

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

REF. NO:	23/00588/FUL
APPEAL REF. NO:	APP/N1350/W/24/3342243
LOCATION:	Land to rear of Hazelfield Cottage, Elstob Lane, Great Stainton TS21 1HP
DESCRIPTION:	Erection of 3no. holiday chalets with proposed secondary access, car parking and associated landscaping with part conversion of existing outbuilding into kitchen/seating and reception area (retrospective)
APPELLANT:	MR & MRS TURNER

BRIEF SUMMARY:

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

KEY POINTS TO NOTE:

Hazelfield Cottage is a detached house with former stables and outbuildings located in the open countryside, surrounded by fields. The proposed development is to the rear and consists of three wooden chalets with hot tubs, which have been constructed and furnished. The former barn has been converted into a kitchen and eating area for guests using the chalets.

The site is accessed from Elstob Lane, a classified B-road with a speed limit of 60mph. The proposed development sought the construction of a separate access for the holiday chalets from a field to the south-east of the existing entrance.

REASON(S) FOR REFUSAL:

The proposed development is prejudicial to highway safety by reason of the creation of an additional access for the associated traffic generation which does not include a safe level of visibility. No evidence has been provided by the applicant to demonstrate that visibility standards in accordance with national guidance are achievable. The proposed development conflicts with Policy DC1 (Sustainable Design Principles and Climate Change) and Policy E4 (Economic Development in the Open Countryside) of the Darlington Local Plan 2016-2036 and the National Planning Policy Framework.

APPEAL DISMISSED:

The inspector noted the differing views between the Council and the appellant as to the appropriate highways guidance to use in this instance (MSF2 or DMRB) however agreed with the Council's overall analysis and conclusions which were considered sound. The concerns as set out in the committee report were valid and the inspector agreed that it has not been demonstrated that the visibility splay for the proposed access would be adequate. Therefore, the use of the proposed access would have an unacceptable effect on highway safety and the development as a whole is therefore unacceptable. Consequently, the proposal would not accord with Policies DC1 and E4 of the Darlington Local Plan 2016-2036, adopted 2022. These policies combined require suitable and safe vehicular access which would not have an unacceptable impact on the local road network.

The appellant also submitted an application for costs on the grounds that the Council were unreasonable, did not consider the application fairly, and should have granted planning permission. The inspector found that the conclusions were properly reached, planning permission should not have been granted and found no evidence of unreasonable behaviour resulting in unnecessary or wasted expense on the part of the Council. The application for costs was therefore refused.