



Appeal Decision

Site visit made on 28 July 2009

by **Jessica Graham BA(Hons) PgDipL**

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

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Decision date:
24 August 2009

Appeal Ref: APP/Y3940/A/09/2101098

Nettwood Farm, Nett Road, Shrewton, Wiltshire SP3 4HB

- 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 Trevor Cruse against the decision of Salisbury District Council, now replaced by Wiltshire Council.
- The application Ref S/2008/1976/FULL, dated 4 November 2008, was refused by notice dated 22 January 2009.
- The development proposed is change of use from full agricultural to shared agricultural and builders storage yard.

Decision

1. I dismiss the appeal.

Procedural matter

2. I saw at my site visit that use of some areas of the site in connection with the appellant's construction business has already taken place. I also saw that the remains of the East Shed, which was largely destroyed by fire on 18 May 2009, were in the process of being cleared from the site. Some of the plans submitted with the application show contradictory information concerning the extent of the appeal site, and the location of the various proposed uses. For the avoidance of doubt, I have determined this appeal on the basis that planning permission is now sought for the uses detailed on drawing no. TGC NF 04 "Builders Yard Site Plan" dated 17 November 2008, within the area shown edged in red on that plan.

Main issues

3. I consider the main issues to be the impact that the proposal would have upon
 - (a) the living conditions of neighbouring residents, with particular regard to any increase in disturbance, and
 - (b) highway safety.

Reasons

4. The appeal site adjoins the northern boundary of the dwelling known as Nett Farm, the most northerly of the dwellings that line Nett Road. Nett Road is a narrow, unclassified road with no pedestrian footways. I saw at my site visit that for most of its length between the appeal site and the junction with the A360, the width of Nett road is insufficient for two cars to pass: such passing opportunities as do exist tend to involve the use of private drives.

5. The application provided details of vehicle movements to and from the appeal site in connection with its previous use as a chicken farm, and the vehicle movements associated with the currently proposed use. On the basis of this information it is clear that when compared with the agricultural deliveries associated with the site's previous use, the proposed change of use would generate a significant increase in vehicular trips, including staff movements, collection and return of vehicles used off-site but stored at the appeal site, and the daily and weekly delivery of carpets and aggregate materials.
6. The Highway Authority estimated that the proposed use would generate at least 100 more trips per week than the permitted use, and I note that this was not disputed by the appellant. Whether or not the increase would be quite that high it seems to me that the greater number of movements by heavy, industrial vehicles using Nett Road would adversely affect living conditions at the dwellings along that road, and further damage its already poor surface.
7. In my view, the use of this very narrow, residential road by such vehicles would compromise the ability of existing residents to enjoy their front gardens and to access their properties, on foot or by car, without significant danger of vehicular conflict. I therefore find that the proposed change of use would conflict with the aims of saved Policies G2 and E17 of the adopted Salisbury District Local Plan (2003), which seek to ensure that new development does not unduly disturb existing occupiers or detract from the amenities or environment of nearby dwellings.
8. The greater number of vehicle movements would also mean increased use of the junction between Nett Road and the A360, since that is currently the only vehicular access to the site. National advice set out in the government's *Manual for Streets* explains that the visibility available to emerging traffic at a junction with a road having a 30mph speed limit should be 43m in each direction. At this junction, visibility to the north-west is some 13.7m and to the south-east, some 10.5m. Further, the narrowness of Nett Road and the tightness of its corners at the junction means that large vehicles have to use the full width of the carriageway to turn in and out, and no vehicle is able to enter Nett Road if another is waiting at the junction to exit.
9. The existing sub-standard visibility and geometry of this junction, together with the lack of any pedestrian footways on Nett Road, indicate to me that an increase in its use would increase the risk of conflict, and would be detrimental to the safety of users of both Nett Road and the A360. I note the appellant's comment that conditions at the junction could be improved by the installation of mirrors and signage, but no such measures have been put forward as part of this scheme. I find that the proposed development would conflict with the objectives of saved Policy E17 of the Local Plan, which seeks to ensure that new business development is only permitted where access, and the local highway network, are satisfactory.
10. I attach some weight to the fact that the appellant's business provides employment for local people, and makes a positive contribution to the local economy. I am also satisfied that the conduct of the proposed use within the appeal site would not, given the relationship of the appeal site to its surroundings, have any adverse impact upon the living conditions of neighbouring occupiers. However, these factors are greatly outweighed by the

significant harm that would arise from the increased vehicular use of Nett Road and its junction with the A360, as discussed above. I note the appellant's contention that even without planning permission for the proposed change of use, any vehicle within his ownership could still travel along Nett Road to the appeal site. The basis on which the appellant claims that such movements would comply with the existing permitted use is not clear to me, but even if they were to be a regular and legitimate occurrence, they would not justify permitting what I consider to be a harmful change of use.

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

Jessica Graham

INSPECTOR