
Appeal Decision

Site visit made on 7 December 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2022

Appeal Ref: APP/X0415/W/21/3276037

**Land to the rear (south) of White Cottage, Swan Bottom, The Lee,
Buckinghamshire HP16 9MQ**

- 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 Paul Girdler against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/21/0023/FA, dated 5 January 2021, was refused by notice dated 26 March 2021.
 - The development proposed is the change of use and alteration of an agricultural barn to Class C3 (dwelling house).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both main parties have agreed that the proposal would not represent inappropriate development in the Green Belt as defined in development plan policy and the National Planning Policy Framework (the Framework). I concur with that position.

Main Issue

3. The main issue is the use of the proposed access on the safety of pedestrians, cyclists and drivers using Swan Bottom.

Reasons

4. The appeal site comprises a modest barn of timber frame, with timber cladding, and a clay-tiled roof which is accessed from Swan Bottom. This road is a 'C' class and subject to a 40mph speed limit. Either side of the proposed access for the new dwelling on this road, there is low-level hedging and minimal highway verge between it and the road.
5. In accordance with the guidance of the Manual for Streets (MfS) 2007 and Manual for Streets 2 (MfS2) 2010, an access visibility splay of 2.4m setback from the road and 82m along the road would be required based on the speed limit. Visibility splays are required to be achieved within the highway or land within the control of the appellant, to ensure that adequate visibility can be provided, and maintained at all times for the safety of users of the access and users of the highway.

6. The Highway Authority (HA) has indicated that an approximately 7m visibility can be achieved in both directions either side of the access, having assessed the submitted plans. There is no visibility splay survey plan to counter this assessment. Based on my assessment of the plans and what I saw on my site visit, the achievable visibility would be similar to that identified by the HA. Such visibility would be significantly short of the MfS and MfS2 requirements. Land either side of the proposed access would not be within the control of the appellant and in this respect, there is no guarantee that a wider visibility could be maintained in perpetuity.
7. Both MfS and MfS2 indicate that a lower minimum set back figure of 2m may be considered in some very lightly trafficked and slow-speed situations. Whilst this rural road may be lightly trafficked, there is no detailed evidence in the form of a suitable and valid speed survey to demonstrate a slow-speed situation to justify this lower set back figure.
8. The proposed change of use of an agricultural barn to a two bedroom dwelling would result in a net increase in traffic generation. Historically, it has been used for the storage of agricultural machinery for use on surrounding land and elsewhere. Such vehicle movements would be infrequent because machinery would not be needed all the time and throughout the year, a view shared by the HA.
9. The agricultural use of the barn would permit use for livestock which would require frequent trips for feeding and general husbandry. However, it has not been demonstrated that the barn could be used for this purpose given the small size of the site, its suitability for such a purpose, and whether there is any realistic interest in this particular use, including from other agricultural enterprises. On this basis, no weight can be given to such a consideration.
10. Based on vehicle trip evidence, the appellant has calculated a daily figure of just less than 5 trips a day whereas the HA calculated a daily figure of 5-8 trips. Given the low level of agricultural vehicle trips, the additional trip traffic generation would not be significantly different from those indicated by the appellant and Council. There have also been no recorded traffic accidents over the last 5 years at or around the access point, or the junction of Swan Bottom with Chesham Lane/Red Lion Hill.
11. However, the lack of recorded accidents is no guarantee of none occurring and based on the submitted plans, the achievable visibility splay would fall significantly short of that required under MfS and MfS2. Whilst these publications provide guidance, they are evidence based attracting significant weight. In contrast, no appropriate speed survey evidence has been submitted to properly evaluate whether the achievable visibility splays, that are well below required standards, would be acceptable. Even taking into account the dwelling trip generation figures of the appellant, with a negligible reduction for agricultural use, it can only be concluded that the risk of an accident would be significant for all these reasons.
12. The previous agricultural use would invariably generate tractors, trailers or even larger vehicles movements, which are bigger, slower and less manoeuvrable than private vehicles associated with a dwelling. In terms of the highway, agricultural vehicles would have greater highway impact than domestic vehicles due to their size, for instance slowing traffic down. In transport analysis, 4 agricultural vehicle movements would equate to at least 8

residential vehicle movements. However, the issue before me relates to the substandard access visibility and traffic speeds on a 40 mph limit road, and in any case, the daily level of agricultural vehicle movements associated with the previous use would have been very small. For similar reasons, the highway safety benefit of having residential vehicles parked on the road, instead of agricultural vehicles, waiting for the existing gate to be opened would be insignificant.

13. For all these reasons, there would be an unacceptable impact on highway safety. Accordingly, the proposal would conflict with Policy TR2 of the Chiltern District Local Plan (LP) 1997 (with alterations and consolidations 2001, 2007 and 2011), which amongst other matters, requires satisfactory access onto the existing highway network to be provided.

Conclusion

14. It has been indicated that the dwelling would be self-build and there would be a boost to housing land supply. However, there would be an unacceptable and overriding impact on highway safety in conflict with LP Policy TR2, and the development plan taken as a whole. There would be conflict with Paragraph 111 of the Framework because there would be an unacceptable impact on highway safety. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR