



Appeal Decision

Site visit made on 3 April 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Appeal Ref: APP/C1570/W/24/3352361

Foxley House, Rickling Green Road, Rickling Green, Essex CB11 3YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Rich against the decision of Uttlesford District Council.
 - The application Ref UTT/23/2923/HHF was approved on 22 March 2024 and planning permission was granted subject to conditions.
 - The development permitted is described on the application form as 'Two storey extension and roof alterations.'
 - The condition in dispute is No 4 which states that: *Vehicular access to the development and site hereby approved shall only be via the Rickling Green Road entrance for the duration of the works. No access to the site shall be permitted from Snowdrop Road for any purpose other than blue light emergency services.*
 - The reason given for the condition is: *To ensure that the highway is not obstructed during the construction period and to ensure that heavy goods vehicles do not use inappropriate roads in the interest of the local residents' safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.*
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Decision

1. The appeal is allowed and the planning permission Ref UTT/23/2923/HHF for Two storey extension and roof alterations at Foxley House, Rickling Green Road, Rickling Green, Essex CB11 3YD granted on 22 March 2024 by Uttlesford District Council is varied by deleting Condition 4.

Preliminary Matters

2. Planning permission has been granted for the works outlined above. The planning permission included a condition restricting access via Snowdrop Road for the duration of construction works. The Council considered the condition to be necessary in the interest of highway safety. The appellant, however, objects to the condition as they consider it to be unreasonable and unnecessary. The Council has subsequently set out that it has no objection to the removal of the condition.

Main Issue

3. The main issue is whether Condition 4 is reasonable and necessary in the interest of highway safety.

Reasons

4. Condition 4 was originally imposed in the interest of highway safety, with further reasoning set out in the officer's report referencing the need to minimise inconvenience to the neighbouring residents within Snowdrop Road. Comments have also been received from neighbours in connection with safety concerns.

5. An established vehicular access exists to the east of the appeal site, connecting it with Snowdrop Road, Bluebell Drive and ultimately the B1383. Snowdrop Road and Bluebell Drive are constructed of brick pavers and are used for access to, and in places parking for, adjoining dwellings. At the time of my site visit, I witnessed one vehicular movement within Snowdrop Road. Although this was only a snapshot in time, the roads here are undoubtedly quiet in terms of traffic movements. I am also aware that the appeal site can also be accessed from Rickling Green Road.
6. The reason for Condition 4 relates specifically to highway safety. Whilst I acknowledge the concerns raised by residents in this respect, and do not doubt that use of the road by construction vehicles would be atypical, there appears to be no objection from the highway authority in respect of highway safety. In addition, the Council has, since the decision was issued, confirmed that it has no objection to the removal of this condition.
7. From the evidence before me, and my observations on site, I have no reason to disagree. Access to the appeal site is physically possible via Snowdrop Road and any traffic using this route would not be travelling at high speeds. This is, in part, due to the layout of the housing development. Moreover, the approved development is not a major scheme, it is a domestic extension, and any disruption would be limited, taking place over a short period of time. In all likelihood, this would involve only limited numbers of construction vehicles. This is irrespective of the argued private ownership and ongoing maintenance of the road, which are private matters.
8. For the reasons given above, I conclude that the removal of the subject condition would not result in harm to highway safety. Accordingly, the relevant tests in the Framework and the PPG have not been met in this case and the condition is neither reasonable nor necessary. There are no relevant development plan policies before me which conflict with this.

Other Matters

9. I note reference to previous planning permissions and alleged ongoing planning matters. It is not for me to re-determine previous decisions or to deal with alleged unauthorised works.
10. In respect of comments raised around noise and disturbance to residents within the surrounding area, this, as set out above, would be minimal by reason of the scale and nature of the approved development (an extension). Moreover, this would take place over a relatively limited period of time.

Conditions

11. The original conditions, aside from the disputed condition, are reimposed for clarity and in the interests of the character and appearance of the area.

Conclusion

12. I conclude that the disputed condition is not reasonable or necessary in the interests of highway safety. I therefore conclude that the appeal should be allowed. I will vary the original permission by deleting the disputed condition.

A Price INSPECTOR