



Appeal Decision

Site visit made on 14 March 2022

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/C1435/W/21/3279280

Land next to Pevensey Station, Wallsend Road, Pevensey, BN24 6AA

- 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 Luke Brady-White against the decision of Wealden District Council.
 - The application Ref WD/2020/2700/FR, dated 19 December 2020, was refused by notice dated 23 June 2021.
 - The development proposed is a retrospective application for change of use from agricultural to storage (use class B8) remove old metal fencing and gates and replace with new green metal fencing and gates, placement of storage container.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has been completed and is operational; this does not alter my approach to determining the merits of the proposal.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

Highway Safety

4. The appeal site is about 0.1 Ha and is an irregularly shaped parcel of land located between Pevensey Bay Train Station and the property known as 2 Railway Cottages, immediately to the south of the railway line. It lies in a semi-rural location between the settlements of Pevensey and Pevensey Bay. The adjacent highway, the A259 Wallsend Road, runs to the east of the site, crossing the railway line at a level crossing near to the site's entrance. The barrier to the level crossing lies adjacent to the access point. There is a hatched yellow box and 'keep clear' road markings present seeking to prevent vehicles blocking the level crossing. Pedestrian access to the adjacent platform also lies near the site entrance. The appeal proposal is as described above.
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5. By any assessment the site's access is extremely awkwardly sited with its immediate proximity and relationship to this level crossing with a well-used rail-line and a busy A road. I observed frequent dropping of the barriers and significant vehicle queuing. A key example of the poor juxtaposition between access and level crossing is that any vehicle approaching from the northwest waiting to turn right into the access would be positioned on the level crossing, within the hatched area and beneath the barriers. This would be a highway safety issue in my opinion. Although the turning vehicle will likely complete their turn once westbound traffic stops on sight of the flashing warnings, any following vehicles may not clear the crossing in time. Furthermore, the access to the site would also be shared with pedestrians accessing the platform at Pevensey Bay station, further conflict at the access is a distinct possibility. For safety reasons I simply cannot condone a commercial use having an access in this location.
6. I understand the Appellant's argument that only he would access the site, that he would do so only from the north-west bound carriageway, that he can turn within the site, and that there is no intention to have visitors, deliveries or HGVs or to expand the operation. However, there is simply no way to ensure that these matters are all controlled and I feel it is reasonable to take a precautionary approach when it comes to highway safety. The unofficial and unenforceable 'no right turn' sign is not convincing to my mind and the availability of an emergency 'phone is of little comfort to me.
7. I am also not persuaded by the argument that there has historically, in times of residential use, been some use made of this access or that with an agricultural use large vehicles would be coming and going; I just do not imagine or foresee this to any appreciable degree given the site size and furthermore the residential use would have been when roads were appreciably quieter. I have to assess the present proposal under current circumstances in its own right.
8. Saved Policy TR3 of the adopted Wealden Local Plan (1998) and Policy SPO12 of the adopted Wealden Core Strategy Local Plan are relevant. Taken together and amongst other matters they aim to improve safety on the Borough's roads and to ensure that development has satisfactory access. I conclude the appeal scheme would conflict with these development plan policies.

Other matters

9. I note that the Council does not raise concerns on visual or residential amenity grounds or flooding and I would concur with that. I can see that there would be benefit arising from the scheme for the Appellant's business and I do sympathise with this. To a small degree the rural economy would also benefit. I have carefully considered this and all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

10. The National Planning Policy Framework has been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on highway safety. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR