
Appeal Decision

Site visit made on 1 October 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Appeal Ref: APP/Q3305/W/19/3233096

3 The Maltings, The Batch, Shepton Mallet BA4 5HW

- 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 Crabb against the decision of Mendip District Council.
 - The application Ref 2018/1606/FUL, dated 22 June 2018, was refused by notice dated 2 January 2019.
 - The development proposed is the erection of 2no. 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety with particular regard to the level of parking provided.

Reasons

Provision of parking

3. Saved policy DP10 of the Mendip District Local Plan, Part 1, Strategy and Policies 2006-2029, December 2014 (LP) indicates that new development will be supported where vehicle parking is proposed which is appropriate to the operational needs of the development. It further states that standards for specific types of development, including residential, are set out in the latest Somerset Countywide Parking Strategy¹ (PS) and that proposals should demonstrate that appropriate parking needs are provided that broadly accord with the PS.
4. Although there is no dispute between the parties in relation to the provision of cycle parking for the proposed two-bedroom flats, as no off-street car parking spaces would be provided, the parties disagree as to whether this level of parking provision would be appropriate to the operational needs of the development.
5. Paragraph 105 of the National Planning Policy Framework (the Framework) sets out the matters that should be taken into account when setting a local parking standard. Although both policy DP10 and the PS pre-date the Framework, I am satisfied that the factors used in developing the PS across the county were

¹ Somerset County Council Transport Policies, Parking Strategy, September 2013

reasonably consistent with those set out in the Framework, and therefore policy DP10 and the PS attract significant weight. Moreover, the PS establishes optimum parking standards rather than maximum standards, and hence would not conflict with paragraph 106 of the Framework.

6. The appeal site is located within Zone B of the PS denoting that Shepton Mallet is within a mid-range population area for the county, whereupon the optimum parking standard for a 2 bedroom dwelling is 2 spaces². In relation to the development, this equates to 4 off-street spaces, and the appellant acknowledges that the proposal would fail to provide this³.
7. Whilst some flexibility for lower levels of car parking provision is permitted⁴, this should be based on evidence of specific local circumstances. The appeal site is centrally located within the market town of Shepton Mallet and the information submitted⁵ shows that it is within convenient walking and cycling distances to a range of shops, services, schools, employment as well as the bus services serving the town. This degree of accessibility would offer a genuine choice for future residents of the development as to the mode of travel for some trips in line with paragraphs 103 and 108(a) of the Framework and saved policy DP9(1) of the LP.
8. However, it does not necessarily follow that this would be sufficient to justify the provision of no off-street car parking. The appellant suggests that the lack of onsite parking, limited availability of unrestricted on-street parking and charging regime for public parking spaces would deter future occupants of the flats from owning a car. Be that as it may, there is little evidence to substantiate this assertion and, in any event, this is not something that can be guaranteed or controlled. Furthermore, the appellant acknowledges that based on research⁶, the proposed development may be likely to generate a parking demand of approximately 1 space per dwelling⁷.
9. Nevertheless, the PS is more recent and is based on the evidence of actual and predicted car ownership and local circumstances relating to the county of Somerset⁸. On the evidence presented, it is more recent and specific to the circumstances of the appeal proposal and therefore, attracts greater weight.
10. The PS highlights⁹ that often, even in places where more sustainable modes of travel are available, residents will still want to keep a car to use for those journeys such as family visits, shopping, DIY collections, waste recycling, holidays or weekend trips (amongst others). It further states that in reference to experience in the county, attempts to curb car ownership and promote more sustainable transport choices by restricting residential parking have not worked and have caused problems in some cases¹⁰. Accordingly, the evidence provided does not convincingly show that the level of parking demand that would be generated by the appeal proposal would be significantly lower than the optimum level of 4 spaces suggested by the PS.

² Page 61 PS

³ Paragraph 6.2.1 Appellant's statement

⁴ Note A, Page 62 PS

⁵ Facilities Plan Drawing No. 19780/100 Revision A

⁶ Communities and Local Government, Residential Car Parking Research May 2007

⁷ Paragraph 6.3.2 Appellant's statement

⁸ Page 56 PS suggests that based on Forecasts derived from the Department for Transport's National Trip End Model using TEMPRO software car ownership is predicted to increase throughout Somerset

⁹ Page 49 PS

¹⁰ Page 56 PS

11. The ability to park on-street within the vicinity of the appeal site is constrained as the submitted parking audit and survey¹¹ demonstrates. The majority of locations in the survey have double yellow lines with no waiting at any time. Other opportunities for nearby on street parking are often significantly limited by time periods, and long stay public parking at Great Ostry is subject to financial charges that would be likely to discourage the routine use of such facilities by residents for lengthy periods. In combination, these factors would make it difficult for future residents of the proposal to park locally for long durations free of charge, particularly during the day.
12. Moreover, the reliance on such spaces for parking would require future residents to be particularly disciplined about when and where they park. This would be unreasonably constraining and may result in a pattern of vehicle movements specifically to comply with the parking restrictions, which would to a certain extent undermine the reduction in private car usage that the location of the appeal site might otherwise allow for. On this basis, the development would fall short of the satisfactory provision of parking referred to in saved policy DP9(2)(a)(iv).
13. The only unrestricted on street parking identified in the survey was in relation to a total of 12 spaces near to the convergence of several roads, including Leg Square, Garston Street, Lower Lane, Peter Street and Cornhill. From my observations there appeared to already be a number of dwellings within the immediate vicinity closer to the unrestricted parking than the appeal site. Some of these appeared to have limited or no off-street parking, such that existing residents are likely to be reliant on the available on-street parking. When this is taken together with the parking restrictions that are otherwise in place nearby, it would support the Highway Authority's concern that the proposal could lead to harmful displaced parking on the wider highway.
14. The spare capacity shown in the evidence provided for the 12 unrestricted on-street spaces suggested that only 2 spaces were available overnight, and 3 during the day¹². Therefore, I do not agree that it is clearly shown that the available capacity would suitably address the likely parking demand arising from the proposed development. As such, the proposal would intensify the competition for such unrestricted on street spaces which in turn is likely to increase instances of anti-social parking problems restricting visibility near junctions and preventing the free flow of traffic. This would be detrimental to highway safety and it would also add to the everyday frustration for existing residents who are reliant on on-street parking in finding available space.
15. In addition, the parking survey revealed that there was already illegal parking taking place on single yellow lines¹³ nearby. By increasing the demand for limited on-street parking, the proposal is likely to lead to more frequent instances of illegal parking in restricted parking areas thereby increasing the burden on the Council to control and enforce them. As such, relying on on-street and public parking spaces would not meet with the requirement to provide safe and satisfactory provision of parking in saved policy DP9(2)(a)(iv).
16. Therefore, I find that the proposal would lead to an unmet parking demand that is likely to increase the level of on-street parking within the vicinity of the

¹¹ Drawing No. 19780/200 Revision A

¹² Paragraph 6.5.3 Appellant's statement

¹³ Paragraph 6.5.3 Appellant's statement

site. This would have an unacceptable impact on highway safety, and as a result the proposal would be contrary to paragraph 109 of the Framework and saved policies DP9 and DP10 of the LP. Policy DP9 supports new development, amongst other matters, where it makes safe and satisfactory provision for the parking of motor vehicles. Policy DP10 requires the level of vehicle parking provided to be appropriate to the operational needs of the development, and refers to the parking standards in the PS.

Other matters

17. The site is located within Shepton Mallet Conservation Area (CA) which covers the majority of the central part of the town, and its significance lies in part in the way the mix of buildings and spaces reflect the evolution of the historic market town over time. I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The proposed building would be of a suitable scale for the site that is respectful to the surrounding topography, taking a form and proposing materials that are in keeping with the established settlement pattern. On that basis, I see no reason to disagree with the conclusions of the Council and in particular, those of the conservation officer that the proposal would preserve the character and appearance of the CA.

Conclusion

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

Helen O'Connor

Inspector