



Appeal Decision

Site visit made on 7 April 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/U2750/W/24/3355127

The Cedars, 45 Ripon Road, Killinghall, North Yorkshire HG3 2DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Dr L Asaad against the decision of North Yorkshire Council.
 - The application Ref is ZC24/00010/OUT.
 - The development proposed is described as creation of new entrance (as previous outline approval ref.17/05415/OUT) and driveway to existing dwelling. Alterations to existing shared driveway and construction of new boundary garden wall separating plots. Demolition of 1 no. existing linked garage.
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Decision

1. The appeal is allowed and outline planning permission is granted for the creation of a new entrance and driveway, alterations to existing shared driveway and construction of new boundary garden wall separating plots, and demolition of existing linked garage at The Cedars, 45 Ripon Road, Killinghall, North Yorkshire HG3 2DG in accordance with the terms of the application, ref. ZC24/00010/OUT, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. Since the appeal was lodged, the National Planning Policy Framework (the Framework) was revised in December 2024. I am satisfied there are no changes of any consequence for the main issues in this appeal.
3. The appeal is in outline with matters of appearance, landscaping and scale reserved for later determination. Plans have been submitted which indicate how access and layout would be achieved. I have had regard to these plans in reaching my decision.
4. The proposed development includes alterations to the existing shared driveway, construction of a new boundary wall and demolition of an existing garage at the appeal property. These matters are not in contention. As such, they do not form part of my assessment or decision.

Main Issue

5. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

6. Paragraph 115(b) of the Framework requires development to provide safe and suitable access to a site for all users. It also states at paragraph 116 of the

Framework that if there would be an unacceptable impact on highway safety, development should be refused.

7. The Cedars is a detached dwelling located on the edge of the village of Killinghall. Currently access to the property is from the A61 Ripon Road and is shared with the adjacent and attached doctor's surgery. Both the existing and proposed accesses are across the highway verge, on sloping ground and on the inside of a bend in the road. Around this bend, traffic is segregated by a broad, hatched central reservation. A mature horse chestnut tree is located in the verge to the front of the appeal property. The tree is subject to a Tree Preservation Order.
8. Outline planning permission (17/05415/OUT) had previously been granted for a new dwelling on the appeal site, with access onto the road in the same position as the proposed development. This permission has not been implemented and has now lapsed. While the previous outline permission provides some context for the matter in question, I am required to consider each case on its individual merits. As such, the previous permission does not provide a precedent and is not determinative in this case.
9. The proposed development would create a new vehicular access to the appeal property from the A61 Ripon Road. This would allow independent vehicular access to The Cedars while retaining the existing access to the adjacent and attached doctor's surgery.
10. The A61 Ripon Road has a speed limit of 30mph through Killinghall, including the section of road accessed from the appeal property. The road is not a trunk road or considered part of the Strategic Road Network. Based on the evidence before me and observations made at my site visit, the road is busy and carries significant flows of local and through traffic as to be expected on a main road between 2 towns.
11. The local Highway Authority's recommendation for 2.4m x 90m visibility splays to the proposed access is based on guidance within the Design Manual for Roads and Bridges (DMRB). The decision to apply this standard rather than Manual for Streets (MfS) is derived from the Highways Authority's interpretation of their own matrix for design standards for developer-funded highway works.
12. While the road is busy there is a footway on the opposite side of the road from the appeal site and a traffic light-controlled pedestrian crossing a short distance away, toward the village centre. In addition, there are several residential and commercial accesses and minor roads joining the highway throughout the village. Therefore, the appeal site is located within a predominantly residential area with a mix of highway users. Users of vehicles travelling along the road would have a reasonable expectation of other vehicles joining and leaving the highway from and onto side roads and private accesses and of the signalised crossing being used. Based on the evidence before me, my observations on site and the site-specific circumstances outlined above, the DMRB standard is not appropriate in this particular instance. As such, it is my planning judgement that minimum visibility splays of 2.4m x 43m would be appropriate. The appellant's evidence indicates that these visibility splays can be provided.
13. The Council refer to vehicle speed data collected by North Yorkshire Police in 2017. This data indicates that the 85th percentile of speeds within the 30mph controlled zone were between 36 and 37mph. However, I have not been provided

with evidence as to where within the village the data was collected. As such, the information may not reflect the circumstances in question. Moreover, the Council acknowledge that, while speeds may remain regularly above 30mph through the village, they may have reduced since 2017. Moreover, even based on the 2017 speed data the average speed of traffic which passed the appeal site is within the scope of the design standards described in MfS.

14. The Council refers to the appellant refusing to complete and submit a speed survey for the appeal site. However, I have not been provided with evidence relating to any request for a speed survey or reference to policies within the development plan that would require the submission of a speed survey in support of the application. As such, the failure to provide a speed survey does not alter my findings.
15. Having considered all the evidence, including the recommendations of the highway authority and observations made during my site visit, I conclude that the proposed development would not result in an unacceptable effect on highway safety. In this regard, the proposed development accords with paragraph 115(b) Framework and would not conflict with paragraph 116 of the Framework. Both paragraphs of the Framework are outlined above.

Other Matters

16. The Parish Council's concerns about the future of the adjacent doctor's surgery and overdevelopment of the site are not pertinent to the case and therefore not determinative.

Conditions

17. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
18. In the interests of certainty and clarity, I have imposed the standard conditions relating to the approval of reserved matters, the commencement of development as well as the approved plans which are relevant with regard to access and layout.
19. In the interests of highway safety, full details of the proposed access, including visibility splays is required, and that the approved access and visibility splays are maintained throughout the development's lifetime.
20. Given the nature of the road onto which access is to be provided, a condition requiring a Construction Method Statement is reasonable and necessary in the interests of maintaining highway safety during construction.

Conclusion

21. For the reasons given above the appeal should be allowed.

C Mayes

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2023.087/001rev a – Existing and Proposed
 - Location Plan rev a
- 5) No development shall take place until details of the proposed access, including any gates, surface water discharge, final surfacing and visibility splays, have been submitted to and approved in writing by the local planning authority. The approved access and visibility splays shall be provided in their entirety prior to the first use of the access and any other part of the development taking place. Thereafter the approved access and visibility splays shall be maintained free from obstruction exceeding 0.6m above the level of the maintained public highway.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.