



## Appeal Decision

Site visit made on 10 November 2008

by **J S Deakin FRICS**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
23 December 2008

---

### Appeal Ref: APP/H0738/A/08/2080418 Grove Stables, Kirklevington, Yarm, TS15 9PY

- 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 Peter Hodgson against the decision of Stockton-on-Tees Borough Council.
- The application Ref 05/3273/FUL, dated 23 November 2005, was refused by notice dated 31 January 2008.
- The development proposed is the erection of a cattery, construction of a new road egress, siting of lpg tank, and effluent treatment tank.

---

#### Decision

1. I allow the appeal, and grant planning permission for the erection of a cattery, construction of a new road egress, siting of lpg tank, and effluent treatment tank at Grove Stables, Kirklevington, Yarm, TS15 9PY in accordance with the terms of the application, Ref 05/3273/FUL dated 23 November 2005, and the plans submitted with it, and as subsequently amended, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) and a schedule of plants, species, plant sizes and densities.
  - 4) No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Development shall be carried out in accordance with the approved schedule.

- 5) The cattery shall not be brought into use until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority. These details shall include: the type of septic tank, which shall be built in accordance with BS 6297:1983 and shall discharge over a biological filter unit; the means of discharge of the final effluent; and a programme for de-sludging the septic tank.
- 6) No development shall take place until details of the junction between the proposed egress road and the highway have been submitted to and approved in writing by the local planning authority, and the cattery shall not be brought into use until that junction has been constructed in accordance with the approved details.
- 7) Notwithstanding the information submitted as part of the application, details of the proposed site levels and finished floor levels shall be submitted to and approved by the local planning authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

#### **Main Issue**

2. I consider that the main issue is the effect of the use of the proposed exit on highway safety.

#### **Reasons**

3. The Council raises no objections to the cattery building, the siting of the lpg tank, or the effluent tank. Furthermore, it is accepted that visibility splays of 2.4 x 70m to the left and 2.4 x 80m to the right are achievable as the site exit is elevated. I see no reason to differ from these opinions.
4. Traffic surveys show that between 400 and 500 vehicles use Forest Lane in a 24 hour period and that the 85%tile speeds are 36.5mph. The Council contends that applying the 'Manual for Streets' (MfS) standard indicates that an absolute minimum Stopping Sight Distance (SSD) of 60 metres is required at this speed.
5. I find it difficult to reconcile the information shown on the large scale plan TS/D1/H698/1/180A (dated July 07 as amended on 18.01.08) with that contained in the Council's Appeal Statement. I queried inconsistencies in the Statement about SSDs for eastbound drivers. The Council now says that there was a mistake in paragraph 3 on page 4 and that "the SSD for a vehicle between driver's eye height and driver's eye height is 62m not 57m". This now reads the same as the information at the top of page 3 which says that "an eastbound driver (eye height 1.05m) can see the driver's eye height (1.05m) at 62m away". However, this is different to the information on the plan which shows that at 62m, an eastbound driver (eye height 1.05m) can only see a driver's eye height of 1.04m. I queried this inconsistency again but the Council response was to rely on the information on the plan. If I accept the Council's amended Statement, it seems that the SSD visibility at 62m meets the MfS standard but if I accept the plan details, the visibility falls below the standard.

6. From my own observations on site, it was apparent that drivers of eastbound vehicles would only be able to see the upper parts of cars emerging from the appeal site at certain points along the road. However, these points had not been accurately measured and marked out prior to my site visit and the distances from which I viewed the access were necessarily very approximate.
7. Despite the confusing information, I consider that the balance of evidence indicates that the SSD would be marginally less than the standards set out in MfS. Nevertheless, it is very difficult to be absolutely precise in the interpretation of measurements and in the impact that small differences in the type and visibility of vehicles would have on road safety. Furthermore, the exit would be on a down slope and a substantial proportion of a car approaching the junction would be visible before it reached the public highway.
8. Traffic on Forest Lane is low and the appellant estimates that additional traffic generated by the cattery would be about 24 vehicle movements per week. This may be on the low side, as all cats would not necessarily be staying for a full week. Nevertheless, I consider that the number of movements would be significantly less than those already generated by the existing dwelling and livery stables. A further point is that separation of the entrance and exit positions would reduce potential conflict between incoming and outgoing vehicles and would have some beneficial impact on road safety.
9. I have had regard to the strong objections raised by local residents. Apart from vehicle traffic, Forest Lane is used by horse riders, dog walkers and other pedestrians. It has no footways and is of limited width so that there is potential for conflict between vehicles and other road users. However, in this case, I consider that the increase in vehicles from the cattery would be very small in comparison to the number of vehicles using Forest Lane at present. Consequently, I conclude that the danger to horse riders, pedestrians, and other road users would not be significantly increased by the development.
10. Having regard to the inconsistencies in the Council's statement and plan; the low level of traffic on Forest Lane; the small increase in vehicle movements that the cattery would generate; and the fact that the upper part of emerging vehicles would be visible, I consider that it is reasonable to allow slight flexibility in applying the MfS standards. I conclude that the appeal proposal would not cause unacceptable harm to highway safety and would not be contrary to Policy GP1 of the adopted Stockton-on-Tees Local Plan.
11. The Council has suggested various conditions which should be imposed if the appeal were to be allowed. I include conditions requiring prior approval of materials; hard and soft landscaping; a scheme for maintenance of landscaping; and site and floor levels in order to protect the character and appearance of the surrounding area. I impose a condition requiring further and more precise details of the junction of the egress road and the highway in the interests of road safety and the amenity of the area. A condition requiring further details of the septic tank is required to prevent pollution.

*J S Deakin*

INSPECTOR