
Appeal Decision

Site visit made on 11 November 2021

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2021

Appeal Ref: APP/W2845/D/21/3283660

Haven Cottage, 10 Brixworth Road, Creton, NN6 8NG

- 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 Mrs Jade Haines against the decision of West Northamptonshire Council.
 - The application Ref WND/2021/0190, dated 23 May 2021, was refused by notice dated 21 July 2021.
 - The development proposed is alterations to existing pedestrian gated entrance/exit to form second vehicle access.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to existing pedestrian gated entrance/exit to form second vehicle access at Haven Cottage, 10 Brixworth Road, Creton, NN6 8NG in accordance with the terms of the application, Ref WND/2021/0190, dated 23 May 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No gates, barrier or other means of enclosure that opens onto the public highway shall be erected at the new access.
 - 3) Pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the new vehicular access. The areas of land within the splays shall be completely cleared of all obstructions and levelled and maintained at a height not exceeding 0.6m above adjacent footway level.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this is more succinct than the version provided on the Appeal Form.

Main Issue

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

Reasons

4. The appeal property is located on the south side of Brixworth Road within the settlement of Creton. The existing vehicular access is located on the inside of a sweeping bend where visibility is restricted particularly in the critical

direction¹. Past the site frontage, Brixworth Road is subject to a 30mph speed limit, benefits from street lighting and has a pedestrian footway along its southern flank. As I saw on my site visit, the road is lightly trafficked with vehicles travelling at or below the speed limit.

5. The appeal scheme proposes a second vehicular access approximately 10m to the west of the existing dropped crossing. To be clear, there would be no net increase in the number of vehicular trips to/from the appeal property. The new access point would be sited further away from the bend and the hedge fronting 12 Brixworth Road which restricts visibility to the east. As a result, vehicles egressing from the new access, which is likely to be the preferred arrangement, would benefit from a material improvement in visibility in the critical direction. Irrespective of whether the existing access is closed that must be a material highway benefit.
6. Given the constrained nature of the driveway area, I am not persuaded that the Highway Authority's reasoning regarding the closure of the existing access stands up to scrutiny. If the existing access were to be closed, this would simply result in the displacement of reversing manoeuvres from one access to another. The ability to enter and exit the site conveniently in a forward gear would eliminate the need to reverse to/from the appeal site, something which must be seen as a tangible highway benefit.
7. The Council's decision to refuse the application appears to be based entirely on advice it received from the Highway Authority who in turn, point to Policy 18.12 of the "*Northamptonshire County Council Highways and Transport Plan – Network Management Plan*" (the LTP). In essence, this states that no more than one vehicular access per property should be allowed from the same street or road. According to the formal consultation response, this policy has been in place for a number of years and is adopted in the interests of highway safety as vehicular accesses are a significant cause of collisions.
8. However, the LTP does not form part of the adopted Development Plan for West Northamptonshire and I have not been directed to any policy which restricts second accesses as a matter of principle or cross-refers to the LTP or Standing Advice more generally.
9. Even if that were not the case, all highway guidance and design standards should be applied sensibly in a manner which recognises their overarching aims. That principle is enshrined in both Manual for Streets (MfS) and Manual for Streets 2 (MfS2) which advocate a holistic approach rather than a slavish adherence to design standards. With particular reference to frontage access, MfS² states "*very few accidents occurred involving vehicles turning into and out of driveways, even on heavily trafficked roads*".
10. MfS2 revisited the issue in 2010³ and concluded that "*providing direct frontage access is unlikely to have significant disbenefits in road safety terms*". Based on the foregoing, it is clear to me that the current wording of LTP Policy 18.12 is significantly out of step with MfS and MfS2 both of which are endorsed by the Department for Transport (DfT) and the Department for Communities and Local

¹ The Grounds of Appeal refers to a distance of 18m

² Page 96

³ Section 9.10

Government (as it was then). Given this inconsistency, Policy 18.12 carries minimal weight in the determination of this appeal.

11. The Highway Authority have referred to a DfT statistic⁴. However, without a specific source and some context that figure is somewhat meaningless. From the limited information provided, the figure appears to relate to pedestrian rather than vehicular collisions. In my view, pedestrians are particularly vulnerable to reversing manoeuvres due to a lack of intervisibility. In this case, it would be possible to condition the provision of 2m x 2m visibility splays at the new access which is another material improvement over the existing arrangement.
12. Overall, based on the site-specific circumstances, I have found that the proposed access would result in a clear highway safety improvement resulting from improved pedestrian/vehicular visibility splays as well as the ability to enter and exit the site in a forward gear. Comments received from the Parish Council add credence to these findings.
13. Although there would be conflict with the wording of Policy 18.12, there would be no conflict with the overarching aims of the LTP to safeguard highway safety. In any event, Policy 18.12 carries very little weight in the planning balance given its inconsistency with national highway guidance. As there would be a manifest highway benefit, there would be no conflict with paragraph 111 of the National Planning Policy Framework.

Conclusion

14. I have imposed a standard time limit condition to provide certainty. A condition requiring the provision of pedestrian visibility splays is necessary in the interests of highway safety. To ensure compliance with the relevant tests, I have amended the wording of the suggested gates condition. Given the construction of the existing access and driveway, I am not persuaded that a condition requiring 5m of hard surfacing is proportional or necessary. I have omitted it accordingly.
15. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector

⁴ 12% of all injury collisions between a vehicle and a pedestrian involved a private access.