



Appeal Decision

Site Visit made on 28 September 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 27 October 2021

Appeal Ref: APP/D0840/W/21/3274704

Land to South of School House, Sancreed TR20 8QS

- 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 N Semmens against the decision of Cornwall Council.
 - The application Ref PA19/11008, dated 17 December 2020, was refused by notice dated 6 April 2021.
 - The development proposed is the construction of dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan), amongst other matters, seeks to ensure that development provides safe and suitable access for all people and not cause a significantly adverse impact on the local or strategic road network that cannot be managed or mitigated.
4. The appeal site is located within Sancreed and would be accessed from the relatively narrow public highway which connects Sancreed with the village at Drift. The appeal scheme proposes to use an existing private lane, which serves a large dwelling and a Memorial Hall, and which also serves as a public right of way, in order to provide access onto the nearby public highway.
5. The existing access to the dwelling and Memorial Hall is positioned on the inner curve of the abovementioned public highway. As I observed on my site visit, the public highway rises uphill when approaching Sancreed from the direction of Drift. The highway is relatively narrow in parts and provides only limited forward visibility by reason of the winding nature of the highway and presence of mature hedgerow and trees which border the road. The public highway is unlit and does not provide dedicated pedestrian footways.
6. Following initial concerns raised by the Highways Officer with regards to visibility for emerging vehicles from the private lane onto the public highway, the planning history for the site indicates that amendments were made to the scheme, and which would provide visibility splays of in excess of 43 metres to the west and of 13 metres to the east when taken from a point 2 metres set back from the edge of the carriageway

7. The main parties have referred me to the Manual for Streets (the MfS) guidance, which provides that the distance back from the carriageway edge from where a visibility splay is measured (the X distance), should normally be 2.4 metres in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye. The MfS guidance goes on to say that a minimum figure of 2 metres may be considered in some very lightly-trafficked and slow-speed situations but that using this value will mean that the front of some vehicles may protrude slightly into the adjoining carriageway.
8. In the event that a 2 metre X distance would be appropriate in this instance, the MfS suggests that visibility splays of 43 metres in both directions would be recommended for a 30mph road. As noted above, the evidence indicates that visibility for emerging vehicles to the west would be in excess of the recommended level contained within the MfS. However, the Appellant suggests that, following observations by their transport and highway consultant, average vehicle speeds past the site are approximately 20mph.
9. On my visit, I saw a variety of vehicle types passing the site and whilst I observed numerous vehicles passing by the site during that time, I found that the highway was relatively lightly trafficked. Whilst I have no substantive evidence regarding the actual speeds of vehicles passing the proposed point of access, and despite following a vehicle out of the village which appeared to have been travelling in excess of 20mph, I accept that it is likely, given the constraints of the road described above, that average speeds past the site would be approximately 20mph.
10. Using the guidance contained within the MfS, where traffic speeds are 20 mph the visibility from the X distance along the nearside kerblineline to the left and right (the Y distance) should be 25 metres. In applying this guidance to the proposed scheme, it is clear that the recommended visibility to the east of 25 metres cannot be achieved, regardless of whether an X distance of 2.4 or 2 metres is employed. Consequently, in order to obtain sufficient visibility to the east, vehicles emerging from the private lane onto the public highway would be required to edge out into the highway. In my view and based on the evidence before me and observations made on my visit, even allowing for the traffic speeds at this location as suggested by the Appellant, visibility at the junction is significantly below the level of normal acceptability.
11. The Appellant has put it to me that drivers of vehicles emerging from the private lane would employ a 'creep and peep' approach. However, in using such an approach emerging vehicles would be positioned on an incline before being able to turn sharply to the right and, in my view, this would not be an access where the driver could safely edge forward to see approaching traffic. Such a manoeuvre would lead to the emerging vehicle being positioned in part of the public highway. This could then lead to a collision because the driver of an approaching vehicle from the east would only see the vehicle positioned across part of the carriageway at the last moment. If the approaching driver was to take avoiding action to prevent a collision, this could then lead to that vehicle moving towards and potentially into the path of a vehicle approaching from the other direction where forward visibility is constrained by a bend in the road.
12. The Appellant has referred me to a number of previous appeal decisions which it is maintained indicate that Planning Inspectors have accepted the 'creep and

peep' method described above. However, I have only been provided with limited information in relation to those appeals and cannot be sure that the circumstances of those cited appeal proposals are comparable to the appeal scheme before me with regards to matters such as the alignment of the road, the width of carriageways and the average speeds of vehicles. I have therefore considered the appeal scheme on its own merits and on the evidence before me.

13. I note the Sight Stopping Distances from the Highway Code of 12 metres and 23 metres for vehicle speeds of 20mph and 30 mph respectively as included within the Appellant's submissions. However, given the constrained and winding nature of the public highway close to the proposed point of access and given that not all road users, such as holidaymakers, would be familiar with the area and road layout to include concealed entrances, I am not persuaded that the marginal level of visibility to the east would be suitable in this instance.
14. In light of the above, and whilst acknowledging the submissions regarding accident history and the low number of additional trips that would be generated by the appeal proposal when compared to the existing position, I find that any increase in the use of the existing access by vehicles leaving the private lane would lead to an unacceptable impact on highway safety.
15. Drawing all these matters together, I conclude that the proposed additional dwelling would be likely to lead to a small but material level of additional traffic movements leaving from the existing access described above. Whilst the appeal scheme would provide improvements for the existing access to the Memorial Hall and the existing dwelling, visibility to the east from the existing access would be significantly below that recommended for vehicles travelling at the speeds suggested by the Appellant. The access has such inadequate sight lines that this would lead to an unacceptable impact on highway safety. The development therefore would not be provided with a safe and suitable access for all users.
16. For the above reasons, the appeal scheme would be contrary to Policy 27 of the Local Plan which seeks to ensure that all developments provide safe and suitable access to the site. For the same reasons the appeal scheme would fail to accord with paragraphs 110, 111 and 112 of the National Planning Policy Framework (July 2021) which, amongst other matters, provides that development should be refused if there would be an unacceptable impact on highway safety.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR