



Appeal Decision

Site visit made on 3 August 2020

by **Nick Davies BSc(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Appeal Ref: **APP/R3325/W/20/3248417**

Land at **Paulls Lane, Broadway TA19 9QY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs P Smith against the decision of South Somerset District Council.
 - The application Ref 18/03939/OUT, dated 11 December 2018, was refused by notice dated 8 November 2019.
 - The development proposed is the erection of 8 No. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal has been made in outline, with all matters apart from access reserved for future consideration. Plans have been submitted showing a site layout and indicative elevations. As these are reserved matters, I have considered these plans solely on the basis that they have been submitted for illustrative purposes.

Main Issue

3. The main issue is the impact of the development on highway safety.

Reasons

4. The appeal site is a grass field, surrounded by mature hedgerows, which lies to the south of a row of houses that front Broadway Road. Access is currently gained via a field gate in the north-western corner of the site, off Paulls Lane, which has a junction with Broadway Road about 60 metres to the south. The proposal is to build eight dwellings on the site, with a new access off Paulls Lane, about 30 metres south of the existing field gate.
5. The junction of Paulls Lane with Broadway Road is quite narrow, so can only be used by one vehicle at a time. It is contained by stone walls, which bound the highway edge on both sides. As a result, visibility for drivers of vehicles emerging onto Broadway Road, is severely constrained in both directions. The appellants' evidence indicates that from a point 2 metres back from Broadway Road, visibility of 5.5 metres is available to the east, and 4.5 metres to the west. The Council's highway consultant contends that, based on measurements taken on site, these distances are 7.6 metres and 7.7 metres. Either way, my own experience of using the access confirmed that it provides very limited

- visibility for drivers emerging from the junction onto a road with a 30-mph speed limit.
6. The proposals include improvements to the visibility available for drivers emerging from the junction, by narrowing the carriageway in Broadway Road to 5.5 metres, allowing the Paulls Lane junction line to be advanced about 0.6 metres. The appellants' evidence indicates that this will improve visibility from a point 2 metres back from the junction, to 16 metres to the east, and 20 metres to the west. Again, this evidence is contested by the Council's highway consultant, who's measurements indicate that these distances would be 8.6 metres and 11.2 metres. To comply with the guidance on visibility in Table 7.3 of Manual for Streets (MfS), the appellant's figures would require traffic in Broadway Road to be travelling at less than 20 mph, whereas the Council's dimensions would require traffic speeds of about 10 mph.
 7. From my own observations, including driving out of the junction in an average sized car, I found the appellants' levels of improved visibility to be optimistic. I found that advancing 0.6 metres from the existing carriageway edge resulted in little improvement to the available visibility. It was necessary to advance much further to obtain sufficient visibility to safely complete the manoeuvre. I am also mindful that paragraph 7.7.6 of MfS says that an X distance of 2.4 metres should normally be used in most built-up situations. It is only in "very lightly-trafficked and slow-speed situations" that paragraph 7.7.7 indicates that a minimum figure of 2 metres may be considered. Use of a 2.4 metre X distance would reduce the level of visibility that would be available, and would, consequently, reduce the required traffic speeds in Broadway Road even further.
 8. The appellant's vehicle speed survey shows that the 85th percentile vehicle speeds in Broadway Road, between 10:40 and 11:40 on 28 November 2017, were 23.7 mph westbound and 26.5 mph eastbound. The Council's highway consultant has suggested that this data should be treated with caution, as the survey was on a single day, and only lasted for an hour, so would have included a limited number of vehicles. Reference is made to information that was recorded for an appeal in 2016 where the 85th percentile speeds recorded by an Automatic Traffic Counter were 30.1 and 30.2 mph at a site 330 metres to the east. However, no recent data has been provided for traffic passing the junction to cast doubt on the appellants' data. Nevertheless, the appellants' data indicates that visibility at the junction would need to be over 30 metres to comply with MfS recommendations. What could be achieved falls well short of that.
 9. It is agreed by the parties that there is no record of any personal injury collisions on Paulls Lane, or at its junction with Broadway Road. The appellant suggests that the junction is used by the two properties either side of the junction, at least four properties in Trotts Lane, and additional through traffic. However, the main access and parking for the house to the east of the junction is off Broadway Road. There is only one other dwelling in Paulls Lane. The houses in Trotts Lane lie to the south of the ford and, due to its narrow and poorly aligned nature, drivers are unlikely to use Paulls Lane in preference to other, less tortuous routes. The appellants' morning peak hour traffic count on a weekday in November 2017 did not record any vehicles using the junction. Currently, therefore, the junction is not well-used. The lack of reported accidents in the past does not, therefore, provide a robust basis for sanctioning

- a significant increase in the use of a junction that would still be significantly below recommended standards.
10. The parties agree that the eight houses would result in about 41 traffic movements per day. It is further agreed that the nature of Paulls Lane, to the south of the site, dictates that virtually all these trips will use the Broadway Road junction. There would, therefore, be a total of ten dwellings regularly using the junction, rather than two, which represents a very significant increase. Although visibility at the junction would be improved, it would still fall well below the levels recommended in MfS. There would, therefore, be limited benefits to the small amount of traffic that currently uses the junction, but the traffic from eight additional dwellings would be added to a junction that would still fall well below recommended standards. The net result would be an increase in hazardous movements out of the junction.
 11. Research summarised in Manual for Streets 2 indicates that a reduction in visibility below recommended levels will not necessarily lead to a significant problem. Nevertheless, paragraph 10.5.9 still says that the Y distance should be based on the recommended Stopping Sight Distance values. Even using the appellants' Y distances and speed data, which are contested, the visibility that could be achieved would be significantly short of these values. Therefore, whilst accepting that MfS and MfS2 provide advice that should be used flexibly, taking account of site conditions, my own experience of using the junction does not persuade me that the proposed reduction in the recommended visibility could be safely accommodated.
 12. The new access into the site, off Paulls Lane, would comply with MfS standards for a 20-mph road. In view of the restricted width of Paulls Lane, it is unlikely that traffic passing the site will exceed that speed, so drivers would be able to safely emerge from the site. However, to reach the Broadway Road junction, and to access the services in the village and further afield, occupants of the houses would have to travel approximately 90 metres south along Paulls Lane. This stretch of road is narrow, unlit and has no footways. Pedestrians, cyclists and pedestrians would have to share the carriageway.
 13. Although it broadens close to the junction, the carriageway is about 2.5 metres in width for much of its length. Figure 7.1 of MfS indicates that a width of 4.1 metres is necessary to enable two cars to pass, or to allow a large vehicle to pass a cyclist. Reference to this diagram also shows that a car could not safely pass a pedestrian on a 2.5 metre road. As there is no intervisibility between the site access and the Broadway Road junction it is likely that, from time to time, vehicles will encounter other vehicles, cyclists or pedestrians on this stretch of road. A pedestrian or cyclist confronted by an oncoming vehicle may feel obliged to press themselves into the roadside hedge, and a driver may be tempted to squeeze past. This would be a hazardous manoeuvre, particularly where it involved a pedestrian with mobility problems, or using a pushchair.
 14. A vehicle meeting another vehicle would inevitably result in one of them having to reverse to allow the other to pass. It is unlikely that drivers will contemplate reversing back onto Broadway Road, due to the lack of visibility at the junction. The northbound driver would therefore be faced with a potentially lengthy reversing manoeuvre. At present, there are two informal passing places between the Broadway Road junction and the site access, which may shorten these manoeuvres. However, both appear to involve encroachment onto

- private land, so they cannot be relied upon to be permanently available. Whilst these reversing manoeuvres would not be particularly dangerous to the drivers, they would increase the hazard for any pedestrians or cyclists using the carriageway.
15. Delivery vans, refuse carts and emergency vehicles would need to gain access to the houses. Figure 7.1 of MfS shows that a large vehicle would take up the whole of a 2.75 metre carriageway. Paulls Lane is narrower than that for much of its length, and it has not been demonstrated that such vehicles could negotiate the lane and its junctions. If they could, they would be tight to the walls/hedges on both sides of the carriageway. This would be intimidating for any pedestrians or cyclists using the carriageway, who would have to retreat to a place of safety.
 16. MfS2 says streets without conventional footways may be appropriate where traffic speeds are low, and the area operates on 'shared space' principles such as in town or village centres. Paragraph 7.2.8 of MfS identifies that the key aims of shared surface schemes include encouraging low vehicle speeds; making it easier for people to move around; and creating an environment in which pedestrians do not feel intimidated by motor traffic. Whilst the characteristics of Paulls Lane encourage low traffic speeds, the restricted width of the carriageway would mean pedestrians and cyclists would not always be able to move freely along the road, and would, from time to time, come into conflict with vehicles. As a result, Paulls Lane would not operate successfully as a shared surface.
 17. Occupants of the development may be discouraged from making sustainable transport options to access local services, or onward public transport, due to the inherent inconvenience and dangers of walking or cycling in Paulls Lane. The development does not provide any alternative routes, so does not comply with the advice at paragraph 110 of the National Planning Policy Framework (the Framework) to give priority first to pedestrian and cycle movements.
 18. My attention has been drawn to an access near the appeal site, at Olivers Lane, which demonstrates the MfS2 comment that historic villages may have street patterns that are "unlikely to conform to a standardised highway layout but which it is desirable to conserve in the interests of maintaining the character of the area". I saw that this access had stone walls with curved splays to either side of the drive, and no separate footways. However, the junction was considerably wider, with greater visibility, allowing two cars to pass. The driveway was also wide enough to allow vehicles to safely pass pedestrians and cyclists, so can operate safely and conveniently as a shared surface.
 19. The appellants' evidence that the traffic generated by the development could be accommodated on the wider highway network, without any significant impacts on capacity and congestion, is not contested by the Council. I have been referred to recent appeal decisions that support this contention, and I have no reason to take a contrary view.
 20. However, I have found that there would be a substantial increase in traffic emerging from Paulls Lane onto Broadway Road, through a junction that would be well short of MfS recommendations for visibility, resulting in an unacceptable impact on highway safety. I have also found that there would be conflict between pedestrians/cyclists and motor vehicles due to the restricted width of Paulls Lane. The development would not, therefore, provide safe and

suitable access to the site for all users in accordance with paragraph 108 of the Framework. I therefore conclude that the proposal would be contrary to Policy TA5 of the South Somerset Local Plan (2006 - 2028), which seeks to secure inclusive, safe and convenient access on foot, cycle, and by public and private transport in all new development. It would also fail to meet the Framework's aim of promoting sustainable transport, as set out in Section 9.

Planning Balance

21. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the Framework therefore applies, and permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. In terms of social benefits, the development would deliver eight additional dwellings, which would make a moderate contribution towards addressing the shortfall in housing sites. It would also support the Framework's objective of significantly boosting the supply of homes. There would be economic benefits through employment during the construction phase, and through the future occupants' support for local services and businesses. In view of the scale of the proposal, these benefits would be moderate.
23. However, the harm that I have identified to highway safety would be significant. The proposal would also fail to meet the Framework's aim of promoting sustainable transport. As a result, the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework, taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR