



Appeal Decision

Site visit made on 14 January 2026

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th January 2026

Appeal Ref: APP/Q1445/W/25/3374089

Garages to the rear of 14 to 28 Broomfield Drive, Portslade BN41 2YU

- 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 Sam Stevens of Highcroft Construction Ltd against the decision of Brighton & Hove City Council.
 - The application Ref is BH2024/00493.
 - The development proposed is 'demolition of garages and erection of 2no two storey dwellings and 1no single storey dwelling (C3), with associated car parking, access and landscaping.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the heading above, I have utilised the amended description of development agreed by the parties following revisions at application stage.

Main Issue

3. The main issue is the effect of the proposal on highway safety, with particular regards to whether it provides for a safe and suitable access for all.

Reasons

4. The strategic objectives of promoting sustainable transport for Brighton and Hove are set out in Policy CP9 of the City Plan Part One (2016) (CPPO). Amongst other things, it seeks to reduce the impact of traffic and congestion, increase physical activity and therefore improve people's health, safety and quality of life.
5. Policy DM33 of the City Plan Part Two (2022) (CPPT) expects new developments to be designed in a way that is safe and accessible for all users including pedestrians (and wheelchair users) and cyclists, seeking safe, secure layouts which minimise the risk of collision or potential conflict between road users. It goes on to state that developments should provide inclusive access for disabled people, older people and other vulnerable road users wherever it can be reasonably achieved, having been afforded significant priority.
6. These policies remain aligned with the National Planning Policy Framework (the Framework), which expects that safe and suitable access to the site can be achieved for all users. It further states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

7. The appeal site comprises a court of 27 garages to the rear of residential properties. Vehicular access is via a narrow, single width hardbound track that makes no separate provision for pedestrians, rising gradually from the highway to the elevated site, between numbers 18 and 20 Broomfield Drive. Privacy fencing flanks each side of the access.
8. The surrounding area is predominantly residential in character. Aside from dedicated disabled bays diagonally opposite the appeal access point, there are no on-street parking restrictions. During my site visit, I observed that not all residential dwellings on Broomfield Drive have off-street parking available in their frontages and that there were cars parked along both sides of the highway, with some overhanging the pavement, indicating a reliance on on-street parking. Whilst I appreciate this represents a snapshot in time, my observations and the evidence before me indicates that the current situation is less than ideal, with pressure for on-street parking present around the appeal site and its point of access.
9. The evidence suggests that the modest sized garages are typically no longer used for the parking of vehicles, instead being used for storage or lying vacant. The appellant asserts that daily visits to the 14 tenanted garages, once per day, could mean 28 vehicle movements per day. However, a garage use survey¹ indicates the actual vehicular movements to the garages is likely to be much lower. Given the limitations of the survey, which was undertaken at peak periods only, over just 3 days, means that this only shows a limited snapshot of the nature and scale of use. As such this reduces the weight I attach to it.
10. Nevertheless, it does indicate a likelihood that the existing vehicular trips to the garages are less than the 15 vehicular trips that the dwellings are expected to generate. In addition, the development would also generate some pedestrian and cyclist movements and is likely to have some delivery vehicles associated with it. Overall, I find that the quantum of movements is likely to increase and the nature of them would change than those associated with the garage court.
11. The width of the access is in dispute, with the Council contending it is 2.38m at its narrowest, whilst the appellant asserts it is 3.1m. Nevertheless, it is common ground that the access track is of insufficient width to allow for two-way traffic. Owing to its straight configuration, despite its gradient, drivers would have good forward visibility, such that they would be unlikely to meet other drivers on the track itself. As they would have advance warning, most would likely wait until the track is clear before attempting to gain access. Furthermore, the majority of users would be residents who would be aware of the constraints.
12. Whilst my attention is drawn to tracking evidence submitted as part of a previous application² that is said to have demonstrated the access could accommodate a range of vehicles, no such tracking has been provided with the scheme before me. In any event, I note that this matter formed part of the Council's previous reason for refusal. Therefore, I am not satisfied that larger vehicles, including construction vehicles, and once operational, delivery and emergency vehicles such as fire appliances would be able to achieve access to the site at all. Figure 7.1 of Manual for Streets (MfS) is clear a minimum width of 2.75m is necessary to allow for the passage of occasional large vehicles.

¹ Appendix 8: Garage Use Data of the January 2024 Transport Report

² BH2022/01447

13. The appellant considers that access for refuse collection and fire appliance vehicles should not be considered as part of the planning process. However, the implications for them being unable to access the site is a fundamental matter as access should be suitable for all users, unless a suitable alternative strategy is advanced otherwise, which is not the case here.
14. Amongst other things, an inability for larger vehicles to access the site would result in them blocking the road. This could be for prolonged periods, both during the temporary construction stage but also once operational, noting that, for example, deliveries would inevitably take longer than to those dwellings fronting the street given the need to navigate the access track and locate the necessary dwellings.
15. Three dedicated disabled parking bays lie opposite numbers 16, 18 and 20 Broomfield Drive. In the absence of tracking information to show otherwise, I find that their occupied presence would likely impede the ability of cars and larger vehicles to access and egress the site efficiently and safely. No feasible means of mitigation has been offered to deal with this.
16. Additionally, the increased volume of traffic would make conflicts between vehicles of any size more likely. There would be very little room within the highway to enable drivers to respond to those seeking to exit onto the highway and manoeuvre out of the way to allow vehicles to pass. This could result in vehicles reversing in close proximity to cars parked either side of the road, increasing the risk of accidents. This would be inconvenient for drivers and increase the risk of vehicular conflicts as well as placing pedestrians and cyclists at increased risk.
17. No swept path analysis is advanced to demonstrate that the vehicles likely to frequent the appeal site could turn on site and exit in a forward gear. Indeed, I note the proposed site plan included within The Transport Report³ (TS) has a different layout and turning head. There is no turning head shown at all on the scheme before me and the space rear of the parking spaces appears constrained, even for an average sized car.
18. If larger vehicles did enter the site, it is likely that they would have to perform many manoeuvres in an attempt to turn, or have to reverse down and out onto the highway which given its narrow width length, with no room for error, coupled with the gradient, would be difficult for many. Again, this would result in other vehicles waiting on Broomfield Drive whilst the vehicle on the track exited, causing an obstruction for vehicular traffic, but also for other road users, including pedestrians and cyclists. These factors undermine highway safety and are certainly not representative of a safe and suitable access as required by the Framework.
19. The requirements for the visibility splays at the access point are not clearly articulated. Nevertheless, parked cars are likely to obscure sight lines for drivers exiting the track in both directions. However, as is already the case, drivers might typically respond to the restricted visibility by nudging out slowly. Noting the 30mph speed limit on this residential street, on its own, restricted visibility splays would be unlikely to cause significant harm to highway safety by virtue of the increased use of this substandard access.
20. The gradient, which the appellant asserts is around 11% (1:9), would make access for the less mobile, wheelchair users and those with prams more challenging.

³ January 2024

However, it still accords with the recommendations set out in 'Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure'⁴ which suggests gradients should be no greater than 1:10. As such I find no harm arising from this element.

21. Along the access track itself, pedestrians would have no separate footway. Neither is there any separate space for cyclists. Whilst MfS guidance recommends that widths of between 2.75m and 3.25m should be avoided in most cases to avoid situations where drivers try to squeeze past cyclists, in this case the access appears so narrow that the likelihood of drivers attempting this would be minimal. Rather, it is far more likely that in these circumstances, drivers would wait to allow the more vulnerable users to find clear passage. This would also cause obstruction in the highway, which could be prolonged, especially when those using the access are less able.
22. I am cognisant that the data indicates a lack of collisions. However, this is not strong evidence that it would be appropriate to increase the use of an unsuitable access arrangement.
23. Therefore, on the basis of the evidence before me, I find that the proposal would not provide for a safe and suitable access for all, having a harmful effect on highway safety. This runs counter to the Framework. It follows that there is also conflict with CPPT Policy DM33 and CPPO Policy CP9, the objectives of which I have outlined above.

Other Matters

24. The Council have confirmed that they have a 1.4 year supply of deliverable housing sites, representing a significant shortfall to the necessary 5-year housing land supply (5YHLS) set out in the Framework. An inability to demonstrate a 5YHLS warrants the application of paragraph 11(d) of the Framework. In this case, in accordance with paragraph 11(d)(ii), this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
25. The site would make effective use of previously developed land, in a sustainable location, near to sustainable transport connections. Furthermore, the modest but important boost in housing supply, and the social and economic benefits associated with it, weigh considerably in favour of the scheme.
26. On the other hand, I have found that the scheme does not provide for a safe and suitable access for all and consequently does not secure a well-designed place. Even with this modest scale of the development, such conflicts for all vehicles irrespective of size arising from the narrowness of the access and the increased traffic volume, particularly at peak times, could be multiple and daily.
27. Despite the context of the access being existing, increasing the use of this substandard provision would still give rise to significant issues, including hindering the free flow of traffic. Whilst some of these scenarios would amount to driver

⁴ Department for Transport, 2021, BS8300

inconvenience, I am concerned that others would place users at increased risk of accidents and harm. Consequently, this amounts to an unacceptable effect on highway safety to which I attach substantial weight.

28. Even in circumstances where the Council's housing delivery policies have acted to unduly restrict the supply of homes, I find that the conflicts I have identified to be decisive to the outcome of this appeal. It amounts to significant and demonstrable harm when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply.

Conclusion

29. The appeal scheme is contrary to the development plan when considered as a whole. I have considered all other matters raised but none are sufficient to outweigh the conclusions I have reached.
30. For the reasons I have set out above, the appeal should be dismissed.

C Walker

INSPECTOR