



Appeal Decision

Site visit made on 13 August 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2024

Appeal Ref: APP/H1840/W/24/3343350

**Teal Farm, Abbotswood Road to Mill Lane, Wadborough, Worcestershire
WR8 9HJ**

- 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 Isobel Lole on behalf of Teal Trading Ltd against the decision of Wychavon District Council.
 - The application Ref is W/23/01738/FUL.
 - The development proposed is a new accessway off the road for the purpose of agriculture.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. From the evidence before me the access is proposed in addition to the existing access to Teal Farm. It would only serve the field and enable access for tractors and lorries into this single field. The access would be long enough to pull a vehicle into the field but is not intended to serve as a replacement access for the whole of Teal Farm and the associated business and dwelling.

Main Issue

3. The main issue is whether the proposal would achieve a safe and suitable access to the public highway.

Reasons

4. The appeal site is located on an unnamed rural road which runs between Abbotswood Road and Mill Lane. The proposed access would be on the edge of a field which, at the time of my visit, was grassed. The field is enclosed along the road with an established hedge. The main access to Teal Farm is close to the appeal site, on the same road. I observed that, although the existing field does not have a roadside access, there are existing accesses into the field from within the farm, adjacent to an existing building, and also from a parcel of land adjacent to the main access.
5. The rural road is wide enough for two cars to pass, however there are no kerbs, pavements, or white lines. It is enclosed on both sides by hedges. The proposed access would be between two bends in the road.
6. The National Planning Policy Framework (The Framework) sets out, at paragraph 114, that applications for development should ensure that safe and

suitable access can be achieved for all users. Visibility splays are necessary to ensure the safety of users of the rural road and the agricultural use of the proposed access.

7. A Technical Note¹ (TN) has been submitted with the appeal, which was considered by the Council prior to determining the planning application. The TN concludes that the results of a speed survey indicates that visibility from the proposed access should be 2.4m by 113m in both directions.
8. Even as amended during the application the visibility splays available would fall short of this requirement. I noted at my site visit that visibility would be limited in both directions and the required 113m is not achievable and could not be provided due to the curvature of the road. Consequently, drivers of vehicles exiting the access would have limited views of users of the highway in both directions. The users of the highway could also include vulnerable road users including horse riders, cyclists, and pedestrians. Similarly, road users would have limited advance warning of vehicles exiting the access or waiting to turn into the access.
9. Albeit that movements in and out of the access would be limited, as it would only serve the field, and most movements are likely to be outside the peak periods, there would still be vehicles using the access and these would predominately be large agricultural machinery. Furthermore, although there have not been any recorded collisions in the immediate area the submitted tracking plans indicate that a vehicle would have to swing out across the centre of the road to turn out of the access. This would increase the risk of incidents.
10. The TN indicates an 85th percentile speed of around 48mph. The assessment was conducted to understand what visibility splays would be required to ensure a safe access. That the visibility splays available would be suitable for lower speeds, of around 43mph, indicates that the proposed access would not be safe. Any vehicle approaching the access would be likely to be travelling at a higher speed and, therefore, need greater visibility to slow down, or stop.
11. It is suggested that the current access arrangement is similar to that of other field accesses. However, I have not been given any substantive evidence of other accesses that have similarly restricted visibility splays. Nevertheless, any existing examples do not overcome the harm I have identified above or justify a new access with poor visibility.
12. The appellant also suggests that the proposed access is needed as the existing access requires vehicles to travel underneath an electricity cable. I saw that this cable extends across the main access into the farm and, therefore, all vehicles accessing the farm would be required to travel underneath the cable. Moreover, all the other fields are accessed off the existing main access. Notwithstanding this, I also observed large machinery parked within the farm which could access the field without going underneath the cable. In my judgement the presence of the cable would not provide justification for a poorly designed access in this case.
13. For the above reasons, the proposed development would not achieve a safe and suitable access to the public highway, thus resulting in harm to highway safety. It would therefore conflict with Policies SWDP 4 and SWDP 21 of the South Worcestershire Development Plan, adopted February 2016 which, taken

¹ Rappor Technical Note December 2023, job no: 23-0730, TN status no: issue 01

together, seek to ensure that development addresses road safety, has regard to the design criteria and principles set out in Manual for Streets, Worcestershire County Council's Local Transport Plan, and Worcestershire County Council's Highways Design Guide, and seeks to ensure that vehicle traffic is able to access the highway safely.

14. For the same reasons, I also find conflict with Paragraph 114 of the Framework, which seeks to ensure that safe and suitable access can be achieved for all users. Although the proposal would not result in severe residual cumulative impacts on the road network, the new access would have an unacceptable impact on highway safety. Consequently, the proposal would also fail to comply with the advice at Paragraph 115 of the Framework.

Conclusion

15. For the reasons given above the appeal should be dismissed.

K Townend

INSPECTOR