
Appeal Decision

Site visit made on 29 October 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2019

Appeal Ref: APP/W1850/W/19/3232713

The Barn, The Cider Hill, Bredwardine, Hereford HR3 6DD

- 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 Craig Pritchard against the decision of Herefordshire Council.
 - The application Ref 183787, dated 1 October 2018, was refused by notice dated 11 January 2019.
 - The development proposed is the conversion of a disused barn to a house.
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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, with particular regard to the visibility at the junction of the access with the B4352, and the gradient of the private drive, and;
 - The character and appearance of the area with particular regard to the private access drive.

Reasons

Highway Safety

3. Paragraph 108 of the National Planning Policy Framework (the Framework) states that in assessing applications for development it should be ensured, amongst other matters, that safe and suitable access can be achieved for all users. Furthermore, paragraph 109 indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
4. The proposal would result in a change of use of the existing barn into a three bedroom dwelling and would use the existing agricultural access and driveway serving the barn. The submitted transportation information¹ indicates that, based on the average speeds of traffic near the site entrance revealed by an Automatic Traffic Count Survey, that the appropriate visibility splays required by national guidance would be 2.4m x 82m to the north-west and 2.4m x 86m to the south-east, and I have not seen evidence to the contrary.

¹ Letter and plans from Cotswold Transport Planning dated 1 July 2016, reference CTP-16-253

5. The transportation evidence further shows that whilst this could be achieved to the south-east, the visibility to the north-west is severely restricted² falling approximately 73 metres short of the requirement. Accordingly, the visibility at the access is sub-standard by a significant margin.
6. Limited information is provided in relation to the nature and amount of traffic using the existing access as compared to the proposed single dwelling, and the application form refers to the barn as 'disused'. A single dwelling is likely to generate daily trips, with this likelihood increasing given that the three-bedroom dwelling in a rural location could accommodate residents with a range of travel requirements who would be generally reliant on the private car as a principal means of travel. The appellant suggests that the building could potentially generate a greater number of movements if the building was used to accommodate chickens for egg production or alternatively, for intensive mushroom production. However, in view of the modest size of the agricultural barn, the topography of the access drive and its distance from the road, there is little evidence to substantiate that there is a realistic prospect of either use arising. Therefore, based on the evidence presented, it is likely that the proposal would result in an intensification of the use of the existing access onto the B4352.
7. As a result of the sub-standard visibility there would be insufficient time for drivers turning right out of the access to spot approaching vehicles from the left who are likely to be travelling at considerable speeds, without potentially causing them to brake sharply. The increased use of the access arising from the development would unacceptably increase this risk and compromise highway safety.
8. The appellant considers that the use of a mirror would improve visibility and my attention is drawn to several existing examples within the district. However, the use of a mirror to secure the requisite visibility is not advocated in national guidance set out in Manual for Streets or the Design Manual for Roads and Bridges, or in local guidance in Herefordshire Council's Highway Design Guide for New Developments, July 2006 (HDG). This confirms that sightlines should never be reduced to a dangerous level³. Furthermore, the installation of mirrors can in themselves result in poor driver judgement and confusion due to reflection of sunlight or headlights, or their performance being marred by dirt, obstruction or poor positioning and maintenance.
9. I have not been provided with information that explains on what basis the mirrors in the examples provided were erected, but it is not shown that they were installed in order to allow for new development that would otherwise be unacceptable. In any event, the transportation information does not demonstrate that, even with a mirror, the requisite visibility to the north west could be achieved.
10. The HDG advises that private driveways should not have a longitudinal fall to the driveway of a gradient more than 1:8⁴, and that the section of the proposed driveway nearest the building would be steeper than this. However, this is the case for the existing track, and whilst not ideal, the evidence does not show that the resulting driveway would unacceptably compromise highway

² 2.4m x 8.7m, Drawing SK01A

³ Page 22, 2.12 Visibility, Highway Design Guide for New Development, July 2006

⁴ Page 13, Paragraph 2.3, table relating to single private drives

safety given that the steepest part is some distance from where the driveway joins the B4352. Nor is it shown that it would be unsafe for the proposed occupants such that the proposal should be prevented on this basis.

11. Nevertheless, I find that the proposal would increase the use of the access with the B4352 which has severely restricted visibility. As a result, the proposal would have an unacceptable impact upon highway safety contrary to paragraph 109 of the Framework and policy MT1 of the Herefordshire Local Plan Core Strategy 2011-2031, October 2015 (CS) which seeks, amongst other transportation related matters, that development should be designed and laid out to achieve a safe entrance and exit. In addition, the proposal would conflict with policy WF04 of the Wyeside Neighbourhood Plan 2011-2031, July 2018 which requires development to ensure that the access is adequate having regard to the latest highway guidance produced by Herefordshire Council.

Character and appearance

12. The appeal site comprises a detached agricultural building of traditional form set some distance from the B4352 on elevated land away from other built form. The surrounding pastoral fields, hedgerows and woodland areas together with the undulating landscape result in a green and rural character. At present the modest scale of the building is well screened by trees and hedgerows and therefore, is assimilated into the rural landscape.
13. The Council considers that engineering works necessary in order to reduce the gradient of the steepest part of the existing driveway to not more than 1:8⁵ would be harmful to the character and appearance of the area. However, such works are not included as part of the proposal and it is the appellant's intention to use the existing drive⁶.
14. As such, works to the driveway would be confined to the surface treatment of the existing driveway, which is detailed on the application form as a stone track with additional planting along the eastern side to create a hedgerow⁷. Therefore, the extent of the works to the driveway would not be significant and the additional hedgerow would provide additional screening, the details of which could be appropriately conditioned to ensure sympathetic materials and planting are used. As a result, the green and rural character of the area would not be harmed.
15. Accordingly, I do not find that the proposal would conflict with policy LD1 of the CS, which amongst other matters, seeks to ensure that proposals should seek to protect the character of the area and incorporate landscape schemes to integrate new development into the surroundings.

Other matters

16. The site is within the Wye-Upper Middle sub-catchment of the River Wye Special Area of Conservation (SAC)⁸, a linear ecosystem that provides an important habitat as an essential migration route and key breeding area for many nationally and internationally important species. The application form indicates that a septic tank would provide the foul drainage for the proposed

⁵ Conclusion, page 8 Council's Delegated Decision Report

⁶ Appellant's Statement of Case

⁷ Shown on Location Plan

⁸ Paragraph 1.3 Council appeal statement

dwelling. Based on the limited information provided it is not shown that the outfall of the proposed drainage for the site would not have a significant effect on the internationally important interest features of the SAC. In the absence of this, it is reasonable, given its proximity, to suppose there may be some effect. However, as I am dismissing for other substantive reasons, it is not necessary for me to consider this matter in greater detail.

17. In addition, the appeal site is relatively undeveloped, is generally unlit and has mature hedgerows, trees and watercourses in close proximity, which combine to make this a suitable habitat to support bats, all species of which are protected. This is consistent with the findings of the submitted Preliminary Bat Roost Assessment and Activity Survey, which although out of date,⁹ indicated that at that time the site was used as the roost for one species of bat.
18. Based on the information before me, there is little certainty as to whether appropriate safeguards are proposed, to adequately mitigate for the likely harm to a protected species which is not a matter that can be appropriately made the subject of a condition. To do otherwise would conflict with advice in Circular 06/2005 Biodiversity and Geological Conservation whereby the presence of protected species and the extent that they may be affected should be established before any planning permission is granted. Therefore, it has not been demonstrated that the proposed development would have no materially harmful effects on a protected species. However, this does not affect the outcome of my decision given that I am dismissing the development in relation to the main issue of highway safety.
19. I acknowledge that my decision will be disappointing to the appellant who intended to reside in the dwelling with his family, who are local to the area. Nevertheless, this benefit does not outweigh the harm I have identified.

Conclusion

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

Helen O'Connor

Inspector

⁹ Dated August 2015