



Appeal Decision

Site visit made on 2 August 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022.

Appeal Ref: APP/J1860/D/21/3278289

Stone Cottage, Bayton, Worcestershire DY14 9LW

- 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 Mrs Sharon Hancox against the decision of Malvern Hills District Council.
 - The application Ref 20/02024/HP, dated 18 December 2020, was refused by notice dated 9 April 2021.
 - The development proposed is bi-fold driveway gates.
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Decision

1. The appeal is allowed and planning permission is granted for proposed bi-fold driveway gates, at Stone Cottage, Bayton, Worcestershire DY14 9LW in accordance with the terms of the application, Ref 20/02024/HP, dated 18 December 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21-02-01, 21-02-01A, 21-02-03.

Preliminary Matters

2. Gates and posts are in place at the site. Whilst they appear to broadly accord with the submitted plans in terms of their design and position, I saw that there are some detailed deviations. As a result, in reaching my decision, I have assessed the development as shown on the submitted plans and not as built on site.
3. The Council's decision notice refers to plan 21-02-03A, but the Council has confirmed that 21-02-03 is the relevant plan on which it made its decision. I have considered the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal driveway is located on a rural lane within the village. The site entrance is close to a sharp bend and junction. The lane has no pavement and there are many driveways and entrances nearby, some with restricted visibility for drivers when joining the lane. My visit only represents a snapshot in time,

but I saw that traffic flow was low and that vehicle drivers exercised caution when using the lane past the appeal site, because of the constraints of the lane.

6. The driveway has a short length, and the gates would not be positioned five metres back from the adjoining carriageway edge. As such, it is likely that a vehicle entering or leaving the driveway would wait at least partially within the carriageway whilst the gates are opened or closed, somewhat reducing the forward visibility of vehicles using the lane. However, there is a small verge for a vehicle to pull-into whilst the gates are operated, limiting the extent of obstruction caused by a waiting vehicle.
7. Furthermore, even without the gates, a vehicle entering or leaving the driveway here has to manoeuvre within the carriageway, to which road users already have to react. In the quiet, rural context of the site, I consider that the small additional amount of time that a vehicle would be present on the highway, whilst the gates are operated, would not result in an unacceptable risk to road users. In addition, the gates would assist in reducing the risk of children or animals at the appeal site from stepping into the road, resulting in a moderate highway safety benefit.
8. The gates would be bi-fold in design, allowing for inwards opening, avoiding any obstruction within the lane from the gates themselves. The gates and posts would also be set behind or flush with the hedge and building either side, and so would have little effect on the visibility of vehicle drivers using the access.
9. I have carefully considered the views of the Highway Authority, but for the reasons set out above, I conclude that the proposal would not harm highway safety. It would therefore comply with policies SWDP4 and SWDP21, which require that proposals address road safety, and that vehicular traffic can safely access the highway. For the same reasons, it would also comply with the National Planning Policy Framework, that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

10. The site is within the Bayton Conservation Area (CA). There is no dispute between the parties that the gates have no adverse effect on the character or appearance of the CA. Having considered the proposal and visited the site and its surroundings, I concur with that view. Accordingly, the character and appearance of the CA would be preserved.
11. Stone Cottage is a Grade II listed building, as is nearby Hillview. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest. In determining the application, the Council did not identify any harm to the listed buildings or their settings. Given the small-scale nature of the proposal, I have no reason to disagree.

Conditions

12. I have considered whether to impose conditions, having regard to the advice in the Planning Practice Guidance. As I have considered the development as a

proposal, rather than for retrospective permission, I have imposed the standard time limit for commencement. A condition requiring adherence to the approved plans is also necessary for certainty, as suggested by the Council.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

O Marigold

INSPECTOR