm that this would not be the case. However, as I am dismissing the appeal on the main issue, I have not considered this matter further.
10. The location of the existing streetlight on the site frontage has not been shown on the drawings. However, it is likely that this could be relocated at the appellant's expense had this been necessary.

Conclusion

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

R. Bartlett

INSPECTOR