
Appeal Decision

Site visit made on 16th January 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2019

Appeal Ref: APP/C3810/W/18/3209225

Land at Arundel Road/A27 Angmering, BN16 4EU

- 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 Benjamin Burrell against the decision of Arun District Council.
 - The application Ref A/3/18/PL, dated 7 June 2017, was refused by notice dated 27 July 2018.
 - The development proposed is for '*Change of use of land to storage (B8 Storage or distribution), Erection of barn and hardstanding*'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on road safety.

Preliminary Matters

3. I have taken the description of development and the site address from the Council's Decision Notice as these are more succinct than the versions provided by the appellant.

Reasons

4. The appeal site is located on the eastern side of Arundel Road an unrestricted, classified road which forms a junction with the A27 just to the north of the site access. The Council refers to Arundel Road as a C-class road¹. However, the appellant's access/visibility plan and other sources suggest the road is in fact the B2225 and therefore a B-class road. The site frontage is screened by a thick band of mature landscaping which restricts visibility in both directions.
5. The proposal seeks the erection of a barn and to use the land for the storage of trailers. According to the Council's Officer Report the existing use of the land of the land is as a small holding with the 2 existing sheds benefitting from planning permission in connection with that use. In my view such a use is likely to generate only a nominal amount of traffic.
6. The National Planning Policy Framework 2018 (NPPF) makes clear that development should only be refused planning permission on highway grounds if there would be an unacceptable impact on highway safety.

¹ Paragraph 6 Council's Statement of Case

7. I accept that the increase in traffic would be small based on the appellant's modus operandi. However, any planning permission would run with the land and so it is quite possible that another user might use the site more intensively than the appellant. It is also realistic that the appellant's business needs and hence use of the land might evolve over time. No empirical comparison of existing versus proposed trips rates have been submitted with the application. Accordingly, I intend to take a precautionary approach to this matter and conclude that the use of land for a B8 storage and distribution use would result in a material increase in traffic movements to/from the site.
8. Turning to the issue of visibility, southbound vehicular speeds along Arundel Road are low due to the proximity of the bend forming the off-slip to the A27. Moreover, improvements have been made to the northern visibility splay which now meets the requisite standard set out in Manual for Streets (MfS).
9. However, to the south the submitted visibility plan shows a splay of 2m x 8.2m. If one were to take the visibility splays from MfS, northbound vehicular speeds on Arundel Road would need to be in the region of 10mph for this distance to be acceptable. There is no data in the appellant's transport statement regarding northbound speeds or volumes which is surprising given that paragraph 4.8 categorically states that the Highway Authority's only remaining concern is visibility to the south. Based on the horizontal alignment of Arundel Road and my own observations and notwithstanding that vehicles might be slowing down on the approach to the A27 junction, I consider that northbound speeds are considerably higher than 10mph. The Council has commented that 'observed speeds are low past the site'. However, without a speed survey that proposition is nothing more than an assertion.
10. Whilst I accept that it might well be possible to turn vehicles within the site, the lack of visibility would mean slow-moving commercial vehicles, exiting the site with little knowledge of cars approaching from the south. This would pose an unacceptable risk to existing highway users.
11. I have noted the appellant's reliance on paragraph 10.5.9 of the MfS. However, the starting point is that Y distance should be based on the recommended SSD values. That is not the case here, nor is there any 'local evidence' before me to demonstrate that a shortfall of the magnitude proposed would not lead to a significant problem.
12. The appellant has suggested conditions to ensure the provision of a banksman at all times and restrictions on vehicles sizes/movements to/from the site. However, conditions of this nature would be difficult if not impossible to enforce and, therefore, would not satisfy the tests for the use of conditions set out in Government Planning Practice Guidance. I note the Council has come to a different view on this matter but there is nothing before me to explain exactly how such conditions would be enforced.
13. Based on the foregoing, I conclude that the development would cause unacceptable harm to highway safety contrary to Policies TSP1, TDM1 and EMPDM1 of the Arun District Council Local Plan 2018. and TM1 of the Angmering Neighbourhood Plan 2015 and paragraph 109 of the NPPF.

Conclusion

14. For the above reasons and taking account of other matters raised I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR