



Appeal Decision

Site visit made on 2 October 2024

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2024

Appeal Ref: APP/V2635/W/24/3346066

Stonehills Farm Bexwell Lane, Ryston, Downham Market, Norfolk, PE38 0FB

- 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 Pratt Family Partners against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/01452/CU.
 - The development proposed is the change of use of building from livery stables to self-storage use.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued the decision notice, the Government has published a revised National Planning Policy Framework ('The Framework') in December 2023. As a result, the Council's reference to Paragraph 111 of the Framework has altered in the latest iteration. I have therefore utilised the latest version of the Framework in reaching my decision with the corresponding new paragraph references.

Main Issue

3. The main issue is the effect of the proposal on highway safety having regard to traffic and access.

Reasons

4. The appeal site is located on Bexwell Lane and occupied by a livery building with hardstanding to the front and rear. Access to the site from the south is from the C32 Ryston Road on to Bexwell Lane. Bexwell Lane is single-width and there are no passing place to the south of the appeal site. Bexwell Lane to the north of the appeal site is also very narrow although several informal passing places have evolved along this stretch of the road including some at field entrances.
5. Accident data shows two slight accidents in 2015 at the junction between Bexwell Lane and the A1122 Bexwell Road, whilst there are no recorded accidents along Bexwell Lane south. No concerns have been identified with the geometry of these junctions or their visibility. There is no evidence to suggest the junctions with the A10 and Royston Road and the Junction with the A1122 would experience any harmful addition levels of slowing, stopping and turning

that would be sufficient to result in a concern with highway safety at these junctions.

6. Bexwell Lane is bounded by narrow verges and hedging and is of insufficient width for two cars to pass each other along its length except for a very short section in Figure 1.1 of the Highways and Access Review Technical Note close to the A1122. Due to its alignment there is limited forward visibility available along a large section of the road to the north of the appeal site. Figure 1.1 of the submitted Highways and Access Review Technical Note shows the informal passing places are concentrated towards the north of Bexwell Lane and would enable cars to pass. However, the restricted forward visibility would nonetheless result in the need for cars to reverse along the carriageway to reach a passing place. The absence of any street lighting would also result in reversing along the carriageway being particularly dangerous in low-lighting or darkness conditions. As a result, I find that the likelihood of reversing along the carriageway would result in an unacceptable impact on highway safety.
7. Paragraph 36 of the submitted Planning Appeal Statement states that the proposal would likely result in a reduction in traffic flows. There is disagreement regarding the nature of the previous use for DIY livery rather than personal use and the consequent effect on traffic generation. No clear evidence has been submitted to indicate what capacity the livery was operating at during the time of the traffic counts. Furthermore, position of the traffic counter north of Bexwell close to the junction of the A1122 would not necessarily record the traffic reaching the appeal site further south. The appellant's traffic survey results show a relatively significant proportion of movements on Bexwell Lane from large and heavy goods vehicles. However, it is unclear whether these movements were emanating from the existing use, through-traffic or local traffic accessing the residential properties to the northern end of Bexwell Lane.
8. The average traffic count data shows movements below the appellant's those stated for the existing use of 40 two-way vehicle movements per day, notably at the counter south of the appeal site. Therefore, it is unclear whether the level of movements forecast would result in any reduction in overall traffic volumes above the existing use. Notwithstanding this, even if I were to accept the appellant's position that overall traffic volumes would reduce, the proposal would undoubtedly result in some change in the type of traffic due to additional heavy goods vehicles.
9. The appellant indicates that much of the traffic generated by the proposal would be from domestic customers accessing the storage at weekends. However, there would be no restriction on the use of the self-storage containers for domestic customers only. Therefore, the number of trade customers could be higher than anticipated by the appellant with a consequent increase in heavy goods vehicle movements, such as removal vehicles and builder's vehicles collecting and depositing items to and from site via Bexwell Lane. There is no evidence that the informal passing places are of sufficient length or width to allow heavy goods vehicles to pass easily and without causing damage to the surrounding verges. As such, there would likely be conflict between heavy goods vehicles passing, resulting in an adverse effect on highway safety.

10. I note that an offer was made by the appellant to reduce the number of containers from 40 to 30 during the Council's original determination of the proposal. However, even if a condition was imposed restricting the use to 30 containers, this would be insufficient to control movements from heavy goods vehicles and would therefore be insufficient to mitigate the harms identified.
11. In light of the above, I conclude that the proposal would have a harmful effect on highway safety having regard to transport and access. It would therefore fail to accord with Policies CS06, CS08 and CS10 of the King's Lynn and West Norfolk Core Strategy (2011), and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) which seek to ensure access will enhance the quality of the environment, and that development proposals should demonstrate that safe access can be provided.
12. The proposal would also fail to accord with Paragraph 115 of the National Planning Policy Framework which indicates that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

13. The proposal would result in economic benefits by supporting the creation of a new commercial use and provide additional revenue to support the appellant's existing farming business. It would also assist other private individuals and businesses through the creation of additional storage space. However, there is no evidence submitted of the extent of any jobs created or the extent to which the appeal proposal would support the principal farming business.
14. The appellant has indicated that their farming business also supports the maintenance of Ryston Hall, a Grade II* Listed Building which in turn supports community events held at the Hall. However, there is no evidence of the extent to which the appeal proposal would cross-support the Listed Building or the community activities that take place there.

Conclusion

15. Whilst I acknowledge that the proposed development would result in economic benefits including through its support for the existing farming business, the lack of evidence of the extent of the economic benefits results in these being afforded limited weight. Furthermore, the absence of evidence in respect of social benefits including any support for Ryston Hall results in this being afforded limited weight.
16. Overall, I find that the other considerations advanced are insufficient to outweigh the harm I have found to highway safety and the resulting conflict with the policies of the development plan when read as a whole. The appeal should therefore be determined in accordance with the development plan in this instance.
17. For the reasons given above the appeal should be dismissed.

Philip Mileham

INSPECTOR