



## Appeal Decision

Site visit made on 11 February 2022

**by R Walmsley BSc, MSc, MA, MRTPI**

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

**Decision date: 25 April 2022**

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**Appeal Ref: APP/J3720/W/21/3281889**

**Lock-up garage site on land rear of Hodgson Road,  
Stratford upon Avon CV37 0DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Clive Stanton against the decision of Stratford-on-Avon District Council.
  - The application Ref 20/03585/OUT, dated 12 December 2020, was refused by notice dated 5 August 2021.
  - The development proposed is redevelopment of vacant lock-up garages and hardstanding to form 5 dwellings & associated access.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Clive Stanton against Stratford-on-Avon District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The application was submitted in outline, with only access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters. I have consequently treated the submitted drawings as being for illustrative purposes only, insofar as they imply matters other than access arrangements.
4. There is evidence on file of the Council suggesting an alternative description of development. However, I have no evidence of the appellant's response to this and therefore I have used the description of development from the planning application form in the banner heading above.

### Main Issue

5. This is the effect of the proposal on highway safety.

### Reasons

6. Each garage on site can accommodate one vehicle, totalling five vehicles moving on and off site at any one time. The dwellings proposed are two-bedroomed which is likely to generate more than one car per dwelling and therefore a notable increase in vehicle movements on and off the site than for

the existing garages. Furthermore, vehicular movements associated with dwellings are different than for garages, with more comings and goings associated with the independent movement of family members for a wide range of activities including work, school drop off, shopping and other leisure pursuits. The development proposed, therefore, would result in an intensification in the use of the site.

7. The access road into the site would be wide enough for one vehicle to pass at any one time. Given the notable length of the access, vehicles would sit waiting within the site or on Hodgson Road until the access was clear. Alternatively, vehicles may need to reverse into the site or onto Hodgson Road should opposing vehicles meet. Waiting and reversing vehicles would cause an obstruction, restricting the movement of vehicles within the site and on Hodgson Road and therefore causing a conflict between vehicles which raises significant concerns for highway safety.
8. There is no provision along the access for pedestrians. There is a suggestion that the existing hedge could be cut back to increase the space available for vehicles and pedestrians. However, with the hedge cut back, the access would not meet the requirements in Manual for Streets (2007) of a minimum unobstructed width for pedestrians of about 2 metres. The access, therefore, would not be wide enough to accommodate pedestrians and vehicles safely. Pedestrians may have used the access safely when the garages were in use but the development would result in a material change in the use of the site and therefore activities from the past cannot be used reliably to predict incidents in the future.
9. Although no objection was raised by Warwickshire Fire and Rescue Service, this was subject to the need for the development to comply with Approved Document B, Volume 1, Section B5 – Access and Facilities for the Fire Service. It is clear from the evidence before me that there would be insufficient space at the junction of the access road and Hodgson Road for a fire tender to manoeuvre easily. Warwickshire Fire and Rescue Service suggested that if the requirements in Document B cannot be met, alternative measures are proposed. No such measures are proposed. The safety requirements for houses are materially different to garages and therefore even if fire crew needed access to the garages, there is a material difference between the existing and proposed site for the garages to not be a precedent in terms of fire safety.
10. Policy CS26 of the Council's Core Strategy (2016) only permits development if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development. In the absence of any measure to mitigate the harm found, the development would be harmful to highway safety and therefore contrary to Policy CS26.

*Other matter*

11. The appellant raises a number of concerns for the Council's decision-making process. As this is not within the remit of this appeal, I make no further comment on the appellant's concerns in this regard. Nonetheless, the Costs Decision associated with this appeal discusses administrative and procedural matters.

## **Conclusion**

12. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

*R Walmsley*

INSPECTOR