

Appeal Decision

Site visit made on 28 June 2016

by **Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC**

Decision date: 24th August 2016

Appeal Ref: APP/Z2315/W/16/3146537

Attached barn and shippin, Barley Green Farm, Hameldon Road, Burnley, Lancashire, BB11 5QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Alfred Harrison against the decision of Burnley Borough Council.
 - The application Ref AR/NOT/2015/0591, dated 22 December 2015, was refused by notice dated 16 February 2016.
 - The development proposed is conversion of attached stone barn and shippin to 3 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council considers that the proposal accords with the requirements set out in paragraph Q.1. of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). There is no evidence before me to the contrary.
3. The conditions attached by paragraph Q.2. of the GPDO require the Council to determine whether prior approval of certain matters is required. The Council determined that prior approval was required for the transport and highways impacts of the development and the design and external appearance of the building, refusing the former but granting approval of the latter. My determination of this appeal has been made on this basis.

Main Issue

4. The main issue raised by this appeal is whether the transport and highways impacts of the proposal are acceptable, with particular reference to the proposal's effect on the safety of users of Hameldon Road and the A679 including any effects of mitigation in the form of a potential 'build out' at the junction on those impacts.

Reasons

5. The appeal site is accessed via a long track leading to Hameldon Road which itself extends for a considerable distance before it joins the A679. There are 'Stop' markings on Hameldon Road at the junction and Manchester Road also
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- joins the A679 more or less opposite. The appellant lists twelve properties or groups of properties which also use Hameldon Road as their vehicular access.
6. In responding to the Council's consultation required under GPDO paragraph W.(5)(b), the Highways Authority consider that the junction with the A679 has poor sightlines, in particular to the left (for vehicles leaving Hameldon Road), views expressed in relation to a previous application. The appellant submitted a Transport Statement (TS) with their application. Although this contends that the trip generation of the proposed development would be negligible it also recommends options to improve visibility at the junction, including a 'build out' created with white lines on the carriageway of the A679. The TS states that the appellant would be willing to contribute to such a scheme, although it does not state that this is the only option or that it is an integral part of the proposal.
 7. There would appear to be little doubt that the visibility at the junction is below standard. Visibility is affected by cars parked outside Lane End to the left. It cannot be guaranteed to the right as part of the visibility splay in this direction includes part of the forecourt of the Hapton Inn where it cannot, therefore, be certain that it would remain unencumbered. The speed survey which accompanied the TS shows the 85th percentile speed of vehicles using the A679 at slightly higher than the speed limit, at 33mph and 34mph. The combination of the geometry of the A679 and the speed of vehicles using it means that the limited visibility at the junction is such that there is a risk to the safety of all users of the highway, the effects of which could be severe to road users of any mode.
 8. Furthermore, the TS includes reference to accident data, including a three car incident with two adults injured in 2011 at the Hameldon Road/A679 junction. Few details are provided and there is insufficient information provided to conclude, as the TS and appellant's statement do, that the geometry of, or visibility at, the junction, were not factors in the causation of the accident.
 9. There are a number of dwellings and farms whose access relies on using the junction. The appellant's statement considers these numbers are increased by those of recreational users accessing footpaths which Hameldon Road leads to, although this is based on anecdotal evidence. However, it cannot necessarily be concluded that the volumes of vehicles currently using the junction would render it acceptable in light of the sightline deficiencies. Furthermore, although the TS considers the increase in light of existing users to be negligible, the additional traffic likely to be generated by three additional dwellings, although limited when considered with that likely to be generated by existing properties, would nevertheless materially increase the numbers of vehicles using it.
 10. It has not, therefore, been conclusively demonstrated that the transport and highways impacts of the development would be acceptable with the current configuration of the junction.
 11. The proposed 'build out' put forward in mitigation of the visibility deficiencies would appear to overcome the shortfall in sightlines currently afforded at the junction in both directions. Concerns that cars would continue to park on white lined hatching on the carriage way could be avoided by a physical 'build out' with kerbs.

12. However, the result of the 'build out' would be to narrow the carriageway at, and on the approaches to, the junction. This would also result in the loss of a central area of hatching on the carriageway. This has the effect of separating traffic approaching in opposite directions along the A679 as it negotiates the bend in the road and providing a degree of protection to traffic turning right off the A679 in both directions.
13. Whilst the narrowing of the carriageway may help to reduce vehicle speed, bearing in mind the alignment of the A679 at this point, combined with the speeds of users and the arrangement of the junctions with Manchester and Hameldon Roads, in a location where there has been an accident, there would appear to be a risk that the results of narrowing the carriageway could harm the safety of road users. This would be as a result of the loss of protection for vehicles making a right turn and bringing vehicles travelling in opposite directions around a bend closer to one another.
14. Notwithstanding that it is not certain that the 'build out' would definitely be provided (the appellant only proposing to *contribute* to such a scheme), in light of the Highway Authority's objection to this arrangement and their concern that it would give rise to safety concerns, particularly for cyclists and horse riders, it has not been satisfactorily demonstrated that the consequential effects of such an arrangement would not in themselves harm the safety of all road users.
15. The National Planning Policy Framework states that development should only be prevented on transport grounds where the residual cumulative impacts of the development would be severe. In the absence of any compelling evidence to the contrary, these circumstances would exist and it has not been satisfactorily demonstrated that the transport and highways impacts of the development would be acceptable.
16. The TS refers to other planning applications for dwellings granted in Hapton. However whilst the TS cites they would add traffic to A679, from the information provided it would appear that none of the addresses of these sites are on Hameldon Road, and should occupiers wish to join the A679 they would more likely to rely on the Manchester Road approach to the junction. Notwithstanding that I have been presented with very little information regarding the traffic considerations which led to their approval, the geometry and sightlines are materially different to those at the Hameldon Road side of the junction and I have therefore given these examples very little weight in reaching my conclusion.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, the appeal is dismissed.

Geoff Underwood

INSPECTOR