
Appeal Decision

Site visit made on 8 July 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/D0840/W/19/3226946

The Barn, Head Lane, Goonbell, St Agnes TR5 0XB

- 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 and Mrs Steve Scoble against the decision of Cornwall Council.
 - The application Ref PA16/10945, dated 18 November 2016, was refused by notice dated 21 December 2018.
 - The development proposed is siting of four eco friendly yurts each with a small toilet and shower cabin, also a laundry for clothes washing for summer rentals.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the appeal a referendum on the St Agnes Parish Neighbourhood Plan was held, and more than half of those voting voted in favour. Both parties were invited to provide further comments on the resultant change in the status of the Neighbourhood Plan.

Main Issues

3. The main issue is the impact of the development on highway safety.

Reasons

4. The appeal site lies in the countryside to the south of the village of St Agnes. It is a field that is set back behind dwellings that front Goonown, the road that leads into the village from the south-east. The field is quite level, with a mature conifer hedge along its north-western boundary. It is proposed to site 4 yurts and a laundry room at this end of the field, with a car-parking area in the south-east corner, near the existing dwelling on the site. I saw that the development would be well screened from local views by the conifer hedge and would not be prominent in the wider landscape. I therefore concur with the Council's view that it would not cause harm to the overall visual amenity of the area.
5. Access to the field is gained via a private lane that joins Goonown through a gap in the frontage development. The lane is about 120 metres long and, for most of its length, is single track and confined by hedgebanks. Whilst it is common ground that the proposals would generate additional traffic using the access, the parties differ in their estimation of the increase. The appellant

suggests that each yurt would attract a family with 1 vehicle, which would probably leave and return about twice a day, leading to 16 vehicle movements per day. The Council considers this to be an underestimate, as each yurt would be likely to attract 2 cars, with double the number of trips for each vehicle, resulting in 64 movements per day. Neither party has provided me with any evidence to support their estimates.

6. The existing dwelling will already generate traffic. The appellant states that the accepted figure for a dwelling is 6 – 7 vehicle movements per day, but it may be higher in this instance, given the location. It seems likely to me that each yurt would give rise to similar levels of traffic to the dwelling, with holiday-makers making regular trips to buy provisions, access local tourist facilities and go out for evening meals/entertainment. The traffic generated by the proposals is therefore likely to lie somewhere between the parties' estimates. What is clear, however, is that the amount of traffic using the lane and junction would be significantly higher than it is at present.
7. Two cars would not be able to pass each other along most of the length of the lane, resulting in the Council's concern that vehicles may have to reverse back onto the highway. Based on their estimate of traffic generation, the appellants calculate that there would be one traffic movement in each direction in a 30-minute period, meaning that vehicles will rarely meet in the lane. However, I have already found it likely that traffic generation will be higher than the appellants' estimates. I also saw that the unmade surface of the lane, and its narrowness, means that cars must pass along it slowly. The length of time spent traversing the lane increases the chances of meeting an opposing vehicle. The level of traffic generated would therefore result, from time to time, in vehicles meeting in the lane.
8. There is a widened section within the lane, about 50 metres from the road junction, where it is possible for 2 vehicles to pass with care. Consequently, when vehicles meet in the lane, one could wait in the passing bay whilst the other passed. The appellants argue that, as the passing bay is clearly visible from either direction, it would safely resolve any conflict.
9. However, I saw that the bay was not readily discernible to the driver of a vehicle entering the access, due to the alignment of the lane. It only becomes apparent as a potential passing place from quite close quarters. A driver encountering an emerging vehicle, whilst part-way through manoeuvring into the access, or a short-distance into the lane, would be likely to see the confined nature of the lane without perceiving the passing bay. They would be likely to conclude that it was easier for them to reverse back to the highway, than for the oncoming driver to reverse back down the lane for an unknown distance. The increase in traffic resulting from the development would make this a more likely occurrence.
10. Visibility at the junction of the lane with the highway is severely limited, by the presence of a garden boundary wall to one side, and a telephone kiosk on the other. Section 7.7 of Manual for Streets (MfS) and Section 10.5 of Manual for Streets 2 (MfS2) provide advice on visibility splays at junctions. Both indicate that visibility at a junction should be measured from a distance back from the 'give way' line (or an imaginary 'give way' line if no such markings are provided). This is known as the X distance. Both documents advise that the X distance should be 2.4 metres in most built-up situations, but that a minimum

figure of 2 metres may be considered in some very lightly trafficked and slow-speed situations.

11. The appellants suggest that a 2 metre X distance would be appropriate in this instance, as traffic speeds in Goonown are low, due to the 20-mph speed limit. The only evidence I have on traffic speeds, provided by the Council, predates the introduction of the reduced speed limit. I cannot therefore give it any weight, so must rely on my own observations. I saw that the road is quite straight and wide (depending on the positioning of parked cars) and traffic speeds are not therefore constrained by road conditions. I observed a number of vehicles passing the site, some of which appeared to be exceeding the 20-mph limit. I also followed a car out of the village, which was travelling faster than 20 mph as it passed the appeal site. Consequently, in the absence of any speed data to demonstrate otherwise, I conclude that a proportion of the traffic passing the site exceeds the speed limit.
12. The Council's data also includes details of the number of vehicles using the road. Over the 3 days of the 2008 survey, 1,778 vehicles were recorded travelling in one direction and 1569 the other way. I am not aware of any changes in the surrounding road system since then, and it is unlikely that car usage in the locality has significantly reduced. Although somewhat dated, the traffic count figures confirm my observations that this is not a very lightly trafficked road. I therefore find no reason to depart from the advice in MfS and MfS2 that the X distance should be 2.4 metres, as in most built-up situations.
13. Using the guidance in MfS, visibility from the X distance along the nearside kerbline to the left and right (the Y distance) should be 25 metres, where traffic speeds are 20 mph. MfS2 suggests that a more accurate assessment of visibility splays is obtained by measuring to the nearside edge of the vehicle track. Applying all this advice to the appeal proposals, it is clear that the required visibility of 25 metres cannot be achieved, regardless of whether an X distance of 2.4 or 2 metres is employed, even if the Y distance is measured to the vehicle track. The solid wall to one side and the telephone box to the other means that visibility is far below what is advised by MfS and MfS2.
14. The appellants suggest that visibility at the access would be compliant with the advice in MfS2, if an X distance of 2 metres was employed from an imaginary stop line, which reflected the observed running line of the traffic. Such an imaginary line would be 5.6 metres from the kerbline on the opposite side of the road. I cannot see where this approach is advocated in MfS or MfS2. Even using this approach, the appellant's evidence demonstrates that the required visibility cannot be attained – a Y distance of 25 metres is achieved to the right, and 20 metres to the left. However, in both cases, these distances are to the centre line of the road. There is no barrier preventing vehicles from the left crossing the centre line, in fact they are forced to do so by cars parked on the opposite side of the road. Therefore, the advice at paragraph 7.75 of MfS, that visibility can be taken from the centre line of the road does not apply.
15. Additionally, I have already concluded that traffic speeds and volumes are such that there is no reason to depart from an X distance of 2.4 metres. Therefore, even if I were to accept that the imaginary stop line could be advanced, the X distance should still be 2.4 metres, which would further reduce the visibility that would be achieved along the Y axis.

16. I turned left and right out of the lane at the time of my visit and found that the very limited visibility for emerging drivers was further reduced by the presence of parked cars to either side of the access. Cars also park on the opposite of the road, which pushes traffic coming out of the village onto the near side. The inherent dangers around the access are also compounded by a road junction almost immediately opposite, as well as a bus stop.
17. I also saw that the access is not readily apparent to passing drivers. The narrow opening is concealed by the boundary wall of the adjacent cottage, the telephone box and parked cars. A vehicle emerging from the access would therefore not be expected or anticipated by an oncoming driver, whose attention may already be focussed on the other highway distractions in the immediate vicinity. Meanwhile, the emerging vehicle driver would have limited visibility of the oncoming vehicle, resulting in the potential for a collision. As this is a holiday area, and the proposal is for holiday accommodation, little reliance can be placed on drivers being aware of local circumstances.
18. The increased use of the access, as a result of the development, would therefore result in additional highway danger at the junction with Goonown. I have considered whether this concern could be overcome by a condition, as suggested by the appellants, requiring edge of carriageway markings to be provided in the highway, to formalise the advanced "give way" line. However, implementation of the work would require Highway Authority approval, so would not be entirely in the appellants' control. In the absence of a design that has been agreed with the Highway Authority I cannot be certain that there is an acceptable scheme. In these circumstances, the imposition of a condition requiring the work to be carried out would be unreasonable.
19. I have also considered the appeal decision that was drawn to my attention by the appellants, which considered the "peep and creep" approach. However, I note that the context and circumstances of that case were quite different to the one before me. In particular, it appears that there was no increase in the use of the access. In any event, I must determine the appeal on its own merits. There would be a significant increase in traffic using an access that allows very limited visibility for emerging drivers. This would result in additional highway danger in the vicinity, which would be contrary to Policy 27 of the Cornwall Local Plan Strategic Policies (2010 - 2030), which seeks to ensure that all developments provide safe and suitable access to the site.

Conclusion

20. For the above reasons I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR