



Appeal Decision

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 14/08/2023

Appeal reference: CAS-02617-T1T1N6

Site address: Murton Day Centre, Murton Green Road, Murton, Swansea SA3 3AT

- 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 Anthony Jones against the decision of the City and County of Swansea Council.
 - The application Ref 2022/2376/FUL dated 4 January 2023, was refused by notice dated 8 February 2023.
 - The development proposed is 'Use of car park as a farmers market for up to two days a calendar month'.
 - A site visit was made by the Inspector on 10 July 2023.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Anthony Jones against the City and County of Swansea Council. This application is the subject of a separate Decision.

Procedural Matters

3. I have used the description of the development given on the appeal form as it is more concise. The appellant indicates that it was always the intention to use only a part of the car park for the market. Nonetheless, it is clear on the application form and the submitted plans that the entire car park would be used for the proposed market and stall holders in dry weather with the car park closed to all visitors. During wet weather, the associated hall would be used for stalls, meaning that the car park would remain available as normal. I have determined the appeal on this basis. Whilst there is reference to the market taking place on the village green, this falls outside the application site boundary and the description given in the application. This does not therefore form part of my assessment.

Main Issue

4. This is the effect of the proposal on highway safety.

Reasons

5. The appeal site is a large car park serving a community centre and associated outdoor open space and recreational facilities. On the occasions when the market would take place inside the community centre, the car park would be available for parking as usual, and the proposal would be acceptable in this regard. However, when the market would take place in the car park there would be no off-street parking available for visitors to the market or for other users of the adjacent recreational area. In these circumstances, visitors would be required to find alternative areas to park which might include along the grass verges on the adjacent road or in the nearby residential area.
6. I accept that some visitors would be on foot, but there would invariably be visitors drawn from a wider area who might choose to arrive by car. The proposal would therefore lead to a risk of parking congestion on the main road and/or in the nearby residential area that would cause disruption to the free and safe flow of traffic. Visitors attending the market by car would also be likely to slow down and/or stop in the highway to drop off passengers. This would further add to congestion and disruption to traffic flow. I do not dispute that the Community Council takes health and safety seriously, and that it is intended to carry out risk assessment and rope off certain areas. However, most of the highway risks would occur on the adjoining highway, beyond their control.
7. My attention is drawn to other markets taking place in Swansea; however, each will have its own set of circumstances individual to that site. In this case, there would be a significant risk to highway safety which would not be justified by the occurrence of markets in different locations elsewhere. I also do not consider that a one-off annual community fireworks event or the temporary use of the car park for construction vehicles is the same as a market taking place on a regular basis. I have therefore determined this appeal on its own merits.
8. I conclude that the proposal would be harmful to highway safety interests, contrary to Policies T 1 and T 6 of the Swansea Local Development Plan.

Other Matters

9. I acknowledge that the proposal would generate much needed revenue for the Community Council, and that it would be in the spirit of promoting community cohesion and improving the local economy. However, there is no evidence that the appeal scheme is the only means by which to achieve these objectives. Road safety is a material planning consideration, and the harm I have identified would be significant. These considerations do not therefore lead me to alter my decision.

Conclusions

10. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.
11. 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.

P J Davies

INSPECTOR