



Appeal Decision

Site visit made on 29 April 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/U2750/W/25/3360752

Land To South West of Nan Scar, Cowling, North Yorkshire BD22 0DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs. Helen Reed against the decision of North Yorkshire Council.
 - The application reference is Ref: ZA24/25841/OUT.
 - The development proposed is described as 'the erection of a single dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with all matters except access reserved for future consideration. I have considered the appeal on this basis. The proposed access incorporates provision of two car parking spaces which would serve a dwelling on the site, the details of which would be determined by a subsequent reserved matters application.
3. The appellant submitted a revised drawing as part of the appeal documentation (Drawing No: PRGN-2392-HNG-DR-CH-0001). This identified an alternative location for the proposed access and an alternative layout for the associated car parking spaces. As such, the revised drawing constitutes a fundamental change to the development proposal. The Council has had sight of the plan and provided comments; however, the revised proposal has not been the subject of consultation with either the local highway authority or the public. In this context, I have not had regard to revised plan and have determined the appeal based on the plans submitted with the original planning application.

Main Issue

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

Reasons

5. The proposed access would be located on Nan Scar at a bend where the road is on a steep incline. Opposite the site, the carriageway accommodates car parking to the front of the houses on the north side of the road. The presence of on-street parking means that the road operates as an effective single carriageway. There is no pedestrian footway.

6. The speed survey submitted with the appeal indicates that the 85th percentile wet weather speed along Nan Scar is 16mph eastbound and 17mph westbound. I am therefore satisfied that visibility spays to accommodate traffic with speeds up to the 30mph speed limit are not necessary. At the same time, I am mindful that the lower traffic speeds identified are likely due to the hazards posed by on-street parking and the constricted width of the carriageway.
7. The visibility spays shown on the submitted plans cross land outside of the appellant's control to the east. This land contains significant vegetation and a wall along the frontage that would combine to impede visibility for drivers exiting the new access. A planning condition securing the splay would not pass the test of enforceability as it would rely upon the actions of a third party.
8. The Y-distance of 2.0m shown on the plans is reasonable having regard to the traffic speeds along Nan Scar. Whilst the results of the speed survey would justify a lower X-distance than 43m, it has not been demonstrated that adequate visibility would be available even for this more relaxed requirement. At my site visit, I saw that it would be difficult, if not impossible to achieve any meaningful visibility in the eastwards direction.
9. The proposed configuration of parking spaces would most likely result in vehicles reversing onto the highway. The tandem arrangement would increase the number of manoeuvres as the vehicles would need to be shuffled to allow the exit of the one furthest from the road. Although traffic movements associated with a single dwelling would be limited, with low volumes of traffic using Nan Scar, the use of the access with inadequate visibility would pose an unacceptable risk to highway safety.
10. The above brings the scheme into conflict with Policy INF1 of the Craven Local Plan 2012 to 2023 insofar as it requires development to provide parking which is safe and has regard to the nature and circumstances of the proposed development. Policy INF1 is consistent with national policy in paragraph 115 of the National Planning Policy Framework which seeks to ensure that safe and suitable access to the site can be achieved for all users.

Other Matters

11. The appeal site lies within the Cowling Conservation Area (CCA), which encompasses the historic settlements of Ickornshaw, Middleton, and Cowling, along with their surrounding rural landscape. Nan Scar serves as the western gateway to Ickornshaw and Cowling, offering a striking introduction to the area's historic character. Approaching from the A6068 and descending into the valley, one gains a strong impression of a traditional rural settlement, characterised by views of the roofscape and key landmark buildings, notably the Wesleyan Chapel. The visual coherence of the area is strongly influenced by its shared heritage in textile production, and by the consistent use of local building materials—specifically squared ashlar stone and slate roofing. These defining attributes contribute significantly to the special architectural and historic interest of the Cowling Conservation Area.
12. The appeal site is of poor quality and in an overgrown state. While it provides an open aspect into the built-up area of the CCA, it does not significantly enhance views along Nan Scar.

13. In this regard, I consider the principle of development at the site to be acceptable and note that this conclusion is consistent with the conclusions of the Inspector in respect of a previous appeal at the site under APP/C2708/W/22/3309412. A suitably designed dwelling could improve the character and appearance of the Conservation Area by replacing this space. The detailed design proposals would be subject to a subsequent reserved matters application, which would be assessed accordingly.
14. The appeal site forms part of an embankment with the A6068 situated above. The A6068 is a major road that carries a significant volume of traffic. Therefore, a development must address structural considerations to ensure the continued safety and functionality of the highway. Development at this location would require excavation of the embankment and the construction of a retaining wall to support the remaining structure. No details on how this would be achieved were submitted as part of the application.
15. I am satisfied that, had I been minded to allow the appeal and grant permission for the proposed development, this matter could have been addressed through imposition of a condition requiring the submission of a structural report at an appropriate time. This conclusion is informed by the likely need for significant excavation associated with the future dwelling to be constructed on the site, the details of which would be subject to a subsequent reserved matters application. The overall structural implications of both the access, for which permission is sought in the application under appeal, and the future dwelling are interconnected and should be assessed together within a structural report.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

F P Tinsley

INSPECTOR