



## Appeal Decision

Site visit made on 20 March 2019

**by M Bale BA (Hons) MA MRTPI**

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

**Decision date: 26<sup>th</sup> March 2019**

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**Appeal Ref: APP/V3120/W/18/3214090**

**West Barn, Peewit Farm, 95 Drayton Road, Sutton Courtenay, Abingdon OX14 4HB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2.(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Stuart Wilson against the decision of Vale of White Horse District Council.
  - The application Ref P18/V1661/N4B, dated 3 July 2018, was refused by notice dated 28 September 2018.
  - The development proposed is a change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The application form does not give a description for the development at section 5, however, this form can only be used for the proposal as described in its heading. I have, therefore used that description of development in my heading above.

### Background and Main Issue

3. There is no dispute that the development complies with the provisions and limitations of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") and there is no reason for me to take a contrary view.
4. The provisions of the Order, under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2(1) require an assessment of the proposal solely on the basis of certain clearly defined issues. Of the matters that fall to be considered, the Council is only concerned with the transport and highway impacts of the development. All other matters were considered by the Council to be acceptable and there is no reason for me to disagree.
5. The main issue, therefore, is the effect of the development on transport and highways with particular regard to the capacity of the local road network.

## Reasons

6. The site is close to an area of the highway network which is known to be heavily congested at peak times. This is broadly a consequence of a lengthy signal controlled, single-lane width section of road across the Culham Bridges that causes backing up at other nearby junctions.
7. Evidence from the Local Highway Authority based upon traffic surveys in 2017 indicates that lengthy queues build in the area at peak times. Previous Inspectors considering proposals for dwellings in nearby Sutton Courtenay<sup>1</sup> have found that the Highway Authority's evidence indicates that the road network currently operates beyond its capacity. The most recent of the appeal decisions noted that the existing effect of traffic was severe and both decisions found that no additional traffic, no matter how small could reasonably be accommodated on this part of the network. I have nothing to dispute the Highway Authority's evidence in this regard and so no reason to disagree with those earlier Inspectors' findings.
8. Those earlier decisions were both for single dwellings and so would likely generate a comparable amount of traffic to the current proposal. The traffic generation would be limited in itself, but the Highway Authority's evidence suggests that even small increases in traffic could have significant effects given that parts of the network are already saturated. Given the severity of the existing situation, therefore, resisting development that would add traffic to this part of the network can be justified, even if the broad location of development would otherwise be suitable under the locational strategy of the development plan.
9. In order to add to the existing problem, traffic would have to travel towards the congested area. In this regard, I note that there are other routes around the area that future residents may seek to use. However, whilst a highway impact study may sometimes be considered disproportionate to the scale of the proposed development, in the absence of any substantive evidence about likely trip patterns, I can only attach limited weight to the supposition that residents may use other routes and so not contribute to the existing congestion.
10. It may well be that the prior approval process under the GPDO removes an element of planning judgement from certain development proposals. However, whilst the Planning Practice Guidance may advise that the location of development is not a factor to be considered, this does not necessarily mean that all of those matters subject to which prior approval should be assessed should be confined to impacts on the site.
11. The proposal is not an application for planning permission, but the GPDO does require a specific assessment of the transport and highway impacts against the National Planning Policy Framework (the Framework). I find no compelling reason as to why this should not go beyond the confines of the site and look at wider capacity issues on the highway network. For the reasons given above, I find that the effect of increased traffic on the congested part of the local highway network would be severe and there is nothing substantive to suggest that this increase would not occur.

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<sup>1</sup> Appeal Refs: APP/V3120/W/18/73187947 & APP/V3120/W/18/3200241

12. I note that the Local Highway Authority proposes to address congestion in the area through new road schemes. However, there is no clear evidence that recent Government grants would address the congestion around Culham Bridges. Similarly, there is no certainty that a recent bid to address that issue would be successful and, if it were, what the timetable for delivery would be.
13. Any CIL receipts from the development would contribute to infrastructure funding in the locality, which could include road schemes. However, there is also no clear evidence before me suggesting that the congestion near the appeal site would be resolved by the time that the dwelling came to be occupied. I, therefore, attach limited weight to potential future improvements to the network.
14. For the reasons given above I find that the transport and highway impacts would be unacceptable and would conflict with Paragraph 109 of the Framework. Therefore, the appeal should be dismissed.

*M Bale*

INSPECTOR