

---

## Appeal Decision

Site visit made on 8 February 2021

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 March 2021**

---

**Appeal Ref: APP/P0119/W/20/3261875**

**Chelwood, Vattingstone Lane, Alveston, Gloucestershire BS35 3JT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Simon Riddiford against South Gloucestershire Council.
  - The application Ref P20/10936/F is dated 23 June 2020.
  - The development proposed is for a new driveway entrance.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a new driveway entrance at Chelwood, Vattingstone Lane, Alveston, Gloucestershire BS35 3JT, in accordance with the terms of the application, Ref P20/10936/F, dated 23 June 2020, subject to the following conditions:
  - 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: Drawing no. 0V-06 Revision A (proposed driveway entrance), and Site Location Plan 01-01 Revision B.
  - 3) Notwithstanding details received, prior to the commencement of the development hereby permitted, details of visibility splays measuring 2.4 metres x 43 metres in both directions to each side of this access to a point where it meets the highway, shall be submitted to and approved in writing by the Local Planning Authority. The splays shall thereafter be provided as per the agreed details prior to the first use of this access and shall be maintained at all times, free from any obstruction exceeding 600 millimetres above the level of the adjacent highway carriageway.
  - 4) Prior to commencement of the development, full detail of the surface water drainage at the access, to prevent water runoff onto the highway, shall be submitted to and agreed in writing to the Local Planning Authority. The drainage details as agreed shall be implemented prior to the first use of the driveway access and thereafter maintained.
  - 5) Prior to their use in the development of the access off the highway hereby approved, full detail of the materials proposed for the first 6 metres of the driveway back from the highway edge shall be submitted to and agreed in writing to the Local Planning Authority. The surface material details as agreed shall be implemented prior to the first use of the driveway access and thereafter maintained.

## **Main Issues**

2. The planning application was not determined by the Council before it was appealed. From the Council's Appeal Statement of Case and all the other evidence submitted I would regard the main issues as being the effects of the development on both highway safety and the Green Belt.
3. However, the Council Statement of Case makes clear that if it had determined the planning application it would have approved the application subject to conditions.

## **Background**

4. There is an existing block front boundary wall to this house, which is not shown on the submitted layout plan. Recently, appeal reference APP/P0119/W/20/3254700 sought consent for the proposed erection of the 2.4 metre hoarding and the retention of the boundary walls for a temporary period, to provide some security. This was dismissed due to the adverse impacts of the development on the Green Belt and the character and appearance of the area.
5. There are also Enforcement Appeals submitted, which include the matter of the front boundary wall. The appeal relating to the wall was dismissed and the enforcement notice upheld. There are further appeals relating to the front wall which are yet to be determined.
6. I have therefore considered this appeal on the basis that this is for a vehicular entrance alone and I have not in any way considered the merits of retention of any wall. Neither have I considered the effects of any new walls or gates as no such details have been included with the appellant's appeal proposal.

## **Reasons**

### *Highway Safety*

7. This is a proposed new access from the highway to the frontage of a single dwelling house. There is an existing wall along the house frontage, but this is not shown on the submitted plans. It is understood that this wall as it currently appears on site is to be removed. However, this has not been done at the time of my visit.
8. Nonetheless, the proposed plan includes a layout plan which shows visibility splays of 43m in both directions from the centre of the proposed access, from a point set back 2.3m from the highway edge. The Council state that this splay does not conform with the recommended visibility splay within the Manual for Streets (MfS) document, which requires the Y axis point of the splay to be measured from the highway edge and not the centre point of the road.
9. The comments from the 'Sustainable Transport' officer states that "it seems possible that the new access meets the required visibility standards" but the information submitted does not fully demonstrate this. Furthermore, there is no objection on these grounds from the Council who have suggested a condition requiring a revised vision splay. Indeed, I have no evidence before me that a suitable splay is not possible or that the Y distance of 43m or the X distance of 2.4m as shown on the submitted plan is not sufficient. As such, from the evidence before me I would agree that a condition could reasonably be

attached to address this requirement, in the interests of highway safety, even if it would require some demolition of the existing wall.

10. In this regard, the proposal would not be harmful to highway safety and would therefore be in accordance with all relevant development plan policies, including policy PSP 38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017, which requires that development does not prejudice highway safety, amongst other things.

#### *Green Belt*

11. The proposal is for the formation of a new access off a road. There are no walls or gates proposed before me. As such, there are no buildings or above ground development that would possibly be considered 'inappropriate' in the Green Belt. Therefore, the proposed development would not conflict with the purposes of the Green Belt or impact existing levels of openness. The proposal would accord with policies PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017; and CS34 and CS5 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013. These policies seek to protect the Green Belt from inappropriate development, amongst other things.

#### **Conditions**

12. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
13. I have attached the standard time limit condition and a plans condition as these provide certainty. I have also added conditions requiring the formation of a vision splay, details of driveway surface and details of driveway drainage, all in the interests of highway safety.

#### **Conclusion**

14. For the reasons given above and in considering all matters raised the appeal is allowed subject to the conditions set out in this Decision.

*Steven Rennie*

INSPECTOR