

Appeal Decision

Site visit made on 20 December 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2023

Appeal Ref: APP/C1570/W/22/3303058

Stow Farmhouse, High Street, Great Sampford, Essex CB10 2RG

- 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 Anderson against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1394/FUL, dated 16 May 2022, was refused by notice dated 6 July 2022.
 - The development proposed is extension and conversion of cartlodge.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety, particularly whether it would provide a safe and suitable vehicular access.

Reasons

3. The cartlodge is located within the grounds of Stow Farmhouse, a two storey detached dwelling, which is a Grade II listed building within the Great Sampford Conservation Area. The site is surrounded by other residential properties within the village setting. Both Stow Farmhouse and the converted cartlodge would gain vehicular access via the existing access point onto the High Street, currently used by occupants of the farmhouse.
 4. The High Street is the B1053, which is a classified and secondary distributor road, with a 30mph speed limit at the point of the site access. As I observed at the inspection, the High Street is a busy road running through the centre of the village. The Highway Authority (HA) indicates that using the standard Manual for Streets parameters, from a setback of 2.4 metres the visibility in each direction should be at least 43 metres. This is achievable to the north as the land fronting the highway belongs to Stow Farmhouse. However, the area of land to the south directly next to the access is part of the front garden of the neighbouring dwelling, 'Jollies'.
 5. The requisite visibility currently can be achieved as the corner of the neighbouring garden includes a low hedge and shrubs, which are cut close to the ground. Despite the appellants' assertion to the contrary, it is possible that
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as this land is not within their control, at some point in the future vegetation could grow or a fence or wall could be erected, thereby reducing the available visibility to a point where the standards would not be achieved. The HA estimates that the visibility splay achievable within highway and/or land with the appellants' control is approximately 15 metres. As this falls substantively short of the required standard, I accept that any changes to the neighbouring land which reduced visibility could result in material harm to highway safety. The Council and HA consider that an appropriate legal agreement is required to ensure that the necessary visibility to the south is secured in perpetuity.

6. I acknowledge that it has not been possible to secure such an agreement with the existing neighbouring occupier, but that they have agreed not to obstruct visibility. Nonetheless, for the reasons given above, I agree in principle with the Council and HA that a more certain measure is required to ensure highway safety in the long-term.
7. In practice, however, the access is already in use by the occupants of Stow Farmhouse and can continue to be used irrespective of any changes to the neighbouring property. Therefore, the main consideration with regard to the proposed conversion of the cartlodge to create a separate dwelling, is the level of associated use of the access compared to the current situation. In particular, whether due to any increase in vehicular movements in a situation where visibility to the south could be reduced beyond the required standard, highway safety would be compromised to an unacceptable level over and above that which would otherwise exist from the established use of the access.
8. The upper floor of the cartlodge currently includes two bedrooms as an ancillary use to the residential occupation of the host dwelling. The proposed dwelling would also include two bedrooms and so there is no net change in this regard. I note also from the application form that the existing seven parking spaces at the property is to be reduced to a total of five. However, neither of these matters provides an indication of the likely level of vehicle use associated with the proposed dwelling, particularly as the existing ancillary use is unlikely to be comparable to permanent occupation and use of a separate dwelling.
9. While I accept that the proposal is not for a large dwelling, it does nonetheless have the potential to result in a materially greater number of vehicle movements than at present, particularly as it is not inconceivable that at least two if not more vehicles could be associated with its occupation. I note in this regard that, based on its experience in dealing with developments in similar locations, the HA estimates that the proposed dwelling could generate some six to eight vehicle movements a day. In the absence of any evidence to the contrary, I give this likely level of movements considerable weight. I give less weight to the appellants' contention that recent changes in working practices is likely to result in fewer vehicle movements. This cannot be guaranteed with any certainty in the long-term, with potentially multiple different occupants.
10. I have had regard to the fact that there are no recorded accidents in the vicinity of the appeal site. However, this does not reflect circumstances where reduced visibility to the south could result from the changes referred to above. I accept that including a bound surface for the driveway could be required by condition. However, this is insufficient to address the issues concerning safety found above.

11. Taking these findings as a whole, therefore, while the existing access is currently in use, the proposed development would result in a material increase in its use. This would occur in circumstances where there is no certainty that sufficient, safe visibility to the south could be maintained in perpetuity. Consequently, I must conclude in these circumstances for the reasons given that the proposal would have an unacceptably harmful effect on highway safety, as it would not provide a safe and suitable vehicular access. Therefore, the proposal is contrary to Policy GEN1 of the Uttlesford Local Plan (2005), which requires development to provide safe access to the main road network; and to the National Planning Policy Framework (the Framework), which says that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety¹.

Other Matters

12. I have had regard to the representation made by the Parish Council, but this does not raise any matters in addition to the main issue that would lead me to reach a different overall conclusion.
13. The Council cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework². The current level of supply is 3.52 years. Consequently, the policies which are most important for determining the application are out-of-date³ 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 as a whole⁴.
14. The shortfall from the requisite five year supply is not insignificant and is an important consideration, particularly given the Framework's objective to significantly boost housing supply. As such, the additional dwelling would make a contribution, albeit limited, to addressing the shortfall. I give limited weight to the suggested benefits of providing a bound driveway as, in any case, this is a requirement of the HA, which would be secured by condition.
15. Conversely, the proposal would conflict with development plan policy concerning highway safety to which weight must be given in this case, and it is contrary to the Framework's requirement that development should not have an unacceptable impact on highway safety. Therefore, on balance, such adverse impacts would significantly and demonstrably outweigh the benefits, as assessed against the Framework as a whole. Hence the presumption in favour of sustainable development does not apply.

Conclusion

16. The proposal is contrary to the development plan and to the Framework as it would cause unacceptable harm with regard to highway safety. Despite the shortfall in housing provision, the presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

¹ Paragraph 111.

² Paragraph 74.

³ Footnote 8 to paragraph 11d)

⁴ Paragraph 11d)ii.

J Bell-Williamson

INSPECTOR