



Appeal Decision

Site visit made on 24 July 2023

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/K1128/W/22/3310899

Bridge House Farm, Portford Lane, South Brent TQ10 9PF

- 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 The Outdoors Group Ltd against the decision of South Hams District Council.
- The application Ref 4129/21/FUL, dated 3 November 2021, was refused by notice dated 26 May 2022.
- The development proposed is described as "change of use of agricultural land and dwellinghouse to outdoor educational facility Use Class F1 (a)."

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by The Outdoors Group Ltd against South Hams District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal is made retrospectively. The site is already being used as a school.
4. I am informed that the appellant has submitted a further planning application for essentially the same development. However, I base my decision on the proposal before me in the current appeal (Council Ref: 4129/21/FUL) and the evidence presented in relation to it.

Main Issues

5. The main issues in this case are:
 - the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.
 - whether the site is a suitable location for the proposed development.

Reasons

Highways

6. The school is situated in the countryside and is served by a narrow rural lane. There are various routes into the site, including from the A38 at Marley Head and from the village of South Brent. All of these routes involve driving along single track country lanes and I saw on my site visit that some involve navigating steep gradients and sharp corners. While some passing places exist, there are nonetheless sections of road where it is not easy to pass other

vehicles without reversing for some way. Depending on the point at which two vehicles meet, this may require drivers to perform relatively awkward manoeuvres such as reversing around blind corners. As such, there is a high potential for congestion or accidental collisions if a number of vehicles were to meet each other when travelling in different directions near the site.

7. The appellant has conducted a survey which recorded vehicle trips to and from the school. This shows a total of 41 vehicle journeys between 14:00 and 17:00 on 15th March 2023 and a total of 33 vehicle journeys between 08:00 and 10:00 on 16th March. However, the survey is based on only one morning and afternoon in March and so does not necessarily represent a long-term trend. Although the appellant says that school has not caused any traffic problems since it opened, it is unclear if observations have been made of traffic flows in the wider road network around the site.
8. Furthermore, it is not stated how many staff and students were on site at the time of the survey. According to the appeal documentation, the maximum capacity of the school is 36 students and 20 staff. Assuming the school operated at maximum capacity, each staff member travelled in their own vehicle and each student was individually dropped off and collected, there would be 92 vehicle journeys in the morning and 92 vehicle journeys in the afternoon. In practice, at least some staff and students are likely to share transport, so these figures are a worst case scenario. Nonetheless, the number of vehicles using the local road network could potentially become far greater than recorded in March 2023, when the survey was carried out.
9. Although the survey shows a relatively high degree of ride sharing taking place, there can be no guarantee that this will remain the case. While the Travel Plan encourages people to share vehicles, it is heavily dependent on the goodwill of staff and the people taking students to school. Asking drivers to follow a particular route through the surrounding lanes to create a one-way flow of traffic is also a matter of goodwill. As such, these measures should not be relied upon to overcome the limitations of the road network.
10. The evidence therefore suggests that the school is capable of generating a relatively substantial amount of traffic during peak times. Given the nature of the roads, it seems to me that there is high potential for vehicles to come into conflict with each other, forcing them to reverse and manoeuvre on lanes which are not well adapted for this. In this way, the school compromises the safe and efficient operation of the local highway network. The proposed new passing places would therefore be necessary in order to make the development acceptable. I note the appellant's argument that is the responsibility of the Highway Authority to maintain the road network, but this does not alter my decision that additional passing places need to be provided.
11. The appellant has identified the legal mechanisms needed to secure the passing places and I have been referred to email correspondence with the Highways Agency regarding this matter. However, there is not a great deal of evidence before me to indicate that further progress is being made towards implementing the necessary works. As such, there remains a high degree of uncertainty surrounding the delivery of the passing places and I note the appellant's comment that it would be unreasonable for a condition to be imposed to achieve something outside their control.

12. As things stand, it seems to me that there is little prospect of the passing places being implemented within a timescale that would successfully mitigate the highway impacts of the school. Therefore, based on the evidence presented in this appeal, I am not convinced that a planning condition would make the development acceptable. However, I am aware that negotiations are ongoing and that evidence regarding the impact of the school on the local road network will continue to evolve over time. The necessity of the passing places and their likelihood of being implemented would be matters for consideration were a similar proposal to be advanced in the future.
13. My attention has been drawn to an Appeal Decision¹ where planning permission was granted for an outdoor school at Windrush in the Devon countryside. In this case, the Inspector was satisfied that management of a one-way system would avoid problems with vehicles waiting in the highway. It was also noted that the impact on the road network would be acceptable given the anticipated number of vehicle movements with a Travel Plan in place. Yet while there are some similarities with the issues in the current appeal, I do not have the full details of the evidence presented in the Windrush case or knowledge of the road network near that site. As I am unable to make direct comparisons, the Windrush case does not represent a particularly convincing precedent for my decision in the current appeal. In the current appeal my assessment of the site leads me to conclude that the Travel Plan would not fully mitigate the impact on the local road network, which is potentially severe.
14. I therefore conclude on this issue that the proposal would have a harmful effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. There would be conflict with Policy DEV29 of the Local Plan² which aims to achieve an effective and safe transport system.

Location

15. The school is not well served by public transport and is some distance from South Brent. While there is a bus stop approximately 1km away, this involves walking down an unlit lane with no pavements and so is not well suited to children. Besides, the school has a wide catchment area and this particular bus service is unlikely to be a practical way for everyone to travel to and from the site. It therefore seems most likely that the majority staff and students would choose to travel to the school by taxi or private vehicle, even though the proposed Travel Plan encourages alternative forms of transport. For these reasons, the proposal would not accord with Policy DEV15 which seeks to avoid a significant increase in the number of trips requiring the private car. The relative inaccessibility of the school promotes a pattern of growth that runs contrary to the objective of reducing carbon emissions.
16. On the other hand, the school caters for those with special educational needs and so provides considerable social benefits. The evidence indicates an established need for such facilities in Devon and paragraph 95 of the National Planning Policy Framework says that 'great weight' should be given to the need to create, expand or alter schools. Although it may be possible to provide an outdoor school in an urban area better served by public transport, I accept the appellant's point that it is more realistic for such facilities to be located in the countryside for economic reasons.

¹ Appeal Decision Reference: APP/U1105/W/20/3260272

² Plymouth & South West Devon Joint Local Plan 2014-2034

17. Hence, the environmental harm caused by the relatively inaccessible location of the school is outweighed by the social benefits of providing an outdoor facility for students with special educational needs. As such, the location of the school is consistent with a sustainable pattern of development. It therefore supports the sustainability objectives of Policies TTV1, SPT1 and SPT2.
18. I have also been referred to Policy TTV26 which concerns development in the countryside. The Council say that paragraph 1 of the policy does not apply as the site is not isolated, but have drawn my attention to paragraph 2 (iv) which says that development proposals should respond to a proven agricultural, forestry and other occupational need that requires a countryside location. Exactly what is meant by 'other occupational need' in the context of this policy is not explained, but paragraph 11.58 of the SPD³ says that *in order to meet this policy requirement an applicant should provide operational details of the farm business or land-based enterprise to demonstrate the requirement to live on site*. As the school is not providing accommodation for rural workers, it seems to me that this part of Policy TTV26 is not directly relevant.
19. While paragraph 11.44 of the SPD says that *development in the countryside should occur only in exceptional circumstances* it seems to me that this is a general comment on the application of Policy TTV26. It is not one of the tests set out in paragraph 2 which is the specific part of Policy TTV26 that the Council says that the proposal conflicts with.
20. I therefore conclude on this issue that the site provides is a suitable location for the proposed development.

Other matters

21. The school provides for students with special educational needs who may find it difficult to have their requirements met elsewhere. However, the harm to the safety and efficiency of the highway network that has been identified is an impact felt by the whole community, including students with special educational needs who are attending the school. I am also mindful that were the new passing places to be implemented as proposed by the appellant, the school could be provided without compromising highway safety. Therefore, dismissing this appeal would not be detrimental to the overall interests of students with special educational needs.

Conclusion

22. The school is suitably located and I attach great weight to the benefits of providing a facility for students with special educational needs. However, this does not outweigh my concerns regarding the impact on highway safety and efficiency, to which I also attach a great deal of weight.
23. The appeal is therefore dismissed.

C Cresswell

INSPECTOR

³ Plymouth & South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document