



Appeal Decision

Site visit made on 13 April 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2023

Appeal Ref: APP/D0840/W/22/3303754

Two Hoots, A388 Between Dirty Lane and Junction South Of The Cardinals Hatt, Carkeel PL12 6PH

- 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 Leonard Screech against the decision of Cornwall Council.
 - The application Ref PA21/11401, dated 16 November 2021, was refused by notice dated 25 January 2022.
 - The development proposed is change of use of workshop (general industrial class B2) to dwelling (dwellinghouse class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, I have removed reference to the application being a re-submission as this is not an act of development.
3. After the determination of the planning application, the Saltash Neighbourhood Development Plan Submission Draft 2021-2030 Post Examination Version September 2021 (NP) has been formally 'Made'. As such, it forms part of the development plan and I have considered the appeal on this basis. The wording for Policy CON8 remains unchanged from the time of the refusal of the planning permission and as referenced by the parties in their evidence.

Main Issue

4. The main issue is whether the proposed development would provide safe and suitable access to all users, with particular regard to highway safety.

Reasons

5. The appeal site mainly comprises of a single-storey building, a driveway and a parking/turning area located to the rear of the dwelling known as Two Hoots. The driveway provides access to the A388 highway and is located opposite a nursery/garden centre. There is a ghost island/right turn lane opposite the site entrance serving the nursery/garden centre. There are no pedestrian crossing facilities on the highway or separate footways in the vicinity of the site serving the appeal site or the nursery/garden centre. The A388 is relatively busy with a 40mph speed limit at present and is used by a variety of vehicles including HGV's.

6. As with the previous appeal on the site for a similar proposal¹, the appellant details the planning history for the site and confirms that there has been no application submitted for a certificate of lawful use. The Inspector in the previous appeal determined that regardless of the lawful use, the development would replace existing vehicle movements. As a result, the Inspector found that a single dwelling would not increase the risk of collision with the site benefiting from suitable visibility at the junction. I have no reason to disagree with this.
7. The previous Inspector also determined that a residential use would be likely to involve different activities and movements to a business/agricultural use and that the needs of residential occupiers would be different. I agree that people employed on the site would be less likely to require access from it to a range of other services and facilities and be likely to bring their own daily provisions and therefore only occasionally use the nursery/garden centre. As a result, the lack of non-vehicular forms of access to and from the site for the lawful/existing use would be likely to be less problematic with less demand for access on foot.
8. Residential occupiers of the site would require access to a much wider range of services and facilities such as employment, schools, doctors, leisure, and a range of retail facilities such as those at Carkeel. The lack of crossing facilities and footways within close proximity to the site, even acknowledging the new vehicular access further along the road mentioned by the appellant, mean that there would be a lack of safe and suitable non-vehicular alternatives to access services and facilities.
9. As with the previous appeal the appellant has provided evidence that they have, and do, easily and safely cross the highway to access the nursery/garden centre. They state that there have been no recorded accidents associated with accessing the site for several years. I acknowledge that it is possible to cross the highway by foot in breaks in the traffic at certain times using the existing tarmac surfaces, as I did at my site visit, and as I am led to believe the previous Inspector did. However, given the lack of footways/pedestrian refuges resulting in a need to wait on the highway, the speed and nature of traffic, drivers not necessarily expecting pedestrians to be crossing the road, lack of lighting and the conflict with vehicles accessing and exiting the nursery/garden centre, it would not make the crossing attractive for most users and would not be a safe environment in which to do so. Moreover, any crossing would be particularly difficult and dangerous at peak times, in the dark and for those that may be less mobile. I note reference to recent changes to the Highway Code to improve safety and to changes to the highway as a result of nearby residential development, but nonetheless there is no priority for pedestrians crossing the highway in this location.
10. There are a range of services and facilities at the nursery/garden centre including non-garden related household goods, a butcher's and café, and the centre is open seven days a week. However, even if it were attractive and safe for some users to cross the highway, the centre would not provide occupiers the full range of retail services or school, doctors, or leisure facilities required. I appreciate that some people carry out a weekly food shop and access leisure facilities using a vehicle. Nevertheless, the site would not be served by adequate crossing or pedestrian facilities.

¹ APP/D0840/W/20/3257119

11. I note the appellants evidence of a bus stopping at the junction to the site frontage serving Callington, Saltash and Plymouth. However, there is no bus shelter or bus stop signage indicating a formal bus stop on this part of the highway, and I have not been provided with a timetable of the bus frequency. In any case, access to the bus would require the crossing of the highway.
12. The appellant has stated that people would not walk to a range of services/facilities, but for those that wanted/need to, the route from the site would be unsafe and as a result the proposal would not provide this option. Other dwellings in the countryside and nearby may rely on the use of the car do not benefit from footpaths, but the proposal needs to be considered against existing planning policy. This includes Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and Policy CON8 of the NP, which amongst other aspects, requires all new development to incorporate measures to meet sustainable transport and connectivity needs of local communities, provide safe and suitable access to the site for all people and not cause a significantly adverse impact on the road network that cannot be managed or mitigated. As the proposal would result in harm to pedestrian safety, it would fail to achieve this.
13. The proposal would also be inconsistent with the provisions in the National Planning Policy Framework (the Framework) in relation to achieving safe and suitable access to the site for all users and acceptably mitigating significant impacts on highway safety. The provisions of the Framework, LP and NP policies, and need to ensure safe access apply regardless of the proposal being for a single dwelling and being in the countryside. The policies and the Framework apply regardless of whether the highway is a road or street.
14. As a result, the lack of connecting footways and/or suitable crossing facilities linking the site to local services and facilities would mean that walking to and from the proposed development would be unattractive and unsafe. The appeal proposal would not therefore provide safe and suitable access to all users and the conflict between pedestrians and vehicles on the highway would unacceptably harm pedestrian safety.
15. For the above reasons, I conclude that the proposed development would not provide safe and suitable access to all users, with particular regard to highway safety. I therefore find that the proposal conflicts with Policy 27 of the LP, Policy CON8 of the NP, and the Framework.

Other Matters

16. The appellant has stated that the requirement for crossing facilities, pavements and access to services and facilities by means other than a vehicle should not be applicable to his proposal for a change of use. He also states that this is an over strict application of policy. However, the relevant policies in the LP, NP and guidance in the Framework cover development that includes changes of use. As a result, this appeal necessitates a consideration of its highway safety implications to ensure a safe and suitable development for all users of the highway.
17. Even if I were to agree there would be no harm with regards to parking/refuse/recycling and outdoor space and that the dwelling is fit for conversion being of a suitable size, layout, and appearance, these matters would be neutral in my consideration. As is the provision of an additional

dwelling, payment of Council Tax and the neighbours preferring a residential use of the building.

18. My attention has been drawn to an appeal decision in North Pill, Saltash². However, I do not have details of the available pedestrian or crossing facilities in that case. I have therefore determined the current appeal on its merits.
19. A financial contribution has not been provided or secured to mitigate the impact from development on the SAC and SPA. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

20. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

C Rose

INSPECTOR

² APP/D0840/A/12/2184613