The Planning Inspectorate

# Appeal Decision

Site visit made on 22 November 2022

**by J White BA (Hons) MA MRTPI**

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

**Decision date: 12 December 2022**

**Appeal Ref: APP/Y3940/D/22/3303495**
**Hillcrest, 32 Devizes Road, Potterne SN10 5LN**

- 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 Amanda Fairbrass of Evoke Transport Planning Ltd against the decision of Wiltshire Council.
- The application Ref PL/2022/00208, dated 10 January 2022, was refused by notice dated 9 June 2022.
- The development proposed is creation of a new access to serve the dwelling.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed access on highway safety with particular reference to visibility at the junction with Devizes Road (A360).

## Reasons

3. The A360 is one of the main roads into and out of Devizes, which in the vicinity of the site has a speed limit of 40 miles per hour. The road bends slightly eastwards to the north side of the site and slightly westwards to the southern side and, hence, forward visibility along it is limited, which is evidenced by a solid double white centre line. A pavement, bounded by a hedgerow with farmland beyond, is to the western side of the road opposite the appeal site.

4. The existing access width and alignment to the road is such that vehicles entering the site can only do so when travelling along the A360 in a northbound direction. Similarly, vehicles exiting the site and intending to travel north on the A360 must turn left out of the site and travel south to enable a U-turn in Potterne at the Silver Street roundabout.

5. The proposal would involve the creation of a second access to enable right hand turning by vehicles exiting from the site in a northbound direction and, similarly, access into the site for vehicles approaching in a southbound direction. There is considerable distance between the proposed access point and other accesses serving nearby dwellings.

6. The submitted evidence is less than substantive in terms of the levels of traffic flow on Devizes Road including at peak times. Nonetheless, during my site visit around mid-day on a weekday, I saw that there was a steady flow.

7. The main parties refer to guidance within the Design Manual for Roads and Bridges, Manual for Streets and Manual for Streets 2. The guidance within

these documents provides dimensions for visibility splays. The parties dispute which guidance the dimensions of such visibility splay should follow. Nevertheless, according to the plans submitted the splay to the north would be 12 metres to the nearside edge of the road. Even allowing for a more flexible approach, as allowed for in Manual for Streets, this distance would be considerably less than required by either of these documents.

8. The inability to see to the nearside edge of the road to the north for greater than 12 metres would likely mean that vehicles exiting the site would be unsighted to road users, particularly those southbound. Similarly, vehicles including motorcycles and bicycles approaching from the north would be unsighted to vehicles exiting the site. Insufficient provision of adequate visibility would result in the potential for collision between vehicles exiting the site and those on the highway.

9. According to the submitted plan, visibility to the south would achieve 65 metres to the nearside carriageway. Further, I observed that the road bends slightly to the west which provides a longer view along the highway as it crests the hill, and the double white lines prevent overtaking. The splay to the south would be over the existing access and its visibility splay. The proposed new access would therefore achieve a longer visibility splay to the south compared to the existing access.

10. I have had regard to the condition of the existing access and its limitations, however, whilst the proposal would remove some traffic movements from this existing access, it would introduce traffic movements through a new access, which would be afforded inadequate visibility to the north. I am also mindful that the proposal would likely lead to the significant reduction of U-turns made at the roundabout in Potterne. However, there is no substantive evidence to consider those movements adversely affect other highway users. Likewise, the road safety records, although show no accidents at the site, are no indication that the new access with poor visibility would be safe.

11. I have had regard to the other case examples provided with the appeal submission. The full details of the cases are not before me, however, from the evidence available I note that the existing access for the planning application at Ox Lea Barn Farm was unsuitable for the applicant's business and that the proposal was met with no objection from the Highway Authority. The Golden Acres case relates to an access onto a single-track road. In terms of the appeal case example relating to Cherry Trees, this did not involve a new access onto a Class A road. In the case of Jasmine Cottage, whilst a bend in the road removed some visibility over the full length to the right, this related to a limited section and visibility to the left was taken to the centre line of the highway having acknowledged the circumstances of the case, including that those vehicles approaching from the left would be on the far side of the carriageway. Several other cases were not subject to the Wiltshire Core Strategy policies. In any case, the circumstances in each proposal are likely to be different and I have considered this appeal proposal on its own merits. Therefore, these cases are matters to which I attach limited weight and they do not deflect from my concerns relating to the appeal scheme.

12. For the above reasons, the proposal would be likely to pose a risk to highway safety with particular reference to visibility at the junction with the A360. As such, it would be contrary to policies 60 and 62 of the Wiltshire Core Strategy

which together requires development to, amongst other things, support safe and efficient movement of people and goods, and provide appropriate mitigation measures to offset any adverse impacts on the transport network. It would also be contrary to the National Planning Policy Framework, which in paragraph 111 sets out that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety.

**Conclusion**

13. The proposal would conflict with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

*J White*

INSPECTOR