
Appeal Decision

Site visit made on 20 September 2022

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 October 2022

Appeal Ref: APP/W1905/W/22/3291251
111, High Road, Wormley, Herts EN10 6DN

- 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 Rey Martin against the decision of Broxbourne Borough Council.
 - The application Ref 07/21/0820/HF, dated 28 June 2021, was refused by notice dated 23 August 2021.
 - The development proposed is a new vehicle crossover.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the free and safe flow of vehicles on the adjacent highway.

Reasons

3. The appeal relates to this house which is located on High Road, which is a classified road (A1170). The property is located opposite a petrol filling station, which also accommodates a convenience shop, a car sales business and a car repair/servicing business.
4. High Road is subject to a 30mph speed limit at this section and carries a significant number of vehicles. At the time of my site visit there was a steady, continuous flow of vehicles in both directions. Although no figures have been submitted by the appellant or the Council, my observations were that the petrol filling station was busy.
5. The County Council as Highways Authority has objected to the proposal and recommended that the Council refuse the application. I can also see from the submitted documents that there was some correspondence from the County Council which advised the appellant about detailed matters in relation to the exact size, siting and visibility for a crossover here. The correspondence did also state that the information given would not bind the Council on any decision in this respect.
6. There are 2 matters raised in the submission. Firstly, the road acts as part of the primary road network and carries significant numbers of vehicles. An individual crossover here could involve an interruption to that flow due to a

- vehicle entering or leaving the appeal site, possibly crossing the flow of vehicles on the opposite side of the road.
7. It appears that the Council's principle concern is in respect of safety. The commercial site opposite does appear to generate a significant number of vehicle movements. Vehicles leaving that site would be directly opposite the appeal site. Any vehicle entering or leaving the appeal site could come into conflict with vehicles leaving the petrol station opposite. Although it is not the appellant's current intention to do so, if more than 1 vehicle were to be at the appeal site, it could mean that vehicles had to reverse out onto High Road which would add to the potential for conflict, in my view.
 8. The appellant points out that there are other residential properties which are opposite another petrol station and some of these have crossovers. I had the opportunity to see these at my site visit. There is no information given about when these were given planning permission (or indeed, if that is the case). In addition, the existence of development which has the potential to give rise to harm is no reason to allow further similar development.
 9. I have also taken account of the appellant's stated intention to provide for electric vehicle charging at his home. I acknowledge that this is a positive aspect of the appeal scheme. However, balanced against this is safety concern arising from the potential for vehicles arriving at or leaving the appeal site, conflicting with vehicles leaving the petrol station opposite. In my judgement, there is a very real prospect of such conflict which would have a significant impact on the safety of road users, including the appellant and his family, who use this section of High Road.
 10. Therefore, I conclude that the proposal would conflict with Policies TM2 and TM6 of the Broxbourne Local Plan. I have taken account of the benefits of the proposal but these do not outweigh the harm that I have identified. As a consequence, the appeal is dismissed.

T Wood

INSPECTOR