
Appeal Decision

Site visit made on 2 August 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/M2515/D/24/3341514

1 Shearwater Road, Lincoln LN6 0XX

- 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 Quyen Truong against the decision of City of Lincoln Council.
 - The application Ref is 2024/0040/HOU.
 - The development is construction of a timber outbuilding and a new vehicle access off Skellingthorpe Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on highway safety.

Reasons

4. The site is within a predominantly residential area. The appeal site is a detached property, situated on the corner of Skellingthorpe Road and Shearwater Road.
5. The property is currently accessed from Shearwater Road, the proposed development includes an additional vehicular access from Skellingthorpe Road which the Council have confirmed is a B road with a 40MPH speed limit. I observed during my site visit that the road was well used and that there are other accesses from the road to properties.
6. Notwithstanding this I noted during my site visit that none appear directly comparable to the proposed development before me which would be adjacent to a pedestrian access into Hartsholme Country Park, close to the filter access

into Shearwater Road and on an area of the road where double yellow lines exist.

7. The proposed development would provide turning space within the site to ensure vehicles can leave the site in a forward gear and the gates would be set back from the highway to avoid overhanging of vehicles onto the highway. Nevertheless, I have not been provided with substantive evidence to persuade me that the combination of factors relating to the location of the proposed access would not harm highway safety.
8. There is conflict with Policies S47 and S53 of the Central Lincolnshire Local Plan (2023) (the Local Plan) which seek amongst other things to ensure developments relate well to the site and wider area and contribute towards an efficient and safe transport network.
9. There is conflict with the Framework which seeks to ensure developments do not compromise highway safety or harm the highway network.

Conclusion

10. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR