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# Appeal Decision

Site visit made on 4 July 2022

**by B Plenty BSc (Hons) DipTP MRTPI**

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

**Decision date: 20 July 2022**

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**Appeal Ref: APP/W2845/W/22/3290771**

**Glebe Barn Stables, Blakesley Road, Maidford, Towcester, Northants NN12 8HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mrs Heather Kemp against West Northamptonshire Council.
  - The application Ref WNS/2021/1124/FUL, is dated 21 July 2021.
  - The development proposed is alterations to existing access.
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## Decision

1. The appeal is allowed, and planning permission is granted for alterations to existing access at Glebe Barn Stables, Blakesley Road, Maidford, Towcester NN12 8HN in accordance with the terms of the application, Ref WNS/2021/1124/FUL, dated 21 July 2021, and details shown on plans: 2418 Site Location, 2418 Block Plan, and 2418/12 Access details, subject to the following conditions:
  - 1) The gradient of the access hereby permitted shall not exceed 1 in 15 for a minimum of the first five metres from the highway boundary and, within three months of the date of this permission, the access shall be paved with a hard bound surface (no gravel) for a distance of at least 5 metres from the highway boundary and shall be retained as such thereafter.
  - 2) Any features, within or affecting the triangular areas forming the maximum achievable visibility splays to the north-west and south-east of the access, shall not exceed 0.9 metres above access/carriageway level.
  - 3) Within two months of the date of this permission, details of approach warning signs to be located on both sides of the carriageway on the approach to the entrance, advising highway traffic of the existence of the access, shall be submitted to the Local Planning Authority for approval in writing. The warning signs shall be erected within three months of the subsequent details being approved by the Local Planning Authority.

## Preliminary Matters

2. The proposed development has been completed. However, I have removed reference to retrospective from the description as this does not describe an act of development. On the basis that the proposal is retrospective, s73A of the 1990 Town and Country Planning Act applies. I have therefore dealt with the appeal on this basis.

## Main Issue

3. The application was not determined by the Council within the statutorily prescribed 8-week timeframe. As such, following the submission of an appeal it falls to me to determine whether planning permission should be given. In consideration of the Council's Statement of Case, and the evidence before me, the main issue in dispute is the effect of the proposed development on highway safety, with particular regard to visibility splays.

## Reasons

4. Blakesley Road is a relatively wide country lane with a 60mph speed limit. It does not benefit from streetlights or footways and has occasional driveway access points serving the limited uses alongside the highway. The highway gradually slopes up from the south-east to the north-west in front of the appeal site. It has wide grass verges. Occasional wooded areas provide some enclosed parts of the highway whilst low boundary hedging elsewhere offers views of the distant countryside.
5. The proposal relates to an access that has adapted a field access into the main access to the appellant's stables. The access serves both an equestrian and agricultural use. The proposed access consists of a compacted gravel entrance with two wide automated gates. These gates can be operated electronically in a variety of ways including from the stables. They are recessed around 7 metres from the highway edge and this appears to generally align with the submitted drawings. Either side of the access is a grass verge with a depth of around 4 metres. The grass verge is slightly raised above the road and access. Nevertheless, views over this to both the north-west and south-east are unobstructed. Views to the north-west provide a clear and unimpeded vision of the highway slowly rising uphill. However, views to the south-east are obscured by field boundary hedging after around 130 metres.
6. Manual for Streets<sup>1</sup> and its accompanying evidence, explains that a visibility splay for a highway, with a 60mph speed limit, should be a minimum of 2.4 metres by 215 metres. The visibility splay, to the south-west of the access, does not accord with these dimensional requirements. The guidance also shows that the stopping distance at 40mph is 120 metres and 160 metres at 50mph.
7. The appellant's speed survey assessed traffic speeds over a week at two points close to the access. This showed, at position one, that the 85<sup>th</sup> percentile of average vehicle speeds were 50.5mph north-west bound and 48.3mph south-east bound. Position two showed similar results, reporting 52.7mph and 53.6mph respectively. Accordingly, the speed survey provides an indication of the speed which most drivers consider to be reasonable in this context. This demonstrates that the majority of traffic travels through the area at substantially lower speeds than the set speed limit. As a result, a reduced Y-distance of between 120-160 metres, for the south-east visibility splay, could be supported.
8. The south-east visibility splay is only moderately short of the stopping distances required for the reduced Y-distance. Furthermore, vehicles with large trailers turning into the site from the north-west, would have a more distant view to the south-east being across the road and set at a high driving position.

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<sup>1</sup> Manual for Streets, Department for Transport, 2007

This would increase motorists visibility and allow for safe turning into the site. The electronic entry system would also ensure that many arriving vehicles, with a length greater than 7 metres, would be able to clear the carriageway expeditiously. Furthermore, it is unconvincing that a topographical survey would further assist in understanding the effect of the reduced south-east visibility splay. As a result, based on the submitted evidence, the proposed access would cause only a minor increase in risk to the safe use of the highway. This affect would not amount to a substantive or unacceptable impact on highway safety.

9. Consequently, the proposal would accord with policy SS2 of the South Northamptonshire Part 2 Local Plan and the National Planning Policy Framework (The Framework). These policies seek, among other matters, to support development that would include a safe and suitable means of access and that would not have an unacceptable impact on highway safety.

### **Other Matters**

10. The appellant asserts that the proposed access altered a historical field access. However, limited evidence has been provided to confirm this assertion. The Old maps, referenced by the appellant, are not before me. However, even if this were the case, it is clear that substantial engineering works have been undertaken to widen and upgrade the access. It would therefore be fundamentally altered in appearance and purpose from when it may have served agricultural vehicles. As such, whether or not a previous access existed, this would weigh neither for nor against the proposal.
11. The proposal replaces a previous access to the north-west of the site. This connected the stables to the highway via a right of way. This access is close to the brow of a hill. South-east views here are partially obstructed by the grass verge and the curvature of the road. Views to the north-west are more compromised due to the hill and several bends in the road immediately following the crest of the hill. As such, the former access appears to provide poor visibility splays especially to the north-west. This therefore does not appear to be substantially safer to use than the access proposed.
12. Furthermore, the original access is gated, and these are set close to the highway edge. These prevent vehicles from pulling off the road until the gates can be opened. I understand that these cannot be moved further into the track due to ownership issues. This creates constraints to the use of the original access that do not exist for the proposed scheme. Consequently, this offers moderate further support in favour of the proposal.

### **Conditions**

13. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance. It has been necessary to require the access to be subject to surfacing to prevent gravel from entering the highway, the installation of approach warning signs and for the visibility splays to be kept free of obstruction, all in the interests of highway safety.

### **Planning Balance and Conclusion**

14. The identified benefits of the proposal, including the ability for many arriving vehicles to clear the carriageway whilst waiting for the gates to open, lends support in favour of the proposal. These benefits outweigh the minor increase in risk identified by the substandard south-east visibility splay.
15. For the above reasons, the appeal is allowed, and planning permission is granted subject to the attached conditions.

*B Plenty*

INSPECTOR