



Appeal Decision

Site visit made on 10 June 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 JULY 2025

Appeal Ref: APP/W1905/W/25/3362474

Garner Drive, Turnford, Hertfordshire EN10 6AU

- 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 Robin Heap on behalf of Zest Eco Ltd against the decision of Borough of Broxbourne Council.
 - The application Ref is 07/24/0698/F.
 - The development proposed is Siting of 2.no fast electric vehicle chargers together with ancillary electrical equipment to create 4.no fast vehicle charging bays at existing sections of on-street parking as part of a community charging installation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address as listed on the Decision Notice, as this provides a more descriptive site address than the northing and easting listed on the application form.
3. It is noted in the delegated report Council refers to non-compliance with policies TM2 and TM5 of the Broxbourne Local Plan 2020. However, the decision notice and the Council's appeal statement only refers to Policy TM2. On this basis it has been taken that the Council is only seeking to defend the appeal against Policy TM2 of the Broxbourne Local Plan 2020.

Main Issue

4. The Council's decision refers to insufficient information that means there could be an impact on street parking capacity and would harm public transport users. However, from the delegated report and the comments of the Local Highways Authority the main issue is the proposal's joint effect on highway safety. I therefore consider the main issue to be the effect of the development on highway safety.

Reasons

5. The National Planning Policy Framework (Framework) paragraphs 116 and 117 states that development should only be 'prevented or refused on highways grounds if there would be an unacceptable impact on highway safety' and 'be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'. In addition, paragraph 136 highlights the importance of trees, including street trees.

6. The appeal site is in two separate locations along Garner Drive. The first being close to the street entrance near 11 Garner Drive (first site), with the second being at the end of the street close 46 Garner Drive (second site). Both sites are currently used as parking spaces within the public highway. The second site appears as if it was a turning head, though now converted to parking spaces and has a tree in proximity.
7. The first site is currently divided into two areas of parking of a relatively tight space for one car to park and a space for at least two cars to park. From the tracking drawings submitted it shows a relatively small car would be able to enter and leave the site in a forward gear. However, from the information provided and following a site visit a significant number of cars would struggle to park in this space if the development was allowed. The area that lets at least two cars park, is less likely to be affected as it has more space to allow cars to manoeuvre.
8. The second site currently allows for three cars to park and from the proposed tracking the development would reduce this to two parking spaces. From the information submitted the two cars should easily be able to manoeuvre in and out of this space. However, there is some risk that a car might park in front of the proposed charging space closest to 46 Garner Drive that would prevent cars accessing one of these charging spaces.
9. From my site visit there is a lack of parking spaces on this street and the other cul-de-sacs off Garner Drive. These concerns are also raised by local people in their representations. The potential inability to park in the Electric Vehicle (EV) charging spaces would exacerbate this problem while also undermining the purpose of the development. The provided swept path analysis shows the amount of EV's that could charge here would be limited, which could lead to a car requiring to park here at an angle and overhang the active carriageway causing an unnecessary risk to highway users.
10. Furthermore, residents who cannot park their car here may end up parking on a bend in the road or on a junction, increasing the risk of an accident due to a reduction in visibility at these points in the road.
11. The Local Highways Authority have raised concerns that the tracking shown is unsuitable for most vehicles, that closeness of cars to the charging points and one of the charging points proximity to a lamp post represents an electrical safety risk, impact on a street tree and the developer has not considered the County's EV strategy. The appellant has stated that the proposal meets with safety expectations though very limited supporting information is provided to demonstrate this.
12. No substantive evidence has been provided indicating how the proposal would not create an electrical safety risk due to the proximity to cars and the first site lamppost. The Local Highways Authority via the Council have stated it does not comply with the IET Code of Practice for Electric Vehicle Charging Equipment, though no further information has been provided. However, with the Council referring to a specific standard and the concern being the positioning of the electrical equipment and not specifically its installation, which would likely be covered by separate legislation, the potential risk has limited weight against the proposal.

13. In addition, no further detailed information on aboricultural impacts has been provided. Given the nearest trees position there is a risk that the proposal would damage the tree, potentially harming highway safety if its roots were damaged to the extent, it becomes unstable. This information should be provided up front to demonstrate the impacts of the development and as there might need to be substantial changes it cannot be left to condition.
14. It is concluded that the proposal has not demonstrated that the proposal would not have an unacceptable effect on highway safety. On this basis the proposal does not comply with Policy TM2 of the Broxbourne Local Plan 2020 (Local Plan), that seeks to ensure the safety of all road users. The Framework supports this in requiring applications that could cause unacceptable highway safety risk to be refused.

Other Matters

15. It is accepted there is a need for electrical vehicle charging points and that on street provision can help meet that need, for instance to visitors travelling to meet residents on Garner Drive. Policy TM4 of the Local Plan has been stated as seeking all new housing development, including communal parking spaces, to have charging points where possible that accords with paragraph 112 of the Framework. While this is not a new housing development, the Local Plan further weighs in the favour of the principle of the providing EV charging points. This weighs in favour of the proposal but does not overcome the significant lack of information provided and the harm it could cause to highway safety as identified above.

Conclusion

16. 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. On this basis, the appeal is dismissed.

A Phillips

INSPECTOR