



Appeal Decision

Site Visit made on 6 October 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Appeal Ref: APP/W1145/W/20/3256400

South Worden Farm, Road Past Worden, Bradworthy, Devon EX22 7TW

- 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 Charles Mead against the decision of Torridge District Council.
 - The application Ref 1/0828/2019/FUL, dated 6 September 2019, was refused by notice dated 24 January 2020.
 - The development proposed is change of use of workshop (B2) to art exhibition studio and cafe.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of workshop (B2) to art exhibition studio and cafe at South Worden Farm, Road Past Worden, Bradworthy, Devon EX22 7TW in accordance with the terms of the application, Ref 1/0828/2019/FUL, dated 6 September 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7822 00-001 A – Site and Location Plan; TDA01 2003 0719 – Measured Building Survey; 7822 10-001 - Proposed Floor Plans and Elevations.
 - 3) The use hereby permitted shall only take place from March to October and between the following hours:
 - 10:00 – 16:00 Wednesdays - Saturdays

Preliminary Matters

2. I have used the description of the development from the application form. It is not clear from the evidence whether the use of the building as a workshop is lawful, and this is not a matter for my determination under this appeal. In the absence of any planning history to demonstrate a lawful use, I have considered the proposed development on its merits, and have not ascribed any weight to the stated current use of the building.

Main Issue

3. The main issue is whether the roads leading to the site would provide safe and suitable access to the development for visitors and deliveries.

Reasons

4. The appeal site lies in a rural location, about 1.7 kilometres to the west of Bradworthy, a busy village with a wide range of services and businesses. The hinterland of this settlement is a mosaic of farms, scattered dwellings, tourism and recreation uses, all served by a network of country lanes. Within this context, the appeal site is part of a loose cluster of buildings that comprises about ten dwellings, a small business yard and agricultural buildings. Consequently, although the appeal site is somewhat remote from the services and facilities in the village, it is part of an existing complex of buildings, which generate vehicular movements on the lanes leading to and from the site. The evidence does not indicate that the current level of traffic in the area results in highway danger or adverse impacts on the road network.
5. The appeal building is a single-storey agricultural-style structure, with a floorspace of about 114 square metres. It is proposed to convert it, with minimal external alterations, to an arts workshop and café. It is envisaged that the main clients would be special needs children and adults, and local people. The appellant's statement says that the facility would only be open from 10:00 to 16:00 on Wednesday to Friday, between April and September. The Transport Technical Note (the TTN) that accompanied the application, however, says the facility would open between March and October, with special events, including workshops and training sessions, on Saturdays approximately 28 times per year. Either way, the facility would only be open for part of the week, for a limited period of the year and only during daylight hours. The impact of resultant traffic on surrounding lanes would therefore be limited to these times.
6. The TTN identifies that the business plan for the proposal predicts a maximum of 20 cars accessing the site daily (20 arrivals and 20 departures). However, the TTN goes on to derive "total people" trip rates from the TRICS database, and concludes that, if every trip to the site was undertaken by single car occupancy, nine arrivals and nine departures would be expected as a result of the proposal. These higher and lower estimates indicate that, during the times of opening, between 3 and 6.6 traffic movements would be generated each hour. No evidence has been provided by the Council to suggest that traffic generation would be higher. Given the vehicle movements generated by the existing uses in the immediate vicinity of the site, this would represent a moderate increase in traffic using the surrounding country lanes.
7. Most of this additional traffic is likely to approach the development from the east, via the lanes from Bradworthy. It is this route that the Highway Authority's statement suggests that I should consider, in particular. Traffic leaving Bradworthy would travel along Mill Road, which is one of the main routes into and out of the busy village. Consequently, the small number of movements generated by the development would not significantly increase the level of traffic using this stretch of road. Traffic would then turn left at the Bradworthy Mill junction, which I found safe to use in both directions when exercising due caution.
8. The route from Bradworthy Mill to the site involves navigating approximately 1.3 kilometres of country lanes. The first kilometre of this route is of variable width, but generally allows two small vehicles to pass with caution. There are narrower sections where two cars would not be able to pass, but the road is relatively straight, so forward visibility is generally good. This allows drivers to

see oncoming traffic, and make use of the regular passing opportunities, without the need for either vehicle to reverse. Even the narrowest sections would allow a small vehicle and cyclist to pass safely. This road carries low levels of slow-moving traffic, so could accommodate the additional vehicle movements generated by the development, without an unacceptable impact on highway safety.

9. Traffic would then turn left into a narrow lane, leading to a right-angle bend into the road that gives access to the appeal site. This stretch is single track, with no passing places. However, it is only about 80 metres in length, and is straight, so road users can see from the bend to the junction, allowing drivers/cyclists to wait at one end to allow the other vehicle to pass. Visibility for vehicles emerging at the junction is limited, but, in view of the low traffic speeds, can be negotiated safely with due care.
10. The final stretch of road only serves the cluster of development that includes the appeal site. It is narrow, but quite straight, so opposing drivers have good visibility of oncoming traffic. There are regular opportunities for vehicles to pass each other. Although some of these involve encroachment onto private land, there is no evidence that this is a source of conflict within this rural community. In any event, traffic on this stretch is so infrequent, and travels at such low speed, that the carriageway effectively operates as a shared space for all road users, without any highway danger. The moderate level of additional traffic would not significantly alter these inherently safe highway conditions.
11. I also drove from the site to the A39, which lies approximately 5 kilometres to the west, and is an alternative route for visitors to access the development. The nature of the roads leading in this direction is quite similar to those on the route to Bradworthy. There are narrow points, where two cars cannot pass, but they soon give way to wider stretches. There are also regular passing spaces of variable nature and dimensions. Forward visibility varies, but I travelled the lanes around the appeal site for a considerable period during my visit, and only had to use passing spaces on three occasions. None of these encounters required a reversing manoeuvre by either vehicle. Bearing in mind the small number of additional vehicle movements that will be generated on the roads to the west of the site, I conclude that they would provide safe and suitable access to the development.
12. The roads in the wider area surrounding the appeal site are typical country lanes, with no lighting or footways. Whilst not being suitable for carrying large volumes of traffic, they do, nevertheless serve the agricultural, tourist and recreational businesses in the area, as well as the scatter of rural dwellings. There is no evidence that their current level of use results in an unacceptable impact on highway safety. The development would only result in a moderate increase in traffic movements, which would be limited further by the restricted season, days, and times of opening. The daily opening times mean that traffic to and from the development would only be travelling on the roads in daylight hours, reducing any potential conflict between cars and pedestrians/cyclists, which would otherwise result from the lack of streetlights.
13. For the reasons given above, I conclude that the roads leading to the site would provide safe and suitable access to the development for visitors and deliveries. Consequently, the proposal would comply with Policies ST10, DM05 and DM27 of the North Devon and Torridge Local Plan 2011-2031. These

policies support the conversion of redundant and disused rural buildings, whilst protecting and enhancing the function and safety of the road network for all highway users, including cyclists and pedestrians. The proposal would also accord with the advice in the National Planning Policy Framework, 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.

Conditions

14. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. Neither party has suggested conditions to cover any other matters. However, my conclusion that the moderate increase in traffic would not be harmful to highway safety resulted, in part, from the limited hours of operation put forward by the appellant. I therefore consider it necessary to impose a condition restricting the opening hours to those described in the application.

Conclusion

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

Nick Davies

INSPECTOR