



Appeal Decision

Site visit made on 30 November 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 10th January 2024

Appeal Ref: APP/Y3425/D/23/3328815

Chardry Ley, Boat Lane, Weston, Staffordshire ST18 0HU

- 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 James Dunne against the decision of Stafford Borough Council.
 - The application Ref: 23/37040/HOU dated 27 January 2023 was refused by notice dated 14 August 2023.
 - The development proposed is to retain existing new-build boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted to retain existing new-build boundary wall at Chardry Ley, Boat Lane, Weston, Staffordshire ST18 0HU in accordance with the terms of the application Ref: 23/37040/HOU dated 27 January 2023 and the plan Ref:372/PD/100 submitted with it.

Preliminary Matters

2. The application seeks permission to retain works which have already been carried out. No plans have been provided to show the position prior to these works and in consequence I have determined the matter according to my observation of visibility and movement of traffic at the time of my site visit. The appeal site abuts, but lies outwith, the perimeter of the Weston Conservation Area (No.5). Although the Council refer to suggestions for hedgerow planting along the perimeter wall this would be on land outwith the application site boundary. In any event the Council indicate that the works have no harmful impact on heritage assets which, having regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, agrees with my own observations. I therefore consider the main issue to be:-

Main Issue

3. The main issue is the effect of the proposal upon highway safety.

Reasons

4. The appellant has constructed a new boundary wall with entrance gate in a location which is close to the junction of Boat Lane with the A518 Stafford Road which, at this point lies within a 30mph speed limit being within the settlement of Weston. The junction is close to a crossing over the Trent and Mersey Canal which creates a crest in the road and consequent limited forward visibility for users travelling in either direction; this encourages a degree of caution for users of the main road at this point. Although a busy highway, and noting the central

markings which prevent overtaking for those approaching from the west, the geometry of the junction is such that any road user intending to enter Boat Lane from the A518 in either direction will do so at a low speed. The elevation of the A518 at the canal bridge crossing allows a better view of the area affected by the works for users intending to turning right into Boat Lane than that enjoyed by those approaching from the west due to the tight entry radius off the main road. However in neither case is it likely that vehicles would be travelling at such speed that they would be unable to stop promptly in the area of Boat lane which fronts the appeal site if confronted by a vehicle emerging from the appeal site or, for that matter, from the narrow section of Boat Lane beyond the appeal site. This is because there is sufficient opportunity and width for vehicles to pause or pass and manoeuvre around oncoming or emerging vehicles in the relevant part of the highway.

5. Boat Lane narrows to a single lane as it wraps round the application site such that visibility to the left for users emerging from Chardry Ley is limited. Further, forward visibility for users of Boat Lane approaching this point and the junction beyond is equally limited which would ensure equal caution. Consequently, whilst normal expectation of visibility cannot be met, the specific circumstances and layout of the highway around the site entrance encourage sufficient caution such that the risk of collision between highway users, both motorised and non-motorised, is low.
6. I therefore conclude for the reasons given and having regard to all matters raised, that no harm to highway safety arises from the development which is the subject of this appeal and identified on the plans submitted with it. Therefore no conflict arises with policy T2 of The Plan for Stafford Borough 2014 which seeks safe and adequate access nor, in consequence, with the development plan as a whole and on that basis the appeal succeeds. As the works have been carried out no timing condition is necessary.

Andrew Boughton

INSPECTOR