



Appeal Decision

Site visit made on 6 March 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2024

Appeal Ref: APP/N3020/W/23/3329304

First Cottage, Park Lane, Lambley, Nottinghamshire NG4 4PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Ms Teresa Lees against the decision of Gedling Borough Council.
- The application Ref is 2022/1368.
- The development proposed is described as a “full planning application for the conversion of permanent stable block with small scale extensions to create 1 no. dwelling.”

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 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 Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach. Where I have referred to a specific paragraph of the Framework, the numbering used is that of the revised version.

Main Issue

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

Reasons

4. The Planning Practice Guidance¹ stipulates that the application site should include all land necessary to carry out the proposed development, including, for example, land required for access to the site from a public highway.
5. Access to the proposed dwelling would be from a private drive, which has informal signage advising drivers of a 10mph speed limit. The Council have raised no concerns in respect of this access.
6. However, the private drive is a cul-de-sac accessed from Park Lane. The appellant describes the junction with the private drive and Park Lane as an ‘established off-site junction’. In view of this, the appellant contends that as the Framework seeks to distinguish between safe and suitable access within paragraph 114 and severe residual cumulative impacts within paragraph 115, then the Council should have determined the proposal on the basis of paragraph 115.

¹ Paragraph: 024 Reference ID: 14-024-20140306

7. Appendix CB4 of the appellant's Appeal Statement (Highways) July 2023 (Revision C, September 2023) identifies the highway boundary, which includes Park Lane but omits the private drive. As such and having regard to the advice within the PPG, the private drive junction with Park Lane forms the access to the appeal site from a public highway. Therefore, the appeal proposal needs to be considered against both the aforementioned paragraphs of the Framework.
8. Park Lane is a single carriageway, subject to a 30mph speed limit, with street lighting and no footway. While only a snapshot in time, during a quieter part of the day, I observed a moderate flow of traffic along Park Lane. Visibility when turning right onto Park Lane from the private drive is restricted due to the proximity of an adjacent property to the highway. The curved alignment of Park Lane beyond this adjacent property further exacerbates the restricted visibility from the private drive junction. The access is so substandard it is supported by a mirror, which is angled to assist drivers exiting the private drive with the visibility of on-coming traffic approaching from the right.
9. A variety of uses are served off the private drive, including four residential properties, paddock land and associated stables, an orchard, tractor store and a workshop building, that was formerly in commercial use.
10. Having regard to the existing daily and potential movements along the private drive, and the proposed change in respect of the appellant's circumstances as a result of the appeal scheme, the movements generated as a result of the appeal scheme would be minimal. While noting this, the appeal proposal would, nevertheless, result in an increase in vehicles using the private drive and the substandard access to Park Lane.
11. For a 30mph road, the Nottinghamshire County Council's Highway Design Guide recommends visibility splays of 2.4m x 43m in both directions. Both parties agree that the visibility splay to the left, when exiting the private drive onto Park Lane, can be achieved. However, the results of the speed survey undertaken by the appellant indicate that a splay of 50m to the right is required.
12. In addition, there is disagreement between the parties in respect of the achievable visibility splay to the right. The Council indicate an achievable splay of 11m, whereas the appellant asserts 16m could be secured. Even if the shorter visibility splay of 43m were to be applied, together with the greater achievable distance of 16m, this would still result in a visibility splay that is severely sub-standard.
13. This would reduce the awareness of drivers attempting to exit the private drive of vehicles approaching from the right. As such, the ability of motorists to anticipate each other's movements and stop as appropriate would be compromised, which in turn would be prejudicial to highway safety.
14. In addition, the private drive is narrow and largely single track, with no passing places. Refuse collection vehicles also service the properties along the private drive and reverse into it from Park Lane. Therefore, drivers wishing to enter the private drive would need to stop on Park Lane, in order to allow drivers to exit. While the appeal scheme would only generate a minimal increase in movements, it would, nevertheless, increase the opportunity of conflict between those drivers entering the private drive and those leaving.

15. This would be particularly dangerous for drivers turning left into the private drive from Park Lane, who would have restricted visibility of the junction, due to the location of the adjacent property and the carriageway alignment. Any stationary vehicle on Park Lane waiting for a driver to exit the private drive would be at risk of a collision.
16. My attention has been drawn to Manual for Streets 2, which advises that there is no evidence that failure to provide visibility splays will result in an increased risk of injury collisions. In addition, the submitted CrashMap data confirms that only three slight incidents have occurred within 100m of the Park Lane and private drive junction, during a five year assessment, with no incidents recorded at the access itself.
17. While noting this and the minimal increase in traffic movements as a result of the appeal scheme, having regard to the severe shortfall in the required visibility splay, in combination with the narrow width of the private drive, the proposed development would not provide a safe and suitable access to the site and would result in an unacceptable impact on highway safety.
18. Given the minimal increase in vehicle movements that the appeal scheme would generate, the proposal would not adversely affect the operational performance or levels of congestion of the public highway. As such, it would not result in severe cumulative impacts on the road network.
19. For these reasons, the proposed development would be harmful to highway safety, contrary to Policy LPD61 of the Gedling Borough Local Planning Document Part 2 Local Plan Adopted July 2018, which seeks to grant development proposals which do not have a detrimental effect on highway safety. It is also contrary to the Framework, which seeks to ensure safe and suitable access to the site can be achieved for all users and states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

20. The appellant asserts that paragraph 11 d) of the Framework is relevant. In this case, as I find conflict with a development plan policy which is consistent with the Framework, this paragraph is not material. However, even if paragraph 11 d) was engaged, the harm I have identified would significantly and demonstrably outweigh the modest benefits associated with the provision of a single dwelling when assessed against the policies in the Framework taken as a whole. The absence of objections, including from other users of the private drive, is a neutral matter.

Conclusion

21. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR