



Appeal Decision

Inquiry held on 4 - 7 May 2021

Site visit made on 12 May 2021

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/A3010/W/20/3265803

Land to the North of Bigsby Road, Retford, Nottinghamshire DN22 6SG

- 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 Muller Property Group Ltd and Mr C R Muller against the decision of Bassetlaw District Council.
 - The application Ref 19/01360/OUT was refused by notice dated 30 June 2020.
 - The development proposed is an outline planning application for residential development of up to 170 dwellings including details of access (all other matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to an outline planning application for residential development of up to 170 dwellings with all matters except access reserved for subsequent approval. Indicative plans were submitted relating to the possible layout and landscaping of the proposed scheme. I have had regard to these so far as relevant to this appeal and consider them as illustrative.
3. The Bassetlaw Core Strategy and Development Management Policies 2011 (CSDMP) is the relevant development plan. Policy DM4 is the only policy cited in the Council's reasons for refusal. A Site Allocations development plan document was intended to be progressed by the Council. However, this has not been produced or adopted. The Council is currently progressing a new local plan but this is at an early stage and has not been subject to examination. As such, that plan and its emerging policies have very little weight in this case.
4. Planning obligations were submitted in draft form, discussed at the Inquiry and subsequently finalised and signed at the close of the Inquiry. I have taken all of these into account in making my decision.
5. Reason for refusal 3 on the Decision Notice, relating to air quality, was withdrawn during the appeal and was not pursued by the Council at the Inquiry. This was due to the appellant's submission of an Air Quality Assessment [**F1**] following the Decision Notice being issued. The Council has agreed that the assessment addresses the relevant concerns and points raised in its reason for refusal. Consequently, I have determined the appeal on that basis.

6. A previous refused proposal on the site (for 171 dwellings) was not refused due to an unacceptable impact on the highway. The appellant says that there is no materially different highway impact relating to this appeal scheme for up to 170 dwellings. Notwithstanding this, the detailed merits of the previous case and its reasons for refusal are not before me and are not for determination in this appeal. In any event, this appeal has been determined on its own merits.
7. I have visited the site and the surrounding area on two separate occasions. The first was prior to the Inquiry being held and the second was following the close of the Inquiry. On each visit, I was in the area for a full day during which I observed traffic movements at the Arlington Way and Tiln Lane/Moorgate junctions during the AM and PM peak periods. I was present in the Tiln Lane area outside Carr Hill Primary School and the adjacent streets to observe traffic and pedestrian activity during the school drop off and pick up periods. I also observed traffic flows along Tiln Lane and at the Tiln Lane/Moorgate junction during and immediately after the school pick up period. Furthermore, I undertook suggested walking and driving routes provided to me by the main parties, as agreed. These routes include key views from various points within and surrounding the site including those from short, medium and longer distance locations, following public highways and public rights of way.
8. Consequently, in addition to the written representations, verbal submissions and all evidence before me, I have also taken into consideration my observations regarding the main issues during my visits to the site and local area in reaching my decision.

Planning Matters

Relevant Policies

9. I must determine this appeal in accordance with the development plan unless material considerations indicate otherwise. The Council identifies only one policy breach of the development plan in their reasons for refusal, that being Policy DM4 of the CSDMP in relation to the first reason for refusal. The appellant's position in respect of this is that the policy is inconsistent with the Framework since it requires the avoidance of any harm as opposed to Paragraph 109 of the Framework. This point was conceded by the Council in cross examination. In any event, the appellant says the scheme generates no harm to the safe operation of the local highway network and as such Policy DM4 is not breached.
10. The appellant accepts that the appeal scheme conflicts with the development plan in that it comprises development outside of the settlement boundary of Retford. As such, there is a breach of Policy CS1 of the CSDMP. However, the Council has not identified any such breach of that policy in its reasons for refusal. Notwithstanding this, the lack of reference to local policy, such as Policy CS1 and DM9 of the CSDMP, in the reasons for refusal does not undermine those policies or reasons. Moreover, any policies within the Framework cited in the reasons for refusal cannot be ignored simply because the corresponding local policies are not explicitly set out.
11. It is clear from the decision notice that the effect of the scheme on the surrounding landscape is among the reasons for refusal. Whilst Policy DM9 is not cited in support of this, I see no particular reason why that omission should render the issue of landscape impact incapable of being a determinative factor in this appeal.

Tilted Balance

12. Policy CS1 includes a requirement for new housing for the period 2010-2028. However, the provision for that housing is identified as coming from a site allocations

document which has not been progressed. The Council and the appellant have been clear throughout this appeal that it is agreed that the tilted balance is to be applied due to the failure of the CSDMP to be followed by a Site Allocations document.

13. The effect of the tilted balance is not to circumvent or cast aside the CSDMP. It remains relevant that a spatial strategy is set out in Policy CS1. The purpose of the spatial strategy is to direct housing in a sustainable way across the local planning authority area in line with the settlement hierarchy. Although out of date, the effect of this spatial strategy has not been to restrict housing delivery. It is noted that the Council has a strong housing land supply (10.5 years) and is significantly exceeding delivery in terms of the latest Housing Delivery Test (around 180%), factors not challenged by the appellant. Therefore, the evidence indicates that housing supply and delivery has not been impacted due to the out of date plan and policies.
14. It was suggested in the Council's evidence that the tilted balance is a policy 'stick' to ensure that local planning authorities maintain the delivery of housing development. Although raised verbally at the Inquiry, I note this point appears nowhere else in the Council's evidence. Notwithstanding this, if the suggestion is that the tilted balance does not operate fully where a local planning authority can demonstrate an adequate supply of housing (i.e. >5yrs), then that is incorrect and there is no support for this position in policy. The tilted balance is a development management tool to address circumstances where important policies, amongst other things, are not up to date.
15. Having considered the matters put to me, there is no dispute that Policy CS1 of the CSDMP is one of the key policies in the determination of this appeal as it directly seeks to preclude development of the appeal site owing to it being outside of a settlement boundary. Given that, and the fact that the policy is out of date, I confirm that the tilted balance at Paragraph 11d of the Framework is engaged.

Main Issues

16. The main issues are the effect of the proposed development on:
 - (a) the free flow of traffic on the local highway network, with particular regard to the Tiln Lane/Moorgate junction;
 - (b) highway safety, with particular regard to Tiln Lane; and
 - (c) the character and appearance of the surrounding landscape and area.

Reasons

17. The appeal site is about 7 hectares in area and comprises the southern parts of two undeveloped fields divided by a substantial hedgerow and ditch. The southern boundary of the site adjoins existing housing on the north eastern settlement edge of Retford. Access to the site is proposed directly from Bigsby Road and Palmer Road. It is currently agricultural land (Grade 3b) used for crop production and there are public rights of way running across and adjacent to the site. There is open countryside to the north, east and west resulting in the site being visible or partly visible in short to medium distance views from the north west, north and north east.

Traffic and Highway Safety

18. There are several cross-cutting aspects in relation to the first two main issues. I therefore consider both of those main issues together here for the sake of efficiency.

Tiln Lane/Moorgate Junction

19. The Council's contention regarding the Tiln Lane/Moorgate junction is that the increased volume of traffic using Tiln Lane, cumulatively generated by the appeal scheme and other new developments, would have a severe and unacceptable impact on traffic and highway safety for motorists and pedestrians. The appellant points to the Council producing no technical or detailed evidence prepared by a highway engineer to support its position and that the reason for refusal appears to have been produced on that basis.
20. Notwithstanding this, the Council's evidence in this appeal is based on an expert critique of the appellant's traffic modelling and technical evidence which challenges its accuracy and robustness. This largely relates to the omission of pertinent data not included or fully considered in the appellant's submitted traffic modelling. The Council's case is also supported by a significant number of representations from residents on current traffic and highway safety circumstances and concerns relating to the local highway network and the Tiln Lane/Moorgate junction.
21. The Tiln Lane/Moorgate junction is currently a priority junction with no pedestrian facilities. The signalisation of the junction is required by a condition attached to the consent for the Linden Homes development to the north on Tiln Lane. The detailed design of that improvement is well-advanced and was provided to the Inquiry in the appellant's evidence. As such, I see no reason as to why the improvements will not occur as planned following the completion of the 110th dwelling out of 175 at the Linden Homes site, as per the condition. However, the specific timing of its delivery remains a matter for debate. Once installed, it is agreed that pedestrians will benefit from dedicated crossing facilities across Tiln Lane and Moorgate which currently do not exist.
22. The Council has provided little technical evidence to support its case regarding traffic flow and highway safety. However, the Council does provide a critical challenge to the appellant's technical traffic modelling evidence which must be considered and tested. The Council's view is also supported by substantial evidence in the form of the written representations from local residents.
23. The Linden Homes improvements at the junction will improve pedestrian and motorist safety from the current position, particularly by reducing conflicting movements such as right turning traffic across opposing traffic into and out of Tiln Lane. Accordingly, as a stand-alone junction, based on the evidence, I find that it would perform acceptably, albeit only just within capacity. The main parties agree on this and the traffic modelling evidence within the TA supports this. However, the junction cannot be considered as a stand-alone element of the local highway network. By its nature, it is inter-connected to local highways and other junctions in the area and therefore it must be considered in that context.
24. In evidence, the Council raised a further point to those raised in its reason for refusal in respect of safety at junctions. It stated that highway safety would be compromised due to traffic queues associated with the Arlington Way junction¹. The appellant's traffic modelling work in the TA takes no account of this in its assessment of traffic impact on the highway network.
25. Table 6 of the appellant's submitted TA highlights the cumulative impact that the combined new developments in the area would have on, amongst others, the Arlington Way junction in relation to queuing traffic. The significant area of concern in

¹ Amcott Way/A638/Arlington Way Junction

Table 6 is the length of the forecast volume of queuing vehicles on Moorgate to the east and Amcott Way to the west of the junction. The traffic model is in 'LinSig' and uses Passenger Car Units (PCUs) to measure capacity, the values shown in Table 6.

26. The distance along Moorgate between the Arlington Way junction and the Tiln Lane/Moorgate junction was agreed by both main parties to be about 410 metres. The standard length of a PCU in 'LinSig' was agreed as 5.75 metres. As such, there is queuing space between the junctions along Moorgate for 71 PCUs. A section of Moorgate approaching the Arlington Way junction has two lanes – one allowing traffic to turn left. When turning proportions have been accounted for in traffic flow analysis, there is scope for a further 4 PCUs to queue on the highway. Therefore, it was agreed that the maximum queuing capacity between the Arlington Way and Tiln Lane/Moorgate junctions on Moorgate is 75 PCUs.
27. Table 6 of the TA presents a maximum forecast queue for Moorgate at the Arlington Way junction of 100 PCUs in the AM peak hour, substantially greater than the queue capacity of 75 PCUs identified on Moorgate between the two junctions. The queuing traffic on Moorgate would therefore queue back through the Tiln Lane/Moorgate junction, blocking the westbound side of Moorgate and would severely restrict the right turn exit for vehicles from Tiln Lane. The analysis in the TA shows traffic westbound on Moorgate and turning right out of Tiln Lane as the predominant flows in the AM peak hour. Furthermore, that specific traffic flow accounts for more than 90% of trips leaving the appeal scheme in the AM peak hour. This data is provided in the traffic flow diagrams set out in the TA.
28. The appellant's capacity modelling of the Tiln Lane/Moorgate junction in the TA clearly does not take into account the impact of the queuing traffic through the junction identified earlier in the assessment or the Tiln Lane right turn exit blocking resulting from it. The submitted capacity modelling for the Tiln Lane/Moorgate junction shows it operating at just within capacity without the traffic queuing elements factored in. Therefore, having considered the Council's evidence, I find it likely that once the traffic queuing is correctly included, the junction would be shown to operate significantly over capacity. This would have a significant adverse impact on the operation of the junction with disrupted traffic flows and increased delays, particularly where traffic from the scheme would likely increase queuing on Tiln Lane.
29. A similar queue running back through adjacent junctions is also forecast on Amcott Way in Table 6 of the TA with it likely to extend through the Morrison's junction and the A620/A638 roundabout. However, this is more difficult to assess given the limited evidence provided on these junctions. The TA does not offer an assessment of junction capacity along Amcott Way and therefore the wider cumulative impacts on those junctions are unknown. Nonetheless, the evidence before me indicates that the traffic queues identified in Table 6 of the TA would have a significant adverse impact on the operation of the highway network and the free flow of traffic.
30. The appellant's Transport Technical Note [**C15**] states that with the appeal scheme and other developments in place the Tiln Lane/Moorgate junction is forecast to operate at about 95% capacity in the PM peak hour with limited spare capacity in the AM peak hour. Again, this position does not account for the queuing traffic through the junction. The industry standard is for traffic signal-controlled junctions, as Tiln Lane/Moorgate would then be, to operate at the normal acceptable level of up to 90% capacity. As a result, the Technical Note indicates that the upgraded, signal-controlled junction is forecast to be operating over-capacity in the PM peak hour from the moment it is in place. In my view, this is not an acceptable position for any new highway infrastructure and is a significant concern. Furthermore, once traffic queuing

is factored in, I find it likely that the newly upgraded junction would be operating significantly over-capacity in both the AM and PM peak hours.

31. The appellant submitted further information on the stand-alone capacity of the Tiln Lane/Moorgate junction which forecasts that the junction is now likely to operate just within capacity rather than just over capacity as previously indicated. Again, this further assessment has not considered traffic queuing through the junction. Given that the junction is shown in this further assessment to operate at just under capacity, I consider it highly likely that once traffic queuing is factored in, the junction would be shown to operate over-capacity in any event.
32. This traffic queuing which, it is agreed, will increase on Tiln Lane due to the traffic generated from the appeal scheme has the potential to cause severe impacts on the operation of the local highway network. This would incorporate adverse factors such as increased queuing, the blocking of accesses, driveways and other junctions in the area and increased driver delays and frustration potentially leading to unsafe manoeuvres. As a result, in my assessment, the traffic queuing would likely also increase the potential risk of accidents for motorists, cyclists and pedestrians.
33. The traffic queuing has not been fully addressed by the appellant's written evidence. Further modelling factoring this in may well have addressed or explained some of these disputed issues. However, the appellant's evidence has not done this and has instead set out reasons why their own validated traffic model in the submitted TA was incorrect. Four reasons were identified by the appellant in relation to refining the traffic modelling in the TA and these are considered below.

The application of SCOOT

34. SCOOT (Split Cycle and Offset Optimisation Technique) is a software system used to co-ordinate adjacent traffic signals to improve efficiency and signal management. The effect of SCOOT is to reduce delay for vehicles and pedestrians through co-ordination of signal timings. It is my understanding that SCOOT is often most effectively used with multiple signalled junctions. In this case, the appellant has applied SCOOT to gain an assumed, and modelled, 10% reduction in vehicle delay. However, concern about this relates not only to the accepted difficulty with modelling SCOOT due to variable cycle times but also uncertainty as to when or whether it is activated on site.
35. At the Inquiry, there was uncertainty as to whether SCOOT was installed and active at the Arlington Way junction at the time of the surveys and assessments for the modelling used in the appellant's evidence. Uncertainty was also raised around whether SCOOT was active presently or would be in the future. It was confirmed by the appellant that SCOOT was switched off at the time of the Inquiry hearings. The likely reason offered for this was that the junction is operating within capacity. Notwithstanding this, based on the evidence, I have some difficulty in being certain that the use of SCOOT satisfactorily contributes to the reduction of delays and the modelling based on observed queue lengths in the appellant's rebuttal.
36. In the appellant's rebuttal, two tables² were provided with the intention to show why later modelling in the rebuttal is more accurate than the original TA modelling. However, I note that there is no mention that observed queue lengths are based on observations from only one day as explained at the hearing sessions, nor any explanation given as to why the modelled lengths data format changed from 'Mean Max' in Table 1 to 'End of Red' in Table 3. From the evidence, it is noted that if the original data format of 'Mean Max' had been applied in Table 3 of the rebuttal rather

² Table 1 and Table 3 in the Appellant's Rebuttal

than 'End of Red', the findings would be much closer to Table 1. This would be less helpful to the appellant in explaining how and why the later rebuttal modelling is more accurate. As such, the lack of any adequate explanation of the appellant's updated modelling in the rebuttal casts doubt as to the basis for, and justification of, the revisions made to the appellant's evidence.

The introduction of MOVA

37. MOVA (Microprocessor Optimised Vehicle Actuation) is similar to SCOOT as it is software used to manage traffic signals and apply a reduction in traffic delay (8% in this case). MOVA is usually deployed at single signalled junctions and crossings. The appellant states that MOVA will be installed at the Arlington Way junction with the LHA pooling contributions from committed developments. However, there is no set timescale for its installation provided other than the LHA's indicated commitment to its provision which is anticipated by 2023. Based on the evidence and data before me, there remains uncertainty around the benefit and delivery of this intended delay reduction. Furthermore, it is noted that clarity on this was something that the LHA was unable to provide despite being asked expressly by the appellant.
38. The appellant originally took the view in their Transport Technical Note that MOVA would not improve the forecast operational capacity of the Tiln Lane/Moorgate junction and this view was shared by the LHA. However, the appellant's view changed in the submitted proof of evidence, stating that the benefit of a 4% delay reduction could be achieved with MOVA.
39. Notwithstanding this change or the reason for it, from the details provided, it is noted that some double counting may have occurred in the appellant's rebuttal evidence due to the combined use of SCOOT and MOVA. These systems provide similar benefits but work most effectively either in a network of signals or on an individual scale respectively. It is acknowledged that there may be some overlap in their operation and their calculated benefits. However, no substantive explanation has been provided by the appellant as to the possible double counting of the benefits of SCOOT and MOVA. In the absence of this, given the similarities between the two systems, it is highly probable that some double-counting of benefits has occurred. As a result, it is likely that an inaccurate cumulative picture of the benefits in reducing delay through the combined use of both systems has been provided.

Alternate pedestrian cycle assumption

40. It was explained at the Inquiry that the assumption that demand for pedestrians to cross on every other signal cycle for a crossing, as opposed to every cycle, is considered by the appellant to be a more realistic reflection of pedestrian demand. This is about once every three minutes. However, I heard from the Council that this assumption had been based on no objective evidence or formal study. Instead, in relation to the Arlington Way junction, the appellant's highway evidence during the Inquiry set out that the assumption was based solely on the experience of the appellant's expert witness as they passed through the junction. These experiences have not been recorded, set out or explained anywhere in written submissions to the Inquiry and were only raised verbally during Examination-in-Chief.
41. This limited approach to collecting evidence provides little substantive justification for the appellant to move away from their original modelling approach in the TA which is that the Arlington Way junction is assumed to operate pedestrian demand on every cycle - approximately once every 90 seconds. This is the approach with which the Council agrees and, in my view, also best provides the 'realistic worst-case scenario', as described in the appellant's evidence.

42. Based on the evidence presented, I find the assumption of pedestrian demand on every cycle to be a more appropriate approach to model, as far as is reasonable, the realistic worst-case scenario in any traffic modelling or junction capacity work. This ensures it is robust and resilient to all likely events and provides the best available analysis of possible outcomes and impacts. Accordingly, the pedestrian crossing demand assumption most suitably and appropriately applied is that set out in the appellant's original assumption in the TA. Whilst it is acknowledged that pedestrian demand is not the same at every crossing, I consider the application of this higher frequency pedestrian demand cycle to be the most appropriate assumption to reflect the realistic worse-case scenario in this case.

Amendment of the inter-green period

43. The appellant's fourth reason for refining the traffic modelling in their rebuttal relates to amending the inter-green crossing time at the Arlington Way junction down from 12 seconds to 8 seconds. The inter-green period was explained as the time from the end of the 'green man' stage of a crossing signal cycle until the crossing is clear of pedestrians. It is noted that a pedestrian crossing detection system also adjusts the time given to the 'green man' stage of the cycle along with the inter-green period. Moreover, the purpose of the detection system is to minimise the time given to the stages identified in the cycle. However, as with SCOOT and MOVA, as the detection system results in variable cycle times, it is difficult to model with any accuracy.
44. The standard approach for assessing the inter-green period is based on the distance of the crossing at a junction. Taking this into account, it is noted that the length of the crossings at the junctions has not changed since the original assessment. Also, the appellant has not provided the calibration document used to reach an inter-green period at the lower end of the LHA's recommended range of 5-18 seconds.
45. Notwithstanding the above, the appellant adjusted the inter-green period for the Arlington Way junction down to 8 seconds indicating that this was selected as a reasonable average to reflect the use of the crossing detection system. However, other than this, the reasoning for applying such a reduced period in this case - and not following the standard approach regarding crossing distance - has not been made clear. Furthermore, it is noted that the view of the LHA is that 12 seconds should be used in applying the inter-green period to any such assessment. Therefore, from the evidence provided the appellant's approach appears to have been based only on informal anecdotal observations and assumptions, rather than on documented evidence or on an accepted standard approach.
46. In that context, I also note that Tiln Lane/Moorgate junction, at just 8 metres, is a significantly shorter crossing than the Arlington Way junction which is 14 metres. The appellant's stance set out at the Inquiry was that the inter-green period for the shorter Tiln Lane/Moorgate junction crossing had been revised down to 9 seconds. However, in doing so, this results in a longer inter-green period identified for a significantly shorter crossing than that at the Arlington Way junction. Whilst inter-green periods may differ between crossing cycles and crossings, I have been provided with no reasoned or justified explanation for this inconsistent approach or analysis. As a result, this casts uncertainty over the robustness and consistency of the appellant's evidence and approach in this regard.
47. Having considered each of the four reasons set out by the appellant, I find difficulty in relying upon any to provide a reasonable justification to support the appellant's amended evidence and approach with any degree of certainty. Each reason has been identified as over-optimistic, uncertain and unsubstantiated. As a result, in my view,

with the exception of MOVA, the appellant has not adequately identified the benefit and contribution that each of the assumptions makes to reducing delay and traffic queue length in Table 4 of the appellant's rebuttal. Accordingly, I find that were I to discount one or all of the factors identified, I am unable to clearly determine what the singular or in combination effect that each would have on queue lengths.

48. With regard to traffic flow, the scheme would have a severe adverse impact in terms of the cumulative traffic generated at key junctions, particularly Tiln Lane/Moorgate, and on the local highway network and would lead to additional traffic on the highway network. The appellant's traffic modelling evidence supporting the scheme is incomplete, incorrect and therefore unreliable. It omits a significant element of the assessment in terms of traffic queuing. This was identified from the appellant's own evidence and its impact has not been fully incorporated and assessed. As a result, I find the appellant's evidence to be undermined to such a degree that it is unable to provide a full, clear and reasonable assessment of traffic impact or give sufficient support to the scheme. It therefore does not provide substantive reassurance that the scheme would have no significant or unacceptable impact on traffic flow and highway safety at the Tiln Lane/Moorgate junction and on the local highway network.

Tiln Lane

49. Highway safety on Tiln Lane is a significant concern of the Council, residents and interested parties. The primary focus of concern is centred on Tiln Lane between Palmer and Bigsby Roads, close to Carr Hill Primary School and the adjacent streets of Elmwood Close and Richmond Road. The amount of traffic generated in this area, particularly at school drop off and pick up times, has raised a number of concerns.
50. I have read representations from residents and other interested parties describing how, at busier times of the day during school drop off/pick up times, the presence and volume of vehicles parked on the side of the street can force motorists into dangerous manoeuvres such as three point turns using driveway entrances. This results in vehicles crossing footways, often in gaps between parked vehicles. It is also noted that manoeuvres such as these resulted in the accidents referred to.
51. I have also read and seen how parked vehicles on either side of Tiln Lane at school times can cause pedestrians to walk around cars and out onto the highway. This is due to limited space available for pedestrians to proceed on the footway as parked vehicles straddle the path and the highway. This activity is also undertaken by children and adults with pushchairs. In addition, vehicles have been observed to brake suddenly and undertake turning manoeuvres in the highway on Tiln Lane and within its junctions with side streets, often in search of a parking space. Parked vehicles have also been observed positioned on the corners of the Tiln Lane/Richmond Road junction resulting in limited visibility for vehicles seeking to turn on to Tiln Lane and for pedestrians seeking to cross the road.
52. During school drop off/pick up times, there is significant non-school traffic using Tiln Lane in both directions such as heavy goods vehicles (HGVs), vans, buses and coaches. HGVs use Tiln Lane to avoid a low bridge at Welham and I have observed about 10 separate HGV movements along Tiln Lane during the school pick up period. Other large vehicles such as buses and coaches also pass through the area when there is a high level of on-street parking, school bus activity and a significant number of pedestrians, including children, crossing Tiln Lane at several different points. From what I have seen, most people crossing are often hidden from the view of those using the highway, only emerging into sight quickly from between parked vehicles. Overall, in my view the combination of activities that I have described results in significant

congestion and a high level of conflict between vehicles and pedestrians on Tiln Lane for two significant periods of the day.

53. The main parties agree that the scheme would add further traffic on to the local highway network. Based on the layout of the local road network, the scheme would likely generate an increase in traffic movements on Tiln Lane owing to the access points for the appeal site at Palmer Road and Bigsby Road. In my view, and in the absence of any refutable evidence to the contrary, this would likely result in a significant proportion of traffic from the appeal site using Tiln Lane, passing the primary school. At least, there would be nothing to prevent this. The question, then, is whether such an increase in traffic levels here and on the adjacent streets would increase the risk of accidents happening.
54. Tiln Lane is of a standard highway design, includes footways on both sides, has street lighting and does not have an unusually high accident rate. Furthermore, the main parties agree that there is no evidence of an existing safety issue involving the crossing of Tiln Lane, that there is nothing inherently unsafe about the highway and that it can be crossed safely. Notwithstanding this, there is evidence that the area has experienced a number of incidents in recent years and an accident record has been submitted summarising these. There have been three recorded accidents in the area close to the primary school with two resulting in severe injury and, sadly, one fatality involving a school child. At the Inquiry, I was told that this was understood to be the only fatality outside a school within the local education authority area in a significant number of years. I also note that one of the other two accidents was also associated with the primary school.
55. The Council identified from the accident records that the incidents associated with the school involved pedestrians struck by vehicles on the footway. The Council contends that the similar nature of these accidents is associated with the way Tiln Lane is used. From what I have seen and read, this relates to aspects such as vehicle turning manoeuvres in the highway and also using driveways to do so, vehicle parking partly on footways and the highway and the volume and interaction of traffic along Tiln Lane at busier times of the day. The appellant takes the view that no common cause of the accidents can be identified other than each incident resulted from driver error.
56. Whilst I do not have full details of the accidents before me, it is evident that the two school-related incidents, including the fatality, involved a pedestrian being struck by a vehicle on the footway, an area where vehicles are not normally expected to be. On the appellant's point regarding driver error, it could be argued most accidents involve an element of driver error. Therefore, whilst I accept that individual incidences of driver error are difficult to mitigate against, I disagree with the appellant's point that more traffic in an area does not increase the propensity for incidents of driver error to occur. In fact, I find it to be quite the opposite. As such, where traffic levels are not increased in an area, the propensity for incidents of driver error, on the balance of probability, is also not likely to increase.
57. The recorded accident rate for Tiln Lane is agreed as not being unusually high. Indeed, with three accidents identified in the area over a period of years, this would seem to be so. However, when considering the severity of those accidents which have resulted in serious injury and a fatality, whilst the quantity may be low, the serious nature of them is significant. Other than accident records, there is no technical evidence regarding highway safety on Tiln Lane specifically. Notwithstanding this, significant safety concerns have been identified around how the highway is used and the activity of road users and pedestrians during busy periods.

58. Whilst not supported by any technical study, modelling or analysis, the resident representations are based on real-life observations and experiences of those living in the area. As such, they add to my own highway safety concerns about vehicle and pedestrian conflict, both on the highway and the footway, and the increased potential risk of accidents as a result of an increased volume of traffic and activity on Tiln Lane. These concerns are particularly heightened by the agreed acceptance of both main parties that additional traffic on Tiln Lane would result from the appeal scheme.
59. My observations in the local area confirm to me that the representations from residents and interested parties on highway safety are well founded. Furthermore, they have not been disputed by the appellant. The appellant states that whilst third party representations are material, without substantive supporting evidence they cannot attract any material weight. I find that these representations and my observations of the issues raised provide that substantive supporting evidence and are therefore material considerations.
60. The LHA states that, with suitable mitigation, the appeal scheme would have no significant adverse impact on highway safety. However, the LHA does acknowledge that there is a safety issue with Tiln Lane as it has sought £12,000 from the appellant to provide a school crossing patrol across Tiln Lane for an initial three-year trial period. Whilst it is for debate whether this specific provision is necessary, appropriate or effective to mitigate the identified harm, it is noted that the LHA has also made a subsequent request to broaden the scope of the contribution to provide other unspecified highway safety measures in the area.
61. Whilst the LHA supports the appeal scheme, I have seen and read evidence identifying several issues in the area which lead me to have significant concerns about highway safety issues on Tiln Lane. These issues exist regardless of whether they result from highway design or user behaviour, therefore relating to enforcement measures. Were the scheme to place additional traffic onto the local highway network, including Tiln Lane, it would exacerbate current highway safety issues and lead to an unacceptable impact on highway safety. Moreover, it is my view that the mitigation measures proposed would be insufficient to adequately address the significant and unacceptable highway safety impact and harm identified.

Biggsby Road

62. The Council's initial concern that Biggsby Road would not provide a safe and suitable means of access to the appeal site is no longer a matter of dispute between the two main parties. Further discussions have led to an agreement within the updated Highways Statement of Common Ground [**G2** - Version R2.7: April 2021] confirming this. As such, the reason for refusal is no longer pursued by the Council.
63. Based on the evidence and my observations, I find the effect of parked vehicles on the flow of traffic along Biggsby Road to be limited, even at busy periods during school drop off/pick up times. Moreover, at other times of the day, on-street parking on Biggsby Road appears not to be as prevalent and, as such, its impact is minimal.
64. Concern also relates to the narrowness of Biggsby Road close to its junction with Tiln Lane. The reduced width of the highway here, for around 50 metres, restricts the ability of vehicles to pass each other and park safely on the highway. As I observed, there are no parking restrictions at this location. At one point, a bus was parked within the narrow section of the highway prior to arriving at the primary school to collect children at the end of the school day. The result was that vehicles were unable to pass the bus and travel through the narrow section of Biggsby Road freely and easily, often having to wait for oncoming traffic unable to pass the bus until it left.

At the Inquiry, it was confirmed that this section of Bigsby Road is part of a bus route but the number of services per week is currently very low. Nonetheless, it also forms part of a loop route via Palmer Road, Cornwall Road and Bigsby Road for school buses dropping off and collecting children at the primary school.

65. The appellant's evidence indicates that Bigsby Road, at 6.7 metres (m), meets carriageway width recommendations for two large vehicles to pass one another, as set out in the Manual for Streets (minimum width of 5.5m). This is also the case when applied to the narrow section of Bigsby Road (5.5m). However, it is noted that the highway has no parking restrictions in place. Therefore, there is potential for significant conflict between parked vehicles and traffic flow on the narrow section of Bigsby Road. Furthermore, the appellant's evidence identifies that, based on a review of the current Nottinghamshire County Council (NCC) Highway Design Guide, a minimum carriageway width of 6.2m is required on bus routes. That being the case, I note that whilst the main carriageway of Bigsby Road would meet this requirement, the narrow section of it, at just 5.5m wide, clearly would not.
66. The Manual for Streets offers only recommendations for carriageway widths, not requirements and the NCC Highway Design Guide provides local design guidance. Nonetheless, based on this evidence, I am not sufficiently reassured or satisfied that the concerns I have identified above regarding Bigsby Road have been adequately and appropriately addressed.
67. It is acknowledged that the matters of dispute between the main parties regarding Bigsby Road are now indicated as resolved and that the appeal scheme seeks outline permission which includes details of access. The appellant has stated that the scheme would provide safe and suitable highway access for sustainable transport modes, including buses, and it has been identified that any future public transport services to and from the site would likely use the narrow section of Bigsby Road. However, other than the updated statement of common ground, I have no evidence before me regarding any specific proposed mitigation measures or highway works to Bigsby Road to improve public transport access and provide a safe and suitable means of access to the appeal site in this respect. Therefore, in my view, the impact on traffic flow and highway safety of unrestricted on-street parking within the narrow section of Bigsby Road has not been satisfactorily addressed.

Conclusion on traffic and highway safety

68. The identified adverse impacts of the scheme on traffic flow and volume, junction capacity and highway safety would be significant. In my assessment, it would have adverse impacts on the local highway network for lengthy periods daily. The traffic impacts would result in harm particularly in the AM and PM peak hours. Impacts relating to highway safety on Tiln Lane would focus on school drop off/pick up times which do not fully correspond with the identified peak hours for traffic modelling purposes. As a result, these significant adverse impacts would be clearly evident for substantial parts of the day.
69. Moreover, the increase in traffic on Tiln Lane and the local highway network would inevitably lead to increased conflict between vehicles and pedestrians, particularly at certain busy times of the day. This would not only increase the potential risk of accidents but also have an unacceptable impact on highway safety on Tiln Lane and the local highway network. As such, I find that the combination of all these factors would result in a severe adverse impact on traffic flow and have an unacceptable impact on highway safety.

70. Consequently, having had due regard to the above and all other related matters, I conclude that the appeal scheme would have a severe cumulative effect on the free flow of traffic on the local highway network and the Tiln Lane/Moorgate junction in particular. It would also have an unacceptable impact on highway safety on Tiln Lane and the local highway network. Therefore, it would be contrary to Policy DM4 of the CSDMP and Paragraphs 108 and 109 of the Framework.

Landscape Character and Visual Impact

71. The appeal site is located adjacent to the settlement edge of Retford with open countryside to the west, north and east. From all I have seen and read, I consider the site to be predominantly rural in character and appearance. It is positioned on a softened rural settlement edge resulting from substantial boundary planting along the existing low-density built form and sloping topography away from the settlement. Furthermore, the site forms part of a wider open landscape which mostly consists of mixed open farmland.
72. The Council accepts that there is compliance with Core Strategy policies relevant to the issue of landscape. As such, there is no dispute that the appeal scheme respects landscape character in accordance with Policy DM4 (Part B(i)) and has been designed so as to be sensitive to its landscape setting in accordance with Policy DM9 (Part C). However, on the latter point, the scheme is for outline consent with details on design, landscaping and layout reserved for subsequent approval. As a result, I give little weight to that point as the submitted layout plan is illustrative only and may change.
73. The appeal site has no formal designation as a 'valued landscape' in terms of Paragraph 170 of the Framework. However, the site does contribute to, and forms part of, a locally valued landscape by residents and the local community. The 'valued landscape' in this context relates to its local amenity value, its character, how it is experienced by local people and its contribution to that experience. As such, although not part of a formally designated 'valued landscape', its value to local people should not be automatically diminished or limited as a result.
74. Further to this, the Council's assessment of the landscape value of the site is supported by the Local Plan Site Allocations: Landscape Study 2019 [I6]. The findings of that Study align with the detailed landscape analysis provided to the Inquiry by the Council. I acknowledge that the findings of the Study relate to a wider landscape area than just the appeal site and forms part of the yet to be tested evidence base for an emerging Local Plan. However, this does not necessarily mean those findings have limited or no relevance to a landscape assessment of a site within the local area or limit any support it may lend to it.
75. Although not cited in the reasons for refusal, Policy DM9 of the CSDMP was identified as being relevant in the Officer's Report on the scheme. Policy DM9 makes express reference to landscape policy zones within the local Landscape Character Assessment (LCA) [I5]. Whilst that document makes no attempt to systematically identify landscape value, it does record the landscape sensitivity of policy zones.
76. The appeal site lies within the Idle Lowlands – Policy Zone 08 (PZ8) [I5e] which carries the highest designation of 'Conserve'. This equates to a ranking of 'high' sensitivity and 'good' condition. PZ8 is recorded as having a moderate level of landscape sensitivity by the Council. However, the zone covers a wide area stretching away from the north eastern edge of Retford. The Council accepted that landscape sensitivity will not be uniform across that wider PZ8 area. This is a reasonable position to take and one with which I agree.

77. Amongst the "Landscape Actions" for PZ8, the LCA seeks conservation of the open rural character of the landscape, "by concentrating new development around the north eastern fringe of Retford." It is accepted that this is an indication that the LCA considered that part of PZ8 to be less sensitive to development. This accords with the appellant's view which assesses sensitivity here as 'moderate/low' owing to the influence of the settlement edge.
78. By contrast, the Council's assessment maintains a 'moderate' level of sensitivity for the appeal site. The difference in the two assessments is marginal. The Council accepts that the appeal scheme is in general accord with the LCA, including the landscape actions for PZ8. Despite this, the Council's overall conclusion is that there is a moderate level of impact on landscape character. The appellant contends that even that conclusion over-states the landscape impact as the Council narrows its focus on impacts at site level rather than more widely across PZ8.
79. In almost all cases involving the development of a greenfield site, there will inevitably be material change at site level. In this case, elements of the landscape will be lost, such as parts of two fields, whilst other landscape features will be retained and enhanced such as hedgerows and associated ditches. However, the appellant states that the proper approach to assessing impact on landscape character is to conduct the assessment in the context of the relevant landscape character area – in this case, PZ8. On that basis, it is argued, the effect would not be moderate but minor, in accordance with the conclusion of the appellant's assessment, the conclusions of the Council's appointed landscape consultants, VIA and the Council's officers.
80. Several assessments, studies and critiques have been submitted in evidence by both main parties and I have had regard to them all. It is noted that not all the identified pieces of landscape assessment work had a similar scope or remit. For example, the Council's landscape consultant at the application stage (VIA) was commissioned to undertake only a limited review of the appellant's existing LVIA. This is an entirely different exercise to the more comprehensive LVIA commissioned by the Council for the appeal. As such, any direct comparisons of professional judgements are difficult to discern between the two assessments. Notwithstanding this, I note that the review of the appellant's LVIA for the Council at the application stage 'agreed' with a finding which the LVIA did not actually reach.
81. From the evidence, it is also noted that development could occur in other urban fringe locations around Retford which would be less sensitive and within a lower designated Policy Zone than the appeal site. As such, those locations could be considered as more appropriate for development.
82. The several submitted assessments show differences in judgement regarding landscape issues. This is not unusual and reflects the subjective nature of such assessments. In this case, differences in judgement between the main parties on landscape impact primarily relate to the following four themes.

Experience

83. This relates to the importance placed on the experience of the viewer as they move through the landscape and the effect of the appeal scheme on that. Having had regard to the views of both main parties and the submitted evidence, in my view, the site is presently experienced as an open rural landscape. As the viewer moves north along Footpath 22 (FP22) their experience of their surroundings becomes more rural. The site therefore provides an important transitional visual experience of moving from the low density, built form of the Retford settlement edge to the open rural

landscape and countryside. This would be substantially diminished and irrevocably changed by the scheme.

84. Furthermore, the scheme would be unlikely to replicate this transitional relationship and experience between the character of the existing settlement edge and the open rural countryside through the proposed development. Therefore, it would result in significant visual harm in terms of how the site and surrounding area is experienced, particularly in terms of that visual and physical transitional role.

Settlement edge

85. This relates to the visually soft nature of the settlement edge and the impact of the appeal scheme on it. The scheme would clearly change the character and appearance of the existing settlement edge. It is currently viewed as a softened edge due to the low density housing screened by mature and substantial trees and large hedgerows. This results in a settlement edge that draws from the features of the landscape and limits or softens the visual and physical contrast between the built form and rural character of the local landscape. Notwithstanding the indicative boundary landscaping proposed in mitigation along the edge of the appeal scheme, in my assessment, this would not replicate or suitably replace the softened nature of the settlement edge which exists particularly adjacent to the Bigsby Road access point.

86. The scheme would not be an 'acute' encroachment into the landscape between Retford and Clarborough as the Council states. However, as I have observed, it would appear as a substantial extension into the countryside and which would result in an inappropriate extension visually due to the sloping topography and open character of the landscape. It would protrude substantially beyond the existing physical and visual edge of Retford and possibly also the existing ridgeline when viewed from the north and north east depending on the height of the proposed dwellings. This protrusion would be more visually prominent when viewed from those points to the north owing to the sloping topography of the site from south to north and away from the existing settlement edge. As a result, the existing softened settlement edge would be lost. This would be significantly detrimental to the landscape character and appearance of the site and the local area.

87. As the scheme seeks outline consent, I do not have the detail of the proposed landscaping and layout before me. Nonetheless, from the evidence I do have, I find that the adverse impact of the scheme on the character of, and the visual change to, the settlement edge in short and medium range views from the north and north east, would be significant and unacceptable.

Uncharacteristic

88. This relates to whether the nature of the development would be characteristic of the area and in keeping with the wider settlement and landscape or would lead to the loss of key localised features. At the Inquiry, the appellant stated that the scheme would predominantly comprise of two storey dwellings. This was illustrated in sketch drawings submitted in the appellant's evidence and to which I was referred. Existing dwellings adjacent to the site are a mix of individually designed one and two storey detached properties, particularly along the settlement edge west of Bigsby Road, which are positioned on good sized plots. Moreover, the open rural character of the countryside and landscape and its transitional interaction with the existing settlement are intrinsic aspects of the character of the area to which the site forms a part.
89. I do not have any detailed, finalised proposals for house types, building heights and layouts for the appeal scheme before me as the proposal seeks outline consent.

Nonetheless, from what I have seen and heard, given the location and proposed scale of the scheme and noting the illustrative plans and visuals provided, I find it unlikely that it would be characteristic of, and in keeping with, its existing surroundings in terms of the aspects I have described.

90. Therefore, the scheme would be uncharacteristic and discordant with its surroundings in terms of the open rural countryside landscape and the adjacent low-density development of individually designed properties present on the existing settlement edge. As such, it would inevitably, but significantly, harm the character of the landscape and surrounding area which would also be partially lost as a result.

Mitigation

91. This relates to the assessment of whether the mitigation proposed would effectively replicate or replace the intrinsic value of what is an inherently rural site. I note the appellant's points that mitigation will limit the inevitable adverse landscape impacts of the scheme and provide facilities and spaces that otherwise would have not been publicly available including the public open space and landscaped corridors. However, whilst this and substantial boundary landscaping can be provided, such measures cannot replicate or adequately replace the loss of value that the site has to the local community as part of an open rural landscape. Furthermore, in my view, such mitigation as indicated in this appeal would not adequately replicate or replace the key local features and characteristics of the site and its surroundings, including the existing 'soft' settlement edge, substantial hedgerows and planting and its transitional role from low-density settlement edge to open rural landscape.
92. Although the appeal site is not part of a designated valued landscape in the terms of the Framework, it is clearly a locally valued landscape for residents and users of the countryside in the surrounding area. The site makes a key contribution to that local value through the public rights of way present, its proximity to the settlement edge and the transitional role between the urban and rural character that it provides. From all I have seen and read, the local value placed on the site is substantial and the mitigation proposed would not make the impact of the scheme acceptable.
93. Taking into account the combined assessment of the four themes above, it is my view that the adverse impact of the scheme on the experience of the site and local area by local people, and the impact it would have on the character of the settlement edge and wider landscape, is significant. The presence of dwellings here would appear as an incongruous imposition of built development in the open countryside and would erode the currently gentle transition from the built form of Retford's settlement edge to the open countryside around it. Although residential in nature, there is nothing substantive before me to support the view that the appeal scheme would be a characteristic addition to the local area or landscape. Moreover, the proposed mitigation relating to landscaping and boundary planting would be insufficient to appropriately replace or replicate the key local features and characteristics of the site and its surrounding landscape.
94. Given that the impact of the scheme would be felt most keenly by local residents and those who experience the site and area daily, I have taken into account all resident representations on these matters as well as the submitted landscape evidence. Notwithstanding the appellant's view that such impacts would be 'common place' or 'localised', these impacts are of great significance to those who would be affected most by the scheme and are a material consideration in this appeal. As such, I consider this approach to be reasonable and appropriate.

Conclusion on landscape character and visual impact

95. Landscape and visual impact and assessment is based on subjective judgements and opinions. Having taken all the evidence into account, including my own assessment and observations, in my judgement the scheme would have a significant adverse effect on the landscape, character and appearance of the site and surrounding area. It would significantly diminish the local value of the landscape and would neither protect nor enhance the natural and local environment, in the context of the Framework. It would have a significant adverse visual impact on the character and appearance of not only the site but also the wider countryside and surrounding area.
96. Consequently, having had regard to the above and all other related landscape matters, I conclude that the appeal scheme would have a significant adverse effect on the character and appearance of the surrounding landscape and area. It would not protect or enhance the natural and local environment and would fail to recognise the intrinsic character of the countryside. As a result, the scheme would not comply with Paragraph 170 of the Framework.

Other considerations

Housing Land Supply

97. It is a central part of national policy to achieve a significant boost to the supply of land for housing. As the appellant contends, this policy is not diminished in areas in which more than 5 years of housing land supply (5YHLS) has been achieved and it is no part of national policy that once such a position has been reached, efforts to identify land for housing should cease. Furthermore, the attainment of a 5YHLS is not a ceiling and it is acknowledged that the on-going national housing crisis persists.
98. Notwithstanding this, it is also necessary to assess all development proposals against the development plan and national policy, when considered as a whole. As such, weight is to be given to the differing elements of relevant policy and all other material considerations in determining such proposals.
99. The appellant provided an example of a decision (Nantwich) [H3] for a mixed-use scheme that included housing where the Council demonstrated more than a 5YHLS. The provision of additional housing was given significant weight by the Secretary of State in that case due to the national policy to significantly boost the supply of land for housing. The appellant contends that the same should apply in this case.
100. It is evident that the Nantwich case and decision turned on its own circumstances and merits, just as this appeal case does. The circumstances in the Nantwich case differ in that the proposal was for a mixed-use scheme and the 5YHLS was considerably different with twice the number of years supply indicated in this appeal case. Moreover, in this case, it is noted that the local planning authority as already delivered, and exceeded, the level of housing identified for the entire current local development plan period for Retford (2010-2028).
101. I note the appellant's point that national policy should be applied to all areas nationally. However, as the appellant rightly accepts, the fact that the Council does not have a Site Allocations DPD does not allow for *carte blanche* development. Local circumstances and material considerations also need to be taken account of when determining all development proposals. Housing should be provided in appropriate locations and at an appropriate scale. As such, I note that housing delivery in Retford has come forward largely on windfall in recent years through the development management process. Notwithstanding this, it is understood that many of those

windfall sites had been identified for allocation through the process of developing the Site Allocations document which the Council has used, although not adopted, as a guide for appropriately locating development in Retford. Accordingly, a windfall site must still be an appropriate site for development.

102. Therefore, I have taken into account the Council's housing land supply and housing delivery position and the appellant's points regarding these matters. However, I have done so as part of a more rounded assessment of the appeal scheme against the development plan and national policy as a whole and in the context of the reasons for refusal and the evidence before me. On that basis, I have also considered whether the scheme would be an appropriate development in an appropriate location taking all material considerations into account.

Ecology

103. I have had regard to the evidence provided by the appellant through the Ecological Assessment [C6] and its addendum in October 2019 [C7]. I have also considered the concerns raised by residents and other interested parties on these matters. From what I have seen, read and heard, it is noted that the appellant's assessment and evidence has not been contested by the Council. Moreover, there is no other specific evidence before me to counter the appellant's submissions or approach. Therefore, whilst some inevitable adverse impact on ecology would result from development on the site, this harm could be reasonably and appropriately mitigated through proposed measures agreed and set out in planning conditions.

104. The appeal site contains little in the way of ecological interest as it is predominantly used for arable crop production. Those features of greatest ecological interest, albeit, not designated, are the hedgerows. The appeal scheme proposes to see those maintained and enhanced. Together with the scope for other planting and structural landscaping measures, the appeal scheme would generate some ecological benefits.

Heritage

105. Some harm would be caused to the setting of the listed building to the west of the appeal site (Moorgate House). However, it has been assessed as having minor harm which falls at the lower end of the "less than substantial" spectrum. This assessment is agreed between the main parties and I have seen or heard nothing to dissuade me from that view. As a result, and in any event, I find that the less than substantial harm to the designated heritage asset resulting from the appeal scheme would not be so significant as to substantively alter my overall conclusion and decision.

Air Quality

106. I have dealt with matters in respect of air quality at earlier points in my decision. There was no objection from the Council in air quality terms following the appellant's submission of an air quality assessment and the reason for refusal was withdrawn. I have also had regard to the concerns raised by interested parties. However, none of these have been supported by any substantive evidence to overcome the agreed position of the Council and appellant on air quality matters. Overall, whilst I fully appreciate local concerns, I am satisfied that there would be no adverse air quality implications arising from the appeal scheme that could warrant unacceptable harm, subject to conditions.

Other Developments

107. I have had regard to written submissions and comments relating to the impact of the appeal scheme, if allowed, on the delivery of other consented developments in Retford. Based on what is before me, I understand these other developments to have planning consent and as such can be progressed on site. Therefore, without the full details of each development, I see no planning barrier to them proceeding, regardless of the outcome of this appeal. However, as I am dismissing the appeal, such matters no longer arise.

Other Decisions

108. Other appeal decisions and court judgements were put to me in evidence by the main parties. Each case turned on its own evidence, as does this case before me. I have had regard to these, drawing specifically on them where necessary. However, because of the individual site-specific nature of these other cases, none of those schemes and their planning context are so substantively similar to this case. As such, I have given limited weight to them in determining this appeal.

Planning Benefits

109. For the avoidance of any doubt, in ascribing weight to the benefits I have used the following scale: limited, moderate, significant, substantial.

110. To overcome the presumption in favour of sustainable development, in accordance with the tilted balance, it must be shown that alleged harm significantly and demonstrably outweighs the benefits of the appeal scheme. To be clear, the engagement of the tilted balance in no way automatically leads to the grant of planning permission, nor the disregard of relevant development plan policies. Nonetheless, the tilted balance sets a high bar to be overcome in order to justify the refusal of planning consent through the balancing exercise.

111. The development of up to 170 dwellings and all associated infrastructure would contribute to overall housing supply in Bassetlaw. However, owing to the strong performance of the Council in terms of housing land supply and housing delivery, this benefit attracts only moderate weight in this case. The provision of affordable housing attracts significant weight as delivery has been very low in the area in recent years and a significant need for affordable housing is identified.

112. The economic benefits of employment for construction workers and increased local spending from new residents have limited weight. Whilst their importance to the construction industry and the economy are acknowledged, these benefits are temporary and generic respectively and would be realised on most, if not every, residential development.

113. Although scope exists for other planting and landscaping measures to be introduced and established as part of the appeal scheme, such benefits would take time to realise. Also, the proposal would maintain and enhance existing ecological features such as hedgerows whilst necessitating the removal of others, such as trees. Therefore, I give the benefits relating to biodiversity and ecology limited weight. The provision of public open space would result in new facilities which would be available to existing residents as well as new ones. As it would enhance and increase existing provision in the area, I attach moderate weight to this.

Planning Balance

114. From my assessment of the evidence in terms of harm, the appeal scheme in conjunction with traffic generated by other new developments, would result in a severe cumulative impact on traffic levels at key junctions in the local area and on the free flow of traffic on the local highway network generally. This would result in junction capacity at the Tiln Lane/Moorgate junction being exceeded and parts of the local highway network being blocked at busy periods of the day. The additional traffic generated by the scheme would also have a significant unacceptable effect on highway safety on Tiln Lane and on the safe and suitable means of access to the site along Bigsby Road. As such, I have found that the scheme conflicts with Policy DM4 of the CSDMP and Paragraphs 108 and 109 of the Framework. I attach significant weight to the harm identified to both traffic flow and highway safety.
115. The scheme would not respect its local context or conserve or enhance the open countryside character of its surroundings. It would be a substantial and inappropriate extension into the countryside particularly given the local topography and open character of the landscape. As such, the visual impact of the scheme, particularly when viewed in its surroundings, would significantly harm the character and appearance of the landscape. Therefore, I have found that the scheme conflicts with Paragraph 170 of the Framework. I attach significant weight to this harm.
116. The benefits of the appeal scheme are wide-ranging and the provision of affordable housing attracts significant weight in favour of the proposal. The market housing and the economic and environmental benefits identified would also bring some positive outcomes resulting from the scheme. However, when assessed and considered both individually and in combination these benefits do not overcome the cumulative significant weight I attach to the harm identified regarding the unacceptable severe and significant impacts on traffic flow, highway safety and landscape. Accordingly, I find that the harm identified significantly and demonstrably outweighs the benefits of the scheme.

Conclusion

117. For the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR

APPEARANCES

For the local planning authority

Piers Riley-Smith of Counsel Instructed by Bassetlaw District Council

He called

Chris Holloway BEng(Hons), MCIHT	Divisional Director, Pell Frischmann Consulting Ltd (Highways Witness)
Sara Boland BA(Hons), DipLA, CMLI	Director, Influence Environmental Ltd (Landscape Witness)
Bob Woollard BSc(Hons), MA, MRTPI	Director, Planning and Design Group (UK) Ltd (Planning Witness)

For the appellant

Ian Ponter of Counsel Instructed by Muller Property Group

He called

Matt Cleggett BEng, MCIHT, FCILT	Director, Vectio Consulting Limited (Highways Witness)
Jonathan Berry BA(Hons), DipLA, CMLI, AIEMA, M.Arbor.A	Partner, Tyler Grange Group Limited (Landscape Witness)
Patrick Downes BSc(Hons) MRICS	Director, Harris Lamb Property Consultancy (Planning Witness)

Interested parties

Mr. Bruce Barnett Mr. Andrew Middleton	Retford Civic Society Local resident
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INQUIRY DOCUMENTS

- ID1** Opening Statement for the Appellant
- ID2** Opening Statement for the Council
- ID3** Statement by Mr Bruce Barnett (on behalf of Retford Civic Society)
- ID4** Statement by Mr Andrew Middleton (on behalf of local residents)
- ID5** Photograph of Appeal Site from first floor window of local resident Penny Sharpe's property
- ID6** CIL Compliance Statement with Appendices 1-4: Bassetlaw District Council
- ID7** Corrected Inset Map of Viewpoints – Appendix 1 of Sara Boland's Proof of Evidence
- ID8** Closing Submissions on behalf of the Council
- ID9** Closing Submissions on behalf of the Appellant
- ID10** Cost Application on behalf of the Appellant
- ID11** Costs Response on behalf of the Council
- ID12** Executed S106 Agreement – Planning Obligations
- ID13** Updated Schedule of Suggested Conditions with Statement of Justification following the Round Table Session at the Inquiry