

Appeal Decision

Site visit made on 23 February 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 06 March 2017

Appeal Ref: APP/Y3940/D/16/3164533
40 The Street, Hullavington SN14 6DU

- 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 C Rawlinson against the decision of Wiltshire Council.
 - The application Ref 16/06542/FUL, dated 5 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is creation of a new vehicular access onto a classified road.
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Decision

1. The appeal is allowed and planning permission is granted for creation of a new vehicular access onto a classified road at 40 The Street, Hullavington SN14 6DU in accordance with the terms of the application, Ref 16/06542/FUL, dated 5 July 2016, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 1000, 3001, 3002 and 3020.
 - iii) The access hereby approved shall not be brought into use until visibility splays have been provided as shown on drawing 3002. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.9 metres above the level of the adjacent carriageway.

Application for costs

2. An application for costs was made by Mr C Rawlinson against Wiltshire Council. This application will be the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed access on highway safety on The Street.

Reasons

4. The proposal would provide a second vehicular access for the property. This is stated as being in connection with making vehicular access for proposed new stables on the site easier. Those stables, for private use, have been granted planning permission. Whilst not completed, the Council has confirmed that that permission remains extant and so is a material consideration.
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5. The opening in the front boundary wall necessary to enable the access has already been formed. The wall either side has also been lowered to enable the proposed visibility splays. These works have been completed under permitted development rights.
6. The visibility from the proposed access would be shorter than for the existing access due to the bends in the road both to the north and south. However, I note from the evidence submitted, including a highway statement and the conclusions of the Council's Highways Officer, that adequate splays and forward visibility would be achieved taking account of the vehicle speeds and the generally fairly low traffic volume on the road. Based on that evidence and my, albeit snapshot, site visit observations, and no substantive evidence to support claims to the contrary, I have no basis upon which to come to a different conclusion.
7. In still serving only No 40, it would be unlikely that the introduction of the proposed additional access would result in a material increase in vehicular activity to and from the site from that which could already occur were the extant stables permission fully implemented. Due to that, and the fairly good degree of separation between the existing and proposed accesses, it would also be unlikely that conflicting vehicle movements would occur, resulting from both accesses being in use.
8. I have had regard to concerns raised about the access enabling a more intensive use of land to the rear of the site, including housing, or for another dwelling on the site itself. However, I have received no substantive evidence pertaining to any such proposals. In any case, the suitability of the proposed or any other access to serve a future development requiring planning permission would need to be assessed on its own merits.
9. The use of the proposed access would also have the benefit of improving pedestrian inter-visibility due to the lower wall either side compared to those higher ones relating to the existing access, in particular that to the north fronting the adjacent property which is out of the control of the appellant. I have no substantive basis to consider that the fairly wide proposed drive would encourage significantly faster movements along it in terms of the safety of pedestrians at the proposed footway crossover, particularly as there would be a good level of inter-visibility.
10. I note concerns raised about the narrowness of the road in terms of enabling vehicles with horse trailers to easily turn in and out of the proposed access. However, I have received no substantive evidence to indicate that any such movements would be likely to pose a risk to highway safety, again especially due to the generally fairly low traffic speeds and volume along that road.
11. No clear turning area is shown on the plans in relation to the proposed driveway. However, I note that there would be a significant amount of space either side or beyond the end of that drive to enable such provision if necessary, so as to prevent the need for reversing onto the road.
12. For the above reasons, the proposed access would be unlikely to pose a risk to highway safety on The Street. As such, it would accord with Core Policy 61 of the Wiltshire Core Strategy which, in respect of this issue, requires the provision of safe access to the highway network. It would also accord with paragraph 32 of the National Planning Policy Framework which amongst other

things states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

13. I note concerns raised about the effect of the loss of part of the front wall to enable provision of the proposed access. However, those particular works have been carried out under permitted development rights. Furthermore, I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the nearby listed buildings (the LBs) at Nos 36 and 61 The Street. However, again, as the works to the wall are permitted development, the provision of the access alone would have very limited visual impact. I am therefore satisfied that the development would preserve the setting of the LBs.
14. The Council has suggested four conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended some of the wording and omitted one.
15. The standard time condition is required in this case and for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required.
16. The third suggested condition relates to the development not commencing until the previously approved stables on the site have been completed, to prevent an unnecessary access onto a classified road and in the interests of highway safety. Regardless as to whether or not the access would be necessary, whether the stables are built or not, crucially I have found that it would be unlikely to pose a risk to highway safety. Furthermore, as I previously referred to, any future development requiring planning permission would require assessment as to the suitability of that or any other access for the purposes required, on its own merits. For these reasons, that suggested condition would not be necessary or reasonable.
17. The Council, in its fourth suggested condition, includes specific reference to the visibility splay distances. However, it also refers to them extending to points on the edge of the carriageway which is inconsistent with the conclusions of the Council's Highways Officer relating to the acceptability of it extending to a point 1 metre into the carriageway. For clarity I have therefore referred instead to the submitted plan showing the proposed visibility splays.

Conclusion

18. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR