



Appeal Decision

Site visit made on 15 March 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/C1435/D/23/3328607

Browngate Cottage, Mayfield Road, Frant, East Sussex TN3 9HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Brann against the decision of Wealden District Council.
 - The application Ref is WD/2023/1310/F.
 - The development proposed is new residential access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given in the banner heading above is taken from the application form, however I have removed reference to an earlier application since this is not a description of development.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2023 version of the Framework.

Main Issue

4. The main issue is the effect of the development proposed on highway safety, with particular regard to visibility from the proposed access.

Reasons

5. The appeal relates to a property to the eastern edge of Mayfield Road, also known as the A267. This part of Mayfield Road is a rural road with a 60mph speed limit. Speed surveys were undertaken by the appellant on two separate mid-week days in March 2023. However, both main parties report obstructions on the highway around that time, which could have prevented the free-flow of traffic at the time of those surveys. As such, it cannot be established with certainty that traffic on Mayfield Road generally moves at the lower speeds suggested by the appellant, nor that shorter visibility splays would be safe as a consequence.
6. Even if the lower traffic speeds were accepted, there is dispute between the parties regarding the positions used in the illustrated visibility splays. The south facing visibility splay is shown to the centreline of Mayfield Road, rather than the nearside kerb line. While the curve in the road around the appeal site may deter some from overtaking, there remains the possibility that it may still occur and that traffic may cross the centreline of Mayfield Road. Neither is the

speed limit of Mayfield Road likely to deter overtaking. As such, the justification for assessing visibility to the centreline is not accepted.

7. The appellant has assessed visibility from a position of 2m from the back of the highway, which is less than the typical distance of 2.4m between the driver and the front of the vehicle. Given the speed of the traffic on Mayfield Road and the varied size of vehicles which may use the new access, I cannot be satisfied that this is an appropriate point from which to assess visibility from the access.
8. In combination, the above matters cast significant doubt on the ability of the access to provide a safe level of visibility onto Mayfield Road. Failure to do so could cause vehicles to emerge into oncoming traffic without a clear view of approaching vehicles, increasing risk of collisions and creating unsafe highway conditions. The consequences would be significant and long lasting.
9. In turn, the proposal would conflict with Policy TR3 of the Wealden Local Plan 1998 and Strategic Planning Objective SPO12 of the Wealden District Local Plan Core Strategy 2013, which together relate to highway safety and traffic conditions. It would also conflict with the Framework, which allows for the refusal of planning permission on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

10. I note the absence of reported accidents on the highway and other residential accesses on to Mayfield Road in the surrounding area. However, I do not have details of the circumstances of those accesses and, even if they did provide a substandard level of visibility, I do not find that the presence of potentially unsafe conditions elsewhere would provide a justification to do so here. Neither has it been substantiated that greater flexibility should be applied in a rural location. The provision of a vehicle charging point at Browngate Cottage would be a benefit of the scheme, however this would not sufficiently outweigh the harm to highway safety.
11. The lack of vehicular access to Browngate Cottage results in the need for the appellant's vehicles, and any delivery and servicing vehicles, to stop elsewhere, where they may cause a hazard to traffic on Mayfield Road. However, it has not been demonstrated that this creates worse conditions for highway safety than the proposed development, nor has it been demonstrated that other solutions are not possible. The appellant has brought my attention to an appeal decision relating to access to the site in May 2022¹, however this relates to an enforcement notice and does little to suggest why this appeal scheme should be accepted.
12. The appeal site is close to the grade II listed building of Deer Park Cottage, of which the setting includes the highway of Mayfield Road. The proposal would integrate into the character of Mayfield Road, which comprises some other accesses and openings at irregular intervals. As such the proposal would preserve the setting of this designated heritage asset. This does not, however, amount to a benefit of the proposal.

¹ APP/C1435/C/20/3250601

Conclusion

13. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. The appeal is therefore dismissed.

C Shearing

INSPECTOR