



Appeal Decision

Site visit made on 27 June 2017

by David Walker MA MRTPI

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

Decision date: 25th July 2017

Appeal Ref: APP/Q3115/W/17/3170611

Land to the north of the A4130 (Oakley Wood)

- 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 Darren Coope against the decision of South Oxfordshire District Council.
 - The application Ref P16/S2811/FUL, dated 16 August 2016, was refused by notice dated 14 December 2016.
 - The development proposed is the creation of a new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a new vehicular access at land to the north of the A4130 (Oakley Wood) in accordance with the terms of the application, Ref P16/S2811/FUL, dated 16 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location & Block Plan drawing No.161404/01 Revision B, and Technical Note ref TW/RH/ITB12255-001 TN.
 - 2) Within 3 months of the grant of this permission the proposed means of access onto the A4130 is to be fully formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
 - 3) Within 3 months of the grant of this permission the proposed vision splay shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the local planning authority and the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.
 - 4) Any gates provided shall be set back a minimum of 9.0 metres from the edge of the carriageway and shall open inwards into the site. The details of the gates and related fencing proposed to be installed in connection with the creation of the access, of an open agricultural design and appearance, shall be submitted to and approved by the local planning authority prior to installation. Thereafter the gate and fence shall be maintained as approved except with the permission of the local planning authority, notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order).

Application for costs

2. An application for costs was made by Mr Darren Coope against South Oxfordshire District Council. This will be the subject of a separate Decision.

Main Issue

3. The main issue in the appeal is the effect of the use of the proposed access on the safety of users of the A4130.

Reasons

4. The appeal site is small parcel of land with no existing vehicular access and surrounded by land in other ownership where it does not bound the A4130. There are accordingly safety risks with accessing the land currently, even if only for maintenance purposes. The proposal would achieve a gated entrance over a tarmac drive with egress radii.
5. It was apparent at my site inspection that the A4130 at this location is subject to frequent and fast moving vehicles. Moreover, anecdotal evidence from the members of the Council's planning committee, Nuffield Parish Council and other interested parties has indicated that traffic speeds exceed the prevailing 60 mph national limit.
6. Local concerns are not borne out in the traffic survey data provided. This shows that the 85th percentile speed in both directions was below the limit. Additionally, accident data obtained from the local highway authority shows no injury accidents over a five-year period. I have nothing before me to indicate that a longer period is required.
7. With other agricultural accesses along the stretch of road there would be an expectation from other road users of the possibility of slow moving vehicles joining the highway. It is significant that good visibility splays can be achieved in both directions. Approaching traffic would therefore be afforded reasonable forward visibility toward any vehicles turning into or waiting at the access.
8. From the available evidence therefore a safe access onto the A4130 could be achieved, bringing the proposal into accord with Policy T1 of the South Oxfordshire Local Plan 2006. I acknowledge the history of other applications for an access being refused but have determined the appeal on its merits and in the light of the available evidence and prevailing policies.
9. The appeal site also falls within the Chilterns Area of Outstanding Natural Beauty where the small scale of the works would conserve the landscape and scenic beauty of the designated area.
10. The appeal being allowed, a condition is necessary to identify the approved plans and documents in the interests of certainty. The development having already commenced additional conditions are necessary to ensure that a safe access of suitable construction and with appropriate visibility splays is completed within three months of the grant of permission. To prevent the possibility of vehicles waiting in the highway a condition preventing the installation of any gates or enclosures within 9 m of the edge of the carriageway is also required.

Conclusions

11. For the reasons given above I conclude that the appeal should be allowed.

David Walker

INSPECTOR