



Appeal Decision

Site visit made on 24 July 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2023

Appeal Ref: APP/P0240/W/22/3313554

Woodside Farm, Stratford Road, SANDY SG19 2AB

- 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 R Glenn against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/00561/FULL, dated 12 February 2018, was refused by notice dated 6 October 2022.
 - The development proposed is part retrospective change of use for caravan park for up to 19 pitches for touring holiday caravans.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. An amended plan was submitted during the application consideration process that relocated the proposed access slightly further to the southeast (reference LB-0079 rev D). It is not disclosed whether this was subject to re-consultation. However, I have dealt with the appeal on the basis of the amended plan, which does not materially change the substance of the proposal and would not cause prejudice to any party.

Main Issues

3. The main issue is the effect of the proposed use on highway safety with particular respect to matters of visibility splays and manoeuvring at both the proposed access via Potton Road and the existing access from Stratford Road.

Reasons

4. The appeal site is within a rural location adjacent to the small settlement of Sandy. The proposed use would connect to the highway network by an existing access from Stratford Road and a new access via Potton Road. The site would provide 19 pitches for tents and caravans.

Potton Road access

5. Policy T2, of the Central Bedfordshire Local Plan [2021] (LP), refers to Highway safety and design. This states that development must not have a detrimental affect on highway safety and must comply with the Council's Design guide, Construction Standards and Specifications. The Council has identified local specifications for highway matters at appendix E of its Statement of Case. These derive from visibility splays and stopping distances from Manual for Streets (MfS) [2007] and the Design Manual for Roads and Bridges (DMRB).

6. Potton Road is a B-classified Road with a 50mph speed restriction. It is a relatively wide road and benefits from a footway on its southwest side. The proposal includes the removal of the existing access and the creation of a new access to the southeast of this location.
7. In accordance with the DMRB, an access onto this highway should achieve a visibility splay of 2.4 metres by 160 metres, unless a speed survey indicates that a reduced splay would be appropriate. The 'y-distance' of 160 metres would provide a suitable stopping sight distance to allow a motorist to see sufficiently far enough ahead and stop within the identified speed. The submitted speed survey demonstrates that the average speed of eastbound traffic is 50.5mph and westbound traffic is 49.7mph. As a result, a visibility splay of 2.4 metres by 160 metres is necessary.
8. This access would be used by cars that would include those with touring caravans. When these enter or exit the site, they would be relatively slow moving and have a wide turning arc. The visibility splay to the southeast could be achieved with the clearance of some roadside hedging under the control of the Highway Authority. Nonetheless, the visibility splay to the northwest appears to cut through planting within the hedgerow both outside the site and off the highway. As such, to achieve the required visibility splay would require the clearance of hedging within land beyond that which is shown to be within the Appellant's ownership. Due to an absence of evidence of ownership a condition could not be used to secure the required clearance of any necessary planting.
9. As such, the provision of a suitable northwest visibility splay cannot be secured, and the access would be unable to operate in a safe manner due to insufficient visibility. This absence of adequate visibility would be exacerbated by the character of vehicles that would use the access taking some time to move into and away from the access, increasing the risk of accidents. Further, it is unnecessary for the Council to provide evidence that the existing highway is currently hazardous or that the proposal would result in severe detriment, which is only one requirement of LP policy T2.
10. As a result, it has not been demonstrated that the access from Potton Road could be used in a safe manner. Accordingly, the use of this access for the proposed use would conflict with LP policy T2 and the National Planning Policy Framework (the Framework). These seek, among other matters, for development to integrate well with the existing transport network, to not impede traffic flow and to refuse planning permission for development that would have an unacceptable impact on highway safety.
11. LP policy T2 includes seven bullet points that list situations where development would be permitted. These should be satisfied for a scheme to comply with the policy. It is noted that the proposal would not conflict with parts 1, 3, 4 and 7 of the policy. Nevertheless, these require development to be well integrated into the existing transport network, retain footpaths, promote walking and cycling, and fully fund mitigation where required. However, some of these are not relevant to the proposed scheme although it is recognised that the proposal would promote accessible travel habits for users. Accordingly, the conflict found with other parts of this policy are of greater significance than those components that are either not germane or outweighed by the identified harm.

Stratford Road access

12. Stratford Road is accessed via its junction with Potton Road at a mini-roundabout. Signage at the entrance to road demonstrates that the road is a cul-de-sac and has no turning facilities. It is a small country lane, with a 30mph speed restriction, that terminates at the driveways of several farmsteads and dwellings after several miles. Stratford Road is of varying widths, ranging from single track in places to wider sections that could allow vehicles to pass each other. It is therefore narrow in places between Potton Road and the access to the appeal site, especially the first part of this route. Closer to the site the road widens alongside the cemetery in front of the site itself and includes a footway for this small section of the road.
13. The existing access consists of a tall and solid timber gate, recessed from the carriageway edge by around three metres. It is enclosed by a stone wall and timber fencing. In front of the wall, to the southeast of the access, there is a grass verge. To the northwest of the gate is a dense line of boundary hedging.
14. Although the road seems to be lightly trafficked, there is no traffic data to demonstrate how many vehicles currently use the road or would be associated with the proposed use. The narrow nature of the first part of the road could cause obstruction if a vehicle pulling a touring caravan met an opposing vehicle. In the absence of corroborating data, it seems that the number of visitors attending the site could be high. Therefore, the degree of conflict created on the highway could be substantial resulting in demonstrable harm to highway safety. This traffic conflict would weigh against the proposal.
15. A visibility splay of 2.4 metres by 43 metres would be necessary, to meet the requirements of table 7.1 of MfS. Close to the access, the highway was noted to be mostly flat, with little undulation and was a largely straight section of highway close to the access. During my visit I noted that visibility from the access point in both directions was generally clear and the access could provide a potentially safe access and exit into the site.
16. However, without the benefit of tracking diagrams the evidence does not demonstrate that vehicles, potentially pulling a twin axel touring caravan, could safely turn into and out of the site without overriding verges or hitting the sides of the access gate. This matter could not be addressed at the condition discharge stage as tracking details may demonstrate that suitable turning cannot be achieved jeopardising the principle of the change of use.
17. Further, there is a noted incline to the highway limiting some views onto Potton Road. As a result, it has also not been demonstrated that such vehicles could safely enter Potton Road from Stratford Road without crossing into oncoming traffic. Moreover, motorists with caravans may also have to reverse onto the roundabout, if met by opposing vehicles who are leaving the site, due to the narrow nature of Stratford Road.
18. Consequently, it has not been demonstrated that motorists could safely access the site, without undertaking multiple manoeuvres within the highway, or that the access from Stratford Road onto Potton Road would be safe for the proposed use. These highway manoeuvres would be hazardous, causing approaching motorists to brake sharply, and presenting a risk to the safety of road users that would erode its free-flowing nature.

19. Consequently, it has not been demonstrated that vehicles could easily or safely gain access to the site from Stratford Road. Accordingly, the use of this access for the proposed use would also conflict with LP policy T2 and the Framework for the above reasons.

Other Matters

20. The proposed use would deliver tourist activity in a suitable location, adjacent to a railway station and in support of employment in the rural economy. The site would therefore provide visiting tourists with good access to services and public transport and would not be reliant on the private car. Accordingly, the site garners support from LP policy EMP4.
21. Furthermore, the scheme would be well screened from the public realm, albeit by conifer planting, which uncomfortably dominates the immediate setting of the site. Nonetheless, this could be improved through further landscape planting that could be secured by condition. As a result, the proposed use would complement the rural character and appearance of the area. Furthermore, it is not disputed between main parties that the scheme would not affect the living conditions of neighbouring occupiers. Nonetheless, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
22. It seems that the site is currently in use for a caravan site. Historical maps suggest this use was undertaken in 2009, although it is not clear whether this was a continual use. Furthermore, the caravan related use has not been established by a lawful development certificate and therefore this does not establish a clear fall-back position. As such, this matter has a limited bearing on the site's suitability in planning terms for such a use.

Planning balance and conclusion

23. The Framework seeks to encourage tourism in support of the rural economy. The proposed use would create economic benefits through increased local spending generated by future occupiers. The site would also be well connected for future occupiers to access goods and services. These benefits are of modest weight in favour of the proposal.
24. In contrast, the proposal would result in harm to highway safety and would conflict with the development plan when taken as a whole. In this case, the modest benefits advanced in favour of the appeal would not outweigh the conflict found with highway safety and do not indicate that a decision should be made other than in accordance with the development plan.
25. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR