



Appeal Decision

Site visit made on 25 February 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 17 March 2022

Appeal Ref: APP/H1840/W/21/3285396

Mill Croft, Back Lane to Pershore Road, Great Comberton WR10 3DP

- 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 & Mrs Jones against the decision of Wychavon District Council.
 - The application Ref 21/01594/CU, dated 25 June 2021, was refused by notice dated 16 September 2021.
 - The development proposed is described as 'Proposed change of use of land for the siting of one shepherd hut for holiday accommodation'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the shepherd hut was already present on the land. It has been indicated by the appellant that the shepherd hut has already previously been in use through the utilisation of permitted development rights associated with the temporary change of use of land. Whether the shepherd hut should benefit from such temporary permitted development rights has been debated by third parties, albeit the Local Planning Authority (LPA) has not commented on the issue. In any case, the appeal seeks planning permission for the permanent change of use of the land to enable the shepherd hut to be used for holiday accommodation purposes and has been determined on this basis.

Main Issue

3. The main issue in this case is the effect of the proposed development on highway safety, having particular regard to access in and out of the site.

Reasons

4. Mill Croft is a large, detached dwelling, set in a substantial curtilage. The property is set back significantly from the public highway, with a large garden containing mature and semi-mature trees located to the front of the dwellinghouse. The site is located within a rural village and is accessed from a long private drive off Back Lane. The public highway in the vicinity of the appeal site is subject to a speed limit of 30mph.
5. The access drive also serves two other residential properties before a gated entrance is provided to Mill Croft beyond. A turning circle and parking spaces are available within the application site, near the main dwelling. The appellant has highlighted that these would be made available for use by occupiers of the proposed development.

6. It is common ground between the main parties that there is limited visibility at the access junction onto Back Lane. No speed surveys of the road have been undertaken, as such, the precise visibility splay requirements have not been identified by the LPA. Nevertheless, it has been deemed by the LPA and highway authority that the access and egress from the site is hazardous.
7. During my site visit, and notwithstanding that this was for a limited duration during a working day, I observed that the road was generally quiet in nature. However, I did observe several vehicles, including vans and heavy goods vehicles pass by the site. It was also apparent that vehicles passing the site, and throughout the village more generally, did not maintain consistent positions within the carriageway. Instead, I witnessed some vehicles driving in the centre of the road, but also some driving very close to the verges at the edge of the road. This may be due to the general absence of formal pavements, or lack of road markings on the highway around the site and wider village.
8. From my own observations, I found that the visibility splays from the access would be substandard. Sightlines when exiting the site were severely hindered through the presence of mature vegetation to the south and a neighbouring property's wall to the north. Consequently, drivers would need to 'nudge out' into the road to see if there is any oncoming traffic. I consider that vehicles are likely to project a considerable distance into the road before a driver would be able to adequately see oncoming traffic, thereby presenting an obstruction and a risk of collision. The danger is exacerbated by the appeal site's location near a slight bend in the road. This slight curvature in the road, along with the presence of vegetation, hinders a driver's long-range views of the access when approaching from the south.
9. I appreciate that these conditions already exist for the three properties that utilise the current access drive and that other properties within the village are also likely to have substandard access. However, the inadequacies would be exacerbated by the increased use of the appeal site through the proposed holiday accommodation use. The residents of the respective properties are also accustomed to regularly using the site access, whereas I am required to consider the potential effects on the current and future users of the site, as well as other highway users.
10. The appellants indicate that, based on past booking trends, the accommodation would not result in a significant intensification of use of the site. It is also suggested that more substantial vehicle movements could be generated via temporary uses that can be pursued under permitted development rights. However, there is no guarantee that the past trends would remain the same in future.
11. Furthermore, the appellants suggest that the scale of the development is likely to generate approximately 2 vehicle movements per day, or less outside peak season. I consider this would likely be an underestimation of vehicle trips when the development is in use. This is because the site is not well served by access to facilities that many holiday makers are likely to seek to utilise, for example supermarkets, shops, restaurants, or public houses. I would also expect that many holiday visitors may use the site as a base for wider exploration, including by car. I appreciate that this would still be likely to generate only a low level of additional vehicle movements. Even so, the development, although

of a modest scale, would still increase the use of the access junction. Furthermore, visitors to the appeal site are likely to be unfamiliar with the highway conditions and thereby potentially present a greater risk of accidents occurring.

12. A 'Highways Technical Note' submitted by the appellant states that online accident data indicates that no accidents, resulting in personal injury, have been recorded in the village within the last five years. This does not necessarily paint a full picture of the safety of the access arrangements. Notably, photographic evidence submitted by a third party appears to demonstrate a vehicle accident occurred in 2021, near the access to the appeal site. Even if there have not been any accidents in the village within the last five-year period, this still does not alter my view of the inadequacies of the site's access, nor the importance of providing suitable levels of visibility.
13. The width of the existing access driveway varies but is limited, such that it would be difficult for two cars to comfortably pass one another on the drive. As part of the proposals, the appellants have put forward a preliminary design that could result in a significant portion of the driveway being slightly widened. This would enable cars on the drive to pass one another more easily. I accept that the alterations would provide some improvement to the current access arrangement, thereby offering some planning benefits. However, this does not obviate the need to provide access with appropriate visibility splays. I therefore find that the improvements proposed are of limited weight in favour of the development.
14. Finally, the appellant has also referenced a relatively recent appeal decision for development in a neighbouring authority that was allowed, despite being considered to have an access with substandard visibility splays. However, I find that the context of that development to markedly differ from this appeal scheme. Notably, the development was for a single dwelling, which would lead to its residents having greater familiarity with the highway conditions. The specific site context also appears to be somewhat different. In any event, I must consider the appeal scheme on its own planning merits.
15. Overall, for the reasons identified above, I find that the effect of the proposed development would be prejudicial to highway safety, having particular regard to access in and out of the site. Therefore, the development is contrary to Policies SWDP 4 (A) and (C), SWDP 21 (ix) and SWDP 36 (A) (v) of the South Worcestershire Development Plan (adopted 2016). Policy SWDP 4 sets out criteria which, amongst other matters, requires development to demonstrate road safety has been addressed. Policy SWDP 21 states that vehicle traffic should be able to access the highway safely, while Policy SWDP 36 also includes a requirement for vehicle traffic generated by tourism uses to be safely accommodated. I also find conflict with Paragraph 110 of the National Planning Policy Framework, which seeks to ensure safe and suitable access can be achieved for all users.

Other Matters

16. Part of the existing access drive serving the appeal site lies within the Great Comberton Conservation Area (CA). The shepherd hut itself lies just outside the CA and approximately 70m from the nearest Grade II listed building. The site also lies within the Cotswolds Area of Outstanding Natural Beauty (AONB). The LPA has determined that the proposed development would preserve the

character and appearance of the heritage assets and safeguard the special landscape qualities of the AONB. Based on the evidence before me, I find no reason to conclude otherwise.

17. I recognise that the proposal will give rise to social and economic benefits through the attraction of tourists to the area. This would align with local and national policies which support rural enterprise and communities. However, I do not deem these benefits to outweigh the potential harm to highway safety.
18. I have also noted the various points raised through both objections and letters of support from local residents and third parties. However, considering my findings on the main issue of the appeal, my decision does not turn to these matters.

Conclusion

19. For the reasons given above, having considered the development plan as a whole, and all other relevant considerations, I conclude that the appeal should be dismissed.

Lewis Condé

INSPECTOR