
Appeal Decision

Site visit made on 21 February 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st March 2017

Appeal Ref: APP/A2525/W/16/3163431

West Drove South, Gedney Hill, Spalding, PE12 0PN

- 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 Mr N Shortland against the decision of South Holland District Council.
 - The application Ref H07-0821-16, dated 16 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is residential development.
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Decision

1. The appeal is allowed and planning permission is granted for residential development at West Drove South Gedney Hill. Spalding, PE12 0PN in accordance with the terms of the application, Ref H07-0821-16, dated 16 August 2016, subject to the attached schedule of conditions.

Procedural Matter

2. The application is in outline with all matters reserved. An indicative site layout plan has been provided and I have had regard to this in reaching my decision.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety.

Reasons

4. West Drove South is a rural lane which has a 30mph speed limit. A number of residential dwellings run along the eastern side of its length which have off-street parking.
 5. To the north of the appeal site are a number of pairs of semi-detached dwellings. This is a relatively recent development and includes a pedestrian footpath extending towards the B1166 and a vehicle passing place.
 6. The road width is not sufficient for two vehicles to pass. Therefore, if two cars meet, a reversing manoeuvre is likely to be necessary. In addition, there are no pedestrian footways to the south of the appeal site or to the eastern side and as such West Drove South functions as a shared surface for pedestrians, cyclists and vehicles.
 7. However, the road is long and straight with good visibility along its length and it is not heavily trafficked. While I appreciate my site visit constitutes only a 'snap-shot' in time, I saw that the road is quiet, and is typically used by its
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residents, rather than as a through-route. My observations also concur with a previous Inspector¹ in this respect.

8. I also consider that additional vehicular movements along West Drove South as a result of the addition of 2 further dwellings would be unlikely to be significant. Accordingly, while the scheme before me does not include a passing place, I consider that the occasions when two vehicles would meet would be infrequent.
9. In the event of such a meeting, this would be more likely to be on the part of the road to the north of the appeal site due to the greater number of dwellings located here. I consider that the existing passing place would therefore continue to be adequate in terms of preventing dangerous manoeuvres. In light of all of the above, I also do not agree that the development would lead to vehicles overrunning the carriageway and causing harm to the verges and carriageway edges.
10. The previous Inspector found harm to highway safety due to a lack of provision of a passing place as part of the scheme. However, that scheme was for the creation of 4 dwellings, whereas the proposals before me have reduced the number of dwellings to 2, resulting in less vehicular movements. In light of my findings above, I am satisfied that a passing place would not be required in this case in order to preserve highway safety.
11. I have also considered the Council's argument that the granting of consent would set a precedent for other similar developments in this location. While I recognise that there will be a point in which West Drove South would not be able to safely accommodate additional traffic from development along its length, each application and appeal must be determined on its individual merits and I am satisfied that highway safety would not be compromised by the addition of 2 dwellings. This would not therefore justify withholding permission in this case.
12. Overall, I conclude that the addition of a 2 dwellings on West Drove South would not result in any material risk to the safety of users of the highway. Accordingly, I find that the development would comply with Policy SG15 of the South Holland Local Plan (2006) which seeks to secure safe and convenient access in respect of increase movements from development proposals. The development would also comply with paragraph 32 of the National Planning Policy Framework which requires decisions to take into account whether safe and suitable access can be achieved for all people.

Conditions

13. I have attached conditions limiting the life of the planning permission and setting out the requirements for the reserved matters, in accordance with the requirements of the Act. I have however, used the standard condition wording instead of that suggested by the Council as matters relating to sewage and surface water disposal as listed in suggested condition No 3 is not a reserved matter as defined by the relevant Order. Instead, I have imposed a separate drainage condition, which is necessary to ensure that there are no significant adverse impacts upon the living conditions of local residents.

¹ APP/A2525/A/14/2214210

14. I have specified the approved site location plan, however, as all matters are reserved, I have excluded the indicative accesses and layouts on this drawing as this would be contrary to the flexibility provided by the outline nature of the application. For the same reason, I have not included the Council's suggested conditions relating to landscaping. Access, layout and landscaping are reserved matters and these detailed issues should be considered at this stage.
15. However, while access is a reserved matter, to ensure that the proposals provide suitable and safe pedestrian connections a Grampian style pre-commencement condition relating to off-site highway works to create a footpath is necessary. I have amended the suggested wording to remove reference to surface water drainage as this is covered by my separate condition, as detailed above.
16. In having regard to suggested conditions of third parties, I also consider that it is necessary to condition an archaeological scheme, as there is some likelihood of remains of previous human occupation. Due to the nature of the conditions for drainage, archaeology and highways works, it is essential that these are pre-commencement conditions.

Conclusion

17. The appeal site is located outside of the settlement boundary for Gedney Hill, defined by the LP and the site is considered to be in the open countryside. In this regard, the proposal would be contrary to the aims of LP Policy H7. However, these limits were defined a number of years ago and the Council are unable to demonstrate a 5-year housing land supply. Therefore, and in accordance with paragraph 49 of the Framework, as the settlement boundary effectively restricts the supply of housing, these should not be considered to be up-to-date.
18. Paragraph 14 of the Framework is clear that where relevant policies are absent, silent or out of date, granting planning permission unless any adverse impacts in doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework. I am mindful that the development would contribute to housing supply in an area where there is a shortage. I also note that the Council are clear that there are no objections to the proposal on housing grounds.
19. Accordingly, while there may be conflict with the adopted development plan, in terms of its defined settlement limits, in light of my conclusions on the main issue, I find no adverse impact which would significantly and demonstrably outweigh the benefits.
20. For all the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C Searson
INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "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 begin not later than two 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: 2546-13-10 except in respect of the indicative access and layout shown on this plan.
- 5) No development shall commence until a detailed scheme to dispose of foul water and surface water has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 6) No development shall commence until a scheme for the construction of a footway along the site's frontage shall be submitted to and agreed in writing by the Local Planning Authority. The agreed works shall be fully implemented before the first occupation of any dwelling hereby permitted.
- 7) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.