
Appeal Decision

Site visit made on 1 September 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/W3520/W/20/3251831

Barnacre Cottage, Rectory Road, Brome, Eye, Suffolk IP23 8AH

- 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 Andrew St John Sadler against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/00321, dated 24 January 2020, was refused by notice dated 25 March 2020.
 - The development proposed is vehicle access from the rear of Barnacre Cottage onto Rectory Road. Proposed width is 4m.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether safe and suitable access to the site can be achieved for all users.

Reasons

3. Rectory Road is a Class C County Road, the C517 and has neither footways nor street lighting. It has sporadic development along it but is bounded by informal hedging and overall, has a rural character. In the vicinity of the site it is subject to a 30mph mandatory speed limit.
4. Policy T10 of the Mid Suffolk Local Plan -1998- (the Local Plan) seeks to ensure, amongst other things, that any development provides safe access to and egress from the site. Policy T10 is, in this respect, in accordance with the aims of Paragraph 108 of the National Planning Policy Framework -2019- (the Framework) which seeks to ensure that, amongst other things, safe and suitable access to the development site can be achieved for all users and therefore attracts significant weight.
5. To ensure that emerging and approaching drivers have sufficient warning of each other's presence and intentions to allow safe manoeuvring, visibility must be provided at the access. For a road subject to a 30 MPH road the Design Manual for Roads and Bridges, which the Highway Authority consider to be the appropriate design guidance to apply, advises that drivers are able to see at least 90 metres from a point set back from the edge of the carriageway by 2.4 metres on the centreline of the access, measured to either side of the access along the channel line of the carriageway.

6. The Suffolk Highways - dropped kerb/vehicle access – Criteria (as revised Nov 2019) reduces the visibility requirement at an access onto a road with a C classification and subject to a 30MPH to 59 metres in a rural setting. Again, this is at a setback from the carriageway edge of 2.4 metres. The appellant has stated that 59 metres can be provided at the access. However, no plan has been provided to demonstrate that this can be achieved. I am, therefore, not satisfied that either the 59 or 90 metre visibility can be provided. The lack of an adequate visibility would result in an unacceptable risk of harmful collision between vehicles at the proposed access point.
7. The overall number of vehicle movements accessing Rectory Road would be unchanged, as Barnacre Cottage already has use of an access shared with 21 Rectory Road. Notwithstanding that the appellant has identified a need, at times, to wait on Rectory Road whilst a vehicle obstructing that access is moved, there is no substantive evidence before me to demonstrate that the current level of usage of this access is unsafe or that the proposal would provide a safer means of access to Barnacre Cottage.
8. My attention has been brought to a recently permitted access nearby, for the Oaksmere Hotel, which the appellant considers lacks a visibility splay of 90 metres in both directions. I have no details of the access or evidence before me to demonstrate the available visibility for vehicles egressing from it, nor of the planning history of that site. I have considered the proposal before me on its own merits and, in any case, even were I to find that insufficient visibility is available at the hotel access, that would not provide justification for the harm that would result from the proposed development and so this does not alter my findings.
9. The proposal would not provide safe and suitable access for drivers of motor vehicles and so would not comply with Policy T10 of the Local Plan. Similarly the proposal would be contrary to the aims of paragraph 109 of the Framework which seeks to prevent development that would have an unacceptable impact on highway safety.

Conclusion

10. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR