



Appeal Decision

Site visit made on 20 September 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/B2002/W/22/3296187

Aylesby Grange, Barton Street, Aylesby DN37 7LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Plant against the decision of North East Lincolnshire Council.
 - The application Ref DM/1071/20/FUL, dated 7 December 2020, was refused by notice dated 18 January 2022.
 - The development proposed is re use of existing redundant barn to form 3 bedroom dwelling
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the appeal site would represent a suitable location for the proposed development having regard to development plan policies, and the effect of the proposed development on highway safety.

Reasons

Location

3. The appeal site is a detached building located on land to the south of Aylesby Grange, a detached dwelling. The site is located in a rural setting, away from any development boundary and adjacent to the A18 dual carriageway (Barton Street). It is proposed to convert the existing building to a dwelling with the adjacent allotment and gravelled turning areas forming parking and a garden.
4. Policies 3 and 4 of the North East Lincolnshire Local Plan (2018) (NELLP) sets out the Council's housing strategy with most new housing development focussed on the main urban areas of Grimsby and Cleethorpes and Local Service Centres. Housing within the development boundaries of minor rural settlements such as Aylesby is restricted to windfall and exceptions development only.
5. Policy 5 of the NELLP sets out that beyond the development boundaries land will be regarded as open countryside. New development here is supported where it recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements and where it conforms with a list of categories. These include development that supports a prosperous rural economy (particularly where it promotes agricultural diversification), supports rural tourism, or comprises of affordable housing.

6. The appeal site is remote from the village of Aylesby and lies a considerable distance from its development boundary. It is therefore within the open countryside for the purposes of the NELLP. Based on the evidence before me, the appeal proposal does not appear to fall within any of the categories of development supported within the open countryside by Policy 5.
7. The Council considers the appeal site to be isolated for the purposes of paragraph 80 of the National Planning Policy Framework (the Framework). This is not disputed by the appellant and, having regard to the above, I see no reason to disagree. Framework paragraph 80 sets out that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the listed circumstances apply, including: where the new development would re-use redundant or disused buildings and enhance its immediate setting.
8. The appeal building consists of timber posts set in concrete which support corrugated sheet walls and roof on a timber frame. The front of the building is predominantly open and there are no existing windows other than glazed panels in the roof. The floor consists predominantly of compacted earth. The existing building is thus an extremely lightweight structure.
9. The proposed conversion would involve the removal of the external walls and roof, with the timber posts and frame retained in situ and repaired or replaced where necessary¹. A concrete floor would be created with new external walls and roof installed. The design and access statement states these would be formed by '*a highly insulated panel of a material to be explored*'. No further detail of this material has been supplied however the proposed floor plans show the creation of thick external walls with multiple windows seemingly breaking through the timber frame.
10. The structural reports provided demonstrate that the existing frame can support the existing loads on the structure only. They do not take into account the new loads that would be created by the addition of the new wall panels, roof, rooflights or the provision of a first floor as shown. The Council's Building Control Officer has advised that in their opinion the final design would look to support these additional loads on new internal and external walls, or on new additional framework and so making the existing frame almost irrelevant. The appellant has not responded to this argument which the Council has repeated in its statement.
11. Whilst the evidence is somewhat limited in this regard, the proposal would require the provision of a new concrete floor, new walls, new roof, and new first floor. This would amount to a significant portion of the building. It would also require works to the only surviving element of the building, the timber posts and framing, either through repair, necessary replacement or removal to install windows and doors. Based on the evidence before me, the works required would go significantly beyond what could reasonably be considered a conversion of the existing building. Given the extensive development works required to bring it into use, the proposed development would be tantamount to the construction of a new dwelling outside of any development boundary and within the open countryside.

¹ Based on the information within the Visual Structural Inspection and Report by Gilman Design Ltd dated 19 July 2019.

12. Based on what is before me, the proposed design, whilst contemporary, would not be truly outstanding or reflective of the highest standards in architecture, nor would it likely help to raise standards of design more generally in the area. As the existing building is a modern utilitarian structure that contributes little to the character of the area, its reinstatement as a dwelling would not significantly enhance its rural setting. As such I am satisfied that the proposal would not meet the other criteria for isolated dwellings in the countryside, included at paragraph 80 of the Framework.
13. I therefore conclude that the appeal site would not represent a suitable location for the proposed development having regard to the development plan policies. The proposal would conflict with Policies 3, 4 and 5 of the NELLP and paragraph 80 of the Framework in this regard.

Highway Safety

14. The appeal site is served by an existing vehicle width access directly from the northbound carriageway of Barton Street. Whilst there was a steady flow of traffic on my site visit, this a major road providing access to the coast which the Council highlight is busy at times. On the site visit I saw that vehicles speeds here were high as vehicles gained speed after leaving the Aylesby junction. The access itself is concealed for most of the length of this road by trees growing on the highway verge and in the site itself. Given the level of concealment of the access and the speeds of the road, it is likely that drivers slowing down to a near complete stop at this point would be unexpected by other drivers. Slowing vehicles would potentially cause an obstruction to vehicles gaining speed, or lead to them needing to change lanes at short notice, to the detriment of the safety of road users.
15. Whilst Barton Street is reasonably straight at this point, visibility of approaching traffic from the access is partly limited by the slight slope and curvature of the road. The somewhat limited visibility is intensified by the high speed of approaching vehicles. Vehicles exiting the access are required to pull out into the dual carriageway and accelerate to a high speed quickly in order to match the speed of approaching vehicles. Again, vehicles travelling more slowly would cause an obstruction to those travelling at speed, or lead to them needing to change lanes at short notice, to the detriment of the safety of road users.
16. The Council states that there were two serious accidents along the south bound stretch of dual carriageway and two slight accidents along the north bound stretch between 1 January 2011 and 28 June 2021. This is not disputed by the appellant. The serious accidents related to vehicles losing control, whilst the slight accidents both involved vehicles changing lanes, one of which was reported travelling at excessive speed. As highlighted by the Council, speed is a likely factor in all of these accidents.
17. The Highway Engineer states that if drivers exiting the access are seeking to travel south, they may seek to undertake a U turn in gaps in the central verge or at either Temple Lane or Beach Holt Lane all of which would result in a slow-moving vehicle in the fast lane. In my experience such manoeuvres are likely to occur including by visitors who are not familiar with the road. This would obstruct progress for vehicles travelling at speed, to the detriment of the safety of road users.

18. The proposed development would lead to a doubling in the number of dwellings served by the access and a significant intensification in its use through comings and goings of residents and visitors, delivery vehicles, and refuse collection. Such an intensification would significantly increase the instances referred to above and in the absence of acceptable mitigation would represent an unacceptable impact on highway safety.
19. The appellant has sought to address the highway concerns through providing a new diverge lane in the roadside verge. However, whilst this may improve the situation for vehicles exiting the carriageway it would only measure 45 metres which would mean vehicles would need to slow down before entering this lane. Moreover, the diverge lane would only be 30 metres in length for vehicles joining the carriageway. Due to its shorter length, it would lead to vehicles joining the carriageway at significantly slower speeds than those travelling along it, potentially obstructing oncoming vehicles. Furthermore, due to the curvature of the road and the tree coverage around the site, the diverge lane would only likely be visible at shorter distances, reducing the time which approaching road users have to respond to a vehicle entering the carriageway.
20. The proposal would also widen the existing access at the entrance to the site. However, the proposed improvement works would not affect the potential for those exiting the appeal site from attempting a U turn as highlighted above. The likelihood of this occurring would increase significantly through the occupation of a new dwelling at the site, increasing the risk to other road users.
21. As such, whilst I have had regard to the Traffic Survey and the Transport Statement provided by the appellant, it would still result in an increase in slower moving vehicles and U turns in a location where other vehicles are travelling at high speed. I am therefore not convinced that the proposal would adequately mitigate the adverse effect on highway safety arising from the intensification of the access.
22. I therefore conclude that the proposed development would result in an unacceptable impact on highway safety as set out at paragraph 111 of the Framework. The proposal would therefore conflict with Policies 5 and 35 of the NELLP insofar as they relate to highway safety.

Other Matters

23. The time taken to determine an application relates to the practical administration of the application rather than to the acceptability of the scheme. Whilst I have had regard to the appellant's concerns on this matter, I have nonetheless determined the appeal scheme with regard to its planning merits.

Conclusion

24. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR