



Appeal Decision

Site visit made on 12 November 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/P3420/W/24/3347415

Land off Hardings Row, Mow Cop, Staffordshire, ST7 3NE

- 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 C Hall against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref is 24/00016/FUL.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed dwelling on highway safety around Hardings Row.

Reasons

3. The appeal site is an overgrown parcel of land lying to the south of Hardings Row, which is an unsurfaced track running between the adopted highways of Mow Cop Road and High Street, within the village of Mow Cop. By reason of the prevailing topography, the site slopes steeply down from north to south, Hardings Row is also a Public Right of Way (PROW) and provides vehicular access for a small number of other dwellings and a water treatment works. Another pedestrian PROW runs adjacent to the site's east boundary, and a footpath runs to its south separating the site from the rear gardens of dwellings on Hillside Close, which are set at a lower level.
4. The proposal is to construct a 2-bedroomed detached dwelling alongside Hardings Row. It would involve the excavation of a large amount of the site, such that the ground level would be some 4 metres below Hardings Row to the north. It would have a parking area for two vehicles to the western side of the site with access from that part of Hardings Row which bends round that end of the site.
5. A planning application for a slightly larger dwelling (ref: 21/00955/FUL) was refused by the Council on grounds of highway safety and overlooking/loss of privacy. The subsequent appeal (ref: APP/P3420/W/22/3301893) was dismissed, the inspector having found harm on both grounds. The current application differs from the earlier scheme, in part in that the dwelling has been designed to face east and west, with blank gable walls to the north and south, and would be set 4 metres lower as a result of the excavation works.

The Council accepts that this overcomes the issue of privacy and overlooking, and I concur with that view.

6. The inspector in the appeal case commented about Hardings Row that it is 'generally narrow with few passing places, steep in parts, in poor physical condition as it predominantly lacks a hardstanding surface, and generally unlit'. This remains the case. The inspector concluded that 'the increased use of the track by vehicles from the dwelling and those servicing it, as well as during its construction, would increase the likelihood of conflicts when meeting other vehicles and other users'. I concur with that view. The appellant contends that the reduction in size of the proposed dwelling over the previous version would mean that it would likely appeal to retired people who would make fewer trips along the track. However, there can be no guarantees as regards who would purchase the property and, in any case, there would be the same number of parking spaces provided.
7. The current proposal also differs from the earlier scheme in that it would include a 1 metre wide surfaced strip along the Hardings Row frontage, which would effectively increase the width of the track at this point. It would appear from the submitted plans that this strip would be set on top of a retaining wall, with the dwelling set close to the wall at the lower level. I have no further details relating to the design of the retaining wall or its ability to withstand vehicular pressure.
8. The increased width of Hardings Row alongside the northern boundary of the site would not, however, have any impact on the condition or width of the rest of the track from the site down to the junction with Mow Cop Road, nor would it have any impact on the section from the site up to High Street, which is, in any case, effectively only useable by pedestrians, cyclists or horse riders by reason of its restrictive width along this part of its length. On this basis, the additional 1 metre strip alongside the site would not overcome any issues of conflict between vehicles and other users of the track for the rest of its length down to Mow Cop Road.
9. Hardings Row, as a PROW, appears to attract a large number of walkers and other non-vehicle users. Given the condition of the track, along with its limited width and lack of convenient passing places, it is highly likely that there would be increased conflict between vehicle and non-vehicle users, within which the non-vehicle users would have to give way. Although a single additional dwelling would, of itself, generate only a limited number of trips, this would still increase the likelihood of conflicts arising, by way of a cumulative effect. Furthermore, since the proposed dwelling would, from the perspective of vehicular access, be located very close to the effective end of Hardings Row, this would, in addition, likely result in increased vehicular conflict along almost all of its length.
10. The junction of Hardings Row with Mow Cop Road also gives some cause for concern in that visibility exiting onto the latter is severely restricted, while the turn from Mow Cop Road when approaching from the west is very sharp and narrow, and it conflicts with a residential access on the bend. Increased use of this junction, even of a limited nature would, of necessity, exacerbate all the above issues.
11. In the light of the above, the proposal would conflict with national policy in the National Planning Policy Framework (the Framework) which, in paragraphs

114-116 requires that safe and suitable access to a site can be achieved for all users, and that applications for development should give priority first to pedestrian and cycle movements, and create places that are safe, secure and attractive, so minimising the scope for conflicts between pedestrians, cyclists and vehicles. It would also conflict with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy which requires that new development should be easy to get to and to move through and around, and be safe and accessible to all users.

12. In conclusion, I find that the proposed dwelling would result in increased vehicular movements along Hardings Row, albeit to a limited extent, and that this would cause additional conflict between vehicles and other users along the track, as well as adding to potential conflicts between vehicles themselves, both along the track and at the junction with Mow Cop Road. The poor road condition and limited width along the whole length of Hardings Row, along with the limitations on safe and convenient passing places, would not be mitigated by the proposed additional 1 metre width alongside the appeal site. On this basis, I conclude that the proposal would be harmful to highway safety around Hardings Row and, accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR