



Appeal Decision

Site visit made on 25 March 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 23.04.2024

Appeal Ref: APP/D3505/D/24/3333792

8 Middlewood Cottages, Bildeston Road, Offton, Ipswich, Suffolk, IP8 4RR

- 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 Shelley Timms against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/03171.
 - The proposed development is "Creation of a driveway."
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Decision

1. The appeal is dismissed.

Procedural Issues

2. The driveway is already in situ at the appeal site. I have taken account of the development in making my assessment, but based my decision on the plans submitted with the application.
3. The National Planning Policy Framework (the Framework) has been updated since the parties' appeal submissions have been made. However, as the revisions do not affect the matters under consideration in this appeal, (other than paragraph numbers changing), it was not considered necessary to seek further comment.

Main Issue

4. The effect of the development on highway safety.

Reasons

5. The appeal site is the front garden of a cottage within a row of cottages on the north side of a road leading out from Offton. The area has a quiet, rural character. The cottages are at a much higher level than the road, on a raised bank. The driveway is situated on the raised bank of the appeal site. There are a number of other similar vehicular accesses in front of the other cottages. There is a layby for parking vehicles opposite the appeal site. There is no footway. The speed limit on the road immediately in front of the appeal site is 30mph. The 30mph limit sign is a few metres from the driveway access. The road bends on the approach to the 30mph sign.

6. Visibility of and from the driveway is markedly restricted due to the proximity of a bend, the roadside bank and neighbouring hedge. New information regarding visibility splays has been provided by the Appellant since the application was refused but the appeal proposal does not demonstrate how these can be achieved and maintained within the control of the Appellant. Inadequate visibility increases the risk of collision with other highway users and thus gives rise to an unacceptable impact on highway safety.
7. The driveway also has a very steep gradient and is surfaced in loose material, which could increase surface water and debris on the highway, creating a hazardous slippery surface to vehicles and cyclists thus unacceptably impacting upon highway safety.
8. I have not been provided with any evidence which demonstrates that vehicles can exit and enter the site in a forward gear, which is a requirement set out in the representations of the Highway Authority. Due to the close proximity to the bend, reversing from or into the driveway would give rise to an increased risk of collision with passing vehicles, pedestrians and cyclists and thus an adverse impact on highway safety. There is a mirror present at the end of the driveway, but there is no information before me to demonstrate that this is sufficient to overcome the requirement of the Highway Authority that vehicles must be capable of entering and exiting the driveway in forward gear. Nor is there evidence that the mirror is within the control of the Appellant.
9. Since the planning application was refused, a County Council Highway Officer has visited the site and prepared a report which concludes that highway consent could be given for a dropped kerb provided certain criteria are achieved, including resurfacing and recontouring of the driveway and maintenance of adequate visibility splays.
10. I have therefore considered whether the development could be made acceptable through the imposition of conditions. As the extent of change required would result in a materially different development to that set out in the planning application, and there is no certainty that control could be secured over the required visibility splays, the development could not be made acceptable in this way.
11. The Appellant, and a local Mid Suffolk District Councillor, within their representations, cite a number of perceived benefits of creating the driveway to enable parking within the curtilage of the cottage, including private electric vehicle charging, less congestion for visitor parking, unloading shopping safely from the car, agricultural vehicles passing by would have more room, fewer vehicles might park on the highway. Whilst I acknowledge these benefits, I find that they do not outweigh the harm I have identified above.
12. There are a number of other driveway accesses in front of the individual cottages within the row. Whilst information as to the planning status of these is not before me, I find the proposal harmful in any event, with or without the additional driveway accesses along the road.
13. My attention has been drawn to previous planning application and appeal decisions refusing similar proposals¹. I note that circumstances have not materially changed since those decision makers found the proposal to be

¹ Planning Application Ref: 2358/09; Planning Appeal Ref: APP/W/3520/D/09/2117750; Planning Application Ref: 1654/07; Planning Appeal Ref: APP/W/3520/A/08/2070582

unacceptable in terms of highway safety impacts and I have no reason to disagree with those conclusions.

14. I conclude that the development is detrimental to highway safety and contrary to saved Policies T09 & T10 of the Mid Suffolk Local Plan (1998) and paragraph 114 of the Framework in that it fails to ensure provision of safe access to and from the appeal site.

Conclusion

15. For the above reasons the proposal conflicts with the development plan taken as a whole and there are no material considerations including the Framework that outweigh the harm caused by the proposal. I therefore conclude that the appeal should be dismissed.

A Hartley

INSPECTOR