



Appeal Decision

Site visit made on 28 September 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2022

Appeal Ref: APP/H1840/W/22/3299331

Daniels Farm, Vicarage Lane, Claines WR3 7RP

- 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 Henry Philips against the decision of Wychavon District Council.
 - The application Ref 21/02892/FUL, dated 9 December 2021, was refused by notice dated 14 April 2022.
 - The development proposed is for a change of use of existing livestock unit to form 2No. storage units (B8)
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The appeal site relates to an existing and operational farm yard at Daniels Farm. The appeal site includes a number of existing agricultural buildings and a farmhouse accessed via a long single lane concrete track off Vicarage Lane.
4. A number of prospective tenants have expressed an interest in using the agricultural barns for the proposed B8 use. These include businesses seeking storage of items such as building materials, wool and classic cars. The appellant has calculated the potential traffic movements from the prospective tenants to the employment site. It is asserted the proposed use would result in less traffic, including larger Heavy Goods Vehicles (HGV) on the roads. It is also indicated that there are no recorded highway incidents associated with traffic from Daniels Farm.
5. I have had regard to appellant's position, but the scope of the information provided, and what can be concluded from it is limited. The unconstrained B8 use would mean that the premises could be occupied by any business within that use-class. Given the wide range of businesses that can operate as B8, some operators could generate significantly more traffic, and a greater number of HGV movements, than those generated by the existing agricultural use or anticipated by the prospective tenants. Furthermore, it is unclear where the recorded highway incident data was obtained, and what the total number of traffic movements would be from the proposed employment use and the remaining agricultural activities.

6. In view of the above, from the evidence submitted by the appellant, it is not possible to ascertain the scale of the operation and its potential impact upon the surrounding highway networks. Consequently, it is necessary to consider the potential traffic movements from a general B8 employment use.
7. A representation from North Claines Parish Council included information from the Trip Rate Information Computer System (TRICS) database when considering the proposed use. It indicates that TRICS data for daily (weekday) vehicle movements associated with a 652.5sqm B8 use, equates to a total of 40,560 vehicles per annum, of which 3,703 are heavy goods vehicles. While this level of activity may be more applicable to storage and distribution warehouses rather than the type of storage units subject of this appeal, it is indicative that substantially more vehicle movements, including HGVs, could be generated than the existing agricultural movements or the proposed tenants put forward by the appellant.
8. There is clearly potential for the proposed use to generate a significant increase in the number of traffic movements to and from the site. Furthermore, although it is only a short distance to the strategic highway network (A449), the routes are along narrow roads with limited lighting and footways. Vicarage Lane is particularly narrow with high hedges either side, resulting in poor forward visibility. The more established route along School Bank does have better visibility and more footways, but it also passes a school. From what I observed on site, cars were parked on the road outside the school, which narrowed the road, and required vehicles to cross the centre line. Also, the junctions at Vicarage Lane/School Bank and School Bank/Claines Lane have more limited visibility due to high hedges and the topography of the road.
9. In view of the above, it was reasonable of the Council to request a greater level of detail on the traffic generated from the proposed use. However, in its absence, it is not possible to ascertain whether the routes to the site would have the capacity to accommodate the increased traffic or whether the existing access and junctions have the necessary capacity and visibility to serve larger vehicles.
10. Accordingly, based on the limited evidence before me, I consider the proposed use could have a significant and adverse impact on highway safety. Therefore, the proposal would fail to comply with Policies SWDP2, SWDP4, SWDP12, part ix of Policy SWDP21 of the South Worcestershire Development Plan 2016 (DP) and Policy NCRE2 of the North Claines Neighbourhood Plan 2017. These policies, amongst other things, seek to ensure the scale of activities associated with the proposed development is appropriate to the area. Vehicular traffic from the proposed development should be able to access the highway safely and the road network should have the capacity to accommodate the type and volume of traffic from the development.
11. The proposed development is also contrary to paragraphs 110, 111, 112 and 113 of the National Planning Policy Framework (the Framework). These paragraphs set out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment.

Other Matters

12. I have had regard to the potential for conditions to limit the scale and impact of the proposed use on the surrounding highway network. However, the only potential mechanism to limit the use would be some form of personal permission to ensure the prospective tenants are the only ones to use the site. There is no evidence before me to suggest a personalised consent would be applicable in this case.
13. I have also considered a condition that limits or restricts the type/size of vehicles. However, I do not consider that it would be a reasonable or enforceable condition. This is because companies delivering materials/goods would normally determine what size of vehicle is appropriate and not the appellant or any tenants. Furthermore, a condition can only be applied to the limits of the application site, meaning no vehicle delivering to the site would breach the condition until it accesses Daniels Farm. As such, in my judgement, this condition would not sufficiently mitigate the impact of the larger vehicles from using the narrower roads.
14. Other Councils might have determined applications for storage or other employment uses on farms with a similar level of information provided in this case. However, I do not have any of the necessary details of these other employment schemes to determine if they are comparable. As such, I have considered this application on its own merits.
15. I also note that the appellant has put forward a fall-back position, which could include agricultural uses that generate more traffic, such as the storage and processing of potatoes. However, I have no specific details of the fall-back use and what level of traffic would be generated. I also cannot be sure that there is any real prospect of such the fall-back use being implemented were I to dismiss the appeal. As such, I attribute this limited weight, and it has not altered my conclusions on the main issue.

Conclusion

16. Accordingly, the proposed development would be contrary to the aims of the development plan policies set out above. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is dismissed.

M. P. Howell

INSPECTOR