
Appeal Decision

Site Visit made on 5 July 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2021

Appeal Ref: APP/Y3940/W/21/3270865

Ganders, Heath Farm Lane, Chapmanslade, BA13 4AN

- 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 and Mrs L. Gee against the decision of Wiltshire Council.
 - The application Ref 20/07799/FUL, dated 9 September 2020, was refused by notice dated 5 November 2020.
 - The development proposed is the change of use of the potting shed into a one-bedroom unit of tourist accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has confirmed that they only wish to proceed with the appeal on the basis of the conversion of the potting shed alone. I do not regard this change as prejudicing any other party as it means one less proposed tourism accommodation unit on site than originally proposed.
3. The potting shed appears to already have been converted to habitable accommodation, but it is not clear if it has been used for a holiday let to this point.

Main Issues

4. The main issues are the effect of the development on (1) highway safety (including a consideration of car parking provision) and (2) whether the development is in a suitable location, given its countryside setting.

Reasons

Highway Safety

5. The site is linked to the village of Chapmanslade by a narrow lane, Heath Farm Lane, which is also a public footpath. The lane joins the village at the High Street (A3098), which appears to be the main road through the village.
6. The proposed holiday let, being a change of use from a former agricultural potting shed, would likely result in an increase in traffic over and above the level of traffic if the agricultural use of the building continued. With the likely reliance by many visitors to the holiday let on their car for transport most days, given the countryside location of the site, then this would mean an increase in vehicles using this lane and its junction with the A3098. There may be some people who would use public transport, for example, but I am not convinced

that even with a travel plan in place most visitors would not drive to and from the site.

7. The proposed holiday let would mean additional traffic to and from the site, with an intensification of use of the access onto the A3098. It is acknowledged by both main parties that the visibility as recommended in Manual for Streets cannot be provided. Indeed, from my own use of the access I observed the poor levels of visibility, which does not appear easy to improve and is outside of the appellant's control. This poor level of visibility onto what I observed as being a relatively busy road would mean possible vehicle accidents or conflicts, with a less than adequate level of highway safety.
8. I acknowledge that there are other users of this access, including the village hall. These are established uses and not subject to this appeal. Furthermore, these other existing uses of the access does not change the point that this is a substandard access onto the A3098, with the proposal likely to exacerbate this issue. There may have been no accidents recorded in relation to this access in recent years, but this does not mean that it provides adequate visibility.
9. I note the reference to activities and courses, but it is not fully clear as to how this relates to the potting shed or whether such activities require or have any formal planning permission. The focus of this appeal is the potting shed and the use of this as a holiday accommodation unit. There may be occasions where the holiday let would effectively decrease potential trips by providing overnight accommodation for people who would otherwise travel daily to the site for various reasons. However, I do not regard this as likely to be the case at all future times if the potting shed provided holiday accommodation and it would not be reasonably enforceable to impose a condition requiring this. To my mind, it is likely that this proposed change of use would result in an increase in traffic to and from the site, with there not being fully convincing evidence to demonstrate otherwise.
10. The appellant has drawn my attention to planning permission for holiday lets and other development accessed off Heath Farm Lane, but I do not have full details of these cases. Nevertheless, I have considered this proposal based on its own merits with both the evidence and my own observations from the site visit.
11. As set out in the appellant's Transport Statement there is good forward visibility along the High Street (A3098). It could mean that if a vehicle pulls out onto the A3098 then vehicles on this road should be able to see them and slow effectively in many cases. However, whilst this is a mitigating factor, it is not sufficient to overcome the lack of visibility for drivers when emerging onto the A3098 from Heath Farm Lane. The visibility is severely restricted at this junction and could result in highway safety issues.
12. I also note the comments that Manual for Streets 2 states that there is no clear evidence of correlation between substandard junction visibility and collisions. However, whilst I have taken this into consideration, it is my judgement that the access with the A3098 is not as safe as if it could provide the visibility plays required by the Highways Authority. Indeed, I would regard this access as having substandard levels of safety as a result, even with the forward visibility along the A3098.

13. My attention has also been drawn to appeal reference APP/Y3940/W/20/3244117 which was dismissed. This appeal was for the change of use of an agricultural building to live/work unit and change of use of the Potting Shed to tourist accommodation. In relation to the potting shed aspect of the proposal it is clearly relevant to this latest appeal. The Inspector for the 2020 appeal also concluded that the existing access with the A3098 is already substandard and that the tourist accommodation would attract visitors who are very likely to be car borne given the nature of the area. The previous Inspector concluded that, with the previous appeal proposal, that there would be harm to highway safety. Whilst this proposal relates only to the potting shed, I would still conclude that this would likely result in an intensification of use of this substandard access, over and above levels if it were to remain a potting shed. This may not be much of an increase, but nevertheless it would be an intensification of an access with poor visibility.
14. Conditions or measures for forms of mitigation have been suggested, such as for a register of occupants, a requirement for a travel plan, or check-in and out times to avoid peak times trips. However, whilst these may provide some mitigation, they do not provide sufficient assurances to satisfy me that there would not be an intensification of the junction use with the A3098, with many of these measures not preventing car use if visitors wanted to use this mode of transport for example.
15. The lane itself is narrow with not much opportunity for passing. However, the distance to the site is short and traffic would likely be slow. For the proposed addition of a single holiday let there would not be a detrimental impact to highway safety along this lane. Furthermore, the proposed additional traffic would not result in significant impacts to the wider highway network, in terms of congestion for example.
16. With regards to parking provision, there is enough space within the 'blue line' area under the control of the appellant to provide sufficient parking provision for the proposed single holiday let. The proposal accords with Core Policy 64 with regards to parking provision.
17. Overall, due to the intensification of use of the junction with the A3098 and Heath Farm Lane, with the traffic generation from the proposed holiday accommodation, there would be reduce levels of highway safety. The proposal would therefore conflict with Policies 39, 48 and 61 of the Wiltshire Core Strategy (WCS), January 2015, which promotes highway safety and requires safe access to the highway network, amongst other things. It is also contrary to the National Planning Policy Framework (the Framework), paragraph 110, which requires safe and suitable access for all users as well as paragraph 111, which seeks to avoid an unacceptable impact on highway safety.
18. However, I am not persuaded that the proposal is contrary to Core Policies 34 with regards to this main issue.

Location of Development

19. The site is to the south of the village of Chapmanslade in a rural location. Core Policy 48 does allow for the conversion and re-use of rural buildings for uses such as tourism subject to criteria. Apart from the issue of the access, which is considered in the preceding section, I conclude that the proposal broadly meets the criteria. The potting shed does not appear to require significant works for

the conversion, and it does not result in any visual amenity harm. Furthermore, the village, public transport links and some facilities are in walking or cycling distance.

20. There may be a lack of a range of facilities within accessible range (without dependence on private vehicles) but as a tourism let there is an acknowledgement that most visitors would use a car to get to the site and possibly take trips when staying at the site. Indeed, Core Policy CP1 does allow for some tourism accommodation outside settlements, with there being economic benefits to this form of accommodation.
21. Furthermore, the proposed holiday let would be reasonably close to the adjacent village and located in an existing rural building (as referred to in policy CP48). As such, I would regard the proposal as being in accordance with Core Policy 39, which has regard to tourism development.
22. Other than where there is mention of access to the development, the proposal is in general accordance with policies 1, 2, 34, 39 and 48 of the Wiltshire Core Strategy, in relation to the principle of tourism accommodation in a rural location such as this. However, this does not outweigh or overcome the highway safety issues outlined with the first main issue covered.

Conclusion

23. The proposal would provide some support to the agricultural unit, as a form of diversification, and also to the rural economy. However, these benefits are outweighed by the harm I have identified in relation to highway safety.
24. For the reasons given in relation to highway safety I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR