
Appeal Decision

Site visit made on 5 May 2015

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 18 May 2015

Appeal Ref: APP/R4408/W/15/3004608

Land at 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 Chris Clayton against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2014/0315, dated 17 March 2014, was refused by notice dated 17 December 2014.
 - The development proposed is the formation of car park.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The use of the appeal site as a car park is already taking place and I have determined the appeal on this basis.

Main Issue

3. The main issue in the appeal is the effect of the development on highway safety.

Reasons

4. The appeal site is located on a main road leading to and from Barnsley town centre, with the entrance being situated between two railway bridges that cross the road. The Council have indicated that prior to the land being used as a car park, there was a single track access onto the site which was used on an infrequent basis. Permission was granted in 2008¹ and in 2012² for the construction of a site access road but this was not associated with any change of use of the land. Both these permissions were subject to a condition requiring sight lines with dimensions of 2.4m x 90m being provided at the junction.
5. The use of the site for a car park will attract a significant level of traffic movements in and out of the site. The signage on the site indicates that the car park is predominantly marketed as an “all day” car park and as such the majority of the movements into and out of the site will take place in the morning and evening peak periods. Whilst the application form states that the

¹ Application Reference 2008/0315

² Application Reference 2012/0952

- car park will accommodate 48 spaces, the plans show 60 spaces. However, at the time of my site visit I noted that over 150 cars were parked on the site.
6. Old Mill Lane is a heavily trafficked road that forms part of the strategic highway network. Visibility at the current access is limited by the bridge abutments on either side of the site. The revised plans indicate that visibility splays of 2.4m x 60m in an easterly direction and 2.4 x 43m in the westerly direction can be provided if the carriageway near the site is reduced to 7.3m in width. The appellant has noted that this conforms to the requirements within Manual for Streets (MfS), although the Council have noted that this is only the case as it is based, incorrectly, on measurements to the centre of the carriageway not the kerb line.
 7. Be that as it may, the 'Status and Application' section of MfS makes it clear that it focuses on lightly-trafficked residential streets, and that it does not apply to the trunk road network. The design requirements for trunk roads are set out in the Design Manual for Roads and Bridges, which for a road of this type requires a minimum visibility splay of 2.4m x 70m. The visibility splays proposed at the junction fall far short of this requirement.
 8. Even if the car park only provides the 48 spaces stated on the application form, the level of traffic movements created by a car park of this size are significant and are considerably greater than the previous use of the site. Given this, and in particular, the fact that many of these occur when the road network is at its busiest, I consider that without adequate visibility splays at the junction, the use of the land as a car park would be detrimental to highway safety.
 9. Moreover, in the vicinity of the site, Old Mill Lane is not of sufficient width to accommodate any dedicated right hand turning feature for the car park. As a result vehicles wishing to turn right prevent the free flow of traffic on this part of the strategic highway network, which also harms highway safety. I note the appellant's suggestion that legislation and signs could be used to prohibit right hand turns into and out of the site. However, without any physical restrictions to such movements, the prohibition of such movements would be difficult to enforce.
 10. Overall, I consider that the development does not have an adequate and safe access and so it is detrimental to highway safety. Accordingly it conflicts with Policy CSP26 of the Barnsley Core Strategy (adopted July 2011) which requires development to be provided with safe, secure and convenient access for all road users.
 11. The appellant has suggested that other junctions on Old Mill Lane that serve larger sites do not have adequate visibility. However, I have not been provided with the details of any such junctions and the types of uses they serve, so cannot be sure that they represent a direct parallel to those which apply in this appeal. In any case, I have reached my own conclusion on the appeal scheme on the basis of the evidence before me.
 12. For the reasons outline above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR