



Appeal Decision

Site visit made on 11 June 2019

by C Beeby BA (Hons)

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/V2635/W/19/3225112

Land Adjacent Walsoken Aquatics, Green Lane, Walsoken PE14 7BJ

- 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 J Neave against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 18/01037/FM, dated 5 June 2018, was refused by notice dated 12 November 2018.
 - The development proposed is a change of use to site 3 static holiday homes (to fit within the definition of a caravan) to support an existing fishing lake.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the appeal form, and differs from that on the planning application. The proposal was amended by the removal of 5 proposed touring pitches from the scheme before the local planning authority determined the application. Accordingly, I have used the description given on the appeal form.

Main Issues

3. The main issues are:
 - The effect of the proposal on highway safety; and
 - The effect of the proposal on the living conditions of the occupiers of dwellings along Green Lane with regard to noise.

Reasons

Highway Safety

4. The appeal site lies off Green Lane, which is a rural lane with a width which is mainly suitable for a single vehicle. Opportunities for vehicles to pass are generally restricted to the use of property accesses or verges. Where two vehicles meet, it is therefore likely that the restricted width would necessitate a reversing manoeuvre on the part of one motorist, which would carry increased risks to both motorists and other users of the highway. Whilst the lane carries a national speed restriction, traffic is likely to travel at slower speeds than 60 miles per hour due to the lane's limited width, residential nature and the presence of sharp bends, which restrict visibility.

5. This is supported by surveys carried out by the highway authority, which found that traffic in the vicinity of the two main areas of bends on the lane was travelling at 20 miles per hour. The minimum acceptable stopping sight distance ("SSD") which is necessary in order for motorists to stop safely on such streets at this speed is 25 metres¹. Measurements by the highway authority indicate that the minimum SSDs at these bends are 10 metres and 13 metres. These results are not disputed by the appellant, and represent a significant shortfall in acceptable visibility at the points concerned.
6. Visibility is additionally restricted at the junction of Green Lane with Broadend Road, with the SSDs available comprising 33%-66% of those recommended due to the presence of a sharp bend and roadside vegetation. Furthermore, motorists travelling towards the A47 on Broadend Road have only approximately 33-46% (depending on the level of roadside vegetation) of the recommended SSD available due to the presence of the bend. The ability of motorists to react on time to the presence of stationary vehicles waiting on Broadend Road to turn right into Green Lane is therefore likely to be significantly reduced. Thus, the highways which would be used to access the site present a number of safety concerns.
7. The fishing lake supports use by 10-20 anglers at any one time. As access to the site forms the purpose of their trip, vehicle movements associated with angling use of the site are likely to be restricted to the journey to and from the site, and potential extra trips for meals or supplies.
8. There is no restriction on the length of time for which the proposed static caravans could be let. Thus, they could be used for longer holidays, which would be more likely to involve other family members, as a result of the 2 or 3 bedroom size of the caravans, their self-catering facilities and the 2 parking spaces allocated to each unit. The family size of the proposed units presents a likelihood that family members would travel elsewhere for day trips by private car even if one person remained at the site to fish, in view of the lack of facilities and attractions in the immediate area. Trips to eat out, shop or food deliveries would also be necessary given the potential for extended stays.
9. Whilst I acknowledge that there is no restriction on the current number of visitors to the site, the proposal would result in the intensification of the use of part of the site from a destination for short trips of a few hours' duration for the purpose of a site-based activity to a base from which holidays could be taken, by up to approximately 14 people at any one time. As a result of the above factors, the proposal is likely to increase the number of vehicular movements associated with the site. TRICs analysis on behalf of the appellant indicates that the proposal would give rise to 7 trips per day across the 3 units, whilst the highway authority considers that up to 12 trips per day would be generated. The TRICs analysis is based on data from caravan park or holiday village sites of 50-260 units. The upper end of the range is a scale of site which could be expected to offer some basic facilities with regard to food shopping and other services, and consequently which may result in less associated trips than the appeal proposal. Furthermore, the sample sites may have accessible services, facilities and attractions within their immediate area, which would further reduce necessary vehicular trips. I therefore consider that

¹ Manual for Streets (Department for Transport)

the proposal is likely to generate more than 7 trips per day, on routes which give rise to the safety concerns outlined above.

10. I acknowledge that an appeal decision² of 9 December 2013 which refused permission for 3 dwellings at an adjacent site did not consider the issue of highway safety. However, the purpose of the decision was not to endorse the existing A1 (shops) use of the site concerned, but to consider the effect of the alternative development proposed. The site was in use as a shop for some years before closing more recently, and any permission for that use would have been granted under different policy considerations. Furthermore, the proposal would have represented a significant reduction in vehicular movements associated with the site and the highway authority confirms that it consequently had no objection on highway safety grounds. In view of the differing policy background to the adjacent and current proposals and the acceptability of the adjacent proposal on highway safety grounds, I do not consider that any inconsistency in their determination has been shown.
11. Whilst I acknowledge that an extant A1 use permission at the adjacent site would allow for a significant number of associated vehicular movements, the site is not currently in use as a shop and the former business has been closed for several years, with no indication of any intention to reopen. Therefore it does not currently provide a comparable example to that which is proposed. Furthermore, even if the business were open it would not provide an example which should be followed even if harm were to result, particularly given the differing policy circumstances in which any permission would have been granted. Moreover, the original grant of permission for the fishing lake complex and the presence of existing businesses along Green Lane does not justify the addition of further traffic to routes which give rise to the safety concerns outlined above.
12. The appellant states that there have been no recorded accidents in the vicinity of Green Lane, or its junctions, for 5 years. Nevertheless, this data cannot provide confirmation of the appeal scheme's future effect on highway safety if allowed, which is the issue I must consider here.
13. The proposal would have an unacceptably harmful effect on highway safety and would consequently conflict with Policy CS11 of the adopted Local Development Framework Core Strategy (2011), which sets out that new development should provide for safe access for all modes of transport. Further conflict exists with Policy DM11 of the Site Allocations and Development Management Policies Plan (2016) ("the SADMP"), which states that proposals for new holiday accommodation will not normally be permitted unless the site can be safely accessed. Additional conflict exists with the National Planning Policy Framework ("the Framework"), which sets out that the development of sites to meet business needs in rural areas should not have an unacceptable impact on local roads.

Living conditions

14. Several dwellings along Green Lane are well set back from the highway. The lane has a generous level of roadside hedgerow and trees. Occupiers are likely to be accustomed to a limited level of traffic noise from the relatively low

² APP/V2635/A/13/2199083

numbers of vehicles which use the lane, which is a dead end to vehicular traffic.

15. Any harmful effect on the living conditions of local residents due to noise generated by additional vehicular trips along Green Lane as a result of the proposal is likely to be limited by several factors. These are the reasonably slow speed which it is necessary for vehicles to travel due to conditions along the lane, the relatively low number of trips concerned, the reasonable set back of several properties from the road and the good level of roadside landscaping, which is likely to soften any traffic noise. I therefore conclude that the proposal would have an acceptable effect on the living conditions of occupiers along Green Lane with regard to traffic noise.
16. The caravans would be separated from dwellings along Green Lane by a significant distance, which would reduce the potential for unacceptable levels of noise disturbance to arise from the development itself. Noise generated by vehicles using the site's carparks would not exceed that already experienced by any significant amount due to the small size of the proposal. Furthermore, I accept the appellant's point regarding the potential for noise to startle fish, reducing the prospect of a catch, and thus it would be in the interests of anglers occupying the caravans to keep noise levels low. Boundary fencing and vegetation, which could be reinforced by condition, are also likely to provide a level of softening of any noise, and the numbers of people likely to be staying at the development at any one time is relatively low. In view of these factors, I conclude that the proposal would have an acceptable effect on the living conditions of occupiers along Green Lane with regard to noise from the caravans and from use of the carpark.
17. The proposal would have an acceptable effect on the living conditions of the occupiers of dwellings along Green Lane with regard to noise. As a result, it would comply with Policy DM15 of the SADMP, which sets out that development proposals will be assessed against a number of factors with regard to their effect on neighbouring uses, including noise.

Other Matters

18. I have had regard to other matters raised including concerns about drainage, the proposal's effect on privacy and its potential to set a precedent. However, as I am dismissing the appeal on a main issue for the reasons given above, I have not pursued these matters further.

Conclusion

19. The appellant submits that the appeal site constitutes previously developed land and that it supports the rural economy, and that the Framework supports these aspects of the proposal. I consider that these would form limited benefits only, in view of the small scale of the proposal. Whilst the scheme would have an acceptable effect on the living conditions of the occupiers of nearby dwellings, this is a neutral effect. However, the intensification of use of a highway route which raises significant safety concerns would cause unacceptable harm, which weighs significantly against the proposal. Thus, I conclude that the appeal should be dismissed.

C Beeby - INSPECTOR