

Appeal Decision

Site visit made on 18 January 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2022

Appeal Ref: APP/N0410/W/21/3280067

Land South of Dukes Kiln Cottages, Windsor Road, Gerrards Cross SL9 8SP

- 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 MJL Contracts Ltd against the decision of Buckinghamshire Council.
 - The application Ref PL/21/0929/FA, dated 8 March 2021, was refused by notice dated 14 July 2021.
 - The development proposed is the change of use of buildings to B8 (storage and distribution).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue relevant to this appeal is the effect of the proposed development upon highway safety.

Reasons

3. The appeal site consists of a site close to the B416. This road, at this point, features a number of curves and is also, when adjacent to the appeal site on a gradient. The speed limit at this location is 60 miles per hour. The road also features planting close to its edges. The appeal site contains some existing buildings.
4. There is some debate regarding the precise existing use of the appeal site. Although it has been suggested that the site has been used for light commercial activities, the evidence before me is indicative that this may not have been authorised. Therefore, I have considered the appeal with reference to the site being used for agriculture. However, the proposed development has the potential to be used on an intensive basis and therefore would amount to an increase in the level of usage.
5. The proposed use would also likely result in a greater number of vehicle movements. As a commercial use, this is likely to involve a notable number of larger sized vehicles.
6. Furthermore, as it would not be possible to place restrictions upon the use of the building, it would be prudent to consider the appeal with reference to the higher number of estimated vehicle movements given that this could reasonably occur. This causes a concern as potentially a significant number of larger vehicles would be required to leave the appeal site and join the B416.

7. in consequence, owing to the lack of visibility from one direction for traffic already on the B416, motorists would not necessarily have sufficient forewarning and time in order to take avoiding action should a slow-moving commercial vehicle join the highway.
8. In addition, drivers of vehicles leaving the appeal site and looking to turn right would not necessarily have sufficient time to leave the site without causing conflict with on coming vehicles. In reaching this view, I have had regard to the fact that, as a warehouse, there is a likelihood that the site would be visited by larger and, potentially, slower vehicles.
9. Furthermore, the appeal site is close to vehicle entrances that serve nearby properties. Owing to the lack of visibility, it would not be possible for the drivers of vehicles leaving the appeal site to view other vehicles joining the highway. This increases the likelihood of the appeal proposal resulting in conflict between vehicles leaving the site and other road users.
10. This means that there would be conflict between vehicles on the highway and those joining. This would potentially result in an increased potential for collisions. This would contribute to a general erosion of highway safety.
11. In considering this appeal, I have had regard to the National Planning Policy Framework (the Framework), which is unambiguous that developments should not cause highway safety to be adversely affected.
12. My attention has been drawn to the Manual for Streets which suggests that, in certain instances, a shorter reaction time is required to respond to vehicles joining the highway. however, the Manual for Streets applies to highways that have important public realm functions beyond the movement of traffic.
13. In addition, the sections of Manual for Streets that I have been referred to are suggested that local circumstances should also be considered. For the foregoing reasons in respect of the road network's sinuosity and gradient, I consider that a prudent approach should be taken to visibility.
14. In this particular instance, the B416 has a primary function of acting as a route between the settlements of Gerrards Cross and Stoke Poges. The B416 at this juncture, has a limited public realm function given that the edges of the road feature grass verges and hedges. Therefore, I do not believe that the B416 in this geographical location can accurately be described as a street.
15. In result, I am unpersuaded that the application of the lower reaction time and distance as suggested by the manual for streets should be applied to the development before me. In result this suggestion does not overcome my previous concerns.
16. References have been made to previous appeal decisions. I do not have the full information regarding their planning circumstances, which lessen the weight that I can attribute to them. Nonetheless, I note that these are located in different locations to the appeal site and therefore have different surroundings and contexts. In result, the developments described do not have the same highway effects as the scheme before me. In result, the previous appeal decisions do not overcome my previous concerns.
17. I therefore conclude that the proposed development would have an adverse effect upon highway safety. The development, in this regard, would conflict

with the requirements of Policy TR5 of the South Buckinghamshire District Local Plan (1999), Buckinghamshire Council Local Transport Plan 4 (April 2016); the Buckinghamshire Council Highways Development Management Guidance document (2018); and the Framework. Amongst other matters, these seek to ensure that developments do not compromise the safe movement and free flow of traffic on the network; and ensure safe and suitable access to the site can be achieved for all people.

Conclusion

18. The proposed development would have an adverse effect on highway safety. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR