
Appeal Decision

Site visit made on 11 August 2025

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/D3505/W/24/3357505

Hill House, Red Hill Road, Hadleigh, Suffolk IP7 6BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mike Redmon against the decision of Babergh District Council.
 - The application Ref is DC/24/02635.
 - The development proposed is erection of 1no detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with all matters reserved apart from access. The reserved matters are appearance, landscaping, layout, and scale. As such, where the proposed plans show any information relating to these reserved matters, I have treated them as illustrative for the purposes of making my decision.

Main Issue

3. The main issue in this case is highway safety and whether the proposal would provide a safe and suitable access with regard to visibility.

Reasons

4. Red Hill Road is a no through road subject to a 30 mph speed limit. Whilst serving a residential area, it is relatively rural in its character, with parts of it being narrow with vegetation to either side. In the area around the appeal site, there are no footpaths or streetlights. Beyond the existing access into the appeal site, I witnessed seven further properties that are accessed from the road before it terminates.
5. Whilst only a snapshot in time, during my site visit, I witnessed a limited number of vehicular movements in the vicinity of the appeal site. This observation, alongside the no through characteristic of the road and the limited number of properties beyond the appeal site, means that it is reasonable to consider that this part of Red Hill Road is not subject to significant levels of vehicular movements. Nevertheless, due to the lack of separate footpaths it does mean any pedestrian movements do occur on the road. The appellant suggests that the speed of vehicles moving along the road rarely exceeds 20 mph, however, there is no substantive evidence before me to suggest this is the case.
6. The central part of the visibility splay that would serve the proposed access is identified across land within the control of the appellant. It is proposed that the

existing front boundary hedgerow would be reduced in height to provide visibility for those exiting the proposed access. The reduction in the height of the hedgerow would also improve visibility for the users of the existing access.

7. However, to the southwest there is a triangular area of land included within the visibility splay which comprises the driveway and a small area of low level planting that serves the neighbouring dwelling. Also, to the northeast before the visibility splay extends across Red Hill Road, an area of land is included which is currently a maintained grassed area. Whilst it appears as highway verge in its character and appearance the Highway Authority has confirmed that the whole of this area is not under its control.
8. Whilst the occupiers of the adjacent properties may choose not to create obstructions within the visibility splay area due to the current function of those areas of land, due to the reliance on third party land, there is no guarantee that the identified visibility splay could be maintained in perpetuity. Therefore, drivers exiting the site could have restricted visibility in the future and there may not be adequate time for drivers to react to oncoming pedestrians, drivers or other highway users. As such, based on the evidence before me, the proposal's access arrangements would pose an unacceptable risk to the safety of highway users.
9. Whilst I note that there may be other access points along the road which do not meet the Council's current visibility standards, I do not have any evidence of when those accesses were permitted and under what policy context. I acknowledge that there have been no recorded accidents over a considerable period of time. Nevertheless, in the absence of convincing evidence, such as an assessment of the speed of vehicles travelling along the road, I cannot be certain that the visibility when exiting the proposed access, without reliance on third party land, would be safe and would not lead to conflict with other highway users.
10. A condition requiring the visibility splay as identified to be implemented and that no obstructions are provided within that splay would not be reasonable or enforceable, given it would be imposed on land not under the control of the appellant.
11. I therefore find, without substantive evidence to the contrary, that the proposal would not provide safe and suitable access with regard to visibility and consequently it would result in unacceptable risk to highway safety. As such, it would be contrary to Policy LP29 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 November 2023 which seeks, amongst other things, that all developments demonstrate safe and suitable access for all and that the impact on highway safety must not be unacceptable.
12. The proposal would also be contrary to paragraphs 115 b), 116 and 117 c) of the National Planning Policy Framework (the Framework) which seek to ensure safe and suitable access, that the scope for conflict between pedestrians, cyclists and vehicles should be minimised and that where proposals would have an unacceptable impact on highway safety, they should be prevented or refused.

Other Matters

13. The proposal would result in one new dwelling which would contribute to the housing supply. It would be located where there would be access to services, facilities, employment opportunities and public transport provision and would make

efficient use of the land. Economic benefits would also result during the construction phase and after with future occupants supporting local services and facilities. Given the scale of the proposal, these benefits would be limited and would not outweigh the harm I have identified above.

14. The appellant asserts that there would be no impact on landscape or heritage designations, that the site is not at risk of flooding, that sufficient parking, turning and amenity space could be provided and that the dwelling would be designed to the highest standards and would complement the character and appearance of the surrounding area. It is stated that the proposal would not have a detrimental effect on the living conditions of neighbouring occupiers, that an electric vehicle charging point would be provided along with cycle storage. Even if I were to agree, a lack of harm, or policy compliance in these respects would be a neutral consideration that would weigh neither for, nor against the proposal.
15. I note that there was planning permission in place for two dwellings on the wider site and that only one of those dwellings has been built, Hill House. Nevertheless, based on the information provided, the approved scheme utilised one shared access and is therefore different to the scheme before me now.
16. I acknowledge that Hadleigh Town Council provided support for the application. Nevertheless, for the above reasons I have come to a contrary view.

Conclusion

17. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR