



Appeal Decision

Site visit made on 6 June 2024

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/B2355/W/23/3333982

Land West of Sunnyville, Ivy Bank, Whitworth, Lancashire, OL12 8LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a permission in principle.
 - The appeal is made by Mr Martin Ashworth against the decision of Rossendale Borough Council.
 - The application Ref is 2023/0414.
 - The development proposed is 1 dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal is for a Permission in Principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed. The appeal proposal is at the first stage and therefore I have considered the principle of the scheme.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue in the appeal is whether or not the principle of the proposed development is acceptable with specific regard to the effect of its location on highway safety and the ability to provide a safe and suitable access.

Reasons

5. The appeal site is an area of land to the side of No 1 Sunnyville. It is currently occupied by a number of derelict buildings some of which only have parts of their walls remaining. The evidence indicates that the site formed part of the garden associated with the adjacent house and that the buildings were used for garaging and the business use associated with this property. Paths on the site still lead to the house, and the former business use is now accommodated in a modern agricultural building slightly further along the lane.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

6. The site is accessed from Ivy Bank, an unadopted single carriageway road with no footway or lighting and a partially unmade surface, that rises steeply from Market Street. The junction of Ivy Bank with Market Street, a busy 'A' road, is at an acute angle. The visibility at this junction for vehicular traffic is significantly sub-standard, and the acute angle of the junction makes turning left a difficult manoeuvre, that requires swinging out a long way into the carriageway. The retaining walls to either side means there is no possibility of improving the visibility. The absence of a footway on this side of Market Street until further south, means that pedestrians have to stand in the carriageway to be able to see whether it is safe to cross the road.
7. Ivy Bank currently serves 7 properties and the business associated with No 1 Sunnyville which I am told is an agricultural machinery storage business. Whilst the accident data shows no accidents associated with the operation of the junction, both its geometry and visibility are clearly inadequate.
8. The appellant has argued that the volume of traffic using Ivy Bank as a result of the provision of a dwelling on the site would be similar to that should the existing garaging and storage on the site be used. However, the Council have indicated that they have no record of any permission being granted for the change of use of this land from a garden area associated with No 1, or to erect buildings other than for domestic use. Moreover, the current state of the buildings is such that they would not be capable of supporting any use, nor would it appear they have been capable of doing so for a number of years. Consequently, I am not persuaded that the site would generate any significant level of traffic movements over and above those associated with the adjacent property.
9. Given the limited number of dwellings/uses served by Ivy Bank at present, a new dwelling would create a modest increase in the number of traffic movements on Ivy Bank and at the junction with Market Street. Notwithstanding the accident data for the immediate vicinity, given that the geometry of, and visibility at, the junction is so substandard, this intensification in its use would be detrimental to highway safety.
10. Therefore, I consider that the location of the proposed permission in principle would result in a dwelling which would have an unacceptable impact on highway safety and which would not have a safe and suitable access. The reason for refusal does not refer to any development plan policies just section 9 of the National Planning Policy Framework (the Framework). The proposal would conflict with the Framework which states that development should not have an unacceptable impact on highway safety.

Planning Balance and Conclusion

11. The Council have indicated that although they have a five year housing land supply, results from the Housing Delivery Test are such that paragraph 11 d ii of the Framework is engaged. This indicates that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
12. The proposal would make a very small contribution to housing supply in the area. It is not disputed that the site is within the urban boundary as defined by the Rossendale Local Plan 2019 – 2036 (adopted December 2021), where the

plan indicates the majority of development is to be located. It is also close to a bus route and so future occupiers would not necessarily be entirely dependent on private transport. However, whilst not a long distance to the main road where the bus route is found, the lack of any footway or lighting on Ivy Bank and the poor visibility at the junction, means it would not be an attractive walk to reach the bus stop, especially outside daylight hours.

13. The construction of the house would also provide some work for local contractors and spending by future occupiers would also be beneficial to the local economy. However, given the scale of the scheme these benefits would be extremely limited.
14. Whilst I am satisfied the site could accommodate a new dwelling without it being detrimental to the character and appearance of the area or the living conditions of existing residents, an absence of harm in this regard is a neutral matter. Moreover, although the proposal would improve the appearance of what is a rather neglected site at present, I am not persuaded that the development of the site for a dwelling is necessary to achieve this.
15. Whilst I have given weight to the benefits of the scheme, I conclude that in this instance its adverse impact on highway safety would significantly and demonstrably outweigh them.
16. For the reason set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR