



Appeal Decision

Site visit made on 6 May 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/D3505/D/24/3357370

2 Cobblers Corner, Hintlesham, Ipswich, Suffolk IP8 3QW

- 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 Robert Kennedy against the decision of Babergh District Council.
 - The application Ref is DC/24/02258.
 - The development proposed is the creation of a vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development on the application form for planning permission includes a significant amount of the history of the site. Other than for the words 'retention of' which is not an act of development, I have therefore used in the banner header above and in the determination of this appeal, the description of development adopted by the Council. Having visited the site it is noted that the vehicular access has been constructed.

Main Issue

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

Reasons

4. The proposal is for the creation of a new vehicular access to serve 2 Cobblers Corner (No.2). The new access is onto Duke Street, which is the main road that runs through the village and has a 30mph speed limit. The access is also adjacent to a bus stop and on the development side of the road there is no public footpath.
5. Any vehicle exiting No.2 would have to pull into the carriage way to see traffic approaching on the far side of the road from the west due to the neighbour's hedge. A similar situation exists in relation to viewing oncoming traffic approaching from the east, due to a mature hedge is located around 1m back from the edge of the highway along the side boundary of the neighbouring property.
6. In the absence of any speed data for Duke Street in the vicinity of the appeal site, the Council is seeking a visibility splays of 59m (Y dimension) in both directions. In addition, the Council is seeking a set back from the carriageway of 2.4m (X dimension), to allow the driver to see in both directions without the exciting vehicle entering onto the carriageway.

7. The submitted drawing shows visibility splays 17m looking eastwards and a 3.5m looking westwards. Following the site visit, it is evident that the positioning of neighbouring hedges would severely limit the ability of an exiting driver to see oncoming traffic in either direction until at least part of a car is on the carriageway. As these hedges are not located on the appeal site or land that the appellant owns, there is no control over their size and height.
8. It is accepted that once the driver has manoeuvred onto the carriageway of Duke Street than the view on oncoming traffic in both directions is good. However, this does not overcome the risk of the overhang of the emerging vehicle partially obstructing the highway and forcing oncoming drivers to avoid a collision by either rapidly stopping, slowing down or taking evasive action by driving onto the opposite of the road. It is also likely that any approaching cyclist on the near side of the road will be keeping closer to the edge of the carriageway and thus would be at more risk of collision with an overhanging car bonnet.
9. While it is noted there have been no collisions within the last 5 years this does not mean that the access is safe. Only collisions that result in a personal injury or are reported to the police are recorded. As a substandard access as the likelihood of an incident remains significantly increased.
10. Manual for Streets 2 does support the reduction of the X figure to 2m on some slow speed roads. However, as detailed above there is an absence of detailed speed data demonstrating that vehicles in both directions are traveling slowly enough to safely stop or manoeuvre around a vehicle exiting No.2. In addition, it should not be assumed that all drivers could lean forward 1m to achieve a 2m X figure, for example this may not be achievable for the elderly or those with a disability.
11. It is noted that the access only serves one dwelling and movements in and out will be limited. However, given the extent of inadequate visibility, the resulting safety hazard is significant and, in my judgement, the risk it poses to safety is not reduced to an acceptable level by this factor.
12. My attention has been drawn to other accesses in general along Duke Street. However, I have not been provided with details of the circumstances of how each of these came to exist. Some, for example, may pre-date the requirement for planning permission and others may not have been the subject of a planning application. Accordingly, the existence of other accesses with visibility splays that may be less than that sought by national guidance does not justify the development. I give this argument, therefore, limited weight in my decision.
13. For the reasons above the development does not comply with Policy 29 of the Babergh and Mid Suffolk Local Plan Part 1 2023, as it does not provide a safe and suitable access. The proposal also does not comply with National Planning Policy Framework, specifically paragraph 116 as in my judgement there would be unacceptable harm to highway safety.

Other Matters

14. The Council has stated that there is a designated heritage asset a few doors down from the proposal referred to as the Manor Farmhouse (Grade II Listed). The appeal site is located to the southwest and is separated from the listed building by several houses. It forms no part of the Council's case that the settling of the

designated heritage asse has been harmed by the development and I agree with this assessment.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

A Phillips

INSPECTOR