

Appeal Decision

Site visit made on 7 December 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Appeal Ref: APP/D5120/W/21/3277584

Old Bexley Equestrian Training Centre, Stable Lane, Bexley DA5 2AW

- 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 Ms Wendy Tucker against the decision of London Borough of Bexley.
 - The application Ref 21/00765/FUL, dated 9 March 2021, was refused by notice dated 17 May 2021.
 - The development proposed is the retention of vehicular access.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for costs was made by Ms Wendy Tucker against the London Borough of Bexley. This application is the subject of a separate decision.

Preliminary Matters

4. The application was submitted retrospectively, and I saw at my site visit that the vehicular access had been created and was in use. I have therefore considered the appeal on a retrospective basis.

Main Issue

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

Reasons for the Recommendation

6. The appeal site is an equestrian training centre located on Stable Lane and Vicarage Road. The main access to the site is from Stable Lane however a second vehicular access from Vicarage Road has been introduced for deliveries, removal of waste, emergency services, vet visits and various other uses. The development seeks the retention of this secondary access.

7. Planning permission¹ was previously refused for a dropped kerb in relation to this access and it was also the subject of an enforcement appeal² which was dismissed. However, the development before me relates solely to the retention of the current vehicular access and therefore I will consider it on this basis alone.
8. On my visit I observed that Vicarage Road had high volumes of traffic on it. Whilst this was a snapshot in time, I have no evidence before me to indicate that this is not normal. The section of the road where the access is located is covered by a 30 mile per hour (mph) speed limit and this reduces to 20 mph with traffic calming measures further along Vicarage Road. The Highways Authority have stated that the access requires visibility splays of 43 metres in both directions, however no evidence has been provided by the appellant to show that this is achievable.
9. There are currently hedging and trees either side of the access which blocks some views of the road when drivers are exiting the site. Therefore, drivers of vehicles exiting the site would not be able to see clearly whether it was safe to join the highway. This could result in conflict with other road users, including more vulnerable users such as cyclists and horse riders.
10. The appellant has stated that there is a 5.5 metre gap from the kerb to the gates for vehicles to clear the highway when entering or exiting via this access. Although details have not been provided to demonstrate what types of vehicles use the access, larger vehicles such as vans or trailers would be expected for deliveries and waste removal. Such larger vehicles would likely overhang the footway and potentially the road when waiting for the gates to be opened, resulting in harm to both pedestrian and vehicle safety.
11. Therefore, I conclude that the development harms highway safety, in conflict with Policy CS15 of the Bexley Core Strategy (2012) and Policy G18 of the Bexley Council Unitary Development Plan (2004). These policies seek to ensure that safety is promoted on the existing highway network, managing or improving the borough's network of roads. It also conflicts with Appendix A of the Design and Development Control Guidelines (2004) where there is a general presumption against vehicular access to a number of roads including the A2108, where the appeal site is located.

Other Matters

12. The appellant has indicated that the access is not new and is a historic farm gate which has been in situ for many decades. Be that as it may, I have assessed the proposal on the planning merits of the case and found that it is harmful to highway safety. It is clearly open to the appellant to decide whether they wish to submit a revised planning application to the Council in the first instance showing that the necessary visibility splays could be achieved.
13. I note the claims that the development is required to ensure the viability of the business and the health and welfare of the animals on site. However, no evidence has been provided to support these claims and it has not been sufficiently shown that the access required could not be achieved through the existing entrance on Stable Lane. Therefore, this is given limited weight and does not outweigh the harm found.

¹ 19/00944/FUL

² APP/D5120/C/19/3236383

14. The appellant has stated that the gates and fencing, which form part of the access, do not require planning permission. No information has been provided to demonstrate this. Nevertheless, as the gate and fence have not been included within the development description and as no plans have been provided showing this development, these do not form part of this appeal.
15. I sympathise with the stress, time and financial implications that the application and appeal process has caused the appellant. The appellant has also highlighted a number of issues with the Council's conduct during the application process, including a lack of communication and a delay in submitting appeal documentation. However, these factors would not alter the planning merits of the development or the conclusions I have reached.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that the appeal should be dismissed.

RC Kirby

INSPECTOR