
Appeal Decision

Site visit made on 27 May 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/Y3940/D/25/3363316

16 Court Lane, Bratton, Wiltshire BA13 4RE

- 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 S Midgley against the decision of Wiltshire Council.
 - The application Ref is PL/2024/11141.
 - The development proposed is removal of front boundary wall and widen existing vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a discrepancy in the address for the works between the application form and the Council's Decision Notice. For the purposes of this report, I have worked to the address and description of works on the application form.
3. The appeal site is situated within a conservation area and is proximate to a Grade II listed building. I have therefore paid special attention to the statutory requirements placed upon decision-makers by section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal property, number 16 Court Lane (No 16), is the end of a terrace of three properties located in an elevated position at the junction of Court Lane, Lower Westbury Road and Trowbridge Road in the village of Bratton. The property is situated within the Bratton Conservation Area (CA) and is diagonally opposite the Grade II listed 'Pear Tree Cottage', part of the garden and outbuilding of which is opposite the proposed widened vehicular access.
6. To the south-east of the appeal property is number 14 Court Lane (No 14), which is separated from No 16 by a gap of around 9m between gables. This area is laid to tarmac and provides the vehicular access to the double garage owned by No 16, providing forecourt parking and manoeuvring space for several vehicles. This garage is also in an elevated position, relative to the highway. The existing access position is around 5m wide and is located to the north-west corner of the tarmac forecourt, alongside the pedestrian access and front garden of No 16.

7. The access point had likely previously been formed by the removal of a section of stone boundary wall which ran from the boundary with No 14 around the frontage of the terrace of three properties, ending at the western end of No 20. This stone boundary wall remains in-situ, retaining the raised front gardens of the terrace of properties, with a short section remaining between the existing vehicular access and the boundary with No.14, behind which the natural ground levels are retained. There is screen planting present and the area behind is used to house refuse bins.
8. The proposal would remove this section of wall and associated planting, introduce a retaining wall flanking the gable of No 14, re-profile the ground levels and introduce further sloped hardstanding surface to connect the parking area with the highway. The extent of car parking would not be increased by the proposal, but the length of the access position with the highway would be increased.
9. The appellant has stated that they have previously sought and received permission for a mirror opposite their driveway access, which was evident at my site visit. They further note that the speed limit has recently been reduced to 20mph, that there have only been two minor vehicle accidents on Court Lane in the last 25 years, neither in front of the appeal property, and that they generally reverse onto their drive. The fact that there have only been two minor vehicular accidents in 25 years, neither in the vicinity of the appeal property, and that the speed limit has recently been reduced from 30mph to 20mph, would suggest that the safety of the existing access is not under question.
10. However, the existing access is assessed as being sub-standard in terms of visibility by the Highways Department, who have objected to the proposal. Whilst removing the vegetation to the east of the entrance, that is within the appellants control, would improve the visibility from the current access, and which could be carried out by the appellant to improve their visibility without the need for approval, removal of the wall would only lead to vehicles exiting the widened access in a position much closer to the gable of No 14.
11. The principal elevation of No 14 is only a very short distance from the rear of the carriageway. Allowing vehicles to exit the enlarged driveway near to the gable of No 14, would result in significantly reduced visibility for drivers, from that which currently exists when exiting the driveway, three to four metres further away from the gable of No 14, where visibility is greater. There would, consequently, be a greater risk of collision with vehicles travelling along Court Lane. Therefore, the proposal would not provide safe access to the highway network.
12. I therefore conclude that the proposal would not provide adequate visibility splays which are essential at this location and would constitute an unacceptable risk to highway safety. It follows that the proposal would therefore be contrary to policy CP61 of the Wiltshire Core Strategy (2015), which requires, among other things, development to provide safe access to the highway network.

Other Matters

13. Having regard to my duty under s72(1) of the Act to pay special attention to preserving or enhancing the character or appearance of conservation areas, the extent of increase in the width of the existing vehicular entrance would not be so great as to alter the character of the CA at this location. I therefore conclude that the appeal development would not cause harm to the character or appearance of the Bratton Conservation Area as a designated heritage asset.

14. Having regard to my duty under s66(1) of the Act, to preserve listed buildings or their settings, and the relevant heritage asset policies in the National Planning Policy Framework (the Framework), as the appeal proposal would be located diagonally opposite from the listed building, and separated by a little distance down Court Lane, I find that the proposal would not harm either the significance of, or the setting of, the Grade II 'Pear Tree Cottage' listed building as a designated heritage asset.

Conclusion

15. For the reasons set out above, I conclude that the appeal proposals would be contrary to the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR