



Appeal Decision

Site Visit made on 1 February 2021

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/V1260/W/20/3261874

Land adj Lone Pines Close, Matchams Lane, Christchurch BH23 6LP

- 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 D Smith, D R Smith Properties Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 8/20/0412/FUL, dated 2 June 2020, was refused by notice dated 13 October 2020.
 - The development proposed is creation of new vehicle access to highway; new gates and realignment of existing boundary fence; new track.
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Decision

1. The appeal is allowed and planning permission is granted for creation of new vehicle access to highway; new gates and realignment of existing boundary fence; new track at Land adj Lone Pines Close, Matchams Lane, Christchurch BH23 6LP in accordance with the terms of the application, Ref 8/20/0412/FUL, dated 2 June 2020, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by D Smith, D R Smith Properties Ltd against Bournemouth Christchurch and Poole Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The application followed a previous refusal and dismissed appeal for a similar development. In that Decision, the Inspector accepted that the proposal would not be inappropriate development in the Green Belt and would not have an adverse effect on the character and appearance of the area, including the impact upon protected trees. I have no reason to reach a different decision in respect of those matters.

Main Issue

4. The main issue in this appeal is the effect on highway safety.

Reasons

5. Matchams Lane, as it passes the site, is a relatively straight stretch of rural highway. While these characteristics could give rise to high vehicle speeds, and the appellant has not carried out any speed surveys, there is no substantive evidence that vehicles regularly exceed the permitted speed limit of 40mph. Moreover, vehicle speeds were not a concern of the Local Highway Authority in connection with the previous appeal proposal. I, therefore, have no reason to

- conclude that visibility splays should be required beyond those generally accepted in a 40mph speed limit.
6. There have been some accidents on Matchams Lane, but other than one which involved only one vehicle, these were some distance from the site. They do not, therefore, indicate a particular problem with the operation of the immediate stretch of the highway. As the development only relates to an access and track, there would be no increase in the volume of traffic on the local road network generally.
 7. I note that highway safety was an overriding concern that resulted in the dismissal of the previous appeal. However, this was on the basis that the siting of the access gates would not afford sufficient space for a vehicle to manoeuvre onto the site when the gates were closed. That has been addressed in the current scheme.
 8. The appeal documents demonstrate that all land within the indicated visibility splays is within the ownership of the appellant. There is, therefore, no reason to doubt the delivery and long-term security of the splays. There is a tree trunk and utility pole within the splay. Vegetation around the trunk means that the tree would currently hamper visibility, but conditions could be used to ensure that the area is clear of obstructions before the access is brought into use. The loss of one roadside tree would have little effect on the overall character and appearance of the area.
 9. The proposed access track does not include provision for vehicles to pass or turn. Highway safety could be harmed in this location if vehicles are required to reverse out of the site. While the appellant anticipates that the frequency of use would be low, there is no clear mechanism to adequately control this. There is space away from trees to provide a turning facility which could also serve to allow vehicles to pass within the site, and this could be secured by planning condition. These additional works at ground level would not further affect the openness of the Green Belt.
 10. It may well be that access to this land is already available via other adjoining land. However, Policy KS11 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 (CS) does not require the need for new accesses to be demonstrated and the alleged new harmful conflicts of movements would not arise if there is no harm to safety. A lack of evidenced need for the access was raised by previous Inspector insofar as it did not weigh heavily in favour of the proposal, but was not identified as harm contributing to the dismissal of the appeal. Moreover, for the reasons given above, the proposal would provide safe access onto the highway network and would, therefore, comply with the relevant aims of Policy KS11.
 11. As noted, conditions are necessary to secure the visibility splays and a turning area. To ensure vehicles are able to leave the highway when the gates are shut, further conditions are necessary to require any entrance gates to be set back by 10 metres and the intervening stretch of track should be surfaced to avoid loose material being dragged onto the highway. A plans condition is required in the interests of certainty. I have made some revisions to the Council's list of suggested conditions in the interests of clarity and my condition relating to visibility allows some flexibility in the event the that Council accepts the appellant's position that the utility pole is an insignificant obstruction.

12. For the reasons given, I conclude that the proposal would not harm highway safety. Therefore, the appeal is allowed.

M Bale

INSPECTOR

Schedule

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; DWG.1; DWG.2; 7157; Septic Tank/Visibility Splay/Track Construction Plan (unnumbered).
3. Before the access hereby permitted is brought into use the visibility splay areas as shown on the approved plans must be cleared/excavated such that there is no obstruction to visibility between the lines shown on the plans and the highway edge above a level exceeding 0.6 metres above the relative level of the adjacent carriageway. The visibility splay areas must thereafter be maintained and kept free from all obstructions unless otherwise agreed in writing by the Local Planning Authority.
4. Before the access hereby permitted is brought into use, the first 10.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority and thereafter maintained as such.
5. Before the access is brought into use, plans of a turning and parking area for vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved turning and parking area must be constructed before the approved access is first brought into use and thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.
6. Any entrance gates must be set back a minimum distance of 10.00 metres from the edge of the carriageway and hung so that the gates can only open inwards.