



Appeal Decision

Site visit made on 10 January 2024

Decision by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal Ref: APP/G2245/D/23/3326437

Warblers Wood, Old London Road, Knockholt, Kent TN14 7JN

- 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 Paul Reeves, Paul Reeves Architectural against the decision of Sevenoaks District Council.
 - The application Ref 23/01238/HOUSE, dated 28 April 2023, was refused by notice dated 29 June 2023.
 - The development proposed is relocation of existing vehicular access which is very unsafe with no edge protection to prevent vehicle slipping off the bank into the highway.
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Decision

1. The appeal is allowed and planning permission is granted for relocation of existing vehicular access which is very unsafe with no edge protection to prevent vehicle slipping off the bank into the highway at Warblers Wood, Old London Road, Knockholt, Kent TN14 7JN in accordance with the terms of the application, Ref 23/01238/HOUSE, dated 28 April 2023 and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. On 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would appear to be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issue

3. The main issue is the effect of the proposal on highway safety, with particular regard to the provision of a new vehicular access onto Old London Road.

Reasons

4. The appeal property has an existing vehicular access which is located on the junction between Main Road and Old London Road, and which is shared with two neighbouring properties, Hoopwick and High Will Hays. During my site visit I noted that Main Road is a busy through road, albeit due to the number of cars parked along the highway, vehicles were not travelling at high speeds. The

proposal would prevent the occupiers of the appeal property using the existing access, however it would remain in use by the occupiers of the neighbouring properties.

5. The submitted evidence shows that the gradient at the front of the access would be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter. I have not been provided with substantive evidence to demonstrate that this cannot be achieved throughout the length of the access and driveway to the appeal property. In any event, a planning condition can ensure that the access is constructed in compliance with the submitted drawings.
6. The new access point would be onto London Road, away from the junction with Main Road. It would be opposite a triangular junction around a small green which provides a shortcut for vehicles travelling between Old London Road and Main Road. During my site visit I noted that this part of the triangular junction was not in frequent use. Furthermore, as this section of the road is particularly narrow, vehicles that did use it were generally travelling very slowly. Drivers in cars exiting the new access would have unrestricted views of the junction which is directly in front of it. For this reason, the proposed means of access onto Old London Road would benefit from good visibility in each direction.
7. Given the number and frequency of existing vehicular accesses from both Old London Road and Main Road drivers would be aware of the possibility that vehicles may manoeuvre in and out of the appeal site and would thus be vigilant.
8. Consequently, the proposal would not have a detrimental impact upon highway safety. Therefore, in this respect, it would comply with Policy EN1 of the Sevenoaks Allocations and Development Management Plan (2015). Amongst other aspects this requires that development proposals ensure satisfactory means of access for vehicles and pedestrians.

Other Matters

9. I acknowledge that Kent County Council (KCC) Highways Authority has advised that the proposal would cross a large section of KCC land and involve works that would be subject to obtaining licences from the relevant teams, which may not be permitted. However, this matter falls outside the scope of planning considerations.
10. I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects on local wildlife.

Conditions

11. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
12. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.
13. A condition requiring details of the external materials to be used in the brick retaining wall is necessary in the interests of the character and appearance of

the area. However, I have modified the condition because the details are not required prior to commencement of the development. A condition requiring the provision and retention of the visibility splays for the access is necessary in the interests of highway safety.

Conclusion

14. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR

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 strict accordance with the following list of approved plans: Site Location Plan and 830-04 Rev A.
- 3) The development hereby permitted shall not be used until details of visibility splays for the vehicular access have been submitted to and approved in writing by the Local Planning Authority. The visibility splays shall be provided before the development is first used and thereafter shall be maintained free from obstruction at all times at a height not exceeding 0.6 metres above the level of the adjacent carriageway.
- 4) The brick retaining wall shown on drawing 830-04 Rev A shall not be constructed until details of the materials to be used in the construction of its external surfaces have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details.

END OF SCHEDULE