



Appeal Decision

Site visit made on 19 May 2003

by **Bill Munday** BTP MRTPI MRICS

an Inspector appointed by the First Secretary of State

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Date **18 JUL 2003**

Appeal Ref: APP/U2235/A/03/1109306

Former Southern Water Pumping Station, Dean Street, East Farleigh, Maidstone

- 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 D Webb against the decision of Maidstone Borough Council.
- The application (ref: MA/02/0898), dated 24 April 2002, was refused by notice dated 30 August 2002.
- The development proposed is conversion and extension of existing pumping station with change of use to holiday cottage.

Summary of Decision: The appeal is dismissed.

Main Issue

1. I consider the main issue to be the implications for the safety of traffic on Dean Street and Workhouse Lane and users of the proposed access.

Planning Policy

2. The development plan for the area includes the Kent Structure Plan 1996 and the Maidstone Borough-Wide Local Plan 2000. The Structure Plan Policies which I consider to be of most relevance are RS1 and RS5. RS1 requires, amongst other things, that development in the open countryside should be acceptable in highway terms. RS5 allows the reuse of existing rural buildings, where the change is acceptable on environmental, traffic and other planning grounds.
3. Local Plan Policy ENV44 also enables the reuse of rural buildings, for purposes including tourism, subject to various criteria; including (pertinent to this appeal) that the traffic generated by the proposed use should be capable of being safely accommodated by the site access and the local road system.

Reasons

4. The site is located at the junction of Dean Street and Workhouse Lane with its access on the Dean Street frontage. There are no footpaths at the junction. At the time of my visit, the site had been largely cleared of vegetation and covered with hardcore. The visibility northwards from the existing site access, along Dean Street, is in my opinion seriously deficient, being limited by the alignment of the road and field boundaries. It is also limited to the east, along Workhouse Lane, although I consider this to be less critical because traffic approaching the junction along Workhouse Lane would, of necessity, be slow moving. Visibility to the south-west along Dean Street is satisfactory.
5. The Council have referred to traffic counts, which indicate that Dean Street is fairly busy,

to traffic speed surveys, and also to accident records which indicate that there have been two recorded injury accidents at this junction. This evidence, combined with my own observations in relation to visibility, reinforces my view that the site access is in a hazardous position.

6. The appeal proposal involves widening the existing access, providing a turning facility within the site, and adjusting the line of the (now removed) hedgerow to improve visibility. However the critical sight line to the north would remain poor, and as the Council point out, does not comply with the standard set out in "Places, Streets and Movement". In my view, therefore, movements of vehicles into and out of the access would be dangerous with a potential for collisions.
7. The appellant makes the point that vehicles accessing the site in connection with its previous use would have needed to make a reversing movement when either entering or leaving it. However, I consider that the proposed use of the site would be likely to generate significantly more vehicle movements than the past use as a pumping station, and overall this would increase the likelihood of hazardous situations arising. Other factors which I consider could create further hazards are the possibility of unfamiliar drivers looking for the site and making unpredictable movements, and occasional visits involving a second vehicle, which might occupy the turning area or result in on-street parking near the junction.
8. I therefore conclude on the main issue that the proposal would result in hazardous conditions for traffic on Dean Street and for users of the proposed access. As such, the proposals would conflict with the policy provisions of the Structure Plan and Local Plan as mentioned above.

Other Considerations

9. I have considered the views of local residents, including concerns about the impact of the proposal on the rural character of the area. Conversely, the appellant considers that if permission were to be granted, this would result in a visual improvement to the site, and remove a cause of anti-social behaviour. I accept that the proposal would have the benefit of bringing a building into a positive use, which might otherwise become derelict. In my assessment, these matters do not carry sufficient weight to outweigh my conclusions in relation to the main issue, or on the other hand, add significant weight to them.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

11. In exercise of the powers transferred to me, I dismiss the appeal.

Information

12. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



INSPECTOR