



Appeal Decision

Site visit made on 27 November 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Appeal Ref: APP/P1133/W/19/3236406 Northwood Farm, Chudleigh TQ13 0NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by Mr M Atkins against the decision of Teignbridge District Council.
 - The application Ref 19/00812/NPA, dated 16 April 2019, was refused by notice dated 10 June 2019.
 - The development proposed is described as 'change of use of two barns into two dwellinghouses utilising the existing structures. Please refer to attached papers.'
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Decision

1. The appeal is dismissed.

Main Issues

2. There is no dispute that the proposal meets the requirements of paragraph Q.1 of the GPDO and therefore that it constitutes Permitted Development under Class Q, subject to the prior approval of certain matters. For permitted development under Class Q(a), namely a change of use from an agricultural building to a Class C3 dwellinghouse, paragraph Q.2(2) of the GPDO requires prior approval of five matters. These are: (a) the transport and highways impact of the development; (b) noise impacts; (c) contamination risks; (d) flooding risks; and (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).
3. On the basis of the evidence submitted and the Council's reason for refusal, the main issue in this case is whether the transport and highways impact of the development makes it impractical or undesirable for the building to change to a Class C3 dwellinghouse, in terms of its effect on highway safety.

Reasons

4. The appeal site comprises of two barns that form part of a group of farm buildings at Northwood Farm. The two barns are positioned to the north and east of the established yard, with a further barn to the west. The complex is accessed via a private drive that connects to Teign Lane, a single track road accessed from Farley Hill to the west.

5. The appellant advises that there would be a commensurate amount of traffic along the lane given the cessation of the agricultural use and associated drop in agricultural vehicles using the lane. However, there is no detailed evidence about how many movements the farm had in the past or how many there is now or could be. Given the appeal site's rural setting and the lack of continuous footways and lighting along the road to access services, it is likely that occupiers of the proposed houses would regularly rely on their car. Against this background and taking account of the existing dwelling at the farm and the other house (Farleigh Mill) served by the lane, I am not persuaded that the appeal proposal would not lead to a material increase in traffic.
6. The appellant indicates that there are passing places along the lane. However, from my observations these are limited in number and restricted to field access gates or private drives and there can be no guarantee that these would be suitable or available for road users to safely pass. In the absence of substantive evidence to the contrary, I consider the appeal development would increase the number of additional vehicle movements and materially intensify the use of Teign Lane. In the absence of suitable passing places along the lane, this would result in an increased likelihood of vehicles meeting on the lane and users having to reverse a significant distance along a narrow, winding and undulating lane to allow vehicles to pass. I am not persuaded on the evidence before me that this would not be to the detriment of highway safety.
7. I also observed that visibility at the junction of Teign Lane and Farley Hill is significantly limited in both directions by the height and form of enclosure to the road. The appellant concedes that the visibility at this junction falls below the required standards. Furthermore, Farley Hill is also of a restricted width and I am not persuaded that increased traffic and potential vehicles reversing out of Teign Lane onto Farley Hill, would not result in a highway safety risk, despite the contended low number of movements along this route. Whilst the appellant indicates that there have not been any accidents at this junction, that does not mean that accidents could not happen, particularly if the use of this junction is intensified. Based on the change in circumstances related to the appeal scheme, I am not persuaded that the highway impacts of the development would not be serious and unacceptable.
8. I have been advised that the speed limit on Teign Lane is 60mph. Whilst I acknowledge that owing to its width and geometry that vehicular speeds would likely be less, there is no control over vehicles driving at this higher speed limit. The appellant also makes reference to other appeal decisions although these have not been provided. In any case, I have to consider the proposal on its own merits.
9. I therefore conclude that the proposed conversion of the barns to form 2 dwellings would result in significant highway safety impacts, as identified as an issue for determination in paragraph Q.2(1)(a) of Part 3 of Schedule 2 of the General Permitted Development Order.

Conclusion

10. For the reason of highway safety, the appeal should be dismissed.

Robert Lankshear

INSPECTOR