



Appeal Decision

Site visit made on 17 September 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2019

Appeal Ref: APP/J1535/W/19/3232717

270 High Road, North Weald Bassett, Epping CM16 6EF

- 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 Lewis Concadoro against the decision of Epping Forest District Council.
 - The application Ref EPF/0568/19, dated 2 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is for the installation of a sliding gate within boundaries of shared driveway.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is situated within the boundaries of the Metropolitan Green Belt. The Council has not raised concerns in its refusal reason to the inappropriateness of the development or the limited impact it would have upon openness. I have therefore determined the appeal on this basis and dealt solely with the matter that is in contention.

Main Issue

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

Reasons

4. The proposed sliding gate would be sited within the existing access positioned centrally between 270 and 272 High Road (the B181). The B181 is classified as a Main Distributor route as its primary purpose is to carry traffic safely and efficiently between major centres within the County. At the time of my visit I noted that the route was well-trafficked.
5. The evidence before me appears to suggest that there would be space between the edge of the carriageway and the proposed gate for a vehicle to park clear of the carriageway whilst the proposed gate is opened. However, this would necessitate parking parallel with the carriageway on the footpath, which would be an inconvenience and safety risk to users of the footpath who would be likely to need to enter the carriageway to navigate around parked vehicles. However, there would be insufficient depth to accommodate a vehicle perpendicular to and clear of the footpath and carriageway. Vehicles would therefore be likely to be required to wait stationary within either side of the

carriageway to enter the site whilst the proposed gate is opened. This would impede the flow of traffic along this stretch of the B181 and represent a danger to users of the highway and to those who access the site.

6. Whilst I accept that vehicles will be slowing or stopping elsewhere in the locality, it is the circumstances affecting the safety of the users of the B181 within the vicinity of the appeal site that is before me. Furthermore, existing visitors and those making deliveries to Nos 270 and 272 may choose to park to either side of the carriageway. However, the proposals would increase the likelihood of such actions as the access would be likely to be closed to persons other than occupants of Nos 270 and 272.
7. Whilst I appreciate that the gate is required for safety and security reasons, there is nothing before me to suggest that other options have been explored, particularly alternative means of enclosure within the site and video surveillance. In addition, I recognise that there are other tall gates locally and further afield, however, I am not aware of the full circumstances of those cases or the policies that may have applied at the time of their consideration. In any event, I have determined the appeal scheme on its individual planning merits and the existence of other gates would not justify the harm that I have identified.
8. For the reasons outlined above, I conclude that the proposed development would have a significantly detrimental effect on highway safety. Hence, the proposals would not accord with Policy ST4 of the Epping Forest District Local Plan and Alterations (1998 and 2006) and Policy DM1 of the Essex County Council Development Management Policies (Adopted February 2011). Together these policies seek to ensure that development proposals will not create a significant potential risk or be detrimental to the safety of the highway network. The proposals would also conflict with Paragraph 109 of the National Planning Policy Framework 2019, which suggests that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety.
9. I have not found against Policy T2 of the emerging Epping Forest District Local Plan Submission Version 2017, as this relates to land required for proposed transport schemes and the loss of local filling stations and car repair facilities. Furthermore, the Council has not provided any substantive evidence to demonstrate that there would be any conflict with the policy in these respects.

Other Matters

10. The appellant has suggested that it is possible to erect a gate equivalent to or less than one metre in height without the need for planning permission¹. However, I have no substantive evidence to indicate that there is a significant probability that the lower gate would be constructed should this appeal be dismissed. This limits the weight that I can attach to this as a fallback position. Even if the lower gate were to be a fallback position, the distance between either gate and the highway and its effect on highway safety would be identical so this would not alter or outweigh my conclusion on the main issue.

¹ Within the limits set by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusion

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

Paul Thompson

INSPECTOR