



Appeal Decision

Site visit made on 16 September 2022

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/W0530/W/22/3292500

Brookside, Hoffers Brook Farm, Royston Road, Harston, CB22 7NJ

- 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 Celesta Braithwaite against the decision of South Cambridgeshire District Council.
 - The application Ref 21/03534/FUL dated 29 July 2021, was refused by notice dated 22 November 2021.
 - The development proposed is described on the application form as "The creation of a new vehicular access to the A10 and associated landscape works".
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a new vehicular access to the A10 and associated landscape works at Brookside, Hoffers Brook Farm, Royston Road, Harston, CB22 7NJ in accordance with the terms of the application, Ref 21/03534/FUL, dated 29 July 2021, subject to the conditions set out in the attached schedule.

Procedural matter

2. The appellant has submitted an additional plan (Drawing No. 1004.0003.002¹) that illustrates pedestrian and cycle visibility splays. Taking into account the judgement given in *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Harborough District Council* [1980], I am satisfied that the Council, Local Highway Authority and other parties would not be prejudiced by my acceptance of this information and as a consequence I have considered the appeal on the basis of this additional plan.
3. There is no dispute between the parties that the proposal would not represent inappropriate development in the Green Belt. I see no reason to take a different view as the works would;- (a) constitute engineering operations; and (b) preserve the openness of the Green Belt and not conflict with the purposes of including land within it. As a consequence, the scheme would accord with the exception outlined at Part b) of Paragraph 150 of the Framework².

Main issue

4. The main issue is highway and pedestrian safety, with particular regard to whether the scheme would create an unacceptable proliferation of accesses

¹ Contained within the Paul Basham Appeal Transport Note (1004.0003/ATN/3).

² National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

onto a classified highway and its impact on the adjacent dual use footway/cycleway.

Reasons

5. The appeal site falls within the open countryside and Cambridge Green Belt. It consists of a dwelling and stable building on the northern side of the busy and fast-moving A10 public highway (with 60mph national speed limit). Access to the site is currently obtained via a narrow private gravel driveway shared with a neighbouring property ('the existing shared access point'). The surrounding area is dominated by agricultural fields.
6. The Local Highway Authority (LHA) has not raised any concerns about the extent of visibility splays provided for vehicles exiting the proposed access point onto the A10 and it has also stated that it has little doubt the visibility splays for the cycle lane can be achieved. Having reviewed the additional plan supplied by the appellant, I am satisfied that the visibility splays proposed for users of the adjacent dual use footway/cycleway would be sufficient and that when considered as a whole, there would be good visibility of pedestrians, cycles and vehicles in both directions for any cars exiting the site.
7. Although the narrow width of the proposed access point means that it would not be easily identifiable when approaching from both directions on the A10, vehicles would be clearly seen when exiting the site owing to its position on the outside of a gentle curve in the road and the spacious width of the existing footway/cycleway and grass verge (which would enable a large proportion of any vehicle to be clearly seen when edging out towards the edge of the vehicular highway).
8. Although the scheme would give rise to one additional access onto the A10, I found the road to be otherwise largely clear of vehicular access points for some distance in both directions. As a consequence, I am not of the view that it would result in the creation of a proliferation of access points on this part of the road.
9. Even if the existing site contained two dwellings as referred to by the LHA³, the scheme does not propose the introduction of any additional buildings or uses on the site and hence would not result in any intensification of vehicular comings and goings to it. Neither is there any evidence before me to demonstrate that there would be an overall collective increase in traffic movements to the proposed access and existing shared access point when compared with the use of only the latter (as is presently the case). To my mind, the number of vehicular comings and goings to the new access would simply be offset by a reduction in those to the existing shared access point. As a consequence of this and the close proximity of both access points, I would not consider the proposal to interfere with the free flow of traffic at this point in the road over and above that which already exists.
10. The LHA has referred to 3 accidents on the A10 and state that these suggest the potential for more accidents associated with concealed and unexpected access points, particularly when in close proximity to other access points. However, to my mind, the close proximity of the existing shared access point to that proposed means that vehicles travelling to the site would have to slow

³ As specified in the Transport Statement accompanying planning application S/4272/18/FL.

down at the same general point irrespective of which access they intended to use. As a consequence, I do not consider there to be any difference in levels of highway & pedestrian safety or potential for accidents from the proposal than that which already exists if this appeal was dismissed.

11. My attention has been drawn by the Local Highway Authority to an appeal at the same site for alterations to a field entrance to form a new drive which was dismissed⁴. However, a significant period of time has elapsed since that decision and planning policy has evolved accordingly. I have as a consequence assessed the proposal on its own merits in the light of all the evidence which is now before me, and for the reasons identified above, reached a different conclusion to the Inspector in that case.
12. The LHA states that maintenance of the visibility splays to the adjacent dual use footway/cycleway would potentially have a significant impact on the streetscape. However, I would consider the impact to be more modest and not harmful to the character and appearance of the area.
13. In view of the above, I conclude that the scheme would not have an unacceptable impact on highway and pedestrian safety. The proposal would therefore accord with Policy HQ/1 of the Local Plan⁵ which seeks, amongst other things, to protect the health and amenity of occupiers and surrounding uses from development that would create unacceptable impacts.
14. I also find that the scheme accords with Paragraph 111 of the Framework which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
15. No conditions have been proposed by the Council or Local Highway Authority in the event of the appeal being allowed. However, in the interest of highway and pedestrian safety, I have imposed conditions requiring the development to be carried out in accordance with the approved plans and for the visibility splays to be permanently kept free of any obstructions. The appeal evidence clarifies that the new hardstanding would be at grade with the pavement and highway as per the existing shared access point and so I do not consider it necessary to impose any condition requiring further details of this. The land used for the new access passes over land under the control of the Local Highway Authority and so I also see no need to impose a condition requiring specific details of surface treatment or construction details as this will be a private matter between the parties.

Conclusion

16. In view of the above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

INSPECTOR

⁴ Ref: APP/W0530/A/89/143100 dated 14 August 1990.

⁵ South Cambridgeshire Local Plan, Adopted September 2018, South Cambridgeshire District Council.

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved details:- Drawing nos. BM-M-02, 1004.003.001 and 1004.0003.002; the Barton Willmore letter dated 29 July 2021; the Paul Basham Transport Note 1004.0003/TN/1; and the Paul Basham Appeal Transport Note (1004.0003/ATN/3).
- 3) Following construction of the access hereby approved, the visibility splays shown on the approved plans and within the land identified by a red line on Drawing no. BM-M-02 shall be permanently kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the adjacent carriageway.

End of Schedule