



Appeal Decision

Site visit made on 16 July 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2024

Appeal Ref: APP/W0340/W/24/3339196

Highway West of Cygnet Way, Charnham Park, Hungerford RG17 0YL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Dayan against the decision of West Berkshire District Council.
 - The application Ref 23/02917/FUL, dated 14 December 2023, was refused by notice dated 13 February 2024.
 - The development proposed is change of use of highway to hot food vending van.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the appeal site address in the banner heading above from the decision notice, as it is more accurate than the "Street Record" address provided in the planning application form. I have added the postcode for further clarity.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with particular regard to:
 - i) the visibility splays of Cygnet Way and Swangate; and
 - ii) the safe operation of the highway for all users.

Reasons

Visibility splays of Cygnet Way and Swangate

4. The appeal site comprises a small area of carriageway adjacent the footway of Charnham Park, between its junctions with Cygnet Way and Swangate. These two junctions serve various business and office premises, and both give priority to Charnham Park. Double yellow lines within the carriageway are present alongside the footways serving these junctions, but these parking restrictions are not continuous between the junctions. Charnham Park is served by street lighting, although there is no footway along its opposite carriageway side to the appeal proposal.
5. The Local Planning Authority (LPA) and the Local Highway Authority (LHA) have submitted detailed evidence to contend that the proposed siting of the food vending van between Cygnet Way and Swangate, and its associated use, would

impede the visibility for these junctions, due to its siting and the generation of additional parking on the Charnham Park carriageway. It is argued that this would adversely affect road safety and the flow of traffic, and would also lead to displacement of existing parking.

6. During my site visit, which was on a weekday afternoon including a period when the van would be operating, I observed a number of vehicles parking alongside the footway within the uncontrolled area of the Charnham Park carriageway, including heavy goods vehicles (HGVs). I did not see all this uncontrolled area covered by parking, but I noted that this nonetheless necessitated vehicles travelling westwards towards and along the appeal site to frequently cross the central line markings, along the bend between Cygnet Way and Swangate. The carriageway is still wide enough for two cars to pass each other in opposite directions. I also however observed larger commercial vehicles and HGVs travelling this route, which led to vehicles travelling opposite to give way.
7. Whilst my site visit was a single snapshot in time, it appears to me that the above matters already somewhat restrict traffic flow, and the extent of visibility that is available for vehicles to exit both Cygnet Way and Swangate. I have no doubt that the appeal proposal could also impede traffic flow, visibility, and lead to some displacement of existing parking. However, I am not convinced that this would lead to a materially greater impact on highway safety than the existing highway layout. The LHA states that the appeal site forms part of the public highway, which would mean that it would have its own legislative powers to restrict or control parking along Cygnet Way.

Safe operation of highway for all users

8. The appeal site is also near to residential areas and is within walking distance of Hungerford town centre, which provides various facilities and services. The width of the footway along Charnham Park is wide enough for two pedestrians to pass each other.
9. However, it is likely that customers of the proposed food vending van would congregate along this footway in a manner that would cause an obstruction to other users. This would cause particular impediment to those with protected characteristics. Some pedestrians may also not feel safe or confident in passing the vending van along the footway, particularly during hours of darkness. Based on my abovementioned observations, and given the location of the appeal site near the town centre and to a variety of commercial premises and facilities (including a leisure centre at the western end of Charnham Park), I consider it likely that many footway users would often be impeded by the appeal proposal, and this could also cause users to walk on the road to get around the vending van.
10. The speed limit increases westwards from 30mph to 40mph, as signposted past the Kennet Way estate junction. I noted many vehicles increasing their speed in this direction alongside the appeal site, as they travelled along the bend and around parked vehicles, partially across the central lines of Charnham Park. Whilst my site visit is a snapshot in time, it is clear to me that it would not be safe or desirable for pedestrians to traverse the highway in this location.
11. The LPA and interested parties have also raised concerns regarding the proximity of the appeal proposal to a nearby school. However, the operating

hours of the appeal proposal are from 17:00 to 23:00, which would likely be outside of peak school drop-off/pick-up times. The lack of harm in this regard is a neutral factor that does not weigh in favour of the proposal.

12. For the above reasons, the appeal proposal would conflict with Policy CS13 of the West Berkshire District Core Strategy Development Plan Document 2012, insofar as it requires certain development proposals that generate a transport impact to promote opportunities for healthy and safe travel.

Conclusion

13. The proposal would conflict with the development plan as a whole and the material considerations before me do not indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

R Cahalane

INSPECTOR