
Appeal Decision

Site visit made on 21 August 2018

by Kevin Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2018

Appeal Ref: APP/R4408/W/18/3203140

Land to the north of Old Mill Lane, Old Mill Lane, Barnsley

- 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 Wayne Hadfield against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2017/0898, dated 30 June 2017, was refused by notice dated 21 November 2017.
 - The development proposed is formation of car park (requiring approval for change of use) and construction of new access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and replaces the first Framework published in March 2012. This change to national guidance is a material consideration and the main parties have been given an opportunity to comment on it. I have taken these responses into consideration.

Main Issue

3. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

4. The site is located on Old Mill Lane, a busy trunk road close to the centre of Barnsley. The entrance is between two railway bridges under which the road passes, on a steady slope downhill towards the roundabout with the A61. At the time of my visit, the site was not in use, and largely empty, save for two small cabins, a lorry trailer, and various debris and waste towards the rear, with a loose gravel surface.
5. The Council indicates use of the site as a car park without planning permission in the past. Two permissions were granted in 2008¹ and 2012² for the formation of access roads into the site, but neither granted a change of use of

¹ Ref 2008/0315

² Ref 2012/0952

the land. My attention is also drawn to an appeal decision in 2015³ for formation of a car park, which was dismissed.

6. The proposed car park would accommodate 120 cars. At this size, the daily movements to and from the car park would be significant and would add noticeably to traffic within the area. I observed Old Mill Lane to be a busy part of the strategic road network, forming part of a ring road around the town centre, and with a constant flow of traffic in either direction. The bridge abutments to either side of the entrance project into the street and serve to severely limit visibility in both directions, in particular rendering egress difficult.
7. To overcome this, it is proposed that the entrance on Old Mill Lane would be restricted to access only for drivers approaching from the direction of the Huddersfield Road junction and turning left into the site. The design of the access sweep is intended to prevent right turns in from Old Mill Lane, whilst exiting via this route would be prevented through the use of 'Alligator Jaws' traffic controls. A second access point, and the point of egress for all vehicles, is proposed via the access road of Barnsley College's Honeywell Campus, located beyond the boundary fence to the rear of the site.
8. The proposed Old Mill Lane access would be, in effect, a half bellmouth with a splay only for drivers making a left turn in. However, physically, this would not be particularly constraining for drivers attempting to make a right turn into the site. Given the lack of width on Old Mill Lane to form a filter lane for right turns, anyone waiting to turn right would obstruct following traffic. The appellant proposes that the Council could erect signage to prevent right hand turns into the site. That the appellant proposes signage indicates that the physical layout of the access would not, of itself, be sufficient to prevent right hand turns. In addition, as noted by the Inspector in the aforementioned appeal, without physical restrictions to right hand turning, such manoeuvres would be difficult to prevent and enforce.
9. The alternative entrance, via the college campus, would involve a circuitous and inconvenient route from Old Mill Lane through neighbouring streets, with traffic signals at the intersection with Huddersfield Road, and at the bridge on Honeywell Lane. Therefore, I share the Council's concern that the access arrangement would lead to some drivers making U-turns in nearby bellmouths, in order to approach from the left, or to them obstructing traffic in order to turn in from the right. Both of these scenarios would be hazardous to the safe and free flow of traffic on this strategic route.
10. The Council also refused permission on the basis that there is no evidence of a right of way being secured over the College's land for the site's access and egress, nor a guarantee it would be available in perpetuity. The appellant in response states that without the agreement of the adjoining landowner, any permission granted could not be implemented, and therefore no harm would arise to highway safety. Be that as it may, my attention is drawn to the objection from Barnsley College, which states clearly that permission has not been sought or given. In the absence of a viable exit via the college campus, the proposal would fail to provide a workable and safe system of access and egress, and this adds to my overall concerns.

³ Appeal Ref: APP/R4408/W/15/3004608

11. The question of third party permission aside, I saw that the campus access road is a low speed, internal cul-de-sac which includes speed bumps and pedestrian crossings. The access to the car park would create significant through traffic on a road not used for this purpose, and one frequented by pedestrians. The additional traffic created would therefore increase the risk to the safety of pedestrians and other road users within the college campus.
12. For these reasons, I find that the proposal would not provide safe means of access and egress to either Old Mill Lane or Honeywell Lane via the college campus, and would cause significant harm to highway and pedestrian safety. The proposal would therefore conflict with Policy CSP 26 of the Barnsley Local Development Framework Core Strategy (September 2011) which requires new development to be designed and built to provide safe, secure and convenient access for all road users. The proposal would furthermore conflict with the similar requirements at paragraph 108 of the Framework.
13. In reaching my decision, I acknowledge that the site was identified as having potential to accommodate a car park under saved Policy TC58/10 of the Barnsley Unitary Development Plan (December 2000). This was dependent on a suitable access being achieved, which I have found the proposal would not provide. The facility provided by the car park, whilst likely to be well used given its central location, does not therefore outweigh the harm to highway safety.
14. I also acknowledge that the proposal would provide three part-time jobs (one full-time equivalent), but this would be a very limited economic benefit which would not outweigh the harm I have found.
15. I also accept that past proposals for access to the site have been granted by the Council. However, these were for proposals which would not generate the significant vehicle movements the car park would, or they included physical alterations to the road layout to achieve required visibility splays, which are not proposed here. The past permissions do not therefore provide justification for this proposal, which I have considered on its own merits.
16. I also note support from an interested party who suggests the car park would be a useful facility for students of Barnsley College and would alleviate parking problems and speeding on Honeywell Lane. These potential benefits would not however overcome the harm I have identified in respect of the main issue. Indeed, I have found that the proposal would lead to an increase in traffic on Honeywell Lane, due to it being one point of access and the sole point of egress for the car park.
17. Finally, I note comments relating to disagreements between the parties. These are unrelated to the planning merits of the case and have not had a bearing on my decision.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Kevin Savage

INSPECTOR