



Appeal Decision

Site visit made on 9 March 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/Q3305/W/19/3242457

Fair View, Stoke Hill, Stoke St Michael, Shepton Mallet BA3 5JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Nick Brownlow against the decision of Mendip District Council.
 - The application Ref 2019/0652/OTS, dated 23 March 2019, was refused by notice dated 6 June 2019.
 - The development proposed is erection of a single storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey dwelling at Fair View, Stoke Hill, Stoke St Michael, Shepton Mallet BA3 5JJ in accordance with the terms of the application, Ref 2019/0652/OTS, dated 23 March 2019 and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application is submitted in outline with all detailed matters, except for access, reserved for a subsequent reserved matters application. An indicative layout (drawing A219/03/12a) accompanies the outline planning application. I have taken this into account in so far as establishing whether or not it would be possible, in principle, to erect a detached dwelling on the site.

Main Issue

3. The main issue is the effect of the proposal on highway safety, in particular whether the proposed access would provide adequate access for both vehicles and pedestrians, and the adequacy of the visibility splays.

Reasons

4. The appeal proposal would involve the erection of a detached single storey dwelling within the existing garden of Fair View. Access to the property would be along the existing access track that currently serves the house. Part of the route comprises a currently unmade private track, with the remaining element, up to Stoke Hill comprising a tarmacked, single width lane. The tarmacked element also serves approximately five other existing dwellings.
5. The junction of the access is on a part of Stoke Hill which rises in a westerly direction. At the bottom of the hill is the centre of village where there are a number of pubs and the local village shop. There are no footways along Stoke Hill, until the centre of the village.

6. At the time of my site visit, there were a number of cars parked to the east of the driveway. Between the highway edge and the boundary wall of the properties to the east is a grassed verge. Whilst the parked cars restricted views of on-coming traffic, due to the change in levels and the presence of the grass verge, it would be possible to see vehicles as they leave the village centre. Visibility in this direction would be therefore adequate.
7. Visibility to the west would be constrained by the boundary wall, which forms the boundary wall of Brow Cottage. This property also has a garage, immediately adjoining the driveway, with a car parking space to the front.
8. The presence of other driveways, parked cars and the lack of footpaths, reinforces the tight urban nature of the street. Further along Stoke Hill, to the west is an established village traffic calming scheme, with vehicles entering the village being required to give way to those travelling up the hill. This, coupled with the presence of dwellings close to the carriageway highway edge, serves to slow down traffic entering the village.
9. I have not been provided with any traffic information to demonstrate the current level and the speed of traffic, entering the village via Stoke Hill. I have however been provided with accident data. This confirms that there are no recorded accidents in the vicinity of the appeal site. Consequently, whilst there may be a reduced visibility in a western direction, traffic in the area generally travels at a speed which reflects the nature of the road. On this basis, whilst the slightly constrained visibility demands that users pay a greater degree of care and attention whilst positioning vehicles at the junction, the increased use of the junction to serve one additional dwelling would be unlikely to significantly affect highway safety. In making this assessment, I note that the Council's Highways Development Officer has not expressed any concerns in relation to this aspect of the proposal as such, referring only to standing advice.
10. Pedestrians would use the same driveway to access the site. The existing track to the appeal site is straight with good visibility and is approximately the width of a large car. Whilst it is unlikely to be wide enough to allow for a pedestrian and a car to pass when travelling in opposite directions, there is adequate visibility for them to see each other. Furthermore, should a car choose to wait for a pedestrian, it would not block the flow of traffic along the public highway. Given the location of most services being in the centre of the village, it is likely that pedestrians would head in this direction. There are no footpaths on either side of Stoke Hill, and this is the general situation within the rest of the village. The proposal would add one additional dwelling, which in the context of the existing circumstances, and the location of the existing services in the village, I have found no reason to conclude that the additional pedestrian movements associated with the appeal development would have a significant effect on highway safety.
11. I therefore conclude that the proposal would not have a significant effect upon highway safety and, in this regard, complies with Policy DP9 of the Mendip District Local Plan 2006 – 2029 which, amongst other things, seeks to ensure that proposals make safe and satisfactory provision for access by all means of travel.

Conditions

12. As the application is in outline form, it is necessary to impose the standard conditions requiring approval of reserved matters and the relevant timescale for the submissions and commencement of development. A condition confirming the plan to which the decision relates is necessary in the interests of certainty. A further condition is also required to ensure that the improvements to the surface of the access is delivered in the interests of highway safety.

Conclusion

13. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR

Schedule of Conditions

1. The development hereby approved shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
4. So far as they relate to matters of access the development The development hereby approved shall be carried out in accordance with Drawing Number A219/03/01a.
5. Prior to occupation of the development hereby permitted the proposed access over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.