



Appeal Decision

Site visit made on 17 October 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2025

Appeal Ref: APP/W3520/W/25/3368655

Land adjacent to 29 Combs Lane, Stowmarket IP14 2DB

- 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 Rick Stuart against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/05510.
 - The development proposed is the erection of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (i) the effects of the proposed development on the safety of highway users with particular regard to visibility from the proposed site access, and (ii) whether the site is suitable for the development proposed having particular regard to flood risk.

Reasons

Highway safety

3. The appeal site is an irregular shaped parcel of land between Number 29 Combs Lane and Adelaide Mews. The width of the site tapers down significantly towards Combs Lane, at the point of the vehicular access to the proposed development. Combs Lane is a wide road that appears to function as a route through the settlement, connecting it with the countryside beyond and the A14.
4. Observed traffic flows at the time of my site visit were relatively frequent, and vehicle speeds seemed consistent with the 30mph speed limit. They broadly accord with the vehicle speeds recorded in the appellant's Traffic Report (TR). The visibility splays on either side of the proposed site access are based on those recorded speeds. They are shown on the drawing in Appendix 3 of the TR as crossing a sizeable amount of land with most not being in the appellant's control or within the public highway. There is no basis on the evidence before me to dispute the extent of the public highway shown by the Local Highways Authority's (LHA) drawing.
5. The visibility splays are based on a setback distance of 2 metres as opposed to 2.4. Manual for Streets refers to the longer distance as normally used in most built-up situations, but the shorter distance may be considered in some slow-speed situations where traffic flows are low. I have not been provided with a definition for

slow-speed situations or low traffic flows. Nonetheless, I have used the appellant's setback dimension as a best-case scenario in my decision.

6. The visibility splay to the east of the proposed site access as shown in Appendix 3 of the TR, crosses over land in the grounds of Adelaide Mews, which is not within the appellant's control. The appellant's TR states that visibility splays are not normally permitted across third party land. However, the appellant contends that there is no danger that the splay could be compromised or reduced in the future because it also serves as the west visibility splay for the access to Adelaide Mews. The inference being that the owners of Adelaide Mews will maintain the hedgerow close to the carriageway at a low height so that it does not obstruct visibility. The hedge was maintained as such at the time of my visit.
7. Growing along the frontage of Adelaide Mews and behind that hedgerow and relatively close to the carriageway is a row of 3 sizeable Lime trees. There is also an electricity pole in a position adjacent to the proposed access and very close to the carriageway. The pole is shown accurately on the appellant's Constraints Plan as 'EP'. The positions of the electricity pole and the lime trees matter because they have the potential to obstruct the east visibility splay from the proposed site access. They are not shown on the drawing in Appendix 3 of the TR relative to the east visibility splay. Whilst that drawing shows a telegraph pole close to the carriageway, there is no such pole in the position shown.
8. As the visibility splays shown on the drawing in Appendix 3 of the TR have not been plotted onto the Constraints Plan, there is no single drawing before me that shows the splays relative to the positions of the electricity pole and the Lime trees. Therefore, whilst I have had regard to those drawings, I have assessed the visibility from the proposed access based on my observations at my site visit. Individually, the electricity pole and the trunks of the lime trees are relatively thin profiled structures. However, given their close positions relative to the road and to the proposed site access they are highly likely to be located within the visibility splay to the east.
9. In my judgement, the spread and cumulative solidity of the Lime trees and electricity pole would be likely to significantly obstruct visibility to the east of the proposed access. As such they would reduce the distance over which a driver exiting the appeal site to join Combs Lane and the driver of an approaching vehicle in the carriageway would be able to see each other to considerably less than shown by the splay on the drawing in Appendix 3 of the TR. This would be expected to significantly reduce the time available for both drivers to react to the presence of one another and avoid a collision. Consequently, the substandard visibility to the east would be likely to pose a relatively high probability of collisions between those vehicles that could lead to injury or worse. Whilst the number of daily vehicle trips to and from the site would be small, they would nonetheless add up over the lifetime of the development.
10. Whilst disputed by the parties, as a best-case scenario I have used the upper figure of 3 metres for the width of the proposed vehicular access. To avoid contact between the nearside of the vehicle and the electricity pole, hedgerow, and probably the closest Lime Tree, a vehicle turning left out of the access would be highly likely, in my judgement, to cross the centreline of the carriageway and into the path of westbound traffic. No substantive evidence has been advanced to the

contrary. Given my conclusion in respect of the standard of visibility that would be provided, this exacerbates my concerns over the safety of the access.

11. The evidence before me does not indicate whether the owner of the electricity pole would be willing to remove it. No mechanism to secure its removal or a timescale for doing so is before me. Even if the electricity pole was removed, the row of Lime Trees would, in my judgement, significantly obstruct visibility to the east from the proposed access.
12. The visibility splays shown green on the Constraints Plan drawing appear to be based on the setback distance being almost wholly contained within the carriageway. They indicate visibility from a vehicle that has already joined the carriageway and protruded some distance out onto it. As such, they do not represent the standard of visibility that would be available for the driver of a vehicle before exiting the appeal site and therefore do not alter my conclusions above. Those splays do not appear to correspond to the methodology in the appellant's TR or the splays shown on the drawing in its Appendix 3.
13. The access to Adelaide Mews is wider than the proposed access to the appeal site. A vehicle exiting Adelaide Mews would appear to be separated from the closest Lime Tree and the electricity pole on its frontage by greater distances than a vehicle exiting the appeal development. It is unlikely that a vehicle exiting Adelaide Mews and turning left would need to cross the centreline of the road and into the path of oncoming traffic.
14. Together with the curvature of the road to the west, those factors mean that the access to Adelaide Mews is likely to provide a considerably better standard of visibility for drivers joining the road than at the appeal development. For those reasons, the proposed access is materially different to that at Adelaide Mews. Even if that access was found to provide substandard visibility it would not justify the harm to highway safety that would be caused by the appeal proposal.
15. The evidence indicates that no vehicle collisions resulting in injury have been recorded along this section of Combs Lane over the past 13 or so years. However, as that data takes account of the existing situation, it does not alter my conclusions over the future safety of the proposed access. The evidence before me does not demonstrate that the proposed access would be comparable to those existing vehicular accesses in the area.
16. The appeal site was previously garden land to Number 29 and is now subdivided from it by a timber fence that extends to within a few metres of the carriageway. The large garage and sheds shown on the existing site plan appear to have been removed. There currently appears to be sufficient space for a vehicle to be driven onto the appeal site from Combs Lane, across a small area of tarmac close to the carriageway. However, it is not for me to determine whether the appeal site has a lawful use and whether it is served by a lawful access to the public highway. Lawfulness can be ascertained through a separate process which has its own right of appeal.
17. The Council advise that the dwelling granted planning permission on the appeal site in 2016 would have utilised land to the front of Number 29 to provide adequate visibility for drivers entering and exiting the site. That land is not part of the appeal site. Therefore, the previous planning permission appears materially different to the appeal scheme and has limited relevance to my assessment of it.

18. There is no substantive evidence to justify me departing from the LHA's judgement that a vehicle would be capable of entering and exiting the site in a forward gear. The LHA has confirmed that it conducted a site visit as part of its assessment of the appeal scheme and I see no reason to dispute that.
19. For the reasons given above, the appellant has failed to demonstrate that the proposed access to the appeal development would operate safely. I conclude that the proposed development would cause significant harm to highway safety with particular regard to visibility, contrary to Policy LP29 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 November 2023 ("the JLPP1") insofar as it requires all developments to demonstrate safe and suitable access for all.
20. The appeal proposal would, for those same reasons, conflict with Paragraphs 115.b) and 116 of the National Planning Policy Framework ("the Framework"), which requires that applications for development should ensure that safe and suitable access to a site can be achieved for all users and only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Flood Risk

21. None of the surface water flooding extents shown on the Environment Agency Surface Water Flooding Map 2024 and contained in the appellant's Flood Risk Assessment (FRA) cover land within the appeal site. However, the stretch of Combs Lane near to the appeal site is within a 'low probability' flooding extent with between a 0.1% - 1% chance of surface water flooding each year. The FRA states that climate change is applied to the 1% flood event. I am advised by the Council that updated Environment Agency flood modelling for 2025 shows flooding of the site. However, that information is not before me and therefore I have based my assessment on the flood maps in the appellant's FRA.
22. When assessed against Framework Paragraph 175, the flood extents in the appellant's FRA indicate that no built development including access or escape routes, land raising or other potentially vulnerable elements, would be located within the site boundary on an area that would be at risk of flooding from any source, now and in the future. Therefore, in my judgement, the sequential test is not required for the appeal development and there would be no conflict with JLPP1 Policy SP03, which establishes the principle of development within settlement boundaries having regard to other relevant policies of the development plan. Flood water would not be displaced onto third party land and the appeal scheme would not increase the risk of flooding to other properties.
23. Framework Paragraph 181 sets out that a site specific FRA is required in certain circumstances to demonstrate, amongst others, that safe access and escape routes are included where appropriate, as part of an agreed emergency plan. The appellant's FRA shows the access and egress route from the proposed development and beyond the appeal site boundary in the event of surface water flooding. That route would, based on the categories in a DEFRA/Environment Agency document reproduced in the FRA, pose a 'Danger for Most', being subject to deep fast flowing water along a stretch of Combs Lane immediately outside the appeal site and decreasing to a 'Danger for Some' with deep or fast flowing water around the junction with Jubilee Avenue.
24. The probability of the access and egress route flooding is low. However, persons using that route during the modelled flood event would be exposed to the effects of

deep and/or fast flowing water. I do not regard that to be safe. Future occupiers of the proposed dwelling could stay within the building for refuge and wait for the flood water to recede. However, they could not do so indefinitely and the evidence before me provides no indication of the duration of the modelled flood event and thus the likely duration of refuge.

25. Therefore, the appellant has not demonstrated that a strategy of seeking refuge at the appeal property would be a satisfactory alternative to the provision of safe access and egress routes during the modelled flood event. I cannot be satisfied on the evidence before me that this matter could be satisfactorily resolved through the imposition of a condition as part of an agreed emergency plan. No such condition is before me.
26. In a development allowed on appeal in Faversham¹ safe access would have been provided through land raising. Safe access and egress could be achieved at the development allowed on appeal in Lancashire². Therefore, neither appeal is comparable or relevant to the appeal proposed before me.
27. I therefore conclude on this issue that it has not been demonstrated that future occupiers of the development would be safe during flooding, contrary to JLPP1 Policy LP27, insofar as it requires development to be made safe in areas at risk of flooding. For the same reasons there would be conflict with Framework Paragraphs 170 and 181 insofar as they require a FRA to demonstrate safe access and egress routes during flooding.

Other Matters

28. The proposed development would make a small contribution to the supply of housing and make efficient use of land in a settlement close to services, facilities and employment, and where housing is supported as a matter of principle by the development plan. Setting aside the uncertainty over the removal of the electricity pole, I see no reason why the proposed development could not be delivered quickly.
29. Construction and occupation of the proposed development would bring economic benefits, including sustaining jobs in the construction industry and enhancing trade in supply chains and contributing to tax receipts. Future occupants would support services, businesses and facilities in the area, and the social vitality of the community. Beneficial gains for nature and biodiversity enhancement would be secured by condition, and any contamination of the land from previous uses could be beneficially remediated.
30. The Council determined that the proposed development would not have an unacceptable impact on the character and appearance of the area, nor would it harm the living conditions of occupiers of nearby properties. Even if I were to agree, an absence of harm in those respects would be a requirement of any well-designed scheme and they do not weigh in favour or against the appeal scheme. I do not regard the appeal site's condition to be visually harmful. It has the appearance of an overgrown garden in a gap between residential buildings. If its condition was to deteriorate, I am not satisfied that the appeal development would be the only option to address that situation.

¹ APP/V2255/W/24/3350524

² APP/D2320/W/22/3295556

Conclusion

31. The proposed development would comply with some policies of the JLPP1, and it would deliver benefits that carry moderate weight in its favour. However, I have found that the appeal proposal would result in significant harm to highway safety and that is a determinative matter that justifies dismissing the appeal. Safe access and egress would not, on the evidence before me, be provided for future occupiers of the development during surface water flooding. The probability of flooding affecting the access and egress route is low and there is the opportunity for refuge within the appeal building. Therefore, the potential harm to future occupiers during flooding weighs modestly against the appeal development.
32. Those harms bring the proposed development into conflict with JLPP1 Policies LP27 and LP29, and the development plan as a whole. The conflict with the development plan carries substantial weight against the appeal proposal, which is not outweighed by material considerations, including the benefits of the proposal and the provisions of the Framework. Consequently, I conclude that the appeal proposal is unacceptable, and the appeal is dismissed.

G Sylvester

INSPECTOR