



Appeal Decision

Site visit made on 27 August 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2025

Appeal Ref: APP/V4250/W/25/3365202

Shams Farm, Shakerley Lane, Atherton, Manchester M46 9TZ

- 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 Peter Williams, William Raymond Williams and Ruth Walton against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/23/95864/OUTMAJ.
 - The development proposed is outline application for residential development of up to 31 dwellinghouses, seeking approval of access all other matters reserved.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Peter Williams, William Raymond Williams and Ruth Walton, the appellant. This application is subject to a separate decision.

Preliminary Matters

3. The application is submitted in outline with the details of access provided for consideration. All other matters of appearance, landscaping, layout and scale are reserved for future approval. I have treated all plans, other than those relating to access as illustrative.
4. The address provided on the appeal form provides a full site address. In the interests of clarity, I have therefore used this address, rather than the address provided on the application form. Additionally, the decision notice offers a more comprehensive and accurate description, confirming that the application was submitted in outline form, with all matters, except access, reserved for future consideration. Accordingly, the description from the decision notice has been used.

Main Issue

5. The main issue is whether the proposed access point of the development would provide a safe access arrangement.

Reasons

6. The proposed development would provide up to 31 dwellings within the appeal site. Access to the proposed development would be taken from Shakerley Lane which shares a junction with Bolton Road further beyond the railway line to the north of the appeal site. In addition to the 31 dwellings, further access

improvements are proposed. To the south of the railway footbridge, the carriageway would be widened and a designated footpath provided along this carriageway. A further footpath would be provided along the brook to the west of the site, amongst other things. Most crucially, these improvements would be provided within the red line boundary of the appeal site.

7. The National Planning Policy Framework (the Framework) stipulates at Paragraph 116 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
8. The Transport and Movement Appeal Statement (prepared by SLR Consulting Limited and dated 2 May 2025) outlines existing weekday vehicle movements associated with the site, the indicative trip generation of the proposed development, and the resulting net impact. It records that the current stables operation generates approximately 90 to 100 vehicle movements on weekdays and 65 to 75 movements on weekends, within the hours of 07:00 to 19:00. While both parties have debated the accuracy of these figures, it is notable that the projected trip generation and net impact of the proposed development would exceed those of the existing use, particularly during peak periods. Critically, the data indicates a net increase in total vehicle movements from the appeal site. This uplift in traffic volumes would likely increase the potential for conflict among highway users.
9. The Transport and Movement Appeal Statement includes a series of movement snapshots along Shakerley Lane, recorded between 10 and 13 April 2025. Both parties have commented on the appropriateness of this survey period, given that it coincided with the Easter school holidays. Nevertheless, my analysis of the submitted evidence indicates that when two vehicles travel in opposite directions along Shakerley Lane, pedestrian space is significantly constrained. During my site visit, I also observed vehicles parked along the lane, a condition corroborated by the movement snapshots within the appeal statement. Such circumstances further restrict the available space for both vehicular and non-vehicular use.
10. The Transport and Movement Appeal Statement also includes an accident analysis of a five-year period between 2019 to 2024. It notes that a number of slight and serious accidents have occurred along Bolton Road. Whilst this data does indeed note that no incidents have occurred along Shakerley Lane, this is in its existing form as a stables, where, as previously noted, there are less weekday movements than the proposed development.
11. I now turn to the condition of this section of Shakerley Lane. Shakerley Lane runs from its junction with Bolton Road to Shams Farm. Upon entering from Bolton Road, the highway features a tarmacked surface with road markings, tactile paving, and a footpath on one side. However, beyond the initial properties at its entrance, the footpath ceases, and the road transitions into an unadopted, deteriorated surface characterised by broken tarmac, potholes, uneven edges, and gravel patches. This results in a surface that is inconsistent and difficult to navigate.
12. At its junction with Engine Lane, Shakerley Lane becomes cobbled. The full lane from Bolton Road to the north of the railway bridge is serviced by a single

streetlight. The overall condition of this stretch can be described as poor. In such an environment, pedestrians are required to share the carriageway with vehicles, with no defensible space separating them from traffic. Notably, there are no proposals included in the proposed plans to upgrade this section of Shakerley Lane.

13. I now turn to the railway bridge located to the south of Shakerley Lane. This structure accommodates only one-way vehicular traffic. The Safety Risk Assessment (prepared by SLR Consulting Limited, dated 23 April 2025) acknowledges that visibility across the bridge is restricted. During my site visit, I noted that at the foot of the bridge, it is not possible to view over its crest. It follows that if two vehicles were to approach from opposite directions, one would be required to reverse to allow passage.
14. The bridge, in its current form, includes a wide footpath. Additionally, a footpath is proposed to the south of the bridge within the appeal site. While this footpath would not meet the Council's stipulated standards, it would nonetheless offer a degree of defensible space for pedestrians. In contrast, no such provision exists to the north of the bridge. The carriageway in this area is notably narrow and frequently further constrained by parked vehicles. Consequently, vehicles reversing northward must do so with consideration for oncoming traffic from Bolton Road and non-vehicular movements, presenting a further highway safety concern.
15. In bringing the aforementioned matters together, Shakerley Lane is an unadopted, narrow road in a visibly deteriorated state. The Safety Risk Assessment explicitly identifies the poor condition of the lane as a hazard, particularly for pedestrians who are at risk of being struck by vehicles. As an active bridleway, it already accommodates regular pedestrian traffic. The proposed development would significantly increase both vehicular and non-vehicular movements along this route, thereby increasing competition for limited space. This increase in usage would heighten the likelihood of conflict between all users, especially given the absence of any physical separation or defensible space. This risk to highway safety would be further exacerbated during the hours of darkness, as the lane is illuminated by one single streetlight to the north of the railway bridge. In such conditions, manoeuvring, including reversing, would pose further threat to pedestrian safety.
16. To conclude, it follows that much of Shakerley Lane offers no refuge for those utilising non-vehicular transport modes. This would leave them exposed to unpredictable vehicle movements in a poorly lit, uneven, and confined environment. In light of these considerations, the proposed development would increase the likelihood for conflict between motorised and non-vehicular road users along Shakerley Lane. Thus, this would have an unacceptable impact upon highway safety.
17. The Safety Risk Assessment outlines a series of control measures intended to improve safety at the proposed access point. These include warning signage to alert drivers to the presence of pedestrians, a reduction in the advisory speed limit, and a give-way arrangement for vehicles approaching the railway bridge from both directions. While these measures may encourage more cautious driving behaviour, they do not eliminate the inherent conflict between vehicles and pedestrians sharing the same constrained carriageway.

18. The assessment also recommends the installation of dropped kerbs and tactile paving at the transition between the footpath and the shared-use carriageway. However, these interventions would offer negligible protection for pedestrians north of the railway bridge, where no footpath exists and the road narrows further. In this area, pedestrians would be left with no defensible space and no physical separation from moving vehicles. The proposed mitigation would fail to address the most hazardous section of Shakerley Lane and would therefore leave non-motorised users vulnerable to vehicles in this space.
19. The Safety Risk Assessment identifies the resurfacing Shakerley Lane as a potential control measure to improve the highway safety for all road users. The Council have identified the strategic importance of this route in advancing its active travel objectives across the borough. The appellant argues that the proposed development could partially facilitate these improvements. As noted above, the current poor surfacing of Shakerley Lane is a factor which would contribute to user conflict and compromised highway safety due to an increase in its use.
20. While resurfacing the full length of the lane could theoretically reduce some of the associated risks, there is no convincing mechanism presented to guarantee that such works would be delivered. More importantly, even if resurfacing were secured by a convincing mechanism, it would not address the fundamental safety issue of the absence of defensible space for pedestrians. In the northern section of Shakerley Lane, where two-way vehicle movements are likely, non-vehicular users would remain exposed. Due to its absence of physical separation or refuge, the proposed increase in traffic in this long, constrained and poorly lit environment would significantly heighten the impact to highway safety.
21. Therefore, to conclude, the proposed development would conflict with Policy CP7 of the Wigan Local Plan 2013, Policies JP-C5, JP-C6 and JP-C8 of the Places for Everyone Joint Development Plan 2022 to 2039 and Paragraph 116 of the Framework. Collectively, these policies seek for development proposals to maximise the safety of the road network, to maximise the ability of pedestrians and cyclists to navigate easily and safely, creating where needed, dedicated separate space for people walking and cycling and overall, reducing the adverse impact of transport upon communities, amongst other things.

Other Matters

22. The appellant has undertaken a discussion of planning obligations in their evidence. This matter did not form a reason for refusal. As the appeal is dismissed for other reasons, and a conclusion on this matter could not affect this overall conclusion to dismiss the appeal, I have not sought to address this matter further.
23. Several interested parties have submitted comments regarding the proposed development. One representation in support suggested that the scheme would enable Shakerley Lane to be reopened to through traffic. However, the southern portion of the appeal site is designated solely for a new footpath and bridleway, with the submitted plans indicating that this section would be accessible only to emergency vehicles. Objections have also been raised on a range of other issues. Given that I have identified a conflict with the development plan in relation to the matter raised by the Council in their reason for refusal, I have not sought to address these matters in my decision.

Planning Balance and Conclusion

24. I have found conflict with Policy CP7 of the Wigan Local Plan 2013, Policies JP-C5, JP-C6 and JP-C8 of the Places for Everyone Joint Development Plan 2022 to 2039 and Paragraph 116 of the Framework. On this basis, it must be concluded that the proposal is in conflict with the development plan when considered as a whole.
25. The Council are able to demonstrate a five-year supply of deliverable housing sites. The evidence indicates that a supply of 5.41 years is available. However, it is noted by the appellant that the Council must ensure its maintenance of a rolling five-year supply in light of its requirement to provide more dwellings, following updates made by the Government in December 2024. There is no ceiling to the supply of homes. The Framework aims to significantly boost the supply of housing. In an era of national housing shortfalls, the provision of up to 31 dwellings, including a provision for affordable housing, would make a notable contribution to that supply across a site allocated for residential development. I apply moderate weight to these benefits.
26. The proposed development would also be within a location which is close to shops, services and public transport connections. The future occupants of the development would support the local economy through their use of these shops and services. During the construction of the scheme, the proposed development would provide benefits to the local construction industry through the procurement of materials and labour. These benefits attract positive, but overall limited weight in favour of the proposal. In meeting the policy requirements to other development plan policies, this is an absence of harm.
27. Having considered all relevant matters, it is acknowledged that the appeal scheme presents certain benefits to the wider locality. These must be weighed against the identified conflict with the development plan. Whilst the benefits are acknowledged and afforded moderate and limited, but positive weight, the harm arising from the access location, specifically, the effect on highway safety along Shakerley Lane, is considered to be unacceptable. This attracts significant weight in my assessment of this scheme. When assessed against the policies of the Framework taken as a whole, the adverse impact of the development upon the highway is considered to significantly and demonstrably outweigh the benefits.
28. For the reasons given above, the proposal would be contrary to the development plan as a whole. There are no material considerations which indicate that I should take a decision otherwise than in accordance with the development plan in this case. Therefore, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR