



Appeal Decision

Site visit made on 11 November 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/L3245/W/19/3235647

Land South of Ash Hall, Ash Magna, Whitchurch, SY13 4DR

- 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 Ricsan Homes Ltd against the decision of Shropshire Council.
 - The application Ref 19/02252/FUL, dated 16 May 2019, was refused by notice dated 17 July 2019.
 - The development proposed is the removal of footpath in front of plots 1 to 6 from development (previously approved as 2m wide under applications 14/03484/out and 18/01586/rem) and provision of grass verge strip to site frontage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The approved footpath would extend across the frontages of Plots 1-6 and provide a link to the village facilities, including the village hall, tennis court and bowling green. Whilst not physically linking existing footways, it would provide greater accessibility to facilities for the occupants of dwellings to the west of the site, whom currently would have to cross the busy Ash Road. Overall, I consider that a footway is important in the interests of pedestrian safety, not just that of the future occupants of the approved dwellings.
4. It is proposed that the footway as approved would be replaced with level reinforced grass verges between the driveways of the properties that would be accessible for all. The appellant confirms that the grass verges would be maintained by the occupants of the dwellings. However, there is no certainty that they would be maintained. Furthermore, in inclement weather, the verges may become too muddy and inaccessible for all users, particularly if they are not maintained, and therefore they would be encouraged to travel along the road itself to avoid the inaccessible verges, which could result in them coming into conflict with other road users.
5. Should the proposed footway become inaccessible for all, occupants of the approved dwellings could utilise the footway on the opposite side of the road. However, this would require pedestrians wishing to use the village facilities having to cross the road twice to access them. Existing residents to the west of the site would have to do this at present. However, the proposal would

- likely result in a significant increase in the number of people crossing the road, thus resulting in a significant increased risk of conflict with other road users.
6. I acknowledge that the proposed footway would have less of an effect on the character and appearance of the village, with it being more aesthetically pleasing. However, I do not consider that this outweighs the harm I have identified above.
 7. The appellant has referred me to an appeal decision elsewhere in respect of the financial burden of the approved footway. Whilst I have not been provided with a copy of the appeal decision, having been the appointed Inspector I am aware of the case. However, the issues in that scheme were not similar to those in the current appeal. Moreover, based on the evidence before me, in the interests of highway safety, there is justification for the footway and for it to be tarmacadam.
 8. I find therefore that the proposed footway would have an unacceptable effect on highway safety, contrary to Policy CS6 of the Shropshire Core Strategy 2011, which seeks to ensure that all development is designed to be safe and accessible for all. It would also fail to accord with the National Planning Policy Framework, which seeks to ensure that development creates places that are safe, secure and attractive – which minimises the scope for conflicts between pedestrians, cyclists and vehicles.

Conclusion

9. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR