



Appeal Decision

Site visit made on 30 October 2017

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th November 2017

Appeal Ref: APP/R3325/W/17/3177780

Land OS 6200 Bearley Lane, Tintinhull, Somerset, BA22 8PE

- 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 David Taverner against the decision of South Somerset District Council.
 - The application Ref 16/00265/COU, dated 14 January 2016, was refused by notice dated 16 December 2016.
 - The development proposed is change of use of barn from agricultural building to a building storing furniture used in connection with an internet business.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by the Council and the appellant against each other. These are subject of separate Decisions.

Procedural matters

3. The use commenced prior to the application subject of the appeal being submitted to the Council, but ceased following the refusal of planning permission. The fact that the application was made retrospectively does not affect my determination of the appeal which I have considered entirely on its planning merit.
4. An earlier appeal¹ decision in 2016 in respect of a nearby site has been referred to by both main parties. I have taken it into account in so far as it is relevant to this appeal.

Main Issue

5. The main issue is the effect of the development on highway safety.

Reasons

6. The appeal site is located in the corner of a field close to the hedgerow along Bearley Lane, and accessed through a gate directly from the lane. It contains two buildings although only the larger one is referred to in respect of the proposed use. It is approximately 324m² in area with roof eaves and ridge height of approximately 5m and 7.6m respectively.

¹ APP/R3325/C/16/3143756

7. The Design and Access statement submitted to the Council with the planning application describes the proposed use of the building as *to store, repair/paint and photograph furniture, it is not a retail unit, no furniture is sold from the premises, it is an internet business. The items of furniture are photographed and then advertised and sold on e.bay, the goods are then collected from the barn. There is no mains electric on site so the business is limited to daylight hours.* The application form indicates two part time staff (amounting to one full time equivalent) would be employed in running the business. It is argued for the appellant that it would be a low key business generating only limited vehicle trips to and from the site.
8. However, taking the above factors into account it is clear to me that the building has the potential to accommodate a large volume of furniture stock. Also, customers who purchase items though on-line auctions would visit the site in vehicles to collect items, or alternatively couriers might be used to despatch items. If the business grew successfully, as one might normally wish, customer or courier trips could increase substantially and turnover and replenishment of stock would generate further vehicular trips to and from the site. As such, the level of trip generation has the potential to far out exceed the levels one might expect for agricultural use of the building, and the low key use described by the appellant, and which I consider could not be adequately or effectively controlled by planning conditions. In any event any such conditions limiting trips to a low level use would also unreasonably restrict the business.
9. Given the potential for substantial trip generation as I have described, it is also likely that there would be use of trailers and large vans in order to transport large and/or bulk items to and from the site. I turn to this matter next.
10. Bearley Lane links directly to the main A303 dual carriageway, approximately 500 metres away and serves a number of other uses including for example farms, dwellings, and a caravan storage facility. It terminates to the north of the appeal site in a cul-de-sac, hence any vehicles visiting the appeal site would return the same way towards the A303. For the first 300 metres towards the A303 from the appeal site Bearley Lane is a narrow unlit country lane with verges but no footways, and house or field accesses provide the only vehicular passing places.
11. When turning left from Bearley Lane onto the A303 vehicles would have to wait for a suitable gap in approaching traffic from the south west since the A303 is subject to a 70mph speed limit and there is no acceleration lane for traffic joining from Bearley Lane. Turning right from Bearley Lane requires drivers to cross two lanes of the oncoming traffic via a central refuge before entering or crossing the outside lane of the dual carriageway carrying traffic towards the south west. The appellant's Transport Statement² (TS) argues that vehicular use of Bearley Lane to the appeal site would not result in any harm and that vehicles leaving Bearley Lane onto the A303 would be able to do so safely.
12. However, the full survey data referred to in the TS has not been submitted for analysis. Moreover, the TS indicates to me that the duration of hours surveyed was limited and based on observations during the Easter holidays. That is unlikely to be typical of vehicle movements during peak morning and evening periods outside of holiday weeks along Bearley Lane, or typical of gaps in traffic on the A303 at the Bearley Lane junction. Consequently, I am not convinced

² Transportation Appeal Statement, SWC, 30.05.2017

that the potential increase in the number and frequency of vehicles using the single track stretch of Bearley Lane to access the appeal site, together with an inability to control the size and nature of vehicles used in association with the proposed use, would not result in an increased likelihood for collisions between road users. I am also unconvinced that larger vehicles associated with the proposed use, potentially carrying full loads with or without trailers, would be able to join the A303 from Bearley Lane in a safe and convenient manner so as not to slow or obstruct approaching vehicles.

13. For all the above reasons I therefore conclude that the use would result in an unacceptable increase in risk to highway safety in conflict with Policy TA5 of the adopted South Somerset Local Plan 2015 which seeks to ensure that all new development secures, amongst other matters, safe access and safeguards existing transport infrastructure.
14. I have taken account of the economic benefit to the appellant, the related employment creating opportunities, the granting of a temporary planning permission, and all other matters. However, these do not overcome or outweigh my concerns with regard to highway safety matters.

Conclusion

15. The appeal is dismissed.

Thomas Shields

INSPECTOR