



Appeal Decision

Site visit made on 6 November 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/W4705/W/24/3350620

Little Brantcliffe, Green Lane, off Hope Lane, Baildon, Yorkshire BD17 5AP

- 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 John D Walsh against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/00476/FUL.
 - The development proposed is a timber framed glamping pod with parking facility, which would be used as short term holiday let.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on highway safety and the natural environment.

Reasons

Highway safety

3. The appeal site lies along a clearly signed private-road which is, but for various accesses and entrances, narrow for its full paved length, with stone walls and vegetation to the sides. In parts, the northern side of the road is cut-in to the hillside along which the road runs. The road also rises and falls occasionally steeply. Public rights of way run along and next to the road. The bridleway which runs along Green Lane also provides an easier walking route than a footpath which runs from the junction with Hope Lane to rejoin Green Lane to the west of the site. Evidence in the appeal, and from my site visit makes clear that these public rights of way are well used.
4. Green Lane provides access not only to the appeal site, but also to a number of other dwellings and businesses beyond it. The appeal site lies on the outside of a slight bend in the road affecting visibility along it.
5. The proposal would plainly lead to an intensification of the use of Green Lane. It provides for holiday accommodation which includes parking. Facilities and services likely to be used by visitors are unlikely to be accessed on foot, given the location of them, the site and the hilly nature of the area.

6. I note that there are other holiday accommodation and business uses further along Green Lane, beyond the site. However, the other holiday accommodation apparently replaced existing residential use, so their effect upon traffic movements is different to this new use and associated intensification. Indeed, to my mind, the location beyond the site of other traffic-generating uses reinforces the importance of quantifying the likely effects of this proposal, in order to assess its likely effects.
7. The appellant has criticised the Council, particularly the Local Highway Authority for providing no evidence of conflict which would support their position and ultimately, the refusal of the application. Whilst this is indeed the case, they nevertheless clearly set out their concerns, based on their understanding of the site, its access, the proposal and their expertise as the Local Highway Authority. They also set out the circumstances which led to them finding the application for the host dwelling acceptable in highway safety terms previously. It is also true that the appellant has not provided any evidence to show that the proposal would not cause conditions prejudicial to the safety of all users of the lane.
8. I accept that there are currently vehicle movements along the lane, that properties along it are served by public service vehicles and could be reached by emergency services. However, I do not have any evidence sufficient to know the level of vehicle movements likely to be associated with the proposal, or the level of movements already taking place, such that the relationship of the two can be properly assessed. I also do not have any evidence as to the likely compatibility of such movements with users of the clearly popular public rights of way which run along and branch off from Green Lane.
9. The National Planning Policy Framework (the Framework) in particular highlights that applications for development should give priority to non-car movements and create places that are safe whilst minimising the scope for conflict. Given the characteristics of Green Lane and the types of existing use, the appeal proposal does not currently do this. As a result, whilst I can be sure that the proposal would lead to the intensification of the use of the Green Lane, I do not, and cannot know, that it would do so without causing conditions prejudicial to the safety of all users of the lane, in effect, unacceptable harm to highway safety.
10. That the Local Highway Authority did not raise a highway safety objection to the application for the new dwelling which hosts the appeal proposal does not alter my findings on this proposal. The issues in this appeal are different, and in any case, that planning permission appears to have been conditional on highway works to provide passing places. That highlights to me that there were at that time, known issues with the use of the road which required mitigation. This reinforces my concern at the lack of evidence on the impact of this proposal.
11. I also note reference to a planning permission apparently granted at 50 Hope Lane. However, I do not have details of that proposal, but in any event, that site is not this one and would logically therefore have different issues to address. As such, that also does not alter my findings on the appeal proposal.

12. Given its potential for unacceptable harm to highway safety, the proposal therefore conflicts with Policy DS4 of the Local Plan for the Bradford District Core Strategy Development Plan Document 2017 (the Core Strategy), which seeks to ensure that new development allows appropriate movement and national policy on promoting sustainable transport without causing unacceptable impacts on highway safety in the Framework.

Natural environment

13. The appeal proposal was submitted prior to the statutory requirement for biodiversity net gain coming into force. However, Policy EN2 of the Core Strategy seeks to ensure that proposals should contribute positively to an overall enhancement of biodiversity.
14. Whilst I acknowledge the current condition and nature of the site, the appellant has submitted a Preliminary Ecological Appraisal in which potential biodiversity gains have been identified. The Council is now satisfied that such biodiversity enhancements could be secured through the imposition of a condition. The appellant is satisfied with this approach.
15. Having had regard to the decision, the evidence and the policy, I am also satisfied that this approach would be appropriate. As such, the proposal would have a positive effect on the natural environment and would not therefore conflict with Policy EN2 of the Core Strategy.

Other Matters

16. The appellant has suggested a condition controlling the occupancy of the proposal for leisure uses, and for a limited time per-occupancy. I do not consider that this proposed condition, or indeed any others, would be sufficient to make the proposal acceptable given the development plan conflict and harm I have found.
17. The appeal site lies within 7km of the South Pennine Moors Special Area of Conservation (SAC) and South Pennine Moors Phase II Special Protection Area (SPA). It is considered that without mitigation, the appeal proposal would have a likely significant effect on the SAC and the SPA as a result of increased recreational pressure. The Council has produced a Supplementary Planning Document which provides the necessary measures to address identified adverse effects, and these can be adequately secured through payment of the strategic mitigation fee. Confirmation has been provided that the appellant has paid the appropriate habitat mitigation fee, and as such, the proposal would not be likely to have a significant effect on the SAC or SPA alone or in combination with other plans and projects.
18. I note objections from third parties around other issues such as impacts on living conditions arising from potential increased noise, disturbance and overlooking. The Council has addressed these in their Officer Report, and I see no reason to depart from their conclusion on them.

Conclusion

19. Taking all of the above together, whilst the proposal would not harm the natural environment, and could lead to biodiversity net-gain subject to the imposition of suitable conditions, on the basis of the evidence before me, the harm I have found to highway safety is significant and conflicts with local and national policy. There are no material considerations which are of sufficient weight to indicate that a decision be taken other than in accordance with the development plan.
20. As such, the appeal should be dismissed.

S Dean

INSPECTOR