

Appeal Decision Notice

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Decision by Malcolm Mahony, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/250/2021
- Site address: Langlees, Backmuir of Pitfirrane, Lundin Rd, Crossford
- Appeal by Mr and Mrs Wylie against the decision by Fife Council
- Application for planning permission 09/01207/WFULL dated 22 May 2009 refused by notice dated 31 July 2009
- The development proposed: conversion of former agricultural building to dwellinghouse
- Date of site visit by Reporter: 21 January 2010

Date of appeal decision: 15 February 2010

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issue in this appeal is road safety at the junction between the access road to the site and Lundin Rd.
2. The proposal satisfies the council's housing and design policies and there has been no objection to any matter other than that of road safety.
3. The precise wording of policy T5 of the Dunfermline and The Coast Local Plan is for the council's Transportation Development Guidelines to apply "in" all new developments rather than at nearby junctions. That wording is perhaps unfortunate, but strictly speaking the result is that this policy is not applicable to the appeal case. However, that does not mean that the guidelines should not carry substantial weight in instances such as this. Good practice for any proposed development includes assessment of impacts at road junctions outwith the site.
4. A narrow private access road serves the existing dwelling at Langlees and the adjoining brick built, largely redundant agricultural building which is proposed for conversion to a 3 bedroom dwellinghouse. The access road also serves 3 other dwellings. It is hard surfaced, including near the junction with Lundin Rd.

5. Lundin Rd connects the village of Crossford to the A907 road on the outskirts of Dunfermline. Because of these connections and proximity to the urban area, the road can be expected to (and in my brief experience does) carry a reasonable amount of traffic for its type. It is a winding country road subject to the national speed limit. At various points, road signs and road markings indicate bends and advise traffic to go slowly. Hedges and other roadside features tend to reduce forward visibility.

6. Because the geometry of the road is likely to reduce vehicles speeds to around 40mph, the roads authority was prepared to accept a reduction in its standard for this junction to 2.5m by 110m in each direction. The authority then agreed with Mr and Mrs Wylie's agent that visibility from the junction in a northerly direction was acceptable in relation to that standard. In a southerly direction, however, both sides have agreed that visibility falls short of the standard. The hedge along the adjacent field boundary restricts visibility to some 2.5m by 65m by the Transport Officer's measurement. The agent's measurement is 2.5m by 75m. Mr and Mrs Wylie have been unable to secure suitable control over the land where the hedge runs in order to improve that level of visibility.

7. Although the additional traffic which would be generated by erecting one more house on the access road would be limited, it would make an already seriously substandard junction (whichever of the above visibility measurements is taken) less safe.

8. The appellants say that they intend to live in the new house in order to be on hand for Mr Wylie's parents in Langlees, because his father suffers from health problems. That, they say, would reduce the additional traffic over the present situation where they are visiting regularly. I am sympathetic to Mr and Mrs Wylie's situation, but the erection of a new house and its effect on road safety has to be considered in the long term rather than in relation to current family arrangements, which may change. I am not persuaded that the suggestion of an occupancy condition would be appropriate, or that it would reduce the additional traffic to an acceptable level.

9. I am informed that about 15 years ago, Langlees used to be a chicken farm. At that time large lorries would use the access and junction on a regular basis. The agent claims the junction performed satisfactorily at that time. However, I consider that the junction must be assessed in relation to current circumstances.

10. I acknowledge that the proposal would bring about the beneficial use of the redundant building. I note the argument that permission could incorporate a condition to require the proper maintenance of the present visibility splay for the benefit of all users. But that would be difficult to enforce and would not address the substandard dimensions of the splay. I also note the absence of recorded road accidents near the junction, but I am aware that not all incidents are reported or recorded, and consider it would be unsound to wait for accidents to demonstrate an already obvious shortcoming. The agent has suggested that additional road signage could be put in place to warn of the junction. But such warnings should be a last resort for an existing hazard rather than to deal with new development

which would accentuate the problem. Therefore, having carefully assessed these points, I consider that they are insufficient to offset or over-ride the clear potential harm to road safety in this location.

This is a true and certified copy as issued to parties on 15 February 2010

MALCOLM MAHONY
Reporter



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