



Appeal Decision

Site visit made on 18 July 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 01 August 2017

Appeal Ref: APP/W1850/W/17/3174175

The Beech, Haynall Lane, Little Hereford, Herefordshire SY8 4BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Stinton against the decision of Herefordshire Council.
 - The application Ref 163096, dated 22 September 2016, was refused by notice dated 16 December 2016.
 - The development proposed is change of use and alterations of a farm building to create an industrial unit within use classes B1, B2 and B8 provision of parking, treatment plant (sewage) and cycle shelter. (Re-submission of application No. 160782).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on highway safety and whether the appeal site is in a suitable location for the development proposed.

Reasons

Highway Safety

3. The appeal relates to a large agricultural building located off Haynall Lane, occupying part of a flat area of hardstanding within a much larger landholding owned by the appellant. The scheme proposes a change of use and physical adaptation of the building, which is currently used for storing caravans, for the purpose of manufacturing insulation panels.
4. A previous Inspector has considered the issue of highway safety and the circumstances along Haynall Lane (APP/W1850/A/10/2142240), as well as the substandard visibility at the A456/Brimfield cross junction. While that assessment was based on a different proposed use and planning policy background, the previous Inspector found that the use of the appeal site for agricultural markets would unduly compromise highway safety, both along Haynall Lane and at the substandard road junction. There is no evidence to indicate that the circumstances along Haynall Lane or at the junction have changed in the intervening years since that earlier decision. In light of this, the previous appeal decision stands as a material consideration in the context of this current appeal and I shall therefore have regard to it when reaching my own conclusions.
5. The prospective occupier of the building (Kevothermal) would operate on site Monday to Friday, with two shifts per day and twenty operatives on each shift.

The appellant contends that 14 cars would arrive and depart each day, excluding the deliver and dispatch vehicles; totalling some 28 vehicle journeys along Haynall Lane. Kevothermal propose to provide free bicycles for their staff, and imply that staff journeys would be reduced by operating a car share programme. The appellant's own traffic survey, conducted twice hourly between 0600 and 2200 over five week-days in September, recorded an average of 26 vehicle movements along Haynall Lane. Even taking the projected 28 additional journeys calculated by the appellant, the proposal would effectively double the number.

6. However, other than the schedule outlined within the Design and Access Statement, there is nothing substantive to show how a car share programme would be implemented, feasible or enforceable. Similarly, there is no indication that a staff minibus would work, especially as staff may be journeying from different locations. With this in mind, while there may be a broad objective to reduce staff journeys, in reality, the proposed change of use could generate in excess of 40 journeys each way, over 80 along Haynall Lane. Without any car share, therefore, the proposal would significantly increase the number of vehicles using Haynall Lane.
7. Furthermore, it remains undisputed that the A456/Brimfield cross junction, as well as the junction off Haynall Lane close to the A456, have restricted visibility. I note the appellant's point that the majority of staff would use the A49 southerly approach from Leominster. However, staff circumstances could easily change and there would be no means of ensuring control which way staff accessed the site, nor of ensuring delivery and dispatch vehicles did not approach or depart from the A456 direction. The proposal would therefore significantly increase the number of vehicle movements at a dangerous road junction, in the morning and evening peaks, as well as during the day.
8. The current proposal would, I accept, be likely to attract fewer wide agricultural vehicles than a market use; and I also note that once a month there are up to 30 vehicles accessing the site on a Friday and up to 120 vehicles, including lorries and tractors, visiting on a Saturday. Most highways are periodically subject to extraordinary disruptions, whether by reason of unusual loads, planned events or accidental occurrences of one sort or another. The appeal scheme however would introduce a significant and regular increase, including a 7.5 tonne dispatch lorry and bi-monthly delivery lorries, five days a week throughout the year. The appellant has stated that, should planning permission be granted, the storage of caravans would cease, creating a reduction of 72 movements to the site during the touring season. However, the Certificate of Lawful Use for the existing hardstanding for storing caravans and containers that was granted in May 2017 creates the potential for the wider appeal site to be used concurrently for caravan storage.
9. Caravans and agricultural vehicles are obviously more cumbersome than cars, but it is not just the width of vehicles but also the increased traffic movements that would have an impact. Only two vehicles need to be involved for drivers and or passengers to be harmed. As with the previous Inspector, I likewise consider that the width of Haynall Lane is not appropriate to safely accommodate the increased traffic movements the appeal scheme would be likely to generate. Balancing risk against probability, the increase in vehicle movements where there is substandard visibility would also result in unacceptable risk in terms of highway safety.

10. For these reasons, I consider that the proposed use of the appeal site would have severe residual cumulative impacts on highway safety. As such, the proposal would run contrary to Policies MT1 and SS4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 adopted October 2015 (the CS), which seek to ensure development does not adversely affect the safe and efficient flow of traffic on the local highway network. There would also be conflict with Policy BLH18 of the Brimfield & Little Hereford Neighbourhood Development Plan 2011 – 2031, which supports small-scale rural enterprise providing it would not adversely affect the surrounding infrastructure, particularly the local road network.

Location

11. The appeal site is situated in a remote location. Journeys to the appeal site therefore require travelling some distance along a rural country road network, where there is no formal footway or street lighting. There is no information before me on nearby public transport, although even if a bus did stop along the main roads, the journey to the site would still involve travel along the narrow Haynall Lane. Even with the provision of cycle racks, it seems to me that the appeal site is located where the convenience of using a car would outweigh relying on more sustainable modes to reaching the nearby villages or to rely on local facilities.
12. Kevothermal staff may currently be good customers of the local shop and Post Office in Brimfield. While relocation to the appeal site may keep the enterprise within the local area, it is not credible in my estimation to conclude that the relocation of the enterprise to the appeal site would either ensure or significantly discourage custom at local services, even if employees did continue to make use of the local services.
13. I therefore find that the proposed development would not be in a suitable location and would also run contrary to Policies E1, SS4 of the CS, which seek to focus new employment provision in appropriate locations in terms of connectivity in order to reduce the need to travel, and to facilitate a genuine choice of modes of travel including walking, cycling and public transport. The proposal would have some economic and social benefits in reusing an existing building and supporting a local business, however, these would not be outweighed by the environmental deficiencies in terms of highway safety and suitability of the location. Overall therefore the proposal would not represent sustainable development and would be contrary to Policy SS1 of the CS, as well as to the provisions within the National Planning Policy Framework.

Other matters

14. There have been various objections raising issues such as neighbour's living conditions, light pollution and drainage. I do not consider that such matters form any substantive basis for dismissing the appeal. A lack of harm in this regard, however, does not alter my overall conclusion.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSEPECTOR