



Appeal Decision

Site visit made on 7 November 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2022

Appeal Ref: APP/H1705/W/22/3291993

Existing caravan storage site, Falkland Farm, Wash Water, Newbury RG20 0LP

- 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 D. & J. Hall & Gordon against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 20/03577/OUT, dated 21 December 2020, was refused by notice dated 8 October 2021.
 - The development proposed is redevelopment of existing caravan storage site / removal of existing structures and the erection of 5 no. residential dwellings and associated access works, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline with details of access provided for consideration. All other matters are reserved for future approval. I have treated the submitted layout plan as illustrative.

Main Issue

3. The main issue is the effect of the proposed development on highway safety and whether it would provide safe, suitable and convenient access for all potential users.

Reasons

4. The appeal relates to an established caravan and motorhome storage facility¹ at Falkland Farm. The site is accessed by means of a private access road onto Penwood Road ('the southern access') and this is shown within the red line. However, the appellants also have a permanent right of way over a second private access road ('the northern access') which connects to the A343, adjacent to where it crosses the River Enborne.
5. The accesses serve a number of other uses, including another caravan storage facility, a pair of dwellings², commercial premises and a working farm comprising a large farmyard, several barns and 65 hectares of farmland. The southern access also leads to Oakley Farm Caravan Park and Oakley Farm House, the entrances to which are a short distance from Penwood Road.

¹ Certificate of Lawfulness of Existing Use or Development granted under Council Reference BDB/51184

² Falkland Farm and The Old Mill House

6. The plans indicate that the development would be approached via the southern access. This is relatively wide at the end nearest Penwood Road, allowing for two-way traffic to Oakley Farm Caravan Park and Oakley Farm House. Beyond that, the road narrows to single track for a distance of approximately 150m. Drivers must wait for oncoming traffic or reverse to a point where there is sufficient width for two vehicles to pass. Farm traffic is a particular hazard with heavy machinery emerging onto the track with little warning. Whilst I have seen no evidence to indicate that the arrangement does not work, it is not a safe or comfortable environment for pedestrians or cyclists.
7. Technical highways evidence from the appellants suggests that the proposal would result in a reduced or at worst comparable amount of daily or hourly traffic relative to the current situation. However, no traffic surveys have been undertaken and I am not convinced that the methodology for calculating traffic generation from the existing caravan storage facility is robust. Even if I were to accept the appellants' figures, the new dwellings would lead to approximately 24 two-way traffic movements per day in addition to those associated with the remaining uses. These movements, which are not quantified by the appellants' highway consultant, include caravans and motorhomes connected with the other storage facility, heavy goods vehicles, farm loaders and tractors – some with trailers. Lorries and farm machinery are intrinsically dangerous and even low level activity has the potential to cause accidents due to the proximity of the appeal site to commercial and agricultural uses.
8. The appellants contend that the agricultural enterprise is relatively small in comparison to other farms and that it does not have the capacity to support a large number of vehicles or employees. It is also alleged that my observations at the site visit may not be representative of a typical day, as the farmer may have sought to operate machinery to exaggerate the highway impacts. I have no means of knowing whether the various tractor movements I saw were normal. But in any case, the Council has no means of regulating farming activities as these do not constitute development. Consequently, I have assumed that the agricultural use has the ability to generate traffic throughout the day.
9. Residents of the proposed dwellings, their visitors and associated delivery and service traffic would have the option of using the northern access. This does not appear to be used by caravans and motorhomes, possibly due to the fact that the southern access is straighter and signposted. However, the northern access is a shorter and more direct route to the A343 and this might encourage the drivers of cars and vans to use it. The junction with the main road suffers from restricted visibility to the north due to a bridge parapet which hides oncoming vehicles. The speed limit changes just north of the bridge meaning that vehicles are accelerating to 60 mph. There is no history of accidents at this location, but the increased use of the junction would lead to greater risk of collision.
10. The northern access would be the most convenient route for residents wanting to walk into Newbury or to the Woodpecker public house in Washwater. There are footways along the A343 to facilitate this trip and bus stops for those who prefer to use public transport. However, the access road itself is narrow and there is the potential for conflicts between pedestrians and vehicles. The road surface was slippery at the time of my visit, due to mud deposited by farm machinery. This presents a significant hazard to pedestrians, particularly the elderly and those with mobility impairments.

11. The fact that the Highway Authority does not object is a material consideration. However it is not determinative. Based on the evidence presented, and my own observations, I conclude that the proposal would have an unacceptable impact on highway safety and it would fail to provide safe, suitable and convenient access for all potential users. The scheme conflicts with Policy CN9 of the Basingstoke and Deane Local Plan (2011-2029) (LP) and paragraphs 110 and 111 of the National Planning Policy Framework ('the Framework').

Other Matters

12. I note that the appeal site was included in the most recent Strategic Housing and Economic Land Availability Assessment (2019) as a potential development opportunity. The extent to which highway impacts were considered as part of this exercise is unclear, but it does not alter my conclusions on the main issue.
13. The site is located in Flood Zone 1 which indicates that the land is at low probability of flooding. However, photographs submitted by an interested party show the site and the northern access under flood water. The officer report proposed a condition to secure a plan showing existing and intended final ground levels and finished floor levels. Given the depth and horizontal extent of the flooding in the photos, I am not necessarily persuaded that this condition would be sufficient to make the development safe for its lifetime without increasing flood risk elsewhere. Had the proposal been otherwise acceptable I would have sought the parties' views. However, since the appeal is being dismissed for other reasons my decision does not turn on this issue.
14. Objectors challenge whether the site should be treated as previously developed land ('PDL') under Annex 2 of the Framework. However, I noted that the land is surfaced in what appears to be consolidated hardcore. The main parties agree that it constitutes PDL and I have no reason to take a different view.

Planning Balance and Conclusion

15. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. The latest supply figure stands at 4.5 years. Paragraph 11 d) of the Framework indicates that in such circumstances, the policies which are most important for determining the application are out-of-date and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The proposal would make a modest but valuable contribution to the supply of housing in the Borough. The benefits of housing delivery attract significant weight and the Framework notes that small sites are often built out relatively quickly. The main parties agree that the proposal would meet the requirements of LP Policy SS6 a) in respect of development on PDL outside of Settlement Policy Boundaries. The scheme would provide a small boost to the construction industry and a corresponding increase in consumer spending in the local economy. There is also the potential to create a net gain for biodiversity.
17. It is suggested that the development would improve the setting of neighbouring listed buildings. However, the extent of any heritage benefits would be wholly dependent upon the design of the scheme which is not before me. The discreet location means that the development would not have an adverse impact on the character and appearance of the area but this is neutral in the overall balance.

18. Against the benefits I must balance the harms. The proposal would result in unacceptable highway safety impacts. It would also fail to provide safe, suitable and convenient access for all potential users which is a key tenet of local and national planning policy. I have attached significant weight to these harms, which conflict with the social objectives of sustainable development. In the overall balance, I conclude that the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal does not benefit from the presumption in favour of sustainable development in terms of the Framework and LP Policy SD1.
19. The failure to comply with LP Policy CN9 is sufficient to bring the scheme into conflict with the development plan taken as a whole. I have taken full account of the pressing need for housing in the Borough, but other material considerations do not justify a decision otherwise than in accordance with the development plan.
20. For the reasons given above and having regard to all other matters raised, including the appeal decision for a site in Lower Road Bedhampton, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR