



Appeal Decision

Site visit made on 4 May 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/D0121/W/19/3222079

Field adjacent to Waits Cottage, Knightcott Road, Banwell BS29 6HR

- 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 Richard Curry against the decision of North Somerset Council.
 - The application Ref 18/P/4496/FUL, dated 8 September 2018, was refused by notice dated 19 December 2018.
 - The development proposed is construction of field gate access.
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Decision

1. The appeal is allowed and planning permission is granted for construction of field gate access at field adjacent to Waits Cottage, Knightcott Road, Banwell BS29 6HR in accordance with the terms of the application, Ref 18/P/4496/FUL, dated 8 September 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The field gate access shall be constructed in accordance with approved plan PL3958/3B including sight lines there appearing.
 - 3) No shrubs, trees or other vegetation shall be allowed to grow above 0.9 metres in height within the sight lines referred to in condition 2.

Preliminary Matter

2. A field access is already in place but what is proposed is a set-back and new gate position with fencing. I have amended the description to make this clear. Plan PL3958/3B submitted with the appeal (amended visibility splays) has been commented on by the Council and the appeal determined accordingly.

Main Issue

3. The main issue is the effect of the development on highway safety with particular regard to visibility.

Reasons

4. The application relates to a small orchard, access to which was formerly through other land but is now unavailable. The point of access onto A371 Knightcott Road lies, with its grass verge and kerb, within the 40mph zone on the approach to the settlement of Banwell to the east. Although the A371 may be a road with a poor safety record overall, accident data indicates there have been no incidents within the last 5 years close to the site.

5. The parties differ as to the visibility criteria. Manual for Streets 2 (MfS2) makes clear that 'MfS2 explores in greater detail how and where key principles (found in Manual for Streets) can be applied to busier streets and non-trunk roads'. Based on the appellant's speed survey it seems to me strict application of standards for Motorways and Trunk Roads¹ is inappropriate when the site is within the scope of the more recent MfS2.
6. The appellant indicates visibility of 60 metres to the east² indicating a greater distance to the west would be achieved. Based on a speed survey the absolute minimum safe stopping distance (SSD) set out in MfS2 is 50 metres to the east and 60 metres to the west. Although based on a less than ideal 2m 'x' distance such that vehicles may protrude slightly into the highway, the conspicuous nature of most agricultural vehicles would provide additional warning.
7. Visibility to the west (left) is impaired, however the road curves away increasing visibility of, and for, approaching traffic. It seems to me visibility in excess of the stated 65m can be achieved at the centre line in the vicinity of the access to Waits Farm (and others) where there is central hatching such that approaching vehicles are unlikely to overtake. Visibility to the east (right) was, at the time of my visit, partly obscured by hedge growth, however with suitable cutting back the visibility quoted by the appellant could be achieved.
8. Plainly the agricultural use of the land subsists notwithstanding the redevelopment of the farm buildings and this cannot reasonably be disregarded. Without the opportunity to take vehicles³ onto the site, users needing to attend to the land or livestock will inevitably leave their vehicles on the highway. Observations during my visit as to the density of traffic in relation to the width of the road lead me to agree with the appellant's safety concerns as to such an arrangement particularly if livestock movements are involved as suggested. I also note that this would also disrupt traffic flow.
9. On balance, whilst the visibility proposed by the appellant may not be ideal it is not, for the reasons explained, harmfully inadequate having regard to context. Use of the access will be infrequent, for agricultural purposes and, to my mind, the alternative of servicing the land from the highway holds much greater risk.
10. I therefore conclude that the proposal would not conflict with Policy DM24 of the North Somerset Sites and Policies Plan which seeks to ensure development will not prejudice highway safety or the operation of the highway network and therefore, that the proposal complies with the development plan as a whole. For these reasons, the appeal succeeds.

Conditions:

11. Condition 1 suggested by the Council is not appropriate as no change of use of the land is sought, but a 'plans' condition is, to ensure development proceeds on the basis approved. Similarly, a condition requiring the visibility splay to be retained free of vegetation is necessary to ensure the splay is effective.

Andrew Boughton

INSPECTOR

¹ Appearing in Design Manual for Roads and Bridges

² Within 100mm of the kerb line

³ The appellant mentions trailers for sheep