



Appeal Decision

Site visit made on 25 July 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 8th August 2022

Appeal Ref: APP/W3520/W/21/3282492

Land adjacent Corner Cottage, Fressingfield Road, Metfield, Suffolk IP20 0LL

- 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 Brian Heyburn against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/05769 , dated 17 January 2021, was refused by notice dated 7 April 2021.
 - The development proposed is full planning application for the erection of 1No single-storey residential unit with detached double cart lodge.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on highway safety.

Reasons

3. The appeal site comprises a parcel of rough grassland. The land is set back from the developed edge of Metfield village but within the settlement boundary established by the Mid Suffolk Local Plan 1998 (LP). It lies just beyond the end of two short bungalow terraces. The access to the site is of about 5m wide and runs perpendicularly from the Fressingfield Road, alongside one of the bungalow terraces. There is a metal farm gate at the entrance and an adjacent gap allowing pedestrian access along a public right of way (PRoW) sharing this access. The PRoW continues past the appeal site into the countryside beyond. The access is around 40m long and is currently covered by long grass with a path worn through by walkers.
4. The entrance off Fressingfield Road is very near to its give-way junction onto the B1123. This junction is on a bend in the major road it joins and so diverges each side of a splitter island. A length of paved footway to the southern side of Fressingfield Road runs up to the appeal site entrance and then transfers to its other side for the short distance up to the B1123 junction.
5. A proposal for a bungalow on this site has been the subject of three previous appeal decisions, made on 14 November 1986¹, 30 May 2013² and 1 November 2017³ respectively. All were dismissed on similar highway safety grounds

¹ Reference T/APP/W3520/A/86/052924/P2,

² Reference APP/W3520/A/13/2192627

³ Reference APP/W3520/W/17/3178659

- relating to the poor visibility at the site access onto the Fressingfield Road. The appeal decisions supported safety concerns raised by the local highway authority (LHA), which are maintained with the current proposal.
6. The Government-endorsed Manual for Streets (MfS) provides guidance on the dimensions of visibility splays necessary to ensure adequate inter-visibility between drivers at an access junction and those on the main highway. The distance back along the minor access from which visibility is measured is known as the *x* distance. The distance that a driver can see from this to the left and right along the main road is referred to as the *y* distance. The *x* distance is generally measured back from an actual or notional 'give way' line.
 7. For Fressingfield Road, which has a 30mph speed limit, the MfS would seek an ideal visibility splay with dimensions of 2.4m for *x* and 43m in each direction for *y*, in order to safely serve the vehicular movements generated by a dwelling. The LHA considers that at the recommended 2.4m *x* distance, the existing access can only achieve a *y* distance of 15m visibility in either direction along Fressingfield Road.
 8. As the Technical Note⁴ accompanying this current proposal explains, since the last appeal decision, an automatic traffic count was conducted near the site entrance. This revealed average 85th percentile vehicle speeds of 17.8mph eastbound and 18.5mph westbound, which the LHA accepts. The access falls substantially below the visibility required by MfS for the Stopping Sight Distances of the surveyed speeds, for which the LHA would accept visibility splays of 2.4m x 22m (west) and 23m (east).
 9. I agree generally with the previous Inspectors that, due to a footway to the west, there is safer visibility at the site access looking left onto Fressingfield Road, where traffic would mainly be approaching on the far side. However, visibility in the more critical direction, looking right towards the nearby B1123 junction, is restricted by a tree at the end of the boundary hedge and boundary planting and the buildings at Corner Cottage. This situation lies outside the appellant's control.
 10. The MfS allows discretion for applying a minimum *x* distance of 2m, which would then mean broadly suitable *y* distances at the appeal site access for the surveyed vehicle speeds. However, the evidence does not show Fressingfield Road to reflect a very lightly trafficked and slow-speed situation where such a reduced *x* distance would provide a safe level of visibility. The LHA also considers the *x* distance should not be reduced below 2.4m because the road is relatively narrow. A 2m *x* distance would mean that the front of some vehicles exiting the appeal site access would protrude slightly into the running carriageway of the Fressingfield Road. Due to the bend in the B1123, drivers entering from the east onto Fressingfield Road encounter little change in alignment to require reduced speeds. They would encounter any protruding vehicle exiting the appeal site without much advance visibility. In line with LHA requirements, I consider that a righthand visibility splay of 2.4m by 23m at the site access would be necessary to safely support the vehicular movements a dwelling would entail.
 11. The appellant refers to a hedge overhanging the public highway to the south side of Fressingfield Road and to the east of the appeal site access. This is

⁴ Access Appraisal Project no 11692 by Sanderson Associates dated 16 November 2020.

considered to reduce the useable carriageway width by about 1m, pushing cars exiting the B1123 left into Fressingfield Road towards the opposite side of the road. Because the LHA has not taken action to get the overhanging hedge cut back, the appellant assume it tacitly considers such a situation to be a safe one. The appellant contends that this situation improves visibility to the appeal site access, making it safe. None of this is based on a detailed survey of highway conditions and appears to me to be a rather tenuous argument in favour of the proposal being satisfactory from a highway safety point of view. Even if I were to accept this argument, the appellant has no control over this hedge being maintained in its current state.

12. The appellant relies on documents submitted at the last appeal and Crash Map data showing that there were no road traffic accidents on Fressingfield Road in the last 10 years. However, whilst such evidence might support the lack of current highway safety issues, it provides no reasonable grounds for relaxing standards, as my colleague concluded in the previous appeal.
13. My reasoning would be similar over the support sought from the many existing village accesses with little or no driver visibility. These historic situations would seem to be outside of planning control and, in many cases, relate to times when traffic conditions were markedly different from those at present. There is no evidence to show any of these accesses were expressly permitted under the current planning regime. These examples provide no reasonable case for allowing development from an additional substandard entrance and thereby reducing the overall level of highway safety in the village.
14. Like the Inspector in the 2013 appeal, I found the access to the proposed dwelling to be narrow, leaving limited space for vehicles to pass pedestrians. I agree with him that visibility would be restricted to drivers of vehicles turning into the entrance from the east. I too am concerned that this could result in a conflict between those vehicles and pedestrians using the PRoW, with very little time for manoeuvring out of the way. Along with the inadequate visibility to the right for drivers exiting onto Fressingfield Road, this means that this proposal would fail to achieve safe and suitable access for all users and have an unacceptable impact on highway safety. For these reasons, the scheme would be in conflict with LP policies GP1 and T10 and paragraphs 110 and 111 of the National Planning Policy Framework.

Conclusion

15. Apart from highway safety reasons, I accept there are no other planning objections put forward by the Council. The proposal would provide some small social benefits in adding to the supply of market housing. The construction and future occupation of a further dwelling would provide small economic benefits in the support given to local trades and services. However, these would not outweigh the highway safety concerns discussed and, consequently, I conclude that the appeal should not succeed.

Jonathan Price

INSPECTOR