



Appeal Decision

Site visit made on 4 October 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2022

Appeal Ref: APP/H0520/W/22/3297721

Land Rear of Village Hall, Eltisley Road, Waresley SG19 3BS

- 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 Brian Jones against the decision of Huntingdonshire District Council.
 - The application Ref 20/01232/FUL, dated 9 July 2020, was refused by notice dated 24 December 2021.
 - The development proposed is Erection of a detached dwelling with car port/cycle shed and access drive.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon highway safety.

Preliminary Matter

3. The appeal site lies to the rear of the Waresley Village Hall and is accessed via land which forms part of the Village Hall car park. The evidence before me indicates that whether the right of access that the appellant holds to cross this land extends to vehicular traffic is disputed. However, determination as to the extent of these rights is a legal matter that falls outside of the scope of this appeal and is therefore beyond my consideration.
4. In the interests of clarity, I have considered the proposal on the basis that there is a theoretical possibility that the site could be accessed by vehicle across the intervening land. However, having regard to the above, this does not imply any agreement with the position of any party with regards to this separate legal matter, and should not be interpreted as such.

Reasons

5. The evidence indicates that the number of parties with a right to use the access has significantly reduced in recent years. I consider that as a result, a return to previous, higher levels of usage would be unlikely to occur. Consequently, this would not form an appropriate baseline for assessment. I have therefore assessed the proposal on the basis of current use and policy provisions.
6. No evidence has been presented to me to suggest that the current use of this access has previously resulted in documented accidents between vehicles and pedestrians. However, the proposed development, by utilising the access to

form the only means of vehicular access to a new dwelling, would increase both the level and regularity of traffic using it.

7. Visibility to the right for vehicles exiting the access is currently acceptable due to the low level of boundary walls at the neighbouring property. However, due to the substantial hedgerow that currently forms much of frontage of the Village Hall site, a clear view to the left for any vehicle exiting the access cannot be achieved until the vehicle has already partially crossed the footway. Consequently, there is currently the potential for conflict to occur between pedestrians and vehicles leaving the site, and the likelihood of this occurring would be increased as a result of the intensification of the use of the access over current levels.
8. The provided plans indicate that a visibility splay would be achieved by the removal of part of the hedgerow at the Village Hall frontage. Whilst this could improve visibility, the indicated area appears to fall outside of the appeal site and is therefore not on land over which the appellant has control. Equally, although visibility for vehicles exiting the access towards the right is currently unimpeded, this is reliant on land at the neighbouring property remaining free from obstruction, and again this appears to fall outside of the appeal site and the appellant's control.
9. Accordingly, even if as stated, there is a collective responsibility to provide a safe entrance, there is no certainty that adequate visibility splays could be achieved and retained without the agreement of one or more third parties. As a result, any planning condition to secure the provision and retention of such splays would fail the relevant tests set out in Planning Practice Guidance as it would be unreasonable.
10. With regards to potential conflict between the use of the access and users of the Village Hall, it is evident that it is possible, and indeed likely, that vehicles of users of the Village Hall could be parked within the existing car park such that they would restrict access to the appeal site. However, the size and arrangement of the Village Hall car park means visibility within it is not unreasonably restricted, and vehicle speeds are likely to be low. Accordingly, additional vehicles accessing the appeal site are unlikely to result in further pedestrian and vehicle conflict, such that it would have an unacceptable effect upon the safety of users of the Village Hall.
11. That said, the informal nature of parking within the car park means that the proposal would have significant potential to cause inconvenience for both occupiers and visitors to the proposed development, as well as users of the Village Hall. Whilst it could be possible to manage the use of the Village Hall car park in order to formalise any shared areas through marked spaces, or restricted parking areas, no scheme has been presented to me that would achieve this or could be secured in perpetuity.
12. Overall, the proposed development would have an unacceptable effect upon highway safety, as it would increase the potential for conflict between vehicles and pedestrians. It would therefore be contrary to Huntingdonshire Local Plan (HLP) Policy LP17 which requires the design of new development to take account of highway safety, access to and from the site, and the needs of potential occupiers, users and visitors. It would also conflict with Part 9 of the National Planning Policy Framework ('the Framework') which advises that

development should take account of patterns of movement, parking and other transport considerations, and provide safe and suitable access for all users.

13. Although HLP Policy LP14 has been referred to by the Council, my attention has not been directed to any particular wording within the policy that relates to this issue, so this policy is not determinative in my consideration.

Other Matters

14. There is no dispute between the parties as to whether the proposed development would preserve or enhance the character and appearance of Waresley Conservation Area. As I am dismissing the appeal for other reasons, I do not need to consider this matter further.
15. Matters such as the principle of development, siting, design, size, scale and the effect of the proposed development upon the living conditions of the occupiers of neighbouring properties in terms of privacy are not in dispute. Even if I were to agree with regards to these issues, they would only be neutral factors, and would not weigh in favour of the proposal.
16. Previous pre-application advice did not raise highway issues. However, this would have been informal advice and appears to have been provided without consultation with the County Highway Authority. Consequently, I afford it only very limited weight in the consideration of this appeal.
17. The provision of a planted buffer zone and reinforced landscaping around the site could potentially provide biodiversity net gain, however no evidence has been provided with regards to the specifics of such a proposal, or the level of improvement that would be achieved. Accordingly, I can only afford this element limited weight as a benefit of the proposal.

Conclusion

18. The proposed development would conflict with the development plan and there are no material considerations, including the Framework that would indicate a decision other than in accordance with it.
19. For the reasons given above I conclude that the appeal should be dismissed.

C Harding

INSPECTOR