



Appeal Decision

Site Visit made on 8 October 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/D0840/W/21/3278121

West View, Southern Road, Callington PL17 7ES

- 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 Ms J Bowen against the decision of Cornwall Council.
 - The application Ref PA20/06819, dated 3 September 2020, was refused by notice dated 22 March 2021.
 - The development proposed is the construction of new dwelling, demolition of garden store and greenhouse and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the scheme would be provided with a safe and suitable highway access.

Reasons

3. Hangmans Lane is a stretch of adopted highway that runs parallel with the A390 Southern Road with West View at one end and Cregyden at the other. These are the only two properties that are accessed off the Lane.
4. West View is a detached dwelling and adjoins Southern Road. The property has a vehicular access to the side of the dwelling and the entrance onto the road is reasonably close to the bend to the broadly south west. This results in drivers having limited visibility to see oncoming traffic if they were to leave via this access. However, it is possible to drive along the reasonably narrow section of Hangmans Lane and leave via the entrance further to the north east where the sight lines are better. The evidence indicates that this is the usual practice of the appellant.
5. The appeal proposal seeks a new dwelling within the garden area of West View and highway improvements to accommodate the increased traffic movements. The existing vehicular access onto Southern Road by West View would be closed and the other access would be shifted further to the north east.
6. The section of Hangmans Lane adjoining West View would be widened to allow two way traffic in places, with a give way sign and markings to give priority to vehicles entering from Southern Road. The relocated vehicular access would be positioned where the existing verge is wider and the access would have sufficient sight lines in both directions for vehicles entering onto Southern Road.

7. I accept that refuse vehicles could be accommodated in the same way as present with refuse picked up from the verge. This would be a temporary occurrence with the refuse vehicle moving fairly swiftly on. However, it seems to me that the new dwelling would be likely to be served by other vehicles, such as delivery vans and delivery lorries, from time to time. I consider that there would be a need to accommodate the presence of these types of vehicle on those occasions when they would attend the new dwelling and West View. It would not be safe that they park on Southern Road. Consequently, it is necessary that the proposed highway design, particularly when an additional dwelling is proposed, should make safe and suitable arrangements for such vehicles off the main road.
8. In terms of the relocated access, I have taken into account the swept path tracking details and the width of the A390. I have carefully examined the situation at my site visit and studied the plans. However, I have concerns with the tightness of the turn for cars and particularly other medium and larger vehicles, such as delivery vehicles, when travelling from the south west and which would have to swing into Hangmans Lane to access West View and the proposed dwelling. It seems to me that the nature of this manoeuvre and the position of the boundary along the back of Hangmans Lane in this location, even when cut back and notwithstanding the tracking details, would incline some drivers, particularly those not familiar with the site, to feel they would need to move more centrally and swing out into and possibly over the centre of the carriageway to be assured that the vehicle would be able to turn effectively into Hangmans Lane. This would potentially mean that some drivers on some occasions crossed the centre white line and this could adversely affect or distract drivers travelling in the other direction. This would create an unacceptable impact on highway safety, contrary to the approach in the National Planning Policy Framework (the Framework).
9. Furthermore, if a vehicle was not able or the driver was not inclined to be positioned centrally within that side of the carriageway or towards the centre line of the carriageway when travelling from the south west, potentially because of traffic coming from the other direction, then it may not be possible for some vehicles to swing round into Hangmans Lane in a single manoeuvre. This may then require the vehicle to reverse back, potentially into the carriageway even having regard to the width of the access, with the resulting safety issues for oncoming vehicles. This manoeuvre, if required, would take place onto an A class road and would present a highway safety issue.
10. I am not satisfied that drivers would necessarily know or be inclined to avoid this tight manoeuvre by travelling up to the roundabout and approaching the access from the north east.
11. Consequently, the evidence does not provide me with sufficient certainty that this turning manoeuvre into the access when coming from the south west could be undertaken consistently without adverse impact and safety issues for other road users. I have taken into account all the appellant's highway evidence, including the additional explanations at the final comments stage. However, for the reasons set out above, I agree with the Council's Highway Engineer who was not satisfied that a safe and suitable access had been demonstrated.
12. The increased vehicle movements associated with the additional dwelling and the related highway safety concerns for those vehicles would not be off-set by

the improvements that the access would bring for the vehicles associated with the existing two dwellings. Overall I consider that the proposal would result in a greater highway hazard than the existing situation. Planning conditions in any approval could not address this matter.

13. For the above reasons, it is necessary to take a precautionary approach and, consequently, I conclude that the development would not be provided with a safe and suitable highway access. In this regard the scheme would conflict with Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and the Framework which seek, amongst other things, that all developments should provide safe and suitable access to the site for all people.

Planning Balance and Conclusion

14. The proposal would provide a small boost to housing supply on a windfall site, making effective use of the land and could be delivered by a small builder adding to the overall mix and offer of housing in the area. There would be economic and social benefits to the area during construction and in subsequent occupation. The site would be located in a sustainable position with reasonably good access to local services and facilities. However, as only one additional dwelling would be provided, and in a Council area that can demonstrate a Framework compliant supply of housing land, I attribute the cumulative benefits of the proposal limited weight.
15. On the other hand the highway safety concerns I attribute substantial weight. It follows that the identified harm and development plan conflict would not be outweighed by the benefits of the scheme.
16. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR