
Appeal Decision

Site visit made on 23 February 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/P0240/W/20/3264433

West Park Farm, Wilstead Hill, Haynes MK45 3RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by TJD Trade Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/02913/PAAD, dated 11 August 2020, was refused by notice dated 13 October 2020.
 - The development proposed is for the conversion of a barn building to form one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Beneath the description of the development stated on the planning application form reference is made to a covering letter and plans for the provision of adequate natural lighting. I have taken this information to be separate to the description. The Council's Decision Notice and appeal form also use different descriptions. However, for the purpose of dealing with the appeal 'conversion of a barn building to form one dwelling' sufficiently describes the proposal.
3. This appeal relates to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Class Q (a) permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class 3 (dwellinghouses).
4. Where development proposed is under Class Q (a) together with any associated operational development, it is permitted subject to the condition that before beginning it, the developer must apply to the local planning authority for a determination as to whether the prior approval is required. This covers several matters including at subparagraph 1 (a) the transport and highways impacts of the proposal. In this case the Council have determined that prior approval is required, and that it should be refused solely because of the resultant transport and highways impacts. My decision therefore only focuses on those elements.

Main Issue

5. The main issue is whether the transport and highways impact of the development would be acceptable having regard to safety.

Reasons

6. The main parties dispute whether the additional one-bedroom dwelling subject to the appeal would lead to any significant highway safety detriment, when considered in the context of other approved development.
7. I acknowledge the planning history on the farm, which indicates that a total of 6 dwellings have previously been consented by the Council. Considering the previous decisions referred to there is some inconsistency regarding how many dwellings the existing access arrangement could potentially serve without causing highway safety detriment. Nonetheless, the appellant suggests that the access arrangement based on existing approvals would presently serve a maximum of 5 dwellings on the farm, when discounting the appeal proposal. Therefore, I give no significant weight to what previously may have been possible.
8. Potential occupiers of the additional dwelling proposed would be reliant on the existing road network. This would entail drivers using the farm access which links to the A6. I accept that a one-bedroom dwelling would result in a modest increase in additional vehicular movements using the existing road network. Nevertheless, the uplift in vehicle movements would increase right and left turning movements onto the A6 from the access road, and vice versa.
9. I note that adequate visibility splays could be provided for vehicles moving onto the A6, and that the access road linking to it has an adequate width. However, the appeal scheme would still increase the probability of additional vehicles crossing two lanes on a 60-mph road. Even though the uplift in vehicle movements would be modest it would still lead to additional highway safety risk on the A6. Moreover, when considered cumulatively in the context of other uses reliant on the access road the resultant change would be significant.
10. I have considerable doubt the junction impacted on was ever intended to serve the total number of residential properties the appeal scheme would contribute towards, alongside any potential existing agricultural uses. The increased traffic movements from the development would disrupt the free flow of traffic on a public highway for vehicles travelling in both directions. This would include during periods when lanes on the A6 are busiest, where the presence of other vehicles may impede driver visibility when moving between lanes. The overall impact arising from additional traffic movements would result in an increase in highway danger for road users.
11. I appreciate that the appellant makes the case that there is no evidence of any historic accidents recorded at the junction shared with the A6. However, the residential uses referred to on the farm referred to are relatively recent approvals. Moreover, there is no evidence to support the case that the access has at any point safely served a total of six residential properties in use. As a result, the cumulative impact is largely untested. Thus, the lack of any historic accidents recorded at the junction shared with the A6 does not convince me that adequate levels of highway safety would be maintained.

12. Under Part W (13) of the GPDO a local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. However, planning conditions would not overcome any of my concerns with respect to protecting highway safety levels.
13. Accordingly, I find that the transport and highways impact of the development would harm existing safety levels. This would be contrary to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) which seeks that development incorporates appropriate access; and Section 9 of the NPPF (2019) which seeks to ensure adequate levels of highway safety.

Conclusion

14. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR