



Appeal Decision

Site visit made on 11 September 2018

by Stuart Willis BA Hons, MSc, PGCE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2018

Appeal Ref: APP/V3120/W/18/3200241

The Barn, Church Street, Sutton Courtenay, ABINGDON OX14 4NJ

- 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 Catherine Avery against the decision of Vale of White Horse District Council.
 - The application Ref P17/V1023/FUL, dated 10 April 2017, was refused by notice dated 12 October 2017.
 - The development proposed is the change of use from storage barn to two bedroomed residential accommodation with parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Both parties were invited to submit comments in relation to the new Framework and where responses were received these have been taken into account in my reasoning.

Main Issue

3. The main issue is the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

4. While there is no specific adopted policy in relation to the traffic issues in the area, there are however policies which look to prevent development that would create or add to existing congestion and highways safety concerns. Each case is assessed on its own merits and in this case the Council have submitted evidence, including survey data, indicates traffic generation at peak times is in excess of the practical capacity of certain junctions in the vicinity of the site. The evidence provided including traffic surveys from May 2017. While acknowledging this is more than a year ago there is no reason to suggest the situation has materially altered. The Appellant has not sought to challenge this evidence or submit any evidence to the contrary.
5. The Council's evidence states that the traffic issues in the area can lead to delays of more than 13 minutes. This is resulting to queues of over 800m on the surrounding network at peak times. The Council highlight the evidence also indicates that junctions in the area are already operating over their practical

capacity at these peak times. The impacts of even a few additional trips, the Council indicate, are causing disproportionate additional delays. Queues are said to be slow to disperse, with the delays and congestion this creates resulting in drivers undertaking unorthodox manoeuvres thereby increasing the risk of shunt accidents and lane blocking. The evidence provided by the Council is therefore that the current residential cumulative impacts from existing traffic on the network is severe, without any further traffic. As such any additional traffic on the surrounding network, even of a modest scale, would cumulatively worsen the situation at the junctions that are already over capacity and would exacerbate the congestion and associated highway safety issues currently experiences at peak times.

6. The Appellant acknowledges there is little doubt that the highway network in the vicinity of the site is under pressure and has not provided any detailed evidence to counter the Council's evidence. She considers this is due in part to other developments that have been, or are, taking place in the area.
7. The Council and Appellant indicate the level of traffic generated from the proposal would be in the region of 0.5 trips in each of the peak AM and PM periods. It is at these times that the Council have indicated the road network currently experiences congestion and is the focus of their concern. My visit was prior to PM peak times. While I accept this was only a snapshot in time, I observed that there was still a build-up of traffic on the section of road which is controlled by traffic lights near the bridge along Abingdon Road. While the number of trips from the proposal is relatively modest in comparison to the overall level of traffic in the area, on the evidence before me I accept that the residual cumulative impact is already severe without the proposed development. I therefore consider that any additional traffic would exacerbate the issues the Council have identified. As such any further traffic, regardless of the amount, would serve only to exacerbate the existing severe traffic impacts on the transport network and add to the delays caused by the congestion, increasing the duration which junctions and carriageways are blocked and the likelihood of accidents.
8. My attention has been drawn to a specific planning application in the area for a larger scale residential development. The Appellant highlights a figure of 5% additional traffic being the measure of what was considered material. The Council have commented that the case referred to does not exceed the number of units for which there are extant permissions in place, and that the Local Highways Authority has not raised any objection to it on that basis. Full details of the circumstances that led to the proposal being considered acceptable at that time have not been presented to me although I note it was for a significantly higher number of dwellings and there was previous planning permission on the site. Therefore it does not represent a direct comparison to this proposal and I give it little weight. Future developments of a larger scale than the appeal before me are highlighted. Any future proposal would need to be assessed on its own merits against the relevant considerations and policies of that time.
9. The Appellant considers the traffic generation from a fallback position would be comparable to the use of the appeal proposal. A lawful development certificate (LDC) has been issued for the appeal building which I acknowledge was not the case with the appeal referred to by the Council. Therefore the circumstances are different to those presented to the Inspector in that case. The LDC is for "the use of the existing residential outbuilding as an annex incidental to The Barn" with the indication being that the annex could be occupied by the Appellant's adult children and/or their partners. Changes being made under permitted development rights to give the annex 2 bedrooms are mentioned. The LDC indicated the building would

be used as a self-contained annex for occupation by family members and possibly as a home office. Its use would be as an extension of the space available within the existing house and it would not be separated physically or functionally from the main house. I consider there is more than a theoretical possibility of the fallback position taking place. There is therefore a need to consider what weight to attribute to the fallback position.

10. I accept that an annex occupied as suggested could generate a level of traffic. However, an annex which is functionally related to the main house, even with a degree of independence, would suggest some shared trips taking place. Journeys such as shopping or visiting friends/family have potential to be shared where the annex would function as single unit along with the main dwelling. A separate unit of accommodation with unrelated and unconnected occupants would not have these shared trips as they would be two independently functioning dwellings. While the Appellant highlights one scenario in which the annex could be used, it could be used in a different manner which results in a far lower level of traffic being generated. Consequently I cannot be confident that the use of the site as an annex would result in the same number of vehicle movements as the proposal. Rather I find it would generate a lower level of traffic than its occupation by a third party as a separate unit. Therefore it cannot be assumed that the conversion of the building to an annex would generate comparable traffic to that of a separate independent dwelling into the future. As such the impacts would be less than that of the appeal proposal, causing less harm. While the fallback is a consideration it does not offer a basis to allow the appeal in light of the concerns above.
11. I note reference by the Appellant to the provision of a larger parking area within the site since the refusal, inclusion of additional parking provision for the existing dwelling and potential access improvements. While this gives potential for extra off street parking it does not imply additional traffic will be generated without the appeal proposal or outweigh the harm from additional traffic generation I have identified.
12. The Council have highlighted an appeal (APP/V3120/W/17/3187947) from earlier this year. I appreciate that appeal did not have the comparable "fallback" position to the case before me, but it did nonetheless consider the impact of a single dwelling on the road network around Sutton Courtenay. The Inspector reached the conclusion that even a very modest increase in vehicle trips would exacerbate the congestion as it had been demonstrated that the nearby junctions are already under pressure and operating well above their capacity at peak times. With no evidence to the contrary I have no reason to come to a different view.
13. The Framework has been revised since the refusal of the application. Paragraph 32 of the previous version related to traffic implications of development and was included in the Council's reasons for refusal. The revised Framework considers this at Paragraph 109 and it no longer refers to "significant amounts of movement" in this context. As such this indicates that any level of traffic generation can be considered in relation to this paragraph. This appeal is determined against the new Framework.
14. For the reasons given above I consider that the proposal would be detrimental to the safe and efficient operation of the highway network in the vicinity of the appeal site. The development therefore conflicts with Policy DC5 of the Vale of White Horse Local Plan 2011 Saved Policies, and Policy CP33 of the Vale of White Horse Local Plan 2031 Part 1 (LPp1) and paragraph 109 of the Framework, which seek to ensure that road networks can accommodate the traffic arising from development, preventing unacceptable impacts on highway safety and severe residual cumulative impacts on the road network.

15. The Council also refers to Policies CP1 and CP4 of the LPP1 in their reasons for refusal. Although these deal with locating new housing allocations in a sustainable manner and the presumption in favour of sustainable development, they do not relate explicitly to the issue of road network capacity. Policy CP35 is also referred to however this relates to promoting public transport, cycling and walking rather than traffic generation. As such these are not relevant to the main issue.

Other Matters

16. The appeal site is in the Sutton Courtenay Conservation Area (CA). As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. While the Appellant considers the proposal would make a positive impact on the character and appearance of the CA I find as the general form of the building is largely unaltered with minimal external alterations it would preserve its character and appearance. Therefore in this regard it would have a neutral effect and not weigh in favour of the proposal in the planning balance. No concerns have been raised by the Council in relation to adverse impact on living conditions of adjoining properties and I have no reason to reach a different conclusion. However, this does not alter or outweigh my findings on the main issue.

Conclusion

17. I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR