
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/J1860/W/18/3218425

Lindridge Priory, Lindridge, Tenbury Wells WR15 8JQ

- 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 Mrs Dickinson against the decision of Malvern Hills District Council.
 - The application Ref 18/00160/FUL, dated 31 January 2018, was refused by notice dated 9 November 2018.
 - The development proposed is the change of use of agricultural land to outdoor accommodation with the siting of four safari tents and ancillary building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have used the site address given in the appeal form as it is a more accurate reflection of the site address than that given in the original application form.

Main Issue

3. The main issue is the effect of the proposal on highway safety, with particular regard to the use of the junction of Church Road with the A443.

Reasons

Highway Safety

4. 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.
5. There is disagreement between the main parties as to whether the geometry of the existing junction between Church Road and the A443 is suitable to accommodate any additional traffic arising from the development. In addition, the parties do not agree on the stopping sight distances (SSD) that should be used to calculate the visibility splay at the junction, and therefore, whether appropriate visibility at the junction can be achieved. As a result, they dispute

whether the development would meet with the advice in paragraphs 108 and 109 of the Framework.

6. The A443 is a main distributor road which at the point nearest to the appeal site has a 60mph speed limit and is generally unlit. Church Road leads from the A443 to the appeal site as well as serving St Lawrence's Church of England primary school, St Lawrence's Church and several dwellings. It is of restricted width in parts such that two vehicles are unable to pass. Although the submitted drawing shows that there is space to pass at the bellmouth of the junction¹, the drawing presupposes that the vehicle in Church Road is positioned in order to turn left. The position of vehicles turning right onto the A443 from Church Road are likely to take a more central position within the bellmouth. Accordingly, there are circumstances whereby vehicles in Church Road waiting to join the A443 would leave restricted space that would prevent vehicles wishing to turn left from the A443 from making the turn easily.
7. In addition, the geometry of the junction requires traffic turning left from the A443 into Church Road to execute a sharp hair-pin turn which is also on an incline. This would be a challenging manoeuvre for medium and larger sized vehicles to execute in one movement without encroaching over the centre of the bellmouth in Church Road. As a result, in circumstances where there is a vehicle waiting to turn right from Church Road, it is foreseeable that drivers wishing to turn left into Church Road would wait on the A443 in order to allow the waiting vehicles to exit the junction before making the manoeuvre.
8. Furthermore, the topography of Church Road is such that vehicles at the top of the single lane width slope proceeding towards the junction would, due to the slope and geometry, have difficulty in seeing vehicles intending to turn left into Church Road from the A443. As such they may enter the narrow section and encounter approaching vehicles. This may result in reversing manoeuvres that, due to the topography and alignment of the road would be difficult to negotiate and, in some cases, may be in close proximity to the junction with the A443.
9. Accordingly, the width and configuration of the junction is such that a safe and suitable access for all future users would not be provided. Taking these factors together with the amount and speed of traffic and the alignment of the A443 near to the junction with Church Road, an increase in the use of the junction would result in an unacceptable risk to highway safety.
10. In relation to the SSD, the 85th percentile wet weather speed from the traffic survey undertaken should be used to calculate the required visibility which equates to 37.6mph westbound and 37.8mph eastbound². Table 10.1 of Manual for Streets 2(MfS2) in summarising the recommended SSD criteria indicates that the deceleration rate to be used in the calculation relates to the design speed of the road and refers to both the absolute minimum SSD and desirable minimum SSD.
11. Paragraphs 7.5.4-6 of Manual for Streets (MfS) indicate that, based on research in relation to reaction times and carriageway surfaces, there is scope for using lower SSDs than the desirable minimum SSDs. This is reiterated in the findings in relation to collisions in paragraph 10.5.9 of MfS2. Moreover, paragraph 1.3.7 of MfS2 indicates that in rural areas many parts of the

¹ A443 Swept Path Analysis, Drawing SP_01, Appendix 7 Appellant's Transport Statement of Case

² Paragraph 5.24 Appellant's Transport Statement of Case

highway network are subject to the national speed limit but have traffic speeds significantly below 60mph and in these situations, where speeds are lower than 40mph, MfS SSD parameters are recommended. However, table 1.1 in MfS2 indicates that where the speed limit is above 50mph the application of key areas of MfS advice is subject to local context.

12. Although the Council assert that the desirable minimum SSD should be used unless there is good reasoning for reducing it to the absolute minimum SSD, they do not substantiate the basis for this in national guidance, nor set out clearly why the local context would make it appropriate to discount the absolute minimum SSD in this case. Therefore, given that the traffic survey findings show the 85th wet weather percentile speeds are below 40mph³, based on the evidence before me, the appellant's visibility calculations⁴ accord with the recommended visibility parameters in MfS2.
13. Drawing SK_01 shows that the junction of Church Road with the A443 provides for visibility splays of 2.4 x 73m in each direction if the visibility splay to the east is measured to the centreline of the road. I accept that, in light of the solid double centreline on the A443 and advice in paragraph 10.5.5 MfS2, it would be unlikely that vehicles approaching from the left would cross the centreline and so it would be appropriate to measure visibility to the east in this way.
14. Accordingly, I find that the evidence shows that suitable visibility would be provided at the junction of Church Road with the A443. Nevertheless, this does not overcome the harm I have previously outlined arising from the configuration of the junction.
15. The development would be likely to generate a low level of traffic⁵ and mitigation measures⁶ could be put in place including some to avoid trips at peak times for the school and church. Even so, the development, although modest in scale, would increase the use of the junction and visitors to the appeal site are likely to be unfamiliar with the road alignment. Although controls over opening times might reduce the risk of conflicting traffic movements, this, even when taken cumulatively with the other suggested measures, would not entirely overcome the harm I have identified. Furthermore, the absence of accidents at the junction is not in itself justification to exacerbate an existing unsuitable access arrangement.
16. Accordingly, I find that the proposal, due to the increased use of the junction of Church Road with the A443, would not provide a safe access and would have an unacceptable impact on highway safety contrary to paragraphs 108 and 109 of the Framework. Therefore, it would conflict with policies SWDP4 and SWDP21 of the South Worcestershire Development Plan, February 2016 (SWDP). Policy SWDP4 sets out criteria which, amongst other matters, requires development to demonstrate that road safety has been addressed. Policy SWDP21 outlines criteria to achieve high design quality and in relation to links, connectivity and access, stipulates that vehicle traffic should be able to access the highway safely.

³ Appendix 5, Traffic Survey Appellant's Transport Statement of Case

⁴ Appendix 12 Appellant's Transport Statement of Case

⁵ TRICS Trip Generation, Appendix 8 Appellant's Transport Statement of Case

⁶ Paragraph 5.50 Appellant's Transport Statement of Case

Other matters

17. The appeal proposal would result in economic benefits for the appellant as well as the wider area due to the spending of guests staying at the site visiting local attractions, shops , pubs and restaurants. However, given the modest scale of the proposal, such benefits are likely to be limited, and although they weigh in favour of the proposal, would not outweigh the degree of harm I have identified.
18. I also acknowledge that the proposal includes some measures for environmental enhancement, but the evidence does not show that these go further than would be required in order to comply with the relevant development plan policies relating to landscape character and biodiversity. As such, this is a neutral factor in my assessment.

Conclusion

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

Helen O'Connor

Inspector