



Appeal Decision

Site Visit made on 10 August 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/G1630/W/21/3276215

Sugarloaf Cottage, Pirton Lane, Churchdown GL3 2QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant technical details consent.
 - The appeal is made by Mr Andrew Henderson against the decision of Tewkesbury Borough Council.
 - The application Ref 20/00848/FUL, dated 4 September 2020, was refused by notice dated 19 May 2021.
 - The development proposed is Technical Details Consent for a single self-build dwelling following previous grant of permission in principle 19/01156/PIP.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for Technical Details Consent following the grant of Permission in Principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle has established that the location, land use, and amount of development is suitable in principle. The Technical Details Consent that is the subject of this appeal can consider the remaining detailed matters but cannot reopen what has been agreed at the Permission in Principle stage. I have determined this appeal on that basis.
3. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). The revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal, and the main parties would not be prejudiced by my considering it.

Main Issue

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

Reasons

5. The appeal site comprises an area of land adjacent to Sugarloaf Cottage. Access would be provided via an existing private street off Pirton Lane that provides access to a number of properties. The access is located on a slight bend in Pirton Lane, a road with a speed limit of 30 miles per hour (mph). The access currently serves four residential dwellings and an agricultural access, with a potential of 20 two way vehicle movements per day. Based on the submission of both parties the proposed dwelling is likely to increase these movement by 4-6 movements per day.

6. At the time of my site visit vehicles regularly passed the access to the site from both directions along Pirton Lane. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that the levels of traffic would increase at the morning and evening peak hours when traffic is at its heaviest. Traffic flows at the access detail that some 20% of the vehicle movements past the access are between 0800-0900 and 1700-1800. I have noted the comments from the appellant's submission, which the Highways Authority have not challenged, that details that the 85th percentile speeds recorded at the site are 38.4 mph northwest bound and 38.5 mph south east bound.
7. The proposed development would utilise an existing access that currently has visibility to the south east that is substantially lower than the requirements set out in Manual for Streets 1 (MfS1). I observed that the existing visibility to the south east is considerably restricted by a combination of the bend in the highway and a wall. Whilst the forward visibility demonstrated would allow approaching traffic to see any vehicles emerge from the access, vehicles exiting the access would not be able to see these vehicles until they were some 31 metres from the access. Vehicles emerging from the access would therefore risk pulling out into oncoming traffic.
8. I note the suggestion that a 2 metres X distance could be utilised, however MfS1 states that this should only be used in very lightly trafficked and slow speed situations. Vehicles were regularly passing the access during my site visit and the speed survey demonstrated that the 85th percentile is in excess of the speed limit. As such, a reduction of the X distance from 2.4 metres would not be acceptable. I therefore consider that any increase in use of the access, as proposed, would be significantly harmful to highway safety.
9. Whilst the access is existing and is used by other residential dwellings, and the submission details that there have been no collisions, this would not justify the increased use of a substandard access and exacerbation of the risk to highway safety.
10. The appellant considers that if Council had concerns on highway safety, the Part 1 application should have been refused on highway safety matters as there is only one means of access to the site. However, Planning Practice Guidance¹ advises that Part 1 should be limited to location, land use and amount of development and that other matters should be left until technical details consent.
11. The appellant has identified appeal decisions² that they consider to be relevant. However, it appears to me that the merits and circumstances of those schemes are different to those of the appeal proposal. The appellant has advised that they will replace a mirror and remove vegetation adjacent to the access to assist driver visibility, however it is unclear as to whether this is under the appellant's control and therefore whether this would be possible. I have also had regard to the conditions proposed by the appellant and the Council, but these would not overcome the harm identified.
12. In conclusion, the proposal would have a detrimental effect upon highway safety. The proposal would therefore conflict with Policy INF 1 of the

¹ Planning Practice Guidance: Permission in Principle Paragraph: 012 Reference ID: 58-012-20180615

² APP/X1355/W/20/3253276, APP/P1615/C/19/3230582 and APP/P1615/C/19/3230583

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (CS) and MfS1 which seek to ensure that safe and efficient access to the highway network is provided. The proposal also conflicts with paragraphs 110 and 111 of the Framework which respectively seek to achieve safe and suitable access to the site and to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

13. I have had regard to the comments made by local residents in relation to ecological matters and the need for biodiversity net gain. However, as I am dismissing the appeal for the reasons given above, I have not pursued these matters further.

Planning Balance

14. It is agreed that the Council is not able to demonstrate a five-year supply of deliverable housing sites, albeit there is a difference in opinion as to the level of under-supply. In this situation, paragraph 11 of the Framework sets out that the most important policies should be considered out of date and, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits which assessed against the policies in the Framework taken as a whole.
15. The proposed development would give rise to significant harm in regard to highway safety. Accordingly, it would be contrary to CS Policy INF 1. For this appeal, I have found this policy to be generally consistent with the relevant aims of the Framework and whilst it can act to restrict the supply of housing, I attach substantial weight to it.
16. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the dwelling. It would make a very modest contribution to the supply of housing and towards helping to address the Council's housing shortfall. However, the proposal would result in the increase in use of a substandard access. As such it would be contrary to the aims of the Framework to ensure that development does not have an unacceptable impact on highway safety.
17. My attention has been drawn to an appeal³ where housing land supply is considered to be a key issue. However, the circumstances differ from the proposed development, as the appeal did not deal with highway safety as a main issue and was for 50 dwellings, with a number of public benefits identified.
18. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development.

³ APP/G1630/W/20/3256319

Conclusion

19. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

Tamsin Law

INSPECTOR