
Appeal Decision

Site visit made on 4 March 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/H4505/W/24/3355483

Ferry House, Ryton Willows, River Lane, Ryton, Tyne and Wear NE40 3QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Shaun Bays against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref is DC/23/00893/COU.
 - The development proposed is change of use of part of existing dwelling to form self-contained holiday-let.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site relates to Ferry House, which is a 6 bedroomed dwelling located at Ryton Willows in a relatively isolated position. The River Tyne is located to the north and the railway line to the south with a wooded area beyond. Vehicle access to the site is down a narrow road (River Lane) which terminates at the railway crossing to the south of the dwelling.
4. The proposed development seeks planning permission to subdivide the existing dwelling to form a self-contained holiday let which would have 4 bedrooms with a maximum occupancy of six people. The remainder of the property comprising 2 bedrooms would remain.
5. Access to the site would continue to be from River Lane to the south which is an adopted highway and forms part of a definitive Public Right of Way. It is a long and narrow access of varying gradient leading off from Barmoor Lane to the south. It is surrounded by a wooded area and is understood to be a popular route for walkers and cyclists. Two parking spaces would be provided for the proposed development to the south of the railway line along River Lane.
6. Currently, the proposed car parking area is understood to be used by the appellant and the owner of the neighbouring property Tyne View Bungalow as well as visitors to the area. I observed at my site visit that parking in this area is ad hoc with no designated parking bays. Cars were parked in the proposed parking area and a further two vans were also parked in the area which would allow for vehicles to turn around albeit that this is not a formal turning facility. The appellant has

suggested the implementation of a management plan which would ensure that on days when guests were using the accommodation, existing occupiers would not park in this area. However, this area could be used by other visitors to the area and other nearby occupiers of the properties and there is no compelling evidence before me that this would not be the case. The specific area in question may not be shown on the adopted highway map but this would not mean that others would not use this area as is currently the case or that it could be controlled solely by the occupiers of Ferry House. This would not therefore be an acceptable parking solution for the proposed development.

7. River Lane is unable to accommodate two-way traffic movement, and I am not convinced that there are places along this route which would allow two cars to pass side by side safely. The proposed development would increase vehicle movements to and from the site along with increased demands for parking. Given the nature of the access and parking within the area, such an increase would lead to conditions prejudicial to highway safety on the Public Right of Way which would also be detrimental to the safety of pedestrians and cyclists by increasing conflicts. It would also have implications on emergency vehicle access and refuse collection requirements as movements along River Lane coupled with parking/turning would become more difficult due to increased use. I appreciate that the fire authority has not objected to the scheme, but this would not mean that development would not be harmful nor justify the proposals. My attention has been drawn to an incident which occurred in 2020 which required assistance whereby it is claimed that there were no access issues. Even so, this single incident does not persuade me that the development would not be detrimental to highway safety as the specific context could have been different at that particular time. Additionally, this would have been without the increase in movements/parking associated with the scheme. I understand that refuse collection would be as existing whereby the appellant moves the refuse from his property across the railway line to a collection point. Whilst this may not cause access issues at the present time, it does not account for the increase in movements/parking as a result of the proposed development which would make it more difficult for refuse collection.
8. The evidence before me sets out that access during bad weather is known to be problematic and based on my observations on site, I have no reason to question this particularly given the nature of River Lane. The proposed development would therefore exacerbate this issue. The level of additional traffic/parking demands may well be low, but this would not alter my findings as it would still increase the risk of conflicts between pedestrians, cyclists and vehicles particularly in bad weather. The appellant would continue to grit and maintain the road and I am aware that the highway's department regularly clear any damaged trees etc although this would not be sufficient to justify the scheme and cannot fully be relied upon.
9. I do not dispute the other parking options in the area, but these are some distance away and such would unlikely be used by holiday makers due to the matter of convenience. The pickup and drop off service suggested by the appellant utilising parking at the nearby golf club would also not be an appropriate parking solution particularly given that this would require land outside of the appellant's control and would also still intensify vehicle trips via River Lane.
10. I acknowledge that there are possibly two informal turning areas to the far end of River Lane although as set out above, two vans were indeed utilising one of these

areas at the time of my site visit. Whilst only a snapshot in time, I found that when this nearest turning area is not available due to parked cars which is possible given the nature of the road and parking demands, it would mean that cars would need to reverse a further distance south to use the other informal turning area. I did indeed need to do this at my site visit which proved somewhat difficult. I am also aware that this land is privately owned and does not form part of the adopted highway. It cannot therefore be relied upon for parking/turning. The access may not attract through traffic, but parking does already occur along River Lane from a number of users including dog walkers, visitors to the area as well as occupiers of the nearby dwellings. The appellant has suggested that a passing place could be installed but I have no details of this, and I am mindful that such is likely to have an impact on trees and wider ecology and would not be sufficient to mitigate the harm identified. Overall, I am not sufficiently satisfied that the access/parking arrangement would not be prejudicial to highway safety and thus cannot be left to condition.

11. The appellant refers to the nature of a material change of use requiring planning permission and scope of the C3 use class. It is also claimed that the existing house could indeed intensify where the use of cars could increase. Even so, I am considering the appeal before me opposed to determining the lawfulness of development or any future scenarios which may or may not happen. Additionally, and whilst I cannot control the choice individuals make in relation to parking, there is space adjacent to the property to accommodate additional parking which occupiers could utilise given the legal right of vehicle access over the railway line. Whilst the appellant has put forward this area of parking as an alternative option for the proposed development, this would require vehicles to cross the railway line which I find to be an unacceptable solution for the proposed development and note that Network Rail would also object to this option given the higher operational risk and obstruction. The proposed parking area to the south would mean that pedestrians would need to cross the railway line which would pose a pedestrian safety risk. That said, the crossing is already in place and used by many including pedestrians and cyclists linking into other Public Right of Ways/cycle routes. Network Rail has also confirmed its lack of objection in this respect. I am therefore persuaded that this element could be overcome via an appropriately worded planning condition relating to a management plan for guests crossing the railway line. This would not however overcome the other harm I have identified.
12. For the above reasons, I conclude that the proposed development would unacceptably harm highway safety. It would therefore be contrary to Policy CS13 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, 2015 and Policy MSGP15 of the Making Spaces for Growing Places, 2021 which together, amongst other matters, requires new development to secure safe access to the site for all people and provide adequate servicing facilities. For the same reasons, the proposed development would also be contrary with section 9 of the National Planning Policy Framework (the Framework) relating to promoting sustainable transport.
13. There is local and national support for tourist accommodation, but the proposed development would still need to comply with the above policies which this scheme does not.

Other Matters

14. I do not dispute the economic, social and environmental benefits of the proposed development and note that the site would be attractive to tourists with lack of such accommodation in the area. I am also aware of the nature of the scheme utilising an existing building and the level of support shown for the scheme. Such matters would not however alter my findings in relation to the above main issue nor outweigh the significant highway safety issues I have identified.
15. I am aware of the planning history at the site and note that permission was granted for the creation of an additional dwelling. I have limited detail on this to be able to comment fully in terms of access/parking etc. Notwithstanding, this consent was also some time ago and is understood to have lapsed without being implemented. This previous consent therefore has no bearing on the outcome of my decision. It is also claimed that a previously refused scheme relating to a change of use of residential garden to a mixed-use residential garden and outside dog day care business for up to 20 dogs did not include the inability for the site to accommodate two-way traffic. Similarly, I have limited detail on the exact scheme to be able to comment fully but do note that the schemes appear very different to one another and thus would not be directly comparable. I have determined this appeal based on its own merits.
16. The appeal site is situated within the Newburn Ford Battlefield. The entry on the National Heritage List for England provides details of the Battle of Newburn Ford (1640). It explains that the landscape of 1640 was profoundly different from that of today. The river had been straightened and the floodplain largely developed. The entry highlights that the topography of the area does allow for an understanding of the course of events during the battle, which took place over pastureland with woods on the steep river cliffs. Even though the area of the battlefield is heavily industrialised, there are numerous areas of historical and natural interest. Registered Battlefields are listed in paragraph 213 b) of the Framework as an asset of the highest significance. The officer's report explains that the subdivision of the dwellinghouse would not harm the heritage asset of the Registered Battlefield of Newburn Ford. Given the nature of the works and lack of external alterations, I have no reason to disagree with the Council's assessment on this and I do not consider harm would be caused to the setting of the Newburn Ford Battlefield, thereby preserving its significance.
17. It is clear from the policies contained within the Council's Local Plan that development will be required to secure safe access to the site for all people. As such, I have no clear reason to consider the appeal proposals not in line with the Local Plan.

Conclusion

18. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR