



Appeal Decision

Site visit made on 13 May 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/U1430/D/24/3338608

Goldspur, Clayhill, Beckley, East Sussex TN31 6SG

- 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 Mrs Claire Longville against the decision of Rother District Council.
 - The application Ref is RR/2023/425/P.
 - The development proposed is the creation of a new vehicular access at the front of the property, directly onto B2165/Clayhill.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published in December 2023. However, the changes to national policy arising from it are not relevant to the areas of dispute for this appeal. Accordingly, I have not sought comments from the main parties about this matter.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site comprises a detached dwelling accessed from a narrow track to the side of the property. The track provides access to three dwellings, including the appeal site, and leads from an existing access with Clayhill (the B2165). The B2165 is subject to a 40mph speed limit.
5. The proposal is for a new access from the appeal site onto the B2165. The existing hedge and trees to the front of the site would be removed to allow access to the site and for visibility purposes. A telegraph pole to the front boundary would remain.
6. The Design Manual for Roads and Bridges (DMRB) typically requires visibility splays of 2.4 metres by 120 metres in either direction based on the speed limit of 40mph. The appellant has carried out a speed survey, which indicates that the 85th percentile was 32mph for the nearside of the carriageway and 31 mph for the farside carriageway and so significantly below the speed limit. Moreover, the survey indicates that whilst a B-road, the B2165 is not subject to a heavy flow of traffic. Moreover, the access would serve a single dwelling, which would not generate a significant amount of vehicle movements.

7. There is no dispute that the speed survey results would allow for a reduction in the DMRB standards. The parties acknowledge that the lower speeds means that the standards within the Manual for Streets (MfS) could be reduced. This would result in a visibility requirement of 56 metres to the left and 59 metres to the right.
8. The appellant asserts that the visibility distance to either side of the proposed access can be achieved with a reduced set back of 2 metres from the edge of the nearside carriageway. Nevertheless, there is a telegraph pole to the right of the access and a mature tree to the left of the access, which would remain within the splays impeding the visibility in both directions. The removal of the tree may allow the visibility splay to be achieved to the left of the access. However, the presence of the telegraph pole would not allow for clear, unimpeded visibility to the right of the access.
9. Visibility at the existing access does not meet the required standards, primarily due to the poor visibility to the left. The visibility for users of vehicles exiting onto the B2165 is severely limited by a brick boundary wall adjacent to the edge of the nearside carriageway. To the right, the appellant indicates that visibility is hindered by a hedge forming the front boundary of another property. There is no potential to improve the existing access given that land on either side is within separate ownership.
10. The existing access is substandard and results in a degree of anxiety for users of it, including the appellant's family. The reduction in vehicle movements as a result of the proposal would represent an improvement. Nonetheless, it has not been adequately demonstrated that the proposed access would provide suitable and unobstructed visibility in either direction to facilitate safe egress from the site.
11. I conclude that the proposal would have an unacceptable effect on highway safety. The development therefore conflicts with Policy CO6 of the Rother Local Plan Core Strategy 2014 and Policies DHG11 and DHG12 of the Rother District Council Development and Site Allocations Local Plan 2018, which collectively require proposal to be acceptable in terms of highway safety and the Framework, which requires that safe and suitable access to the site can be achieved for all users.

Other Matters

12. The appellant has raised concern in respect of the Council's handling of the application and the comments provided by the local highway authority. Nonetheless, this is not relevant to my consideration of the planning issues of the appeal scheme.
13. There are other accesses onto the B2165 in the area, which may not meet the visibility standards required. I have not been provided with the specific details of these accesses and I therefore cannot make a reasonable comparison to the proposal before me. However, it is likely that many of the accesses in the locality have been present for a considerable amount of time and may therefore predate the current national highway safety standards.

Conclusion

14. The proposal conflicts with the development plan when considered as a whole. Material considerations do not indicate that the appeal should be determined

otherwise than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR