



Appeal Decision

Hearing & site visit held on 12 September 2006

by **Jean Russell MA MRTPI**

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

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Date **28 SEP 2006**

Appeal Ref: APP/Z0923/A/05/1191239

Low Stowbank Farm, Kirkland Road, Ennerdale Bridge, Cumbria

- 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 B Whitfield against the decision of Copeland Borough Council.
- The application (ref: 4/05/2047/0), dated 24 January 2005, was refused by notice dated 14 September 2005.
- The development proposed is alterations of redundant buildings to form 3 dwellings; alterations to access.

Summary of Decision: The appeal is dismissed.

Main Issue

1. I consider the main issue to be the effect of the proposed development on highway safety.

Planning Policy

2. The development plan includes the *Copeland Local Plan 2001-2016* (LP), which was adopted in March 2006, after the appeal was lodged. Policy HSG17 permits proposals to convert buildings in rural areas to residential use so long as, amongst other matters, the building is served by a satisfactory access from the public highway network.

Reasons

3. The appeal site includes two barns, a yard and part of a field, which lie within an existing farm. There are other farm buildings to the north and east, while fields lie to the south and across Kirkland Road to the west. The surrounding area comprises open countryside. The proposed development is to convert the larger barn, Barn 1, to two two-bedroom dwellings and Barn 2 to a one-bedroom property. There are four accesses to the farm from Kirkland Road, two of which serve the site. The existing access to the south of Barn 2 is proposed for closure. The other site access enters the field and would be realigned to the south.
4. The realigned access would serve the proposed dwellings and two existing farm buildings. The centre point of the access would provide a 45m visibility splay to the north, measured along the nearside edge of the carriageway. Beyond 45m, Kirkland Road curves eastwards around Barn 2 before turning on a sharp westerly bend to the north of the farm. I saw that, when looking from the proposed access, vehicles on the road 'disappear' in a blind spot behind Barn 2 - for at least 3-5 seconds in my opinion.
5. Drivers seeking to exit the site would be able to see vehicles on the far side of the bend. However, they would need to look both ways before turning onto the highway and I saw that views of cars approaching the bend from the north could be affected by trees and a

roadside hedgerow. Kirkland Road is unlit and it could also be difficult for drivers at the site to see those approaching the bend, whose headlight might not be on, during dusk or dawn, or in overcast conditions. Drivers from the north would themselves have restricted views of the access until passing Barn 2. In these circumstances, I consider that reliable inter-visibility would be limited to 45m.

6. Kirkland Road is a classified road, the C4004; it is subject to the national speed limit. Like many rural roads, it winds and rises with the landscape and I estimate that most drivers in the area travel at or above 30mph. Government guidance in *Design Bulletin 32: Residential Roads and Footpaths* (DB32) indicates that on roads with a speed limit of 30mph, where speeds are universally below the limit, splays of 60m can be accepted. In my view, speeds on Kirkland Road are not that restricted, yet the proposed 45m sightline would fall far short of the standard.
7. DB32 also indicates that a stopping distance of 45m is required for a driver at 25mph, while 60m is needed for one at 30mph. I allow that drivers take the bend at around 25mph but observed that they pick up speed after turning. *Places, Streets and Movement* (PSM) promotes a flexible interpretation of DB32 but states that sightlines should never be reduced to a dangerous level. In my opinion, and although LP Policy HSG17 does not set prescriptive standards, a distance of 45m would not be sufficient for a southbound driver, accelerating past Barn 2, to stop and avoid collision if another driver turned out of the site.
8. Moreover, Kirkland Road is used as a farm, village and commuter route and I understand that southbound traffic is heavy in the early morning rush hour. Outside of peak times, I saw that the volume of traffic is reduced but vehicles still pass the site on a recurring basis in both directions. Some southbound drivers on Kirkland Road would become aware of the proposed access and learn to expect movement from it, but there could be no guarantee that all highway users would be familiar with the area.
9. In terms of traffic from the site, the proposed dwellings would be small but I saw that the site is in a remote location, far from shops, services or public transport. To my mind, future occupiers would be liable to depend on private transport for most day to day activities. I accept that the proposed development could be expected to generate around one movement out of the site every half hour during the morning peak time – but there would be several other vehicular trips per dwelling per day. The appellant expects to use the proposed access for farm purposes on just one or two days a year but this could not be assured in posterity. Overall, I consider that the proposed access would be used both regularly and frequently.
10. Most future users of the access would be residents or farm workers, accustomed to local highway conditions. But there would also be visitors to the site and to my mind any access serving three new dwellings should be designed to accommodate such traffic. The appellant suggests that actual visibility would be greater than 45m, particularly for oncoming drivers, who would not hug the edge of the carriageway. In my view, this could be the case at any junction and would not be a good reason to disregard established standards. Nor am I persuaded that a possible additional few metres visibility would overcome the hazards caused by traffic levels and speeds. In the circumstances of the site, I consider that the proposed access would be substandard. It would cause an unacceptable risk of accident.
11. The appellant suggests that placing a traffic mirror on his field opposite the proposed access would ensure safety, by providing drivers exiting the site with views of others in the blind spot. A planning condition could ensure that the mirror is sited, designed and retained to the

and its closure would be beneficial. The appeal access would be in a better position than at present and sightlines would also be improved by replanting roadside hedgerows. None of these gains, in my view, would outweigh the danger caused by the proposed access and increased traffic from the site.

18. I understand that farm traffic has reduced in recent years, commuter traffic might decline in the future and major roads in the area may be upgraded. However, I have seen no concrete evidence that vehicle numbers on Kirkland Road will dwindle. Two of the proposed dwellings would be occupied by relatives of the appellant, but there would be nothing to prevent their being sold on at any point in the future. I heard of no history of accidents in the area and realise that many nearby accesses might also be substandard. These arguments, however, would not justify my putting occupiers of new residential development at risk.

Other Matters

19. The Parish Council and a local councillor support the proposed development. They suggest that it would help to sustain rural schools and services. New residents are needed in the area and construction of the dwellings would also create employment. I am sympathetic to these concerns but the proposed development could not be of value, in my opinion, if it would cause danger on the highway.
20. The Council's reason for refusal was solely concerned with highway safety but LP Policy HSG17 sets other criteria for residential conversions of rural buildings. In particular, it requires applicants to demonstrate that alternative uses are not viable. This policy is broadly consistent with *Planning Policy Statement 7: Sustainable Development in Rural Areas* (PPS7), which supports the re-use of rural buildings but only where appropriately located and constructed, and preferably for economic development purposes.
21. It was said at the Hearing that non-residential uses would either be unviable or generate more traffic than the proposed dwellings. In my view, this assertion was not verified. I have noted the remoteness of the site and consider it an unsustainable location for new housing, according to PPS7. It is also in agricultural use and not previously developed. The appeal buildings are historic stone barns in a traditional farmstead and the Council accepts that they merit retention. However, I cannot assume that a residential use would be the only way to preserve the buildings, without evidence to that effect. This finding reinforces my earlier conclusion that the proposed development would conflict with LP Policy HSG17.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

23. I dismiss the appeal.

Jean Russell

INSPECTOR