



## Appeal Decision

Site visit made on 3 October 2022

**by J Hills MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7th December 2022**

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**Appeal Ref: APP/K1128/D/22/3304863**

**3, Park Cottages, Road from St Anns Chapel Cross to Bigbury Green Cross , Bigbury TQ7 4AW**

- 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 Miss Fiona Stace against the decision of South Hams District Council.
  - The application Ref 0251/22/HHO, dated 19 January 2022, was refused by notice dated 1 June 2022.
  - The development is hard standing area in front of property to be used as driveway.
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### Decision

1. The appeal is allowed and planning permission is granted for hard standing area in front of property to be used as driveway at 3, Park Cottages, Road from St Anns Chapel Cross to Bigbury Green Cross, Bigbury, TQ7 4AW in accordance with the terms of the application, Ref 0251/22/HHO, dated 19 January 2022, and the plans numbered 1171.22.01, 1171.22.02, 1171.22.03 and 1171.22.04 submitted with it.

### Preliminary Matters

2. I note that this is a retrospective application for an existing hardstanding to be used as a driveway.
3. The description of development provided within the application form is not sufficiently clear and includes wording that is not an act or description of development. I have used a different description in the decision which is based on the appeal form. It is noted that the appellant suggested additional wording to include reference to the formation of a vehicular access, however I am satisfied that this is implicit in the wording used. I am therefore content that the description of development in the header and my decision accurately explains what it comprises.

### Main Issues

4. The main issues are the effect of the proposal upon (i) highway safety; and (ii) whether the loss of the hedgebank is acceptable having regard to development plan policies.

## Reasons

### *Highway safety*

5. The appeal site is located within the frontage of one of a small terrace of dwellings within a cluster of houses adjacent to a country lane. Off street parking provision is varied and more limited for the terrace. Some properties have large enough turning areas to allow vehicles to enter and exit in a forward gear. The adjacent parking bay and the appeal site are more constrained, where users would need to rely on a reversing manoeuvre either from or to the highway.
6. Being located near the bottom of a hill, the topography is such that the cluster of houses is visible for road users well in advance when approached from the north and south. I acknowledge the Highway Authority (HA) reference to speed survey data undertaken outside the holiday season months measured from a point approximately 100m north of the site, and their assessment of the likely speeds at the appeal site. At the time of my site visit, vehicles travelling from both directions tended to approach at low speeds with their break lights on. Although my observations only represent a snapshot in time, recognising the summer months may be busier, I find that drivers would be more likely to arrive at the appeal site with caution where the possibility of vehicles manoeuvring on and off the highway would be anticipated.
7. The Council and Appellant agree that visibility out of the site is significantly less than suggested standards in Manual for Streets, and I acknowledge that visibility beyond 3 metres would rely on 3<sup>rd</sup> party land where mitigation could not be provided. However, given the restricted visibility it is likely that drivers exiting the site would be more inclined to cautiously approach the highway before completing their manoeuvre. In doing so, their vehicle would be suitably visible at some distance to traffic approaching from both directions. Although visibility to the site from southbound traffic is shorter than northbound, the Appellant's Transport Note asserts that data suggests there have been no collisions at or near the vicinity in the last 23 years, which is not disputed by the Council, and I have no substantive basis to consider otherwise. This adds to my overall assessment that visibility from, and of other vehicles is likely to be acceptable.
8. I am mindful of the beneficial contribution the driveway has towards the overall provision of parking in this particular countryside location where access to alternative arrangements is very limited; and that Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) seeks to ensure sufficient car parking is provided to ensure safety of the highway network.
9. I therefore conclude on this main issue that the development would not be likely to pose a risk to highway safety. As such, there is no conflict with Policy DEV29 of the JLP, which amongst other things promotes sufficient provision of parking, and safe and satisfactory vehicular access to and within sites. Furthermore, the proposal satisfies paragraphs 110 and 111 of the National Planning Policy Framework (the Framework), which seeks development to provide a safe and suitable access to the site, and where development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

### *Loss of hedgebank*

10. The appeal site is located within an Area of Outstanding Natural Beauty (AONB) where the Framework attributes great weight to conserving and enhancing landscape and scenic beauty. The area is characterised by low level hedgebanks that have been significantly disturbed and punctuated by a number of entrance points serving a cluster of properties.
11. Despite the removal of up to 4 metres of a previously disturbed hedgebank to facilitate the access, the frontage arrangement of the appeal site does not appear out of place and reflects that of most properties in the immediate and surrounding area. Where sections of hedgebank are retained between properties, these continue to provide a strong, natural frontage feature to the highway that is not compromised by the development.
12. I understand the level of protection and importance afforded to Devon hedgebanks, including their ability to help reduce rainwater runoff or improve air quality. However, I find that the removal of a very small section of an already disturbed hedgebank frontage does not undermine the objectives of the neighbourhood plan policies that aim to protect the AONB and its natural features within it. Having regard to Policy DEV28 of the JLP, I have identified the need for, and benefits of the development in this location within my findings on the first main issue above; and in light of my findings above, these clearly outweigh the loss of the hedgebank.
13. For the above reasons, I conclude on this issue that the loss of the hedgebank does not cause unacceptable harm having regard to development plan policies; and as such the development accords with Policy DEV28 of the JLP, Policies BP18 and BP24 of the Bigbury Neighbourhood Plan (2019-2024) which seek to protect important hedgebanks, and section 15 of the Framework, which seeks to conserve and enhance the natural environment.

### **Conditions**

14. I have not included the standard time and plans conditions suggested by the Council as the application is retrospective. The Council has suggested a condition requiring that no mud, water or debris shall be deposited on the public highway at any time. I have no substantive basis to consider that the nature of the development concerned would be such as to result in deposition that would be likely to pose a risk to highway safety. As such, having paid regard to the six tests set out in Planning Practice Guidance, I do not find the condition to be necessary to make the development acceptable.

### **Conclusion**

15. For the reasons given I conclude that the appeal should be allowed.

*J Hills*

INSPECTOR