The Planning Inspectorate

Appeal Decision

Site visit made on 12 January 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2021

Appeal Ref: APP/H1840/W/20/3261258
West Wing, Hawford Grange, Chatley Lane, Hawford WR3 7SG

- 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 John Loveridge against the decision of Wychavon District Council.
- The application Ref 19/01340/CU, dated 31 May 2019, was refused by notice dated 5 June 2020.
- The development proposed is change of use of land for siting of 9 No. holiday lodges and ancillary works.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development has been amended from the application forms and has been taken from the appeal forms and decision notice, which more accurately describe the proposal. New evidence pertaining to highway matters was submitted with the appeal. Parties will have been notified under standard procedure and therefore will have had an opportunity to make representations on the new evidence. Consequently, it has been accepted under the appeal.

Main Issue

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

Reasons

4. The site is located in Hawford and accessed off of a private driveway that links with Chatley Lane to the north. Chatley Lane is a low speed narrow lane, which in turn forms a junction with the A449 Worcester Road, which is a high speed dual carriageway. When travelling south bound on the A449 Worcester Road, Chatley Lane can be accessed using a tapered junction from the inside lane, enabling faster traffic to overtake slowing traffic in the outside lane as necessary. Consequently, the hazards associated with a lack of dedicated deceleration lane are somewhat tempered.

5. When travelling north bound on the A449 Worcester Road, Chatley Lane can be accessed from the outside lane through a break in the dual carriageway. Vehicles would be required to slow significantly to make the right turn through the break, thus generating a significant speed differential with other vehicles that might be in the process of making overtaking manoeuvres in the outside lane as they approach from Claines roundabout in the south.

6. Vehicles may also need to perform an undertaking manoeuvre, and the existence of a bus stop, that is almost opposite the break in the dual carriageway, may require vehicles performing such a manoeuvre to slow significantly when it is in use. This would result in slow moving or stationary traffic across both lanes, representing a hazard for potentially fast moving traffic coming from behind.

7. Furthermore, if a vehicle is occupying the break in the dual carriageway, waiting to make a manoeuvre onto Chatley Lane, there would be insufficient space for a second vehicle to queue safely. Consequently, a second vehicle may need to make a complete stop in the outside lane, which is clearly hazardous in the context already described. This is something that I nearly encountered during my site visit, whereby a light goods vehicle was occupying the break, and I would have been unable to queue safely.

8. Lastly, when making the manoeuvre from the break across the south bound carriageway, the high speed nature of oncoming vehicles would make it difficult for those executing the manoeuvre to judge how best to assimilate onto Chatley Lane, even with adequate visibility. This would be made more acute by the significant narrowing of the highway beyond the immediate junction of Chatley Lane and the possibility of other vehicles being present along the lane.

9. The existence of a passing bay allows two vehicles to pass whilst on the lane, but there is no evidence in front of me that it simplifies the manoeuvre from the break or mitigates hazards in this context. For example, it has not been demonstrated that the passing bay is readily visible from the break, or that, given its informal nature, it would be used judiciously by vehicles on the lane pursuant to an informal right of way arrangement, which may simplify and de-risk vehicle manoeuvres from the break. Altogether, it is self-evident that there are a number of potential hazardous scenarios associated with obtaining access to Chatley Lane when travelling north bound on the A449 Worcester Road and needing to turn right using the break in the dual carriageway.

10. The proposal would introduce additional vehicular movements, and although the quantum of development is relatively limited the proposal would still expose those people making additional movements to existing hazards. This would be further exacerbated by the nature of the use, in that holidaymakers are unlikely to be familiar with the junction, increasing the likelihood of hazards becoming realised and accidents occurring. Furthermore, unfamiliarity would persist in line with the turnover of guests, and therefore unlike less transient uses, familiarity would not increase over time.

11. It may be that the local population is familiar with the current junction arrangement, which may go some way to explain why there have been no personal injury collisions within the last five years, in spite of the existing hazardous conditions. However, given that the proposal would introduce movements of people unfamiliar with the junction, this data does little to mitigate my concerns about existing hazards or the potential for accidents in the future.

12. In relation to potential mitigation concerning signage, planning conditions which positively require works on land that is not controlled by the applicant and/or works to be authorised by another person or body are often unreasonable and unenforceable. Nonetheless, it may be possible to achieve the same result by imposing a Grampian condition.

13. However, Planning Practice Guidance advises that Grampian conditions should not be used where there are 'no prospects at all' of the action being performed within the time-limit imposed by the permission[1]. In this context, the highway authority control the land and it is clear that they do not think that signage would be appropriate mitigation. Consequently, it appears that there are no prospects at all of the condition being complied with, and therefore it would be unreasonable to grant planning permission on this basis.

14. Going further on this point, there is no evidence in front of me that signage would comprehensively mitigate the several different types and instances of hazard that currently exist. The mitigating effects of visibility splays, which meet the requirements for the speed limits observed along the A449 Worcester Road, only apply when exiting the break or the Chatley Lane junction. Consequently, residual risks (such as speed differential of slowing vehicles), among other things) that harm highway safety would remain.

15. Overall, I acknowledge the steps of the appellant in seeking to design out and mitigate potential hazards. However, due to the sheer number of different hazards in conjunction with the nature of the use, the cumulative effects of the proposal on highway safety would be harmful. Accordingly, there is conflict with Policy SWDP4 of the South Worcestershire Development Plan 2016 and Paragraphs 108 and 109 of the National Planning Policy Framework. Among other things, these seek to ensure proposals address road safety.

Other Matters

16. The designated heritage assets of Dovecote, which is a Grade II* listed building, and Hawford House, which is a Grade II listed building, are located to the north of the site. However, given the intervening boundary treatments and separation distances involved, there is no evidence in front of me demonstrating that their settings would be affected by the proposal. Consequently, their heritage significance would be preserved, which is a neutral matter under the appeal.

17. The full details of another cited application[2], along with associated evidence demonstrating that pre-commencement conditions have been discharged and development has lawfully started, are not before me and therefore I am unable to fully assess its weight in terms of providing a fallback position. Nonetheless, from the limited details that are available, it appears much reduced in scale relative to the proposal in this case and it is therefore unclear whether they are directly comparable in terms of assessing highway safety.

18. The dispute about the administration of the application is noted, but it is not a matter to be assessed or resolved under this appeal, which has been determined based on the material planning considerations at hand.

Conclusion

19. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR

[1] Paragraph: 009 Reference ID: 21a-009-20140306
[2] W/16/02218/CU