



Appeal Decision

Site visit made on 14 May 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2024

Appeal Ref: APP/D0840/W/23/3329688

Land North of Trehella Villa, Relubbus Lane, St Hilary, TR20 9EQ

- 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 D Tswei against the decision of Cornwall Council.
 - The application Ref PA23/02458, dated 23 March 2023, was refused by notice dated 26 July 2023.
 - The development proposed is construction of 2 no. open market housing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Council's decision, the revised version of the National Planning Policy Framework ('the Framework') was published in December 2023. I have referred to the paragraph numbers of the revised version of the Framework within this decision.
3. The address I have used above is taken from the appeal form as that describes the location of the development more accurately than the address given on the application form.

Main Issue

4. The main issue is the effect of the proposal on the safe operation of the highway network in the vicinity of the appeal site.

Reasons

5. The appeal site is located to the north of Relubbus Lane, a classified road (B3280) with a 30mph speed limit. The vehicular access to the proposed development would be directly onto the northern side of Relubbus Lane. The appellant advises that the emerging visibility from the access to the nearside edge and centre of carriageway would be approximately 23m and 44m to the west respectively, and 34m and 45m to the east respectively.
6. Manual for Streets (MfS) provides that the distance back from the carriageway edge from where a visibility splay is measured (the X distance), should normally be 2.4m in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye. MfS also advises that visibility splays of 43m (the Y distance) in both directions are recommended for a 30mph road, measured from 2.4m back from the carriageway edge.

7. The appellant accepts that the emerging visibility from the access onto Relubbus Lane fails to meet the recommended guidance within the MfS. Notwithstanding this, the appellant contends that the forward visibility for drivers travelling in both directions to the proposed access point is well within the MfS recommended sight stopping distance (SSD) of 43m for vehicles travelling at 30mph. Furthermore, I note the SSD from the Highway Code is 23m for vehicle speeds of 30mph. The MfS advises, however, that it is not appropriate to design street geometry based on braking in an emergency.
8. The appellant contends that drivers of vehicles emerging from the access would employ a 'creep and peep' approach and that the lack of recorded historic collisions in the area indicates such an approach would be safe. On my site visit, I noted that the highway narrows at the point of the proposed access, and that it lacks a roadside footway. Pedestrians and more vulnerable groups, such as users of mobility scooters and people with prams, are therefore unable to seek safe refuge adjacent to the site. Furthermore, properties in the near vicinity (including South Cottages directly opposite the site) have restricted emerging visibility and no on-site turning. These factors increase the risk of conflict and accidents in the vicinity of the proposed access, particularly given holidaymakers would be unfamiliar with the local area and road layout. 'Peep and creep' at the proposed access would inevitably further increase the risk of collisions occurring given the emerging vehicle would be positioned in part of the road.
9. The appellant has referred me to a previous appeal decision where the technical advice set out in the MfS has been applied flexibly to allow development, including where an access has limited visibility. It appears that that decision related to a location where circumstances, including the proximity of a nearby bridge that would likely reduce traffic speeds, differs from the circumstances in relation to this appeal. I have therefore considered the appeal scheme on its own merits.
10. Overall, I find that the proposed access with emerging visibility splays below the level recommended within the MfS would increase the risk of conflict between road users and would, therefore, be unacceptably detrimental to highway safety. The proposal would conflict with Policy 27 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (2016) and would be contrary to the provisions of the Framework, including paragraphs 114 and 116, which seek to ensure that development provides safe and suitable access for all, minimising the scope for conflicts between pedestrians, cyclists and vehicles.
11. The identified harm in respect of highway safety weighs significantly against the proposal and would not be overcome by any of the potential benefits put forward by the appellant, including the contribution of 2 additional dwellings to the housing supply. The proposal conflicts with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

Conclusion

12. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR