



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/25/3362475

Brickcroft, Broxbourne EN10 6AR

- 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 Broxbourne Borough Council.
 - The application Ref is 07/24/0714/F.
 - The development proposed is Siting of 1.no fast electric vehicle charger together with ancillary electrical equipment to create 2.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 company name as the applicant, as the proposal appears to be on behalf of a company and not as an individual. In addition, I have updated the company name to reflect the appellants submitted documents.
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 issues 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 site is on Brickcroft adjacent to the junction with Garner Drive. This on street parking area is divided into 3 bays, with a large parking space in the middle and the end 2 being substantially smaller. Adjacent to the parking area is an area of grassed space that contains several trees. From my site visit and the concerns raised by local residents there appears to be a lack of parking on Brickcroft and Garner Drive, as well as the other cul-de-sac off Garner Drive.
7. The Local Highways Authority have raised concerns that the tracking shown is unsuitable for most vehicles, that the charging points is an electrical safety risk, there is an unknown impact on street trees and the developer has not considered the County's electric vehicle strategy.
8. The appellant has provided limited information to demonstrate how the development would meet electric safety standards to protect users of the highway from unnecessary risk and the potential impacts on the adjacent trees.
9. The tracking drawings demonstrate that when entering bay 2 (as shown on the tracking drawings it would be very difficult to exit the bay in a medium sized car and even more so for a larger car. This could lead to a car requiring to park here at an angle and overhang the active carriageway causing an unnecessary risk.
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. No substantive evidence has been provided indicating how the proposal would not create an electrical safety risk with the proximity to cars and the first site lamppost. The Local Highways Authority 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.
12. In addition, no further detailed information on arboricultural impacts has been provided. Given the amount of trees in proximity there is a risk that the proposal would cause damage to one or several of these trees, potentially harming highway safety if their roots were damaged to the extent, they become unstable. This information should be provided up front to demonstrate the impacts of the development as there might need to be substantial changes it cannot be left to condition.
13. It is concluded that it has not been 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

14. It is accepted that 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 and Brickcroft. 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, which 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 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

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. On this basis, the appeal is dismissed.

A Phillips

INSPECTOR