



Appeal Decision

Site visit made on 17 July 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2024

Appeal Ref: APP/P2935/W/24/3343097

Land West of Mayfair, Ovington NE42 6EE

- 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 Mr William Gray against the decision of Northumberland County Council.
 - The application Ref is 24/00489/FUL.
 - The development proposed is described as works to create a single parallel parking bay.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Green Belt. However, there is agreement between the parties that the development proposed would not be inappropriate development in accordance with Paragraph 155(b) of the National Planning Policy Framework (the Framework) on the basis that the proposed development comprises engineering operations which would preserve its openness and would not conflict with the purposes of including land within it. Based on the evidence before me, I see no reason to disagree.
3. I understand that it is intended that the proposed parking bay would be used in association with the land which is owned by the appellant and currently contains a caravan. The appellant states that the lawful use of the land is for residential purposes. At the time of my site visit, there appeared to be a large opening created within the hedgerow, with the caravan visible from the adjacent highway. I also understand that further works to the site are the subject of enforcement investigations by the Council. However, notwithstanding this, the appeal is seeking approval for a parking bay only and any matters relating to development which has taken place on adjoining land or indeed the lawful use of the site is not a matter for this appeal. I have therefore considered the appeal on this basis.

Main Issue

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

Reasons

5. The appeal site comprises a section of highway verge, which runs parallel to the C254, located to the north of a residential property known as Greengates. The site is located within the open countryside.

6. There are a number of access points located in close proximity to the appeal site, including a field access and an access drive to Greengates. Further along the road, situated on the sharp bend, is a private road providing access to a small number of residential properties. There is also a garden centre close by. The village of Ovington, which has a 30mph speed limit is some distance away. The C254 has a 60mph speed limit, is unlit and has no footpaths, just verges. It is typical of a rural road.
7. The proposed development comprises the creation of a single parking bay, which would be located within the highway verge. The parking bay would measure approximately 10.8 metres in length at its longest part and 6 metres in length at its shortest part. At its widest, the bay would be approximately 2.4 metres wide. It would be sited parallel to the C254 which provides access to the A69 and village of Ovington.
8. Policy TRA2 of the Northumberland Local Plan 2016-2036, adopted March 2022 (NLP) states that all development will be required to provide effective and safe access and egress to the existing transport network; include measures to avoid, mitigate and manage any significant impacts on highway capacity congestion or highway safety, including cumulative impacts; and minimise conflict between different modes of transport.
9. The application was supported by a 'Swept Path drawing'¹ which sought to demonstrate how a 'large car' would enter the proposed parking bay from each direction. However, it does not provide any details of the visibility splays which could be achieved from the proposed parking bay, nor any details to demonstrate how a vehicle may turn safely within the highway, should it not wish to enter and exit the parking bay from the same direction. Whilst the parking bay would be approximately 2.4 metres wide, there would also be a risk to highway safety when exiting or entering the vehicle on the road, particularly in darkness.
10. As noted above, there is a sharp bend in the road, which is located approximately 95 metres to the north of the proposed parking bay. In this location, with a 60mph speed limit, visibility splays of 2.4 metres by 215 metres in each direction would be required. However, I have not been presented with any evidence to demonstrate that these could be provided, nor that actual speed data for this section of the road indicates that reduced visibility splays would be acceptable. Therefore, I find that the proposed development would fail to achieve adequate levels of visibility for vehicles entering and existing the parking bay, which is likely to result in harm to highway safety. Additionally, the use of the parking by a parked vehicle would be likely to obstruct visibility from existing access points, including that of Greengates, which would cause further harm to highway safety.
11. Whilst the appellant states that the parking bay would be used in association with the use of adjoining land, the parking space would nevertheless be located on public land, where it would not be possible to control the use of the parking bay. Furthermore, the proposed parking bay would appear to be located, at least partially, in front of an existing field gate, which is used by a third-party to access land which they own. The third-party comments submitted state that they require 24-hour access to the field for the feeding and welfare of their animals. The parking bay, if approved, would when in use, potentially obstruct

¹ Drawing Ref: 1198-SK2

this access, causing vehicles to have to wait within the carriageway until any obstruction is removed.

12. I have had regard to the 'fallback position' which has been advanced by the appellant, which states that if the appeal fails, then parking would be forced to take place within the highway itself and that the Council accepts that there is nothing in place to prevent this. However, whilst I understand that the appellant is seeking to provide parking in the absence of permission for a vehicular access to his land, there is currently no parking provision so in that respect there would be no change from the existing situation. Therefore, I find that the 'fallback position' does not justify the approval of a proposal that would cause harm to highway safety.
13. I have not been presented with any demonstrable evidence that the proposed parking bay could be delivered without resulting in an unacceptable level of harm to highway safety, and in particular conflict with other users of the highway which include cyclists, horse riders and pedestrians in addition to vehicular traffic. Furthermore, it has not been demonstrated that the location of the parking bay, would not obstruct the field access 'Overdene Farm', causing harm to highway safety in this location.
14. Consequently, the proposed development fails to provide effective and safe access and egress and would therefore cause harm to highway safety, and it has not demonstrated that it would minimise conflict with other road users. For these reasons I find that it has not been demonstrated that it would not result in severe harm to highway safety. It would therefore be contrary to Policy TRA2 of the NLP for the reasons set out above.
15. It would also conflict with Paragraphs 114 and 115 of the Framework which states that development should ensure that safe and suitable access can be achieved for all users and that any significant impacts on highway safety can be cost effectively mitigated to an acceptable degree and that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conclusion

16. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR