

Appeal Decision

Site visit made on 8 July 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2022

Appeal Ref: APP/J0540/W/22/3291975

Black House Farm, Crowland Road, Eye, Peterborough PE6 7TP

- 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 Heather Phillips against the decision of Peterborough City Council.
 - The application Ref 20/01678/FUL, dated 24 November 2020, was refused by notice dated 13 July 2021.
 - The development proposed is conversion of agricultural buildings to 2 no. holiday lets.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Heather Phillips against Peterborough City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the proposed access arrangement for highway safety on Crowland Road with reference to visibility at the junction of the private access track with the public highway and the capacity of the access track to safely accommodate increased vehicular traffic.

Reasons

4. The appeal site is served by a private, unmade access track which extends over some distance from the public highway at Crowland Road to a gateway entrance serving the appeal site. At the entrance to the appeal site there is also a turning into a gateway for Lakeside Manor Farm and at this point there is sufficient width for two vehicles to safely pass. There appears to be a small, informal passing place approximately half-way along the track, but it is not particularly well-made or obvious to anyone unfamiliar with using the track. Elsewhere the private access track is of variable width but generally only sufficient for one vehicle due to boundary planting largely inhibiting the ability to safely manoeuvre off the track to allow another vehicle to pass. This includes that part of track closest to Crowland Road where the width of track is further constrained by wooden gates set back from Crowland Road and a utility pole. Accordingly, and having driven the length of the access track, I find that the principal safe point for two vehicles to pass would be the end turning point some distance from Crowland Road.

5. The access track is shared such that the appellant has no control over the total number or frequency of vehicle movements. Additionally, given the rural location of the appeal site and, notwithstanding the refurbished footway along Crowland Road, the distance on foot to reach facilities in Eye, the appeal proposal would generate an appreciable number of vehicle movements with the regular comings and goings of holidaymakers. I accept the access track is straight such that vehicles entering into it would see another vehicle moving towards the exit. However, because of the limited width of the track there is a likelihood that vehicles entering the access track would need to reverse out onto Crowland Road to enable another vehicle to pass. Alternatively, they may be impeded from making a safe manoeuvre into the trackway were this to coincide with a vehicle about to exit.
6. Crowland Road at the appeal location comprises a long, straight stretch of single carriageway road of a good width and standard¹. Whilst my site visit can only represent a snapshot, I nonetheless observed that it is a well-used road carrying an appreciable volume of traffic from the A16 to the north and from Eye and the A47 to the south. When approaching from the south, this straight section is shortly after the 30mph speed limit through Eye Green. Conversely, from the north, the entrance turn is shortly before the speed limit and a gently curving left-hand bend. Crowland Road at the appeal location is at the national speed limit. Consequently, because of these conditions it is a markedly fast road, as vehicles accelerate out of the Eye Green speed limit or utilise the end of the long straight section before the speed limit. In these conditions I find the prospect of vehicles reversing out into Crowland Road or having to stop in Crowland Road to enable other vehicles to exit to be particularly unsafe.
7. Visibility on exiting the access track is severely limited in both directions due to boundary vegetation. Given the national speed limit on Crowland Road a particularly good standard of visibility would be required, especially when making the more likely right hand turn manoeuvre towards Eye and Peterborough. The appellant asserts that vegetation can be cut back including verges under the responsibility of the highway authority. From my assessment on site, even if the verges were closely cut, other hedging and tree vegetation would still restrict visibility forcing vehicles to edge out into the fast-moving Crowland Road to gain sufficient visibility. The evidence before me is that the appellant does not have the necessary control over other boundary vegetation to enable sufficiently safe visibility to be achieved in both directions. As such, imposing a condition to secure the required visibility would be unlikely to pass the necessary tests. Accordingly, I find the proposed intensification of this access point with particularly limited visibility in both directions onto Crowland Road would have an unacceptable impact on highway safety.
8. The appellant has referred me to the nearby access for 'Fenvale', a short distance to the south, which serves a development approved in 2016. I observed that this access point is on the outer edge of the sweeping curve in Crowland Road which affords a different visibility. I also found the entrance to 'Fenvale' to be slightly wider further limiting direct comparison to the circumstances at the appeal site. I also noted that the 'Fenvale' access is closer to the start of the 30mph speed limit and street lighting for Eye Green such that, in combination with the curved alignment of Crowland Road at this point, traffic behaviour would be notably different, including speed, compared

¹ The officer report describes it as a 'B-road' classification.

to the appeal location. Accordingly, I do not find the circumstances at 'Fenvale' to be directly comparable to the appeal location or provide a basis on which to lessen my concerns regarding highway safety for the appeal proposal.

9. I therefore conclude that the proposed access arrangement would have an unacceptable impact on highway safety on Crowland Road. As such the proposal would be contrary to Policy LP13 of the Peterborough Local Plan (2019), which, amongst other things, stipulates that development with transport implications will only be permitted where it can provide safe access to the site for all users. The proposal would also conflict with the National Planning Policy Framework at paragraph 111 which states that development with an unacceptable impact on highway safety should be refused.

Other matters

10. The officer recommendation to the Planning and Environmental Protection Committee was one of approval. However, the Council is not bound to accept the recommendations of its officers provided it produces clear and specific reasons for refusal. I deal with this further in the separate costs decision, but I have given appreciable weight in this decision to the fact that the Local Highways Authority has consistently objected to the proposal on highway safety grounds.
11. I note that there is support within the Peterborough Local Plan for the principle of tourist accommodation through the reuse of redundant rural buildings and that the appeal proposal would provide income to support the appellant and her family. I have also read the representation of support from the neighbouring occupiers of 'Fenvale'. However, these factors in support of the appeal proposal do not outweigh the harm arising from the adverse impact on highway safety and the associated conflict with the relevant development plan policy.

Conclusion

12. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Spencer

Inspector.