

Appeal Decision

Site visit made on 9 January 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 3 February 2017

Appeal Ref: APP/M3645/W/16/3156077

17 Copthorne Road, Felbridge, East Grinstead, RH19 2NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Sampsons Cay Ltd and Abbey Development Ltd against Tandridge District Council.
 - The application Ref TA/2016/629 is dated 13 April 2016.
 - The development proposed is an access road from Copthorne Road to serve permitted residential development within Mid Sussex District.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site visit was arranged as an 'access required site visit'. However, at the time of my visit there was no one available to provide access to the site. Nevertheless, I am satisfied that I was able to see everything I needed to determine the appeal unaccompanied and I have therefore proceeded on this basis.
3. The appeal site is located in the Green Belt. However, as the appeal concerns only an access it would not be inappropriate development. Accordingly, there is no need to address matters pertaining to Green Belt in any further detail.

Main Issue

4. The Council have set out their objections to the proposal in their appeal statement. Based on this I consider the main issue in this appeal to be the effect of the proposed access on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

Background

5. The appeal site is a small area of land to the front of 17 Copthorne Road. This land is associated with a larger piece of land to the south which falls within Mid Sussex District Council. In 2012 planning applications were submitted to Tandridge and Mid Sussex, District Councils for the erection of 26 new residential dwellings on this site, which included an access to the development via the appeal site onto the Copthorn Road. Both were granted planning permission. Pre-commencement conditions were attached to the Tandridge
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permission requiring the realignment of Copthorn Road and the provision of visibility zones.

6. A section 73 appeal was made to Tandridge District Council to vary these conditions to allow for an extension of time for the implementation of the works. This was refused and an appeal was submitted. However, by this time, as the relevant conditions had not been discharged before the expiry date of the permission it was considered to have expired and consequently the appeal could not proceed.

Highway Network

7. The proposal before me now is for planning permission for the access only. It comprises an improved simple priority junction onto Copthorne Road and a 5.5m length of access road. The drawings also include details of local realignment of Copthorne Road in the vicinity of the access to provide appropriate visibility. These details were previously to be discharged by condition. Although I note the planning history of the site, there is no longer a 'fallback' position in respect of the previously approved residential development here, and matters, including local highway conditions, will have moved on since that time. Under a section 78 appeal I am entitled to consider highway matters afresh, despite the fact that the appellant has entered into a section 278 agreement to make the proposed alterations/improvements to the highway.
8. The Council's Transport Statement of Case sets out that the highway network which would support the new access is very congested, particularly the London Road/Copthorne Road junction, located just to the east of the site. During peak periods it is stated that there is severe congestion and queuing traffic. Typical traffic conditions shown on Google Traffic during November 2016 indicate queues of over 100 passenger car units (pcus) on the Copthorne Road in the am peak and over 200 pcus in the pm peak. The Council therefore consider that this section of road is at saturation and there is no spare capacity for additional development. Comments received from local residents support these findings.
9. A development of around 26 houses, such as that which is likely to be served by the proposed access, would generate a number of vehicle movements which, in the context of the existing highway conditions on the Copthorn Road, would be significant and would have severe implications in respect of the safe and efficient operation of the adjacent highway network. As set out in paragraph 32 of the National Planning Policy Framework (the Framework), developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. This is to enable decisions to take account of, amongst other things, whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
10. An updated Transport Statement/Assessment does not accompany this appeal. Whilst a Transport Statement was submitted with the original planning application for the residential development this is now over four years old, and in any event, is not before me. Furthermore, as noted previously, matters, including local highway conditions, will have moved on since that time. In the absence of an up-to-date Transport Statement or Assessment I cannot be satisfied that the proposed access would not have a severe adverse effect on

the safe and efficient operation of the highway network in the vicinity of the appeal site. I therefore find conflict with the Framework in this respect.

Other Matter

11. The Council also raised concern with respect to the effect of the development on the Ashdown Forest: Special Protection Area, Special Area of Conservation and Site of Special Scientific Interest. Although the Council refer to two development plan policies in respect of such matters I have not been provided with these. Furthermore, as I understand, no suitable mitigation is available at this time. Notwithstanding the above, given my findings in respect of the main issue in this appeal it is not necessary for me to reach a finding on this matter as it could not lead me to a different decision.

Conclusion

12. On the evidence before me I cannot be satisfied that the proposed access would not have a severe adverse effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. Whilst I can sympathise with the appellant's frustration in respect of apparent delays on the part of the Council in determining their application, this does not outweigh the harm I have found. Therefore, having had regard to all matters raised, the appeal is dismissed.

Hayley Butcher

INSPECTOR