

---

# Appeal Decision

Site visit made on 18 December 2019

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 February 2020**

---

**Appeal Ref: APP/W3330/W/19/3239329**

**Pitpear Farm, Pitpear Lane, Lydeard St Lawrence, Taunton, Somerset TA4 3RA**

- 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 Nigel D Webber and Valerie Webber against the decision of Somerset West and Taunton Council.
  - The application Ref 02/18/0009, dated 26 February 2019, was refused by notice dated 22 May 2019.
  - The development proposed is erection of 10 stables and change of use from agriculture to equestrian use including parking.
- 

## Decision

1. The appeal is allowed and planning permission is granted for erection of 10 stables and change of use from agriculture to equestrian use including parking at Pitpear Farm, Pitpear Lane, Lydeard St Lawrence, Taunton, Somerset TA4 3RA in accordance with the terms of the application, Ref 02/18/0009, dated 26 February 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

## Procedural Matter

2. I saw that the stables had already been erected. I am therefore considering this element of the development retrospectively.

## Main Issues

3. The main issue is the effect of the development on highway safety.

## Reasons

4. The appeal site lies in a rural valley bottom, within a group of buildings associated with Pitpear Farm. Access is gained via Pitpear Lane, which slopes down the valley to the buildings from its junction with the B3224 to the northeast. The lane winds between the farm buildings and continues up the other side of the valley to serve the countryside to the southwest. Apart from the farmhouse and surrounding agricultural buildings, the cluster also includes 13 livery stables, which have been in operation for about 15 years. The additional stables, subject of this appeal, are in close proximity on the opposite side of the lane.
5. As the stables would be for commercial livery, they would attract traffic from owners visiting the site to care for and ride their horses. The Highway Authority

estimates that each owner would visit their horse twice a day, resulting in an additional 40 daily traffic movements. However, the appellants check the horses in the existing stables daily, and lead them in or out as necessary. Some owners rent more than one stable, so can attend to a number of horses in one visit. Based on the present use of the existing stables, therefore, the appellant suggests that the daily increase in traffic from the proposed stables would be 20 movements. As the appellants' estimate is based on experience from the operation of the existing stables, it is likely to provide a more accurate prediction than the worst-case scenario assumed by the Highway Authority. Nevertheless, there is no dispute that there would be an increase in traffic using Pitpear Lane and its junction with the B3224.

6. Pitpear Lane is narrow, steeply sloping, and has poor forward visibility due to the high hedges on either side. It is not suitable for high volumes of traffic, as vehicles meeting in the lane are unable to pass one another. Based on a limited traffic survey, the appellants claim that over a 12-hour day, there are likely to be 30 – 40 vehicle movements in Pitpear Lane, or approximately one every 18 minutes. On this basis, it is argued, there is a low likelihood of two vehicles meeting. However, even if the appellants' lower estimate of traffic generation is adopted, the proposed stables would add a further 20 movements, which would significantly increase the potential for vehicles to meet in the lane. Nevertheless, the nature of the lane dictates that traffic speeds are slow, so the impact of this increase in traffic would be inconvenience to drivers, rather than highway danger.
7. In order to reduce the impact of vehicles meeting in the lane, the appellants have provided a passing bay, midway between two field entrances which, it is claimed, also function as passing bays. The passing bays are not properly surfaced or drained so, dependant on weather conditions, may not always be useable by light vehicles. Furthermore, two of them are of limited length, and they are not within the highway, so there is no certainty that they will remain available for use in the longer term. The passing bays, as existing, do not therefore provide suitable mitigation for the increased likelihood of inconvenience to highway users as a result of the development.
8. However, the appellants own the land to either side of the lane, so the bays could be provided to a suitable standard. I have therefore imposed a condition requiring the provision of improved passing bays. On this basis, I find that the increase in traffic in Pitpear Lane would not result in harm to highway safety or convenience.
9. The approach roads from the south of Pitpear Farm are a network of narrow rural lanes, serving isolated houses and farms. The appellants state that access to the stables is gained exclusively from the B3224, and I have no evidence to suggest otherwise. Consequently, virtually all the additional traffic generated by the stables will have to use the junction of Pitpear Lane with the B3224. The B3224 has a reasonably straight alignment either side of the junction, and the appellant has provided evidence that the 85<sup>th</sup> percentile speeds for passing vehicles are 42 mph eastbound and 45 mph westbound. The appellant calculates that, based on these speeds, the Design Manual for Roads and Bridges (the DMRB) requires visibility of 111.8m to the left and 127m to the right. The Highway Authority agrees that the DMRB is the appropriate guidance for visibility splays, but does not explain how it calculates the required visibility to be in excess of 120m in both directions.

10. Pitpear Lane rises steeply to the junction, so vehicles emerging onto the B3224 will be doing so from a hill-start. It is therefore important that adequate visibility of, and from, these vehicles is achieved. Work has been carried out to reduce the height of the bank and vegetation along the frontage of the B3224 to the northwest of the junction, and to trim vegetation to the southeast side. As a result, the appellants' evidence indicates that the required visibility of 112m (left) and 127m (right) is now available. Whilst these splays are not shown on detailed drawings, the points of visibility are shown on an OS map. I was able to identify these points at my visit and I am satisfied that the visibility could be achieved. To achieve and maintain this visibility, land and vegetation within the left-hand splay would have to be at a height lower than 900mm to compensate for the reduced level of Pitpear Lane at a point 2.4m back from the junction. I have imposed a condition to ensure that any further works that are necessary to achieve this visibility can be secured.
11. I am mindful that the leftward visibility splay is less than the 120m required by the Highway Authority, but no evidence has been submitted to contest the appellants' calculation that 111.8m is the appropriate distance. Furthermore, traffic approaching from the left will be on the opposite side of the road, so will have a clear view of any vehicle emerging from the junction, at a distance in excess of 120m. Moreover, the evidence before me indicates that there were no injury accidents in the vicinity of the junction between 2013 and 2017. During this period, 13 livery stables were operating from the site and the improvements to visibility had not yet been carried out, which suggests that the junction is not inherently dangerous. Nevertheless, the improvements to visibility resulting from the development would benefit all users of the junction.
12. I therefore conclude that, provided the improvements to visibility are effectively carried out and maintained, the increased use of the junction would not result in harm to highway safety.
13. Paragraph 109 of the National Planning Policy Framework advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. With appropriate conditions, I have found that the increased use of the junction would not harm highway safety, and the additional traffic in Pitpear Lane would not cause significant inconvenience to road users. The proposals would therefore comply with Policy DM1 of the Taunton Deane Borough Council Core Strategy (2011) which seeks, amongst other things, to ensure that additional traffic arising from development does not overload access roads or cause road safety problems.

### **Conditions**

14. As the stables have already been built, I do not need to impose a condition limiting the period within which the development must commence. I have, however, included a condition specifying the relevant plans, as this provides certainty. The Highway Authority and council have submitted suggested conditions to cover other matters. The appellant has had the opportunity to comment on these. I have considered all the suggested conditions against the advice in the Planning Practice Guidance. Where I have agreed that the conditions are necessary, I have altered them, in the interests of clarity and precision, to better reflect the guidance.

15. As explained above, conditions are necessary to secure suitable passing bays and visibility splays. A suitable parking and turning area, for vehicles attracted to the site, is shown on the approved plans. A condition is needed to ensure its timely provision and subsequent retention.
16. As no gates are proposed as part of the development, I see no justification for a condition relating to their means of opening or set-back from the highway. I saw that the land around the stables was permeable, so a condition requiring details of surface water drainage, to avoid discharge onto the highway, is not necessary.
17. The council has suggested a condition prohibiting the construction of field shelters, jumps or other structures on the application site. However, the site is confined to the proposed car-parking area and the area immediately around the stable block, so there is little scope for such features to be installed. Consequently, such a condition is not reasonable or necessary.

### **Conclusion**

18. For the reasons given above, I conclude that the appeal should be allowed.

*Nick Davies*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: J1764 (Existing Location Plan); J1764 (Proposed Site Plan); J1764/03 (Proposed Floor Plans & Elevations).
- 2) Within 3 months of the date of this decision, a scheme of passing bays to be constructed along Pitpear Lane shall be submitted to and approved in writing by the local planning authority. The approved passing bays shall be completed within 6 months from the date of written approval and shall thereafter be permanently retained. If the passing bays are not provided within this timescale, the use of the stables shall cease, and shall not recommence until passing bays have been provided in accordance with details that have been approved in writing by the local planning authority.
- 3) At the junction of Pitpear Lane with the B3224 there shall be no obstruction to visibility greater than 900 millimetres above the level of Pitpear Lane (measured at a point 2.4m back from the junction) in advance of lines drawn 2.4 metres back from the B3224 carriageway edge on the centre line of Pitpear Lane and extending to points 112m to the northwest and 127m to the southeast of the junction at the nearside carriageway edge. Such visibility shall be fully provided within 3 months of the date of this decision and shall thereafter be permanently maintained.
- 4) Within 3 months of the date of this decision, the car-parking and vehicle turning area shown on the approved drawing numbered J1764 (Proposed Site Plan) shall be constructed with a consolidated surface. This area shall

be used for no purposes thereafter other than the parking and turning of vehicles. If the car-parking and vehicle turning area is not provided within this timescale, the use of the stables shall cease, and shall not recommence until the car-parking and vehicle turning area has been provided.