

DELEGATED REPORT	
Application Reference:	19/0234
Description of Development	Retrospective application for a garden access onto a public highway
Case Officer	Nicholas Unwin
Appraisal	
Site	Pinegarth, Armathwaite
Proposal	<p>The proposal is for a retrospective garden access onto a public highway.</p> <p>The proposed site is adjacent to the South-East garden curtilage of Pine Garth and the North-West curtilage of approval 18/0586 for the erection of 18 dwellings.</p> <p>The proposed site is separated from approval site 18/0586 by a 2 metres high wooden fence and from the garden curtilage of Pine garth by a low wooden post fence. The site is primarily grass and currently contains two large piles of wood at the North-Eastern boundary.</p> <p>Although described within the application as a garden, the proposed site remains separated from the traditional garden curtilage of Pine Garth and could better be described as land associated with Pine Garth, akin to an adjoining paddock. Therefore the proposed site is considered to be greenfield.</p> <p>Due to this separation by a low fence from Pine Garth, the proposed site can only be accessed via the C1040 road adjacent to the South-West curtilage boundary of the proposed site.</p> <p>The centre of the proposed access is approximately 27 metres South-East from the entrance to Pine Garth and 35 metres North-West of the access to approval 18/0586. This section of the C1040 road is relatively straight provided good visibility in both directions.</p>
Relevant Site History:	None
Policy:	<p>Local Development Plan 2014-32:</p> <ul style="list-style-type: none"> • DEV1 General Approach to New Development • DEV5 Design of New Development • DEV3 Transport, Accessibility and Rights of Way <p>National Planning Policy Framework (NPPF):</p> <ul style="list-style-type: none"> • Chapter 9 Promoting sustainable transport • Chapter 12 Achieving well-designed places
STATUTORY CONSULTATION RESPONSES	
Highway Authority	Responded on 13 May 2019 raising no objection.
Lead Local Flood Authority	Responded on 16 April 2019 raising no objection.

DISCRETIONARY CONSULTATION RESPONSES	
Parish Council	No response received.
NOTIFICATION RESPONSES	
Application advertised by way of immediate neighbour notification letter and site notice posted.	No letters/emails of response have been received.
OBSERVATIONS	
Main Issues:	Appraisal:
Principle	<p>Para 109 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.</p> <p>Highways were consulted and initially responded stating that “the development has resulted in a multiplicity of accesses onto the public highway for Pinegarth, which increases the risk and danger and inconvenience to all users of the road”, going on to say that “On behalf of the Highways Authority from a safety point of view I am recommending refusal for this application however will be willing to reconsider our view if the applicant were to supply a reason for this access”.</p> <p>The applicant responded to this stating that the “access is required for maintenance of this area of garden / meadow, there is no alternative access”. The Highways Authority were satisfied with this and withdrew their objection.</p> <p>Given the proposed access is used to access a small area of greenfield land adjoining the garden curtilage of Pine Garth, the good visibility in both directions of the C1040 road and the distance from the two existing access within the vicinity onto the C1040 road, the proposal is not considered to result in an unacceptable impact on highway safety and therefore the principle of the proposal is considered acceptable.</p>
Scale & Design	The proposal does not result in any physical alteration to the site and therefore is not considered to impact scale and design.
Impact on the landscape/amenity of the area	The proposal is not altering or adding to the existing built environment and therefore is not considered to impact the amenity of the area.
Impact on the living conditions/amenity of neighbouring residents	An additional access onto the C1040 road is not considered to impact the amenity of neighbouring residents.
Impact on the character and appearance of the built	The proposal does not require any external alterations or additions to the existing site and therefore the proposal is not

environment (LBs/CA)	considered to impact the character and appearance of the built environment.
Impact on the natural environment (species/habitats)	The proposal is for the creation of an access and therefore is not considered to impact the natural environment.
Impact on the Historic Environment	The proposal is not located within any conservation areas, nor is it within the vicinity of any listed buildings. Therefore the proposal is not considered to have an impact on the historic environment.
Conclusion	The proposal is not considered to result in an unacceptable impact on highway safety, as confirmed by the Highways Authority. Therefore the proposed development is recommended for approval.

RECOMMENDATION	<p>That the application is granted subject to the following conditions:</p> <p>Time limit for commencement</p> <p>1. The development permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>Approved Plans</p> <p>2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:</p> <ul style="list-style-type: none"> i. Application Form, dated 28 March 2019; ii. Plan (G-101-501), dated March 2019. <p>Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.</p>
Notes for Developer	<p>1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement.</p> <p>It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.</p>