



Appeal Decision

Site visit made on 5 March 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2024

Appeal Ref: APP/N4720/W/24/3336439

Land adjacent to Lingwell Gate Lane, Thorpe, Leeds WF3 3FD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Michaela Lee against the decision of Leeds City Council.
 - The application Ref is 23/02738/FU.
 - The application sought planning permission for one dwelling with detached garage and associated works without complying with conditions attached to planning permission Ref 22/03420/FU, dated 7 December 2022.
 - The conditions in dispute are Nos 12, 13 & 14 which state that:
 - (12) *Means of vehicular access to and from the site shall only be as shown on the approved plan ref LGL-202 REV A; and delivered prior to first occupation and retained thereafter for the lifetime of the proposed development.*
 - (13) *Prior to the first occupation of the development, the approved plan showing the closing off and making good all existing redundant accesses to the development site shall be submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied and the highway layout retained as such for the lifetime of the development.*
 - (14) *The access hereby approved shall not be brought into use until works have been undertaken to provide the visibility splays shown on the approved plan ref LGL- 201REV A; to an adoptable standard. These sightlines / visibility splays shall be retained clear of all obstruction to visibility greater than 1m in height above the adjoining carriageway for the lifetime of the development.*
 - The reasons given for the conditions are:
 - (12) *To ensure the free and safe use of the highway.*
 - (13) *To ensure the free and safe use of the highway.*
 - (14) *To ensure the free and safe use of the highway.*
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted in December 2022 for the erection of one new dwelling with a detached garage on the appeal site under reference 22/03420/FU. As part of that approval, vehicular access was to be taken onto Lingwell Gate Lane via an access shared with the adjacent property, Neuville House. The existing access to the appeal site was to be closed off and not used to access the development permitted. The proposal that is subject to this appeal is to vary conditions 12 and 14 and to delete condition 13 on that permission to allow the existing access to be retained and used to provide access to the new dwelling.

3. The main issue in this appeal is the effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using Lingwell Gate Lane and Long Thorpe Lane.

Reasons

4. The access which is subject to this appeal formerly served stables. It is positioned opposite the junction of Long Thorpe Lane with Lingwell Gate Lane, albeit staggered in its alignment. Both Lingwell Gate Lane and Long Thorpe Lane appear to be busy main roads along which there is a frequent movement of traffic. Lingwell Gate Lane has a speed limit of 20mph as it passes by the appeal site and the road traffic accident data for the five-year period up until December 2022 shows one recorded slight injury accident within that time period. The paucity of accidents suggests that the road network and junction in the vicinity of the appeal site have operated safely in the conditions that prevailed during those years.
5. Nonetheless, the staggered nature of the appeal access in relation to the junction of Long Thorpe Lane with Lingwell Gate Lane means that there is potential for uncertainty and confusion, in particular if a vehicle or cycle is either attempting to exit the appeal site or to enter it travelling from the north, where it would have to turn across the oncoming carriageway. In those instances, the principal area of conflict that might arise would be with regard to vehicles and cycles attempting to leave Long Thorpe Lane to join Lingwell Gate Lane at the same time. There is also a public footpath which runs through the appeal site, meeting Lingwell Gate Lane at the same point as the access which is subject to this appeal.
6. The stable use would have generated comings and goings to the site to tend to the horses. It is likely that this would have at times necessitated vehicles with trailers and horse boxes. The appellant contends that there would be a significantly lower number of vehicles overall in association with a dwelling. However, whilst they have provided data of likely peak hour trips with reference to the TRICs database, their assertion about overall trips per day is not similarly evidenced by reference to any data. Furthermore, no rebuttal is made to the potential impact arising from delivery and refuse vehicles, nor reference made to any impact on cyclists, whose trips to and from the appeal site would be likely to increase in comparison to when it was in use as a stable.
7. I therefore have only limited substantive data on which to assess the quantitative impact on the highway network of movements from the previous and the approved use. That said, I consider it likely that a dwelling of the size approved would generate multiple trips on a daily basis. Indeed, it has been deemed necessary to make provision for three parking spaces for the approved dwelling, which suggests there is likely to be a degree of reliance on cars. In comparison, it is not clear whether visits to the stables to tend to the horses would have been needed more than perhaps once or twice a day. I am not therefore persuaded that a dwelling would in fact result in a reduction of vehicle movements to the site.
8. There could be some benefit in a reduction in larger vehicles visiting the site in connection with the stables but again, in the absence of any suggestion as to how often such sized vehicles might have visited, it is difficult to establish whether any notable benefit would actually occur in such a regard. And any benefit that did arise would be balanced against the fact that there would be

likely to be an increase in delivery and refuse vehicles servicing the approved dwelling. These too would be larger vehicles, and I share the Council's concern that such vehicles may ultimately stop outside the site on Lingwell Gate Lane instead of being driven onto the site, and hence be stationary opposite the junction with Long Thorpe Lane. Their presence in such a location would both disrupt the flow of traffic along Lingwell Gate Lane and make it particularly hazardous for vehicles pulling out from Long Thorpe Lane.

9. For the reasons I have set out, I am unconvinced that there would be a reduction in vehicle movements to and from the appeal site as a result of the approved dwelling being built. In fact, it would seem entirely probable that there would be an increase in vehicle movements, an increase in cycle use and the likelihood of delivery and refuse vehicles stopping on the highway opposite the junction with Long Thorpe Lane. Collectively, the impact of this would have significant impacts on the safe operation of the highway in the vicinity of the appeal site and result in an unacceptable impact on highway safety by increasing the instances of conflict and confusion between vehicles and cyclists.
10. The reason for refusal also refers to increased trips by walking and that there is potential for conflicts to arise with this mode of transport too. Even noting that there is a public footpath which terminates at the appeal access and that a dwelling would be likely to result in an increase in pedestrians compared to the previous use, I do not consider that pedestrians would be confused by vehicle movements to and from the access to the point that it would be harmful to their safety. My attention has been drawn to a previous appeal decision for a workshop and warehouse on the site, but that appeal was dismissed, and thus it does not provide a baseline for comparison of vehicle movements between the established use and that which has been approved.
11. I accept that adequate visibility could be provided to both sides of the appeal access, as demonstrated on the submitted plans, and that internal arrangements would allow vehicles to pass clear of the highway, to leave in a forward gear and to stand clear of the road while waiting for a vehicle to leave the appeal site. The appellant has drawn my attention to the Council's Transport Supplementary Planning Document (SPD) and to a preference for right/left staggered junctions that it sets out, presumably over junctions which have different alignments. However, neither of these considerations overcome the highway safety harm that I have found would arise in this instance.
12. In conclusion, I find that the proposed variation of conditions 12 and 14 and the deletion of condition 13 to allow for the use of the existing access onto Lingwell Gate Lane would result in unacceptable harm to highway safety. Consequently, the proposal would fail to accord with Policies P10 and T2 of the Core Strategy 2019 and Policy GP5 of the Unitary Development Plan 2006 where they seek to safeguard highway safety, and with the development plan taken as a whole. There would also be a conflict with the aims of the SPD and the National Planning Policy Framework in the same respect.

Other Matters

13. The benefits arising from the replacement of the stables with a dwelling, including in relation to environmental impacts, anti-social behaviour, crime prevention and social wellbeing are not dependant on the existing access being used, and would also be achieved if the approved access were to be used. There is nothing before me to suggest that the permission for the approved

dwelling could or would only be implemented if this appeal were allowed, and therefore the benefits outlined could still be achieved by other means which would not have the same impact on highway safety. Consequently, they do not justify the permitting of the appeal.

Conclusion

14. For the reasons given above, the appeal should be dismissed.

Graham Wraight

INSPECTOR