
Appeal Decision

Site visit made on 20 June 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 07 July 2017

Appeal Ref: APP/Q3305/W/17/3171045

Lilac Farm, Main Road, Westhay, Glastonbury BA6 9TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Raymond Adlam against the decision of Mendip District Council.
 - The application Ref 2016/2624/FUL, dated 15 October 2016, was approved on 9 December 2016 and planning permission was granted subject to conditions.
 - The development permitted is the creation of a new entrance to Lilac Farm, Westhay from the B3151 'Main Road', as the existing entrances do not have good visibility. An application for the new entrance was previously approved, but conditions were imposed that made the new entrance nonviable.
 - The condition in dispute is No 3 which states that: 'The existing vehicular access to the site immediately adjacent to the farm house as shown on drawing A_1118_CVP.01 shall be stopped up, its use permanently abandoned and the verge crossing reinstated all in accordance with the details which shall be first submitted to and approved in writing by the Local Planning Authority. Such works shall be completed within three months of the new vehicular access hereby permitted being first brought into use'.
 - The reason given for the condition is: 'In the interests of highway safety'.
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Decision

1. The appeal is allowed and the planning permission of Ref 2016/2624/FUL for 'creation of a new entrance to Lilac Farm, Westhay from the B3151 'Main Road', as the existing entrances do not have good visibility. An application for the new entrance was previously approved, but conditions were imposed that made the new entrance nonviable' granted on 15 October 2016 by Mendip District Council, is varied by deleting condition 3 and substituting it for the following condition:
 - The existing vehicular access to the site, identified as Existing Secondary Entrance to Lilac Farm and as shown as entrance 'SX' on drawing A_1118_LO.01 shall be stopped up, its use permanently abandoned and the verge crossing reinstated in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. Within three months of the new vehicular access being first brought into use, the Local Planning Authority shall be notified in writing that the works to stop up entrance 'SX' have been completed in full accordance with the approved details.

Main Issue

2. The main issue is the effect of varying condition 3 on highway safety.
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Reasons

3. Condition 3 of 2016/2624/FUL requires the use of primary access to Lilac Farm to be permanently stopped up before the new access, as proposed under this application, can be implemented. The appellant is seeking to remove this condition and proposes to permanently stop-up a second access from the site onto the B3151, which is located between the main existing entrance and the proposed new entrance.
4. This appeal follows a previous Inspector's decision from May 2015¹, which considered the effect of removing the same condition imposed on planning permission Ref 2014/1585/FUL, which likewise permitted the creation of a new vehicular access. At the time of my site visit, early afternoon on a weekday, I observed the highway conditions along the B3151 'Main Road' to match the findings of the previous Inspector. Likewise, the hazardous nature of the existing farm entrance for reasons of limited visibility and the insufficient turning arc for large agricultural machinery. It follows that I concur with the finding that the proposed new vehicular access would facilitate improved visibility in both directions.
5. The previous Inspector noted that a second entrance to the farm existed, though it was gated and had been unused for some eight years. At the time of my visit to the site, however, this situation has materially changed. This second exist was clearly in established use by farm vehicles to enter the main farm yard from the side, avoiding the convoluted main farmyard access. The second access has a shallow opening onto Main Road, at a bend in the road, with dense hedgerow on either side. Even though this hedge had been recently cut, the views over it are severely limited and drivers on the B3151 would not be able to see cars exiting. While the second access may have overcome the need for large machinery to turn in the village, there are now two access points onto the busy B3151, both affording poor visibility and presenting a risk to highway safety.
6. To my mind, the main farm entrance is unsuitable for farm machinery, hence the proposal to create an alternative access provision and the current use of the second access. It would not be possible to enforce a restricted use of the primary farm entrance for cars only. However, I consider that the majority of large vehicles would be driven via the entrance with the best visibility and most convenient route into the working part of the farm.
7. Stopping up the main farm entrance would mean domestic traffic would have to go through the main farm-yard to reach the farmhouse. Compelling domestic traffic through the area where large machinery turns and is refuelled and where animals are kept and driven-through could potentially create a safety risk in itself. More so if visitors were required to park their vehicles on, and then cross over, the main highway. To my mind, this outcome would present increased risk to pedestrian safety and would also cause vehicles to impede the traffic-flow along the B3151.
8. While the visibility from the main entrance is restricted, this is only in one direction. Also, this access is located closer to the village where vehicles are travelling slower and a 30mph speed restriction is in place. The second access, however, has extremely poor visibility in both directions, is further away from

¹ APP/Q3305/W/15/3003076

the village, closer to a national speed limit sign, and therefore at a point where vehicle speeds are increasing. Of the two existing accesses, in my judgement, that of the main farm entrance poses the lesser risk in terms of highway safety.

9. To retain the status quo, as the appellant suggests would be the case, there would be two accesses with poor visibility onto the B3151. To stop up the second access and implement the new one would equate to the same number of accesses, though one would be significantly safer. As the proposal stands before me, there would not be any increased risk of incident or accident, over and above that which already exists. Taking account of whether safe and suitable access to the site can be achieved for all people, I therefore find that, with the continued use of the main farm access, stopping up the second access and the provision of the new access, the residual cumulative impact would not be severe. Given the site-specific circumstances before me, I consider the removal and substitution of condition 3 would meet the provisions under Policy DP9 of the Mendip Local Plan, Part 1 Strategy and Policies 2006 – 2029, adopted 2014, which seeks to make safe and satisfactory provision for access; well as paragraph 32 of the National Planning Policy Framework, which encourages safe and suitable access.

Conclusion

10. I find therefore that condition 3 is not necessary or reasonable in the interests of highway safety. I have therefore varied the permission by deleting condition 3 and substituting it for a condition requiring the stopping up of the existing second access to the site. For the reasons given above, I conclude that the appeal should be allowed.

H Porter

INSPECTOR