



Appeal Decision

Site visit made on 30 July 2019

by S Shapland BSc (Hons) MSc MILT

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/R3325/W/19/3229473

The George, Back Street, Winsham, Chard TA20 4ED

- 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 Mrs Paula Bramley-Ball (Winsham Shop Limited) against the decision of South Somerset District Council.
- The application Ref 18/00001/FUL, dated 02 January 2018, was refused by notice dated 1 March 2019.
- The development proposed is described as relocation of Winsham village shop to The George, entailing a change of use of a listed residential building into a shop, offices and café. The works to the listed building include internal alterations and signage externally.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has altered the description of the development on the decision notice to read 'Alterations to include the change of use of ground floor of dwelling (Use Class C3) to a shop/Post Office (Use Class A1) and café (Use Class A3). First floor to be ancillary to shop and café use'. The appeal form also uses this altered description. This is a more precise description of the development than the one given on the application form, and I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with regard to access for all users and parking provision.

Reasons

4. The appeal site is a Grade II listed dwelling in the centre of Winsham, located at the five arm cross-road junction of the B3162, Church Street, Back Street, Fore Street and Western Way. Directly in front of the dwelling within the highway boundary is the Grade II listed village cross. The site is located within the Winsham Conservation Area.
5. The appeal proposes the change of use from the existing residential dwelling into a shop and post office, with a café. The proposal would see the relocation of the existing village shop and post office from Church Street to the appeal site.

6. The change of use from dwelling to a shop, post office and café would increase pedestrian movements directly outside the appeal site. The appellant has stated that as the proposed appeal site is located in relatively close proximity to the existing shop, this relocation would not make any significant difference to the pattern of pedestrian movements. However, based on my observations during my site visit I do not find this would be the case. Pedestrians currently accessing the village shop exit directly onto the footway of Church Street, where if there is a need to cross to access either Fore Street or Back Street there is good visibility in either direction. It is recognised that the relocation of the shop would remove the need for crossing in this location for those who live on the northern side of Church Street.
7. However, pedestrians leaving the proposed shop and turning right to walk either in the direction of Western Way or along the B3162 towards the recreation field would have very little visibility along this road. This is due to the appeal site being bounded directly by the road with no footway. Currently anyone walking to the existing shop from the direction of Western Way and the recreation fields can do so via the footway along Church Street without needing to cross this road.
8. During my site visit I observed the difficulty that pedestrians would now have when making a crossing to the appeal site from the direction of Western Way. With the level of restricted visibility, it was not possible to see vehicles on the B3162 without stepping into the carriageway. An intensification of pedestrians crossing in this location would cause unacceptable harm to pedestrian safety.
9. The appellant has indicated that planters could be provided between the edge of the appeal property and the B3162 which would restrict pedestrians from being able to cross in this location. As this area forms part of the adopted highway, a license from the Highway Authority would be required to locate planters here. It is evident from the appellant's statement that the appropriate permissions have not been sought to locate these planters, and as such there is no guarantee that they could be sited here. Furthermore, whilst planters may stop pedestrians from attempting to cross at this point, it would necessitate pedestrians standing in the junction of Back Street in order to cross the B3162. I therefore find that an intensification of pedestrian activity in the location of the appeal site as a result of this proposal would cause unacceptable harm to pedestrian safety.
10. The Council has stated that the current junction layout of Back Street and Church Street is substandard as it does not provide the recommended visibility contained within Manual for Streets. As such, any intensification of use of this junction by cyclists, private vehicles or delivery vehicles as a result of the appeal proposals would lead to unacceptable highway safety harm. I have not been provided with any plans which show these visibility splays that demonstrates the level of available visibility at this location. However, from my on-site observations it was clear that vehicles using this junction face limited visibility when looking to the right.
11. I understand that the accident records for this junction for a period covering the last three years has not recorded any accidents in this location. However, this evidence has not been submitted for me to consider as part of the appeal. Notwithstanding this, accident data only records personal injury collisions and does not record damage only accidents. Furthermore, intensification of vehicles

at a substandard junction can increase the risk of collisions occurring in the future. Whilst accident data can be a useful indicator of the safety of a junction, it should be considered in the context of local highway conditions.

12. The proposal includes more facilities than the existing shop, which includes a café. No evidence has been submitted to demonstrate the level of additional trips for private vehicles or cyclists which would likely to be generated by a café of this size. The Council has stated they would not expect this use to be a major trip generator, but no substantive evidence has been provided. Notwithstanding this, even a small increase of private vehicles and cyclists trips to the appeal site would require the use of the substandard junction of Back Street and Church Street. This intensification of use of this junction would further harm road safety.
13. The appeal site would not have any dedicated parking provision and therefore would be reliant on existing on-street car parking within Winsham. The nearest available on street parking is located on Church Street, opposite the existing shop. However, whilst there is parking available within close walking distance to the site it is likely customers would seek to park as close as possible to the shop. This would lead to an increase in parking on Back Street and its associated substandard junction. This is a narrow road, and any parking which takes place here would create an additional obstruction to movements at this junction. Whilst it was clear during my site visit that parking does currently take place within this junction, having a shop in this location would exacerbate this problem. I find that a lack of dedicated parking provision would harm road safety as a result of parking in a sub-standard junction.
14. It is likely that any deliveries to the appeal site would wish to park in close proximity to the shop and would therefore park on Back Street. A delivery vehicle parking in this location would create a further obstruction within the junction, which would cause harm to road safety. The appellant has provided evidence that delivery lorries for the shop on Church Street currently park in this location. Whilst this may be the case, the appeal would result in an intensification of use of this junction by both pedestrian and vehicle movements in the vicinity of Back Street. Parking delivery vehicles in this location would therefore cause additional harm in respect of road safety.
15. Accordingly, I find conflict with policy TA5 and TA6 of the South Somerset Local Plan (2006 – 2028) and paragraphs 108 and 109 of the National Planning Policy Framework. Together these policies seek, amongst other things, that development secures safe access for all users and provides adequate parking provision. This is to ensure there is no unacceptable harm on highway safety.

Other matters

16. The appeal site is a grade II listed building. As such I have a statutory duty under section 66(1) of the Planning (listed Building and Conservation Areas) Act 1990 'The Act' to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses. Furthermore, section 72(1) of the Act requires that special attention is had to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The appeal proposal would require the reinstatement and enlargement of previously blocked up former opening in at the rear of the building. In addition, a new disabled ramp would be constructed to provide access at the front of the building. I find that these

relatively small alterations to the listed building would have a neutral effect on both the significance of the listed building and the character and appearance of the conservation area.

17. I note that there is considerable local support for the proposals, with the local community keen to ensure that a future for the shop and post office can be secured within Winsham. This is something which I have given due consideration to, and I afford weight in favour of the appeal. However, whilst I recognise the importance of local facilities such as these for rural communities, this does not outweigh the significant harm I have identified above in respect of highway safety.
18. The appellant has raised concerns about the manner in which the Council determined the planning application at the site, with particular reference made to the conduct of the Council at the planning committee. Further concerns have been raised in respect of the role of the Highway Authority in the determination of the planning application. These are not matters within the remit of this appeal, and my consideration of the proposals which has to be assessed on its planning merits which is what I have done.

Conclusions

19. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR