



## Appeal Decision

Site visit made on 27 March 2018

**by Richard S Jones BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 April 2018**

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**Appeal Ref: APP/R3325/W/17/3186158**

**Land and buildings at Acorn Industrial Park, Dimmer Lane, Castle Cary BA7 7JB**

- 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 Andrew Hopkins, Andrew Hopkins Concrete Ltd, against the decision of South Somerset District Council.
  - The application Ref 17/01064/FUL, dated 2 March 2017, was refused by notice dated 13 July 2017.
  - The development proposed is to erect security a building and staff parking area. Erect perimeter security fencing all in association with the storage of 991 motor vehicles. Change of use of the land from B2 - B8 use.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether it has been demonstrated that the traffic likely to be generated by the proposal could be accommodated on the B3153 without harm to highway safety and to the living conditions of local residents.

### Reasons

3. The appeal site lies within the Dimmer Industrial Area which has a Certificate of Lawfulness for Class B2 Industrial Use. However, the appellant states that the site has no current users. This largely corresponds with my own observations in that a large part of the site appears as an open field, whilst other parts of the site are occupied by mounds of hard core.
4. The site lies close to various industrial buildings, agricultural buildings, a recycling centre and residential caravan. It is served by a private road, which links into the public highway at Dimmer Lane and in turn to the B3153.
5. My attention has been drawn to two previous appeal decisions<sup>1</sup> at the site, relating to proposals for a concrete batching plant. Whilst these decisions represent important material considerations, my decision is based upon the individual merits of the current proposal and the evidence submitted in support of it. Nevertheless, I find no reason to depart from the previous Inspectors' remarks about the 'fall-back' position. As per the previous appeals, it is now

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<sup>1</sup> Appeal References: APP/R3325/A/13/2210452 and APP/R3325/W/15/3024073

similarly argued that traffic movements from the proposed use would be significantly lower than those that could be associated with the lawful planning use of the site. However, as previously highlighted, the relevant Certificate does not extend to any permission to erect buildings on the site and there was no evidence that significant buildings and uses were to be developed. Whilst I note the appellant's reference to an approval for six small start-up units approved under 15/05361/FUL, I have limited details of this approval and I have not been provided with any other evidence which affects the limitations of the Certificate or of any options which could be pursued without the requirement for planning permission. I have therefore applied a similar approach to that of the previous Inspectors' in that the effect of the proposal on the B3153 should be measured against the appeal site's current absence of buildings and uses rather than against a theoretical maximum development potential.

6. Whilst Dimmer Lane incorporates a number of passing places along its length, it is however necessary to utilise the B3153 in order to reach the wider highway network. In this regard, I agree with the previous Inspectors' assessment of the characteristics of the B3153. It is narrow and winds through the settlements of Clanville and Alford in close proximity to residential properties, a number of which have only minimal set back from the highway. There are also several pinch points along the road with no footways. Consequently pedestrians are forced to walk in considerable danger on the carriageway or where vehicles have eroded the verges, indicating that the road is too narrow to allow large vehicles to pass each other safely. This is borne out in the photographic evidence provided by local residents.
7. There are also numerous blind exits on to the highway from properties fronting the road as well as junctions with limited visibility. Moreover, on each of the three occasions I drove the length of the B3151 between its junctions with the A37 and the A371, I noted a relatively high number of HGV movements. I therefore agree with the previous Inspectors' that difficult and potentially dangerous conditions exist as a result of the road's existing levels of use.
8. The current proposal is to store and valet cars at the site and then to send them out to car auctions or car retailers. The Transport Statement (TS) explains that movements would be transporter type vehicles along with limited numbers of vehicles associated with staff and servicing the site.
9. I note the reference to a similar sized operation at Henstridge Airfield for which the TS states generates 12 vehicular movements per day (six in and six out). The appellant then states that the level of weekly movements was 250, which resulted in 28 transporter movements per week – approximately five per day. Notwithstanding any inconsistencies in these figures, I have limited supporting evidence to substantiate them and limited details of the operation at Henstridge Airfield with which to compare with the appeal proposal. This in turn limits the weight I am able to apply to the figures presented. Moreover, although it is possible that in most cases these movements would be spread throughout the day, it is also possible that a number of transporters will arrive or depart at the same time, even if overall numbers are reduced by higher capacity transporters.
10. Whilst it is stated that there would be a 50-50 split of movements on the B3153 from its junction with Dimmer Lane, I have no certainty that this would

occur. Firstly drivers will inevitably take the most direct route to where they are going to or coming from. Secondly, there is a height restriction bridge along the western section of the B3153 and I have no evidence that loaded transporter vehicles would actually be able to pass under this bridge and therefore drive in this direction.

11. I note the appellant's TS states that for the most recent three year period no personal injury incidents have been recorded in the search area from the rail overbridge to the main junction near Castle Cary Rail Station and from the main road junction down Dimmer Lane to the appeal site. However, this is at odds with the Council's review of road safety data which is that there have been three recorded personal injury collisions during the last five-year review period (2013-2017) along the B3153 from the junction of Dimmer Lane heading eastwards to the A371/B3153 junction. The Council also refer to three recorded collisions from the junction of Dimmer Lane with the B3153, heading westwards to the A37/B3153 junction. The Council further highlight that there has been four collisions at the A37/B3153 junction in the last five years, including one fatality.
12. The TS states that a walking, visual inspection found no signs of potential problems or difficulty and concludes that there are no identified road safety problems to be mitigated. This assertion is not further substantiated and in my view the TS pays insufficient attention to the associated safety implications of the existing use of the B3153, not only from the HGV use but also pedestrian and cyclist use and its function as a road serving villages and residential properties. Moreover, little attention is paid to the characteristics of the B3153, including the fact that there are several pinch points along the road with no footways. Many of these concerns repeat those expressed by my colleagues' in dealing with the previous appeals at this site. Given the potentially dangerous conditions that exist as a result of the road's existing levels of use, it is imperative that such issues are robustly addressed. The conclusions of the TS are therefore at odds with my own and colleagues' observations and to the compelling evidence provided by local residents.
13. Therefore, even accepting the traffic generation figures presented by the appellant, set against the fallback position I have described, along with the characteristics of the B3153, and the size and characteristics of vehicular transporters being brought into this context, I consider that the proposal would likely result in an already unsatisfactory situation being made materially worse. This raises not only highway safety concerns but also likely additional harm to the living conditions of residents living adjacent to the B3153 through increased noise, vibration and diminished quality of the local environment for anyone wishing or needing to walk or cycle along this road.
14. I appreciate that the owner is trying to find an appropriate end user for his investment and will continue to do in the event that this appeal is dismissed. I also appreciate that the vehicular movements associated with the proposed use would be less than that associated with the previous proposals for a batching plant and that no objections have been raised by the Highway Authority and that the proposal was recommended for approval by the Council's Planning Officers. Nevertheless, the proposal is subject to significant local opposition and the concerns raised from their experiences of living along the B3153 largely reflect my own observations and I attach considerable weight to them.

15. I therefore conclude that it has not been demonstrated that the traffic likely to be generated by the proposal could be accommodated on the B3153 without undue harm to highway safety and to the living conditions of local residents. This would be contrary to South Somerset Local Plan Policies TA5 and EQ2. These seek to ensure, amongst other matters, that the expected nature and volume of traffic generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated. These are matters of which outweigh the advantages of the scheme, most notably its economic benefits.
16. I have noted the appellant's reference to paragraph 32 of the National Planning Policy Framework, which states, amongst other things, that development should only be prevented or refused on transport grounds where the residual impacts of development are severe. However, case law has established that this addresses matters of highway capacity and congestion, rather than highway safety considerations in themselves.

### **Conclusion**

17. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*Richard S Jones*

INSPECTOR