

# Appeal Decision

Site visit made on 12 April 2022

**by Les Greenwood MRTPI**

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

**Decision date: 26<sup>TH</sup> April 2022**

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**Appeal Ref: APP/W1525/D/22/3292071**

**92 Patching Hall Lane, Chelmsford CM1 4DB**

- 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 Sivalingham Brathees against the decision of Chelmsford City Council.
  - The application Ref 21/02202/FUL, dated 22 October 2021, was refused by notice dated 23 December 2021.
  - The development proposed is a sliding electric gate.
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## Decision

1. The appeal is dismissed.

## Main issue

2. The main issue is the effect of the proposal on the safety of public highway users.

## Reasons

3. Patching Hall Lane is a well-used through route, lined mainly by houses and bungalows with individual accesses and off-street frontage parking. No 92 is typical in this respect. A sliding electric gate has been installed close to the back of the footway. I understand that the gate is being kept open in the absence of a planning permission. It was open at the time of my site visit.
4. The gate is less than 4 metres from the carriageway, so that if it is closed then most vehicles wanting to enter the site would likely stop across the footway and partly in the carriageway, forcing pedestrians into the carriageway and making cyclists and drivers move out into the centre of the busy road. The location of the access opposite a bus stop would potentially make this situation worse, as traffic might try to squeeze through the gap when a bus is stopped there. The situation would amount to a minor hazard, causing a small but significant amount of danger to highway users.
5. The appellant suggests that this could be addressed by a condition or conditions controlling use of the gate. One of these could require use of a hands-free control device, but this would be difficult for the Council to enforce and would not deal with situations where other drivers might try to access the property for visits or deliveries. Another suggested condition would limit closure

of the gate to a period from 22:00 hours to 07:00 hours overnight. This would however, leave a situation where danger would still be created each night, during hours of darkness. Therefore neither of these appears to be a satisfactory solution.

6. I have looked at this proposal on its own merits. I note that there are a few other similarly positioned gates on Patching Hall Lane, but the vast majority of properties here do not have gates. I have not been provided with any detailed information regarding approval of other gates on this road.
7. I conclude that the proposal would prejudice the safety of public highway users. It therefore conflicts with the aims of paragraphs 110 and 111 of the National Planning Policy Framework, to provide safe and suitable access.
8. The appellant states that the reason for the gates is to provide overnight security and refers to numbers of vehicle crimes in the area. No police advice has been provided, however, and no specific evidence has been submitted showing that such crimes are a serious problem in the immediate vicinity. As above, most properties on the street do not have security gates. I find that security has not been shown to be an overriding problem here.
9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

*Les Greenwood*

INSPECTOR