



Appeal Decision

Site visit made on 21 November 2024

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2024

Appeal Ref: APP/D0840/W/24/3343281

Dimma Methodist Church, Poundstock, Bude, Cornwall, EX23 0EE.

- 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 Adam Riley against the decision of Cornwall Council.
 - The application reference is PA23/08007.
 - The development proposed is the change of use from F1(f) public worship or religious instruction to C3 residential dwellinghouse. Construction of single storey extension and internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Cornwall National Landscape¹ and the appeal building has been identified as a non-designated heritage asset.
3. The appellant has argued that there is fallback position available under Part B Class F.1 (learning and non-residential institutions) of the Town and Country Planning (Use Classes) Order 1987. However, the long-standing use of the building for religious worship ceased some time ago² and there is no evidence to conclude that the building would be used as such again. There is also no evidence to indicate anything other than a theoretical possibility of the building being used for other F1 uses, such as a museum, provision of education or for the display of works of art³. On the basis of the information before me, there is no real prospect of the building being re-used for an F1 use/purposes.

Main Issue

4. The main issue is the effect upon highway safety along the adjacent A39⁴.

Reasons

5. The development plan⁵ is consistent with national planning policies⁶ in requiring development proposals to include safe and suitable access to a site for all users. Significant impacts on highway safety should be mitigated to an acceptable degree and development should only be prevented where, amongst other things, there would be an unacceptable impact on highway safety.

¹ The provisions of section 85 of the Countryside and Rights of Way Act 2000 (as amended) are engaged.

² The 2023 Planning Statement states that the church has been unoccupied for a considerable number of years.

³ I also note from the 2023 Planning Statement that there is an absence of community need for a local facility of religious or other function and potential new uses have not been identified within the local community.

⁴ Known also as the Atlantic Highway.

⁵ This includes the Cornwall Local Plan 2010-2030 (LP). The most important policy to the determination of this appeal is policy 27 (transport and accessibility).

⁶ The National Planning Policy Framework (the Framework).

Established national and local planning policies therefore recognise that highway safety is an important consideration in determining development proposals. I disagree with the appellant's assertion that in applying these provisions of the Framework unacceptable impacts must be severe.

6. The appeal site is adjacent to the A39⁷. There is an existing pedestrian access into the site (the western access) from this main road and a wider access to the east (the eastern access). As I saw during my visit, the eastern access is overgrown⁸ and its width restricted to the extent that most, if not all, motor cars would be unable to enter the site⁹.
7. Visibility at the eastern access is also severely restricted. The appellant has informed me that in the past hearses have backed into this access to offload coffins and ground maintenance machinery has also been taken into the site through this access. However, this has evidently not taken place for a considerable period of time. I felt unsafe standing in front of this access (wearing a high visibility jacket) whilst oncoming traffic from the west straddled the centre of the carriageway to avoid hitting me. In my opinion, it would be foolhardy to attempt to use this access.
8. At my visit, I parked on a small hard surfaced area on the opposite side of the A39. I understand that this area has been used informally for the parking of vehicles attracted to the site. It lies immediately adjacent to the entrance to a neighbouring dwelling and field gate and does not form part of the appeal site.
9. The proposed development would include widening the eastern access to 4.5 metres, cutting back a small area of roadside hedge and lowering the height of a gate pillar by the western access. Parking and turning space would also be provided within the site. Visibility splays measuring 60 metres to the west (at 0.5 metres from the edge of the carriageway) and 40 metres to the east (to the centre of the carriageway) when measured from a distance of 2 metres from the edge of the carriageway (the X distance), would also be provided at this eastern access. The appellant has calculated that vehicles travelling from the east would have 80 metres forward visibility of the widened entrance.
10. The speed restriction past the appeal site is 60 mph. In December 2023, an Automatic Traffic Counter was installed, on behalf of the appellant, on the A39 adjacent to the appeal site. This recorded the westbound mean speed at 34.2 mph and the 85th percentile at 39.5 mph. The eastbound mean speed was recorded at 35.2 mph and the 85th percentile at 39.8 mph.
11. The Council's highway officer has informed me that visibility standards contained within The Design Manual for Roads and Bridges (DMRB)¹⁰ should be used when assessing the adequacy of the proposed visibility splays. I understand that for roads with an 85th percentile speed of 40 mph, visibility splays of 103 metres are recommended. In comparison to Manual for Streets (MfS), which the highway officer advises would require visibility splays of at least 82 metres, DMRB sets out significantly higher standards.

⁷ I am familiar with this section of the A39 and have driven along it very many times over a period of 30+ years.

⁸ Although vegetation had been cleared from across the gate, the vegetation behind indicates to me that it has not been used for some time. (The appellant's Statement refers to the access as "currently overgrown" and a photograph in the appellant's Transport Advisory Note indicates it had not been used for some considerable time.)

⁹ This access is annotated "Pedestrian gate removed" on plan ref. JP01 Rev 1.

¹⁰ I understand that this was withdrawn as a stand-alone document in 2017 and, in effect, is now part of National Highways design manual for the Strategic Road Network.

12. I note that approximately 100 metres to the west of the appeal site there are a cluster of reported road traffic accidents, some of which have occurred within the last five years. However, I have not been provided with details of these accidents to ascertain the cause(s). I also note from the appellant's highways evidence that over the last 23 years there have not been any recorded incidents involving the accesses to the three properties neighbouring the appeal site. All of these have restricted visibility, although the alignment of the road is different. The evidence tends to suggest that the section of the highway in the vicinity of the appeal site has a good road safety record.
13. As a general rule, DMRB standards are appropriate for motorways and all-purpose trunk roads. This section of the A39 was de-trunked some years ago and the Stopping Sight Distances (SSD) in DMRB are of some considerable age and do reflect significant improvements in vehicle braking systems. However, this is not to say that it would be inappropriate to use DMRB for the A39.
14. The appeal site is accessed off a non-trunk road. This tends to suggest that the starting point for considering highway safety issues should be MfS. However, the A39 past the appeal site is a major distributor road, it is not within a built-up area, cannot reasonably be described as lightly trafficked and in my experience, carries more than a modest volume of traffic during the peak summer months. The 85th percentile speeds at the appeal site are also 40 mph when rounded up to the nearest whole number¹¹. Moreover, whilst there are a few accesses to other properties to the west of the site, most drivers travelling past the appeal site would, in all likelihood, not be expecting residential/domestic traffic to emerge onto the main road at this point. The character of the section of the A39 past the appeal site indicates to me that the SSDs of DMRB are to be preferred to those in MfS.
15. Whichever standards are used there would need to be a convincing reason for not adhering to the recommended SSDs. I am mindful of the previous use of the site and the likely daily vehicular movements associated with the proposal would be approximately 6-8 trips¹². Nevertheless, in this instance, given the character of this main road and the 85th percentile speeds, I consider that an altered access into the appeal site which failed to provide visibility splays in accordance with the recommended SSD in DMRB would be likely to pose an unacceptable risk to highway safety interests along this section of the A39.
16. Even with allowance for modern vehicle braking systems, the proposed access works would provide inadequate visibility for the drivers of vehicles emerging from the appeal site onto the A39. In particular, vehicles exiting the site and attempting to turn right onto the main road and across the flow of traffic would be at grave risk of collision with traffic travelling east along the A39, or at risk of causing a serious accident.
17. The proposal would be likely to compromise highway safety interests along this section of the A39. It would amount to a significant and unacceptable adverse impact on highway safety. Even if assessed against the SSDs in MfS, drivers emerging from the proposed access would have inadequate visibility of

¹¹ The derived SSDs for streets in MfS and the associated traffic speeds are all whole numbers.

¹² The site is remote from main services and facilities. There are no footways and no street lights. Whilst there is a request bus stop nearby, residents would be dependent upon the use of private motor cars. It is fanciful to suggest that residents would use E-bikes to shop in Bude.

vehicles travelling from the west and pose an unacceptable risk and danger to existing road users.

18. The appellant has drawn my attention to the typical stopping distances in the Highway Code and has pointed out that drivers approaching the access are required to drive with due care and attention. However, the appellant relies on MfS, which advises that it is inappropriate to design street geometry based on braking in an emergency. I have also undertaken my assessment above on the basis of motorists driving with due care and attention. I am unconvinced by the appellant's argument for approving the proposed access works.
19. I conclude on the main issue that the proposal would be likely to compromise highway safety interests along the adjacent A39 and conflict with LP policy 27 and the provisions of the Framework that require development proposals to include safe access to a site. This weighs heavily against granting permission.

Other Matters

20. The proposed development would entail the re-use of a redundant building and would assist in increasing the choice and supply of homes within this part of Cornwall. The works of adaptation (and extension) would be sympathetic to the character and appearance of this vernacular building and would include the removal of some unsympathetic window materials. The proposal would accord with the provisions of the LP relating to housing within the countryside¹³.
21. The development would secure the retention and long-term use of a non-designated heritage asset. Pedestrian access would also be maintained to the burial ground alongside. Whilst the inevitable external domestic paraphernalia and the loss of a small tree would have a minor adverse effect upon the landscape and visual qualities of the area, new planting with specimen trees and a native hedgerow is proposed. Overall, the proposal would have neutral impact upon the natural beauty of this nationally designated landscape. It would accord with LP policies that are aimed at protecting the historic and natural environment¹⁴ and no conflict has been identified with the Cornwall Area of Outstanding Natural Beauty Management Plan.
22. The proposed solar panels and air source heat pump would ensure that energy used within the building was derived from renewable resources and the proposed conversion works would improve the building's energy efficiency. The development would also provide some limited support for the construction industry and an increase in Council Tax receipts. A dedicated bat roost area would be created in the western section of the roof to safeguard biodiversity.
23. I attach moderate weight to these other matters. Whilst not diminishing this weight, it is by no means certain that these benefits could not be provided through a scheme of development that included different vehicular parking and/or access arrangements to that proposed and without compromising highway safety interests.

Conclusion

24. My findings above in respect of the 'other matters' do not overcome or outweigh the harm that I have identified to highway safety interests. Whilst I

¹³ LP policy 7.3.

¹⁴ LP policies 23 and 24.

have found that the proposal would accord with some aspects of the LP, it would be irresponsible to grant planning permission where conflict has been identified with LP policy 27 and public safety would be at unacceptable risk.

25. Given all of the above and having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector