



Appeal Decision

by Siân Worden BA DipLH MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 23/02/2024

Appeal reference: CAS-02945-N3Q0R0

Site address: Tregare, Gwenddwr, Builth Wells, LD2 3BZ

- 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 and Mrs Jefferies against the decision of Powys County Council.
 - The application Ref 22/1892/FUL, dated 8 November 2022, was refused by notice dated 28th February 2023.
 - The development proposed is the conversion and change of use of barns to a residential C3 dwelling to include part rebuilding and extension, the installation of PTSP and associated works.
 - A site visit was made on 6 February 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of evidence Edition 12 of PPW has been published. As it consolidates previously published content it does not raise any new matters that have a significant bearing on the decision.

Main Issue

3. I consider that the main issue in this case is the effect of the proposed development on highway safety, particularly in respect of vehicles using the A470 trunk road.

Reasons

Highway safety

4. The appeal site is in a rural location to the south of Builth Wells. The premises consist of two ranges of stone-built farm buildings set at right angles to one another on adjacent sides of a rectangular farmyard. The buildings are listed at grade II; one has been damaged by fire and has no roof but the other is intact and appears to be used on

occasion to house stock. I have noted that listed building consent for the proposal has been granted by the Council.

5. The appeal site is set back from, and elevated above, the A470 which is a trunk road. Vehicular access onto the A470 from the appeal site is along unclassified roads; either the U0071 which runs to the north, or the U0055 which joins the A470 to the southeast of the site.
6. In its capacity as the highways authority for trunk roads, Welsh Government (WG) directed that the Council should refuse the proposed development for the reason that it would result in the increased use of a substandard access prejudicial to the safety and free flow of traffic on the trunk road. This was the sole reason for the refusal of the application as the Council has no other concerns in respect of the proposed development.
7. In response to WG's direction, and in support of this appeal, the appellant has submitted a *Transport Statement of Case* (TSoC). As well as daily traffic flow information from the Department for Transport, it includes data on movements at the two junctions collected from traffic surveys. The numbers of trips likely to be generated by the proposal have been forecast from the widely-used and robust TRICS database. As this does not differentiate between dwelling sizes, the appellant has doubled up the number of trips to and from the proposed development to reflect its large capacity. With its nine bedrooms and ample living, dining and leisure areas this would be a sizeable house. To my mind, the forecasts provided by multiplying the trip rates by two will therefore be the minimum.
8. The appellant estimates that the proposed development would result in an additional 9 or 10 traffic movements each day. WG regards a 5% increase in turning movements as material; whether the appellant's or WG's figures are used, the forecast increase would greatly exceed that proportion. Although the traffic generated from the proposal and using the junctions would be low in numbers, and possibly not perceptible in the context of daily traffic flows, it would nonetheless be a significant increase.
9. When visiting the appeal property, I approached first from Builth Wells and turned right onto the U0071. On leaving the site, I took the U0055, turning right onto the A470 and heading towards Erwood. Returning to Builth Wells on the trunk road, I made a detour along the two unclassified roads, first turning left onto the U0055 and then, after travelling along the U0071, turning left from it back onto the A470.
10. Turning onto the unclassified roads from the A470 is not excessively difficult as visibility along them is adequate. The narrowness of the unclassified roads, particularly the U0071, makes it necessary, however, to slow down considerably and exercise great caution in making these manoeuvres. If a vehicle is approaching the A470 on either of the unclassified roads, drivers wishing to turn into them have no option apart from halting, waiting, and thus blocking the single on-going lane of the trunk road.
11. At the time of my visit - late morning on a weekday - there was a moderate flow of traffic on the A470. In using the junctions, I did not have to wait more than a few seconds for an adequate gap to occur between the passing vehicles. Nonetheless, the presence of stationary traffic on a single carriageway trunk road is likely to present a hazard to all road users. The risk would be increased when the road was busier, for example during holiday seasons.
12. Exiting the unclassified roads onto the trunk road is a more challenging operation, complicated by the acute angles at which they join. Turning to look behind over one's shoulder in order to find a suitable gap and then driving from a standstill onto a fairly fast-moving road is a difficult and risky manoeuvre. These are existing conditions and I am aware that there are no records of personal injury traffic accidents at these junctions

during the last twenty three years. Nevertheless, in the light of the substandard arrangements currently existing at the junctions, the increased number of traffic movements arising from the proposed development would result in an unacceptable increase in the risk of collision for road users.

13. The proposed development would not, therefore, ensure that highway safety for all transport users is not detrimentally impacted upon. Neither would it demonstrate that the strategic and local highway network could absorb its traffic impacts without adversely affecting the safe and efficient flow of traffic. The scheme would thus be contrary to Policy DM13 of the Powys Local Development Plan 2011 – 2026, adopted 2018. Moreover, the proposed development would not enable the safe and efficient flow of traffic for all transport users and would be inconsistent with LDP Policy T1.
14. During my visit, I did not attempt the very sharp turns to the left and right, onto and from, the UC0071, or those to the right and left, onto and from the UC0055. In my opinion, it would have been foolhardy and dangerous to do so, a concern which seems to be acknowledged by the usual, local usage of the junctions which avoids these movements. Had the proposal been permitted, however, these manoeuvres could be prevented by the installation of appropriate 'No left-hand/right-hand turn' signage on the trunk and unclassified roads.
15. The provision of additional passing places would be helpful to some extent. Being set back some distance from the junctions, however, they would not completely eradicate the potential for turning traffic having to wait on the trunk road.

Other Matters

16. I am aware that WG was consulted on an earlier, very similar if slightly smaller, proposal in December 2016 but did not find it necessary to issue a direction in that case. The fact that this was several years ago may explain in some part the inconsistency in WG's responses then and now. I appreciate that this shift in WG's position has been frustrating for the appellant. Even so, the existence of the earlier WG response is not a compelling reason for me to ignore the more recent WG objections.
17. It is not possible to control the number of occupants of a permitted dwelling. It is not, therefore, robust to base considerations on an assumed occupancy level, especially where this is significantly fewer than the number for which a dwelling has capacity. The same is so for the types of activity that visitors might undertake; a decision should not be made on the possibility of such occupiers staying in rather than exploring the local area.
18. As well as its nine bedrooms, the proposed dwelling would have eight shower or bathrooms and a small additional kitchen area on the first floor. It would thus be well-suited for use as holiday accommodation. The appellant has helpfully provided trip generation forecasts for holiday use of the proposed development which are marginally greater than those for residential use. I appreciate that there may be some difference in the ability of local residents and visitors to negotiate a challenging road network such as this safely. I do not consider, however, that the differences are sufficient to make the proposal acceptable for residential development and not for holiday accommodation.
19. With regard to the extant use, the site could be restored to full agricultural use although I have no evidence that this would be so. Due to their visibility to other road users and the high vantage point of their drivers, the use of the junctions by farm vehicles, whilst not ideal, is preferable to the use which would arise from the proposed development. In any event, the existing potential for use by agricultural vehicles is not a compelling reason for me to allow a proposal which I consider would result in increased hazard on the highway.

Conclusion

20. I have found that the proposed development would have a harmful impact on highway safety at the junctions and on the A470 trunk road in this area. I have taken all the matters raised into account but not found any which would outweigh that harm and justify approval.
21. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.
22. For the reasons given above, the appeal is dismissed.

Sian E Worden

Inspector
