



Appeal Decision

Site visit made on 19 May 2025

by **Megan Thomas K.C.** Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 06 June 2025

Appeal Ref: APP/N0410/D/25/3361699

89 Shepherds Lane, Beaconsfield, Buckinghamshire HP9 2DU

- 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 Mr Ralph Ashton against the decision of Buckinghamshire Council.
 - The application ref. is PL/24/3374/FA.
 - The development proposed is a new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for a new vehicular access at 89 Shepherds Lane, Beaconsfield, Buckinghamshire HP9 2DU in accordance with the terms of planning application ref.PL/24/3374/FA dated 2 November 2024 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan & Shepherds/Site/0.1 Revision A dated 13.11.24.

Main Issue

2. The main issue in the appeal is the effect of the proposal on highway safety.

Reasons

3. The appeal site is located on Shepherds Lane which is an unclassified road subject to a 30 mph speed restriction. No.89 Shepherds Lane is a mid-terrace dwelling on the west side of the Lane. There is a footpath running in front of the appeal site and its neighbours. Opposite the proposed access on the south east side of Shepherds Lane there is a brick wall and vegetation.
4. The terrace is made up of nos 87, 89, 91 and 93 Shepherds Lane. All except 89 has a dropped kerb and can park off-road on their premises. The Lane allows a two way flow of traffic, although as parking is permitted on parts of the Lane and it is reasonably narrow, vehicles regularly have to pull in in order to allow an on-coming vehicle to pass. The surrounding area is predominantly (not entirely) residential in terms of both built form and land use.
5. The proposal seeks a new vehicular access to the property so that the front area could be used as a parking space and a dropped kerb would be substituted for a raised kerb. The forecourt area would be of a size able to accommodate parking for one vehicle without overhanging the footpath.

6. Given the 30 mph speed limit along Shepherds Lane, visibility splays of 43 metres are required either side of the access, measured from a point 2.4m back along the centre line of the access to the nearside edge of the carriageway. The visibility splays fall well below the guidance and this is not disputed by the appellant. Visibility out of the access would be impeded by the close proximity of third party land.
7. I have considered if there are factors which, individually or cumulatively, might warrant permission for a dropped kerb being allowed in this instance. It is said that the access would serve a single family dwelling and so levels of vehicle movements would be infrequent and short duration and would take place at a slow speed given the dimensions of the parking area. I consider this to be an accurate summary of the circumstances in this particular case. The forecourt area would only allow one vehicle to be parked on it. The vehicle could be reversed onto the forecourt and therefore emerge in a forward gear, however, I have borne in mind that this would not always be the case.
8. It is also said that an examination of the accident records for the locality do not record incidents involving vehicle movements to and from existing vehicular crossovers. This is a strong factor in favour of the proposal.
9. Shepherds Lane is a strikingly straight road including the stretch of road from which vehicles at the appeal site would be emerging and I consider that an emerging vehicle from the appeal site would be likely to be visible to a road user in time to appreciate that it was an emerging vehicle. The same can be said for pedestrians using the footpath in front of the site.
10. Consideration of these factors on a cumulative basis, persuade me that whilst visibility splays are not met, there is a strong case for relaxing visibility standards at this particular property with its particular surrounding characteristics. Precisely these factors and the location of the appeal site and its characteristics lead me to conclude that they would not be frequently repeated thereby creating an unfortunate precedent.
11. I therefore conclude that the proposal would not harm highway or pedestrian safety and would not be in conflict with the National Planning Policy Framework, Buckinghamshire Council Local Transport Plan 4 - 2013-2036 (2016) or the Buckinghamshire Council Highways Development Management Guidance document (2018).

Conditions

12. In addition to the statutory implementation time limit condition, I have imposed a condition which requires the proposed development to accord with the plans, for the avoidance of doubt.

Conclusion

13. Having considered all representations made, for the reasons given above, I allow the appeal.

Megan Thomas K.C.
Inspector