



Appeal Decision

Site visit made on 13 October 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/P0240/W/20/3248219

Wood End Farm, Wood End, Tingrith MK17 9ER

- 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 Michael Heverin against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/04779/FULL, dated 20 December 2018, was refused by notice dated 16 September 2019.
 - The development is retrospective planning application for the change of use from agricultural to commercial on units 3, 16, 19, 22, 23 and 25.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant advises that the commercial uses have been operating since January 2016. The application has been submitted retrospectively and I have dealt with the appeal on this basis.

Main Issue

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

Reasons

4. The appeal site comprises a series of buildings accommodating residential, agricultural and commercial uses. The site is accessed from Wood End which is a single width country lane with grass verges, high banks and hedges close to the road. Wood End is a no-through road and serves the site, residential properties and other commercial uses. Along Wood End are informal passing places and there is evidence of vehicle overrun from sections of eroded grass verges.
5. The visibility from Wood End on to the C107 to the south is obscured by the height of the bank and the existing hedgerow. The road is subject to the national speed limit and the submitted speed survey indicates vehicles travel along the road at some speed.
6. Notwithstanding the frequency of traffic in the area the road collision evidence indicates that most of these accidents were between vehicles travelling along the C107 and vehicles turning out from Wood End on to the road. This leads

me to believe that the lack of visibility at this junction and the speed of vehicles travelling along the road is a safety concern.

7. I acknowledge that the commercial uses have been operating for a number of years. However, the development has resulted in an intensification of the junction with the C107 due to increased vehicle movements associated with the number of individual businesses. This intensification of traffic using the junction and lack of visibility increases the likelihood for collisions with oncoming vehicles adversely affecting highway safety in the area. The frequency or severity of road traffic accidents since 2016 does not alter my conclusion that the increased activity and lack of visibility adversely affects highway safety.
8. Wood End serves residential as well as commercial uses and due to its narrow width and limited forward visibility is not conducive for the level and type of traffic using the road. The increased number of vehicles using Wood End and the lack of forward visibility results in conflict between vehicles travelling in different directions. This leads to vehicles having to either pull over onto the grass verges or reverse along sections of the road to allow traffic to pass compromising highway safety.
9. The proposed package of highway works would not, in my judgement, result in a meaningful improvement of the highway. It is evident that an adequate visibility splay could not be achieved without crossing land that is not within the appellant's ownership or control. I note an alternate visibility splay does not cross third party land. However, this would be substandard and inadequate when considering the speed of the road and would not improve the situation. I am not satisfied that the passing places would improve traffic movements as visibility is still restricted due to the alignment of the road and hedges and conflict between vehicles would likely continue. Moreover, having regard to the Planning Practice Guidance¹ I am not satisfied that the package of highway works could be secured by condition or that they would be reasonable or enforceable.
10. I conclude that the development adversely affects highway safety contrary to Paragraph 109 of the National Planning Policy Framework which states the development should be refused where there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

Conclusion

11. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR

¹ Paragraph: 009 Reference ID: 21a-009-20140306