
Appeal Decision

Site visit made on 16 May 2022

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2022

Appeal Ref: APP/R0335/W/21/3288207

Land adj 144 High Street, Sandhurst

- 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 Leeton Forestry against the decision of Bracknell Forest Borough Council.
 - The application Ref 21/00624/FUL, dated 17 June 2021, was refused by notice dated 17 November 2021.
 - The development proposed is new vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council determined in 2021 that prior approval was not required for the erection of a single storey timber building to provide a log store and tool shed for forestry use on the site¹. The proposal subject to this appeal relates solely to the creation of a new vehicular access.

Main Issues

3. The main issues are;
 - Whether safe and suitable access can be achieved;
 - The effect of the proposal on the landscape character and appearance of the area;
 - The effect of the proposal on protected trees; and
 - The effect of the proposal on a Habitat of Principal Importance.

Reasons

Whether safe and suitable access can be achieved

4. The appeal site is located on the A321 High Street, close to the junction with Yateley Road. It is almost opposite St Michaels Road, and on the neighbouring site is a car dealership. The proposed new access would be in excess of ten metres wide as it meets High Street, narrowing within the site.

¹ 21/200621/PAD

5. The A321 is a classified A-class road which carries a high volume of traffic. It was apparent when I visited the site that the use of the appeal site access could have an impact on the use of the nearby junctions, and vice versa. I arrived at the site at approximately 8.45am and parked in St Michaels Road. I then walked to the appeal site and spent some time observing those using the highway network. Vehicles turning right out of Yateley Road onto High Street already have to manoeuvre out of the junction and cross over the path of those waiting to turn right onto Yateley Road. In instances where a vehicle waiting to turn right gives way to allow a vehicle to exit onto High Street the driver's visibility is severely restricted by existing road traffic. Movements are then further hindered by vehicles using the junction with St Michaels Road, which is almost directly opposite the proposed access, and indeed those using existing driveways that access High Street directly and the Toyota garage.
6. Whilst my own observations are a snapshot in time, I have carefully considered the representations submitted by local residents who live in the immediate area and have extensive experience of using this section of the highway. These representations confirm that in practical terms, using the highway in the vicinity of the appeal site requires careful navigation of a number of junctions within a short distance of each other. The effect of which is to create a number of pressure points along this stretch of the highway.
7. Visibility requirements on roads subject to 30mph speed limits are normally determined in accordance with guidance contained in Manual for Streets, and the submitted transport assessment confirms that the achievable visibility within the public highway from the site access would accord with these requirements. However, it is reasonable to consider the visibility of the access in the context of the surrounding network, especially in a case such as this where the access is very close to other significant junctions. Vehicles waiting to turn right into the site would need to pull into the middle of the road, which is hatched, in order to avoid impeding the flow of traffic. The hatched area is quite narrow, and whilst it may be possible for a car to pass, the road is frequented by significantly larger vehicles which would likely have to come to a stop whilst travelling around a bend in the road. Furthermore, vehicles manoeuvring around parked car transporters and those accessing the Toyota garage would risk conflict with vehicles turning right into the site. These are all factors which would in real terms affect the visibility of those entering and exiting the appeal site.
8. I acknowledge that the appellant considers this to be a low activity enterprise, and that clients would not be encouraged to visit the site, resulting in a natural restriction to traffic flows. Notwithstanding this, and the transport evidence submitted which provides data to demonstrate that the road does not officially pose a risk to highway safety in its current form, the reality when physically assessing and considering the proposed access is that an additional access in this location would result in additional strain on an already complicated section of the highway.
9. On the basis of the evidence provided, and my observations at the time of my site visit, I consider that additional vehicles accessing the High Road in such close proximity to other busy junctions would result in an unacceptable impact on highway safety. Accordingly, I find that the proposal would have an unacceptable impact on highway safety, and would conflict with Policy CS23 of the Bracknell Forest Core Strategy Development Plan Document 2013, and the

National Planning Policy Framework, which require development to increase the safety of travel and maintain and where possible improve the local road network.

The effect of the proposal on the landscape character and appearance of the area

10. The entire site is set within Yateley Road woodland, which provides a significant green break between built development. The area is characterised by the dense, mature woodland, and the appeal site actively contributes to this character due to its prominent location which is adjacent to the existing urban environment.
11. The site comprises a section of high value 'wet woodland' with a good mix of biodiversity in the tree stock in terms of age and species. There are multiple landscape features within the site such as a bank along the boundary with the adjacent car dealership and a ditch. The trees across the site are protected from high wind force by the surrounding trees, other than those along the northern and eastern boundaries.
12. At present the site cannot be accessed by vehicle which provides a natural restriction on the intensification of works on the site and retains the natural character of the site and surrounding woodland. The proposal would change the character of the site from its current somewhat wild and rugged woodland, within which there is a permission for low key forestry, to a far more intense and industrial character. This would erode the Yateley Road Woodland and undermine its ability to provide a significant green break in the urban form.
13. Accordingly, I find that the proposal would be harmful to the character of the area, It would therefore conflict with 'saved' policies EN1 and EN2 of the Bracknell Forest Borough Local Plan, policy CS7 of the Core Strategy Development Plan, which collectively and amongst other things seek to restrict development which would result in the destruction of trees and hedgerows which are important to the character and appearance of the landscape, and seek to maintain and enhance important habitat and landscape features such as the Yateley Road woodland.

The effect of the proposal on protected trees

14. Yateley Road woodland is subject to two separately confirmed Tree Preservation Orders (TPO) 1256 and TPO 1257, respectively spanning the north and south sides of the appeal site.
15. The Arboricultural Report identifies that it would be necessary to remove one tree to facilitate the development itself, with a further two requiring removal irrespective of development due to safety concerns. The retained trees would be safeguarded through the use of barrier fencing and ground boarding during the construction of the access to ensure that the trees would be protected. Details of the appropriate method are set out within the Arboricultural Report.
16. Subject to compliance with the method set out in the Arboricultural Report I am satisfied that the proposal would not be detrimental to protected trees within the site.

The effect of the proposal on a Habitat of Principal Importance

17. The areas that would be affected by the proposals are UK Biodiversity Action Plan priority habitats (lowland mixed woodland and wet woodland). It is therefore necessary for authorities to have regard to the conservation of biodiversity in England when carrying out their normal functions. The site is wooded ranging from mixed dry woodland with Sycamore and English Elm into mixed wet woodland with Alder and Willow. The ground flora is dominated with bramble patches and nettle beds, with Himalayan balsam invasive on all open disturbed areas in vicinity of the ditch line.
18. An extended Ecological Survey as carried out in April 2021. The results of which identify that the site has very limited potential for reptiles in the open central nettle/hemlock waterdropwort section. It is likely to be too wet for slow worm and no sign of common lizards were noted. The heavy shading across much of the site means that there is only very limited potential for reptiles (grass snakes) to occur on site. There is no standing water on site, but the damp habitats are suitable for all common amphibians in their terrestrial phases. Birds noted in the survey included Blackbird, Blackcap, Blue Tit, Dunnock, Great Tit, Nuthatch, Robin, Song thrush, Wood Pigeon, and Wren. There are no structures on site but there were some woodpecker holes in the larger oaks and on one alder with potential for roosting bats.
19. The access and parking would be on bramble dominated drier ground and further control of the Himalayan balsam would benefit the site and the adjacent woodland in general. Some thinning of the denser holly dominated mid-canopy would also benefit the ground flora along the ditch line.
20. I am satisfied that subject to the works being carried out in accordance with the recommendations in the Provisional Environmental Assessment of John Denty, there would be no harmful loss of or deterioration of the habitat. It would therefore comply with Policies CS1 and CS7 of the Core Strategy Development Plan insofar as those policies permit proposals which enhance biodiversity.

Planning Balance and Conclusion

21. I have found that, whilst the proposal would not be harmful to protected trees or the biodiversity of the site, it would be detrimental to highway safety and the character and appearance of the area. Accordingly, I conclude that the proposal would conflict with the development plan when taken as a whole.
22. For the reasons above and having regard to all other matters raised, I conclude that the appeal is dismissed.

J Ayres

INSPECTOR