



Appeal Decision

Site visit made on 7 January 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2020

Appeal Ref: APP/W3520/W/19/3237419

Land off Ipswich Road, Willisham, Suffolk IP8 4SG

- 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 Ms S Frost against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/02548, dated 26 May 2019, was refused by notice dated 20 August 2019.
 - The development proposed is use of land for tourism, including 1 no. log cabin for use as holiday let, 2 no. camping pods, provision of 4 no. electric hook ups, a shower block and new camping area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on highway safety in relation to the adequacy of visibility of on-coming traffic from the egress serving the development.

Reasons

3. The appeal site lies on the eastern side of Ipswich Road with a vehicular access on part of the highway subject to the national speed limit. The site is mainly grassland with a building and hardstanding towards the front.
4. The proposed development would utilise the existing access. Whilst suggesting the traffic generated would not be significant, the appellant has not contested the Council's claim that the proposal would increase trips to and from the site. Given the lack of realistic alternatives, it is likely that most visitors would travel by car to the proposed development.
5. The Suffolk County Council highway officer advise that a visibility splay measuring 215 metres is required to safely accommodate traffic associated with the proposal. A visibility splay of only 125 metres to the north of the egress can be achieved due to views being obstructed by a roadside bank and hedgerow to the front of the site. Therefore, visibility to the north of the site's egress falls markedly below the highway officer's requirement.
6. My visit can only provide a snapshot in time of traffic using the road. However, from what I saw and in the absence of any speed survey to the contrary, it would appear that traffic from the north generally travels quickly past the site and at speeds greater than 40 mph.

7. Given the restricted visibility and the speed of traffic from the north, there is a significant risk of drivers unknowingly pulling out from the proposed development in front of fast approaching vehicles, thereby unacceptably prejudicing highway safety. There is no record of any accidents associated with the site egress, however this fails to demonstrate it is safe given that the existing use is unlikely to generate significant vehicular movements. As it would lead to an increase in the number of vehicles leaving the site, the proposal would cause an additional risk to highway safety.
8. The appellant's plan indicates that achievable visibility splays to the south of the access measure only 110 metres. However, I saw that vehicles travelling from this direction could be seen for some distance due to a favourable bend in the road and lack of visual obstruction. Also, cars from the south are leaving a 30 mph zone and so appear to be travelling slower than vehicles from the north. As such, I am satisfied that visibility to the south of the egress is adequate to ensure no significant risk to highway safety. Acceptability in this regard fails to address the concerns in respect of visibility to the north.
9. The appellant refers to an appeal decision where an Inspector found no highway safety grounds to refuse planning permission despite below standard visibility splays¹. However, in that case, roadside footways would allow drivers to edge out to improve visibility and the Inspector noted vehicle speeds were not particularly fast. The referred to appeal proposal is significantly different to this appeal site where there are no roadside footways and traffic from the north quickly approaches the site egress. As such, the other appeal fails to alter my view on the proposal's impact on highway safety.
10. Many of the permitted development rights (PDR's) referred to by the appellant would only allow the use of the site for caravans or camping for short periods each year, thereby causing less risk to highway safety compared to the permanent appeal proposal. Furthermore, there is no evidence that shows an exempted organisation would approve any caravan use of the site as required under some of the referred to PDR's. As such, I am not persuaded that PDR's would realistically lead to the caravan use of the site. In any case, the existence of PDR's provides insufficient justification to allow a development that would significantly prejudice highway safety.
11. For the reasons outlined above, I conclude that the development would cause significant harm to highway safety due to the inadequate visibility from the egress of on-coming traffic from the north. Consequently, and in this regard, it would be contrary to saved policy T10 of the Mid Suffolk Local Plan 1998 (LP) and the National Planning Policy Framework which aim, amongst other things, to ensure development is provided with a safe egress and does not cause unacceptable harm to highway safety.

Other Matters

12. The Council raises no concerns over the development's effect on highway capacity, on living conditions of occupiers of nearby housing or on the appearance or character of the landscape. Also, no concern is raised over flood risk or loss of agricultural land. However, acceptability in these regards is a neutral factor in my consideration of the appeal.

¹ Appeal ref no APP/D3505/W/17/3191313

13. The appellant suggests proposed landscaping would bring biodiversity enhancements. However, no evidence has been submitted to support this claim and the level of new planting shown on the appeal plans is modest. I therefore attach only limited weight to this factor in my assessment.
14. LP policies support tourist facilities in the countryside and the proposal would attract visitors to the area. The development would bring economic benefits in terms of visitors supporting local businesses such as nearby pubs and shops. I attach positive weight to this factor in my assessment.
15. However, the benefits of the proposal do not either singly or in combination, lead me away from my conclusion. Given its scale, the overall benefits of the proposal are modest and insufficient to outweigh the harm to highway safety.
16. Natural England have advised that the proposal has the potential to affect a Site of Special Scientific Interest designated for hibernating or breeding bats. As such, there is potential for the proposal to put bats, a protected species, at risk of harm. I am mindful of the duty placed on me under Regulation 9(3) of the Conservation and Habitats and Species Regulations 2017 to have regard of the Habitats Directive in my assessment. However, given my overall conclusion, it is unnecessary for me to consider this point further as the appeal has failed. For clarity purposes, if I had found the appeal to be acceptable in this regard, such a finding would not have affected my main conclusion.

Conclusion

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

Jonathan Edwards

INSPECTOR