
Appeal Decision

Site visit made on 27 November 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/D0840/W/19/3234929

Sea Croft, Cox Hill, Cocks, Cornwall TR6 0AU

- 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 Chris Matthews against the decision of Cornwall Council.
 - The application Ref PA18/11881, dated 18 December 2018, was refused by notice dated 2 February 2019.
 - The development proposed is for the conversion of a barn to a residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

Main Issue

3. The main issue is the effect of the proposed access arrangement on highway safety, with particular reference to visibility at the junction with the public highway.

Reasons

4. The appeal site is accessed from Cox Hill. Cox Hill is steeply inclined, winding and relatively narrow lane with restricted visibility. Near the site, Cox Hill is unlit and does not provide dedicated pedestrian footways. Access to the appeal site is at a curve in the highway and in part of the lane which is bounded by high banks and hedges. These features significantly restrict forward visibility as vehicles travel around bends in the road.
5. From the evidence before me, and from observations made on my site visit, traffic on Cox Hill is relatively light, but I noted during my visit that the lane carries not only cars but also substantial commercial delivery vans and agricultural vehicles. Despite the light volume of traffic, there is, in my view, much opportunity for conflict between vehicles, and between vehicles and pedestrians, when using the existing access onto Cox Hill.
6. The main parties' estimates of trip generation from the proposed development differ, but even taking the lower figure of 5.3 trips per day as provided by the Appellant, I consider that the potential for vehicular conflict would be

significantly increased. Given the number of dwellings served by the point of access onto Cox Hill is small, the additional trips generated by the appeal scheme would represent a significant increase. I acknowledge that the existing permitted use has the potential to increase the number of trips generated from the site depending upon the extent of the use of the site. However, the same could be said in respect of the appeal proposal which may also result in a greater number of trips than 5.3 per day.

7. Visibility at the junction with Cox Hill is poor in both directions, and indeed visibility to the northwest is significantly restricted. Consequently, vehicles exiting onto Cox Hill are required to edge out into the highway. Even allowing for slower traffic within this 30mph limit zone, visibility at the junction is well below the level of normal acceptability. Whilst I acknowledge that there is a convex mirror attached to a telegraph pole almost opposite the point of access, such devices are not reliable when they get dirty or during bad weather.
8. In combination with the poor level of visibility, the sharp angle of the junction creates the potential for emerging vehicles to sweep into the path of oncoming vehicles on Cox Hill, as I found for myself during my site visit. Additional vehicles from the development would increase the potential risk; it would therefore be inappropriate to grant planning permission for this development with, what would be in my view, the consequent increase in the number of vehicles using this junction.
9. I accept that Cox Hill is not a particularly busy road. From the evidence before me and from my own observations, the speed of vehicles along here is generally low and there is no accident history associated with the access to the appeal site or its neighbouring dwellings. Nevertheless, this does not change the existing situation with the access, and whilst only one dwelling is proposed this would still increase its use which in turn would increase the highway risks associated with it.
10. For the above reasons, the proposal would conflict with Policy 27 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (2016) which seeks to ensure that development provides safe and suitable access for all people. The appeal scheme would also not accord with the provisions of paragraphs 108 and 110 of the Framework which seek to ensure that development provides safe access which minimises the potential for conflict between vehicles and other road users.
11. Paragraph 109 of the Framework states that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. The identified harm in respect of highway safety weighs significantly against the proposal and would not be overcome by any of the potential benefits put forward by the Appellant in this appeal.
12. I have been referred to a number of appeal decisions by the Appellant, where Inspectors have considered matters of access and highway safety. However, from the very limited amount of information before me, it does appear that those appeal decisions concerned development where access arrangements differed substantially from the position in respect of the appeal scheme. I cannot therefore be sure that the referenced appeal decisions represent a direct parallel to the appeal proposal or that circumstances are comparable. Accordingly, I have determined this appeal on its own merits.

Conclusions

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

A Spencer-Peet

INSPECTOR