
Appeal Decision

Site visit made on 27 February 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/F0114/W/24/3357053

Land Adjoining Orchid Way, Writhlington, Radstock BA3 3FR

- 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 The Ammerdown Estate against the decision of Bath and North East Somerset Council.
 - The application Ref is 24/00682/FUL.
 - The development proposed is creation of new vehicular access adjoining Orchid Way.
-

Decision

1. The appeal is allowed and planning permission is granted for the creation of new vehicular access adjoining Orchid Way at Street Land adjoining Orchid Way, Writhlington, Radstock BA3 3FR in accordance with the terms of the application, Ref 24/00682/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by The Ammerdown Estate against Bath and North East Somerset Council. This application will be the subject of a separate Decision.

Main Issue

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

Reasons

4. The appeal site adjoins the turning head of an existing residential cul-de-sac at Orchid Way. The cul-de-sac is a straight road and serves eight dwellings and is a shared space with a combined vehicular and pedestrian area and no separate pavements.
5. The proposed development would involve the construction of a new access off one branch of the turning head, which lies adjacent to No 18 Orchid Way. During my site visit the area was laid to grass and the turning head was being used for the parking of cars. The appeal site connects to a neighbouring field, in an adjoining Council area, which has planning permission for a residential development of six dwelling, which would be accessed through the proposed development.
6. Policy ST7 of the Bath and North East Somerset Local Plan Partial Update Placemaking Plan (2023) (LP) establishes that development should ensure that highway safety is not prejudiced. Similarly, the Framework sets out that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

7. The Government's Manual for Streets 2 (MfS2) indicates that the general standards that it sets should be applied flexibly with regard to the particular context in which development is proposed, guiding that 'streets without conventional footways may be appropriate where traffic speeds are low and the area operates on 'shared space' principles such as in town or village centres'.
8. Each of the dwellings located in the vicinity of the shared space have good levels of off-street parking provision, such that I consider it unlikely that there would be significant levels of on-street parking in this location. However, at the time of my site visit both turning heads at the end of the cul-de-sac were being used for the parking of vehicles, therefore, inconsiderate parking may occur at times, which could displace pedestrians and other road users into the carriageway along this stretch. Further, there is designated spaces for parking on the street, in the form of a layby, which was being used at the time of my site visit.
9. As set out in the Department for Transport Manual for Streets (MfS), motorists entering shared spaces will tend to drive more cautiously and negotiate the right of way with pedestrians and other road users on a more conciliatory level.
10. The combined effects of the lack of kerbing, and the change in paving make drivers aware that they are crossing over a shared surface and are likely to encourage low speeds, thus creating a shared space where pedestrians and other road users can co-exist with motorists without undue risk of collision or a feeling of intimidation. Any motorists using this stretch to enter/exit the existing driveways along this stretch of Orchid Way would also be travelling slower so as to carry out such manoeuvres.
11. As evidenced by the appellant's submission, total vehicle movements generated by the additional six dwellings throughout the day would be relatively low, and below the 100 vehicles per hours, which is one of the criteria noted in MfS for creating shared spaces that work well. It further complies with MfS in that the shared space is only over a short length and parking has designated areas. Even together with the vehicle movements associated with the existing dwellings, I consider overall traffic flow would be limited.
12. Pedestrians and other road users would only be crossing the shared space for a very short stretch and motorists would be able to see any oncoming road users. I note that there is sufficient space for pedestrians and other road users to navigate around a parked vehicle and for another vehicle to pass concurrently.
13. Drawing all of the above together, the design characteristics of the existing shared space and proposed access creates an environment conducive to low travelling speeds and encourages considerate use by all highway users. The likelihood of conflict would be further reduced by the low traffic flows and good visibility. I see no reason why the safety of all road users would be unacceptably compromised by the proposed development.
14. Accordingly, the proposed access to the appeal site would not give rise to an unacceptable impact on highway safety. Therefore, the proposal would accord with Policy ST7 which seeks, amongst other things, to ensure that developments do not prejudice highway safety and that vehicular accesses are both safe and suitable. It would also comply with paragraph 115 of the National Planning Policy Framework (the Framework) which seeks to ensure that developments to not have an

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conditions

15. The Council have provided a list of conditions which the appellant has viewed and commented on. A time limit for commencement and plans conditions are required in the interests of clarity. Conditions relating to lighting and arboriculture are necessary in order to ensure that the biodiversity of the area is safeguarded. I have omitted reference to internal lighting and the proposed development only involves an access and no internal lighting would be provided.
16. I have not attached the standard Biodiversity Net Gain condition as the application was submitted prior to this being a requirement for small sites, and is therefore exempt from such a condition.
17. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework. Where a generic list of the information is required to be submitted I have not included this as it is not necessary for the conditions to be precise or enforceable.

Conclusion

18. For the reasons given above the appeal should be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; 14122-CRH-XX-XX-DR-C-5050-P4, PL2B, PL3A, and PL1B.
- 3) No external shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated thereafter in accordance with the approved details.
- 4) No development or other operations shall take place except in complete accordance with the submitted Arboricultural Method Statement (dated May 2024). A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion of all associated works