



Appeal Decision

Hearing held on 10 February 2026

Site visit made on 10 February 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2026

Appeal Ref: APP/P0240/W/25/3374425

Land at Unit B, Normandy Lane, Biggleswade, Central Bedfordshire SG18 8QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dunmoore Group against Central Bedfordshire Council.
 - The application Ref is CB/25/00738/FULL.
 - The development proposed is new vehicular access off Pegasus Drive and additional parking provision.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made against Central Bedfordshire Council. This is the subject of a separate decision.

Background and Main Issue

3. The proposal would provide the appeal site with access from Pegasus Drive, a 30mph road on Stratton Business Park. The existing building on site (Unit B) is set in a rectangular plot. Planning permission¹ for an extension to this building to accommodate four additional units for flexible use, including Class B8 (storage and distribution), B2 and E(g) (iii) (light industrial) was permitted in June 2024.
4. This appeal has been submitted following the Council's failure to determine the application within the relevant timescale. In its submission, the Council has set out the reasons it would have given for refusing the application, had it been in a position to do so. The reasons provided relate to highway safety and I have taken these into account in identifying the main issue. Accordingly, the main issue is whether the proposal would have a detrimental impact on highway safety and patterns of movement.

Reasons

5. Policy T2 of the Central Bedfordshire Local Plan 2015-2035 (Local Plan) relates to Highway Safety and Design. It sets out that proposals must not have a detrimental effect on highway safety and patterns of movement. It further stipulates that proposals must provide appropriate access and have regard to the standards set

¹ CB/22/03438/FULL

out in the Council's Design Guide and Highway Construction Standards and Specifications Guidance (HCSSG).

6. Pegasus Drive is agreed to carry traffic volumes exceeding 500 vehicles per peak hour, the HCSSG therefore indicates that both the Design Manual for Roads and Bridges (DMRB) and Manual for Streets 2 (MFS2) should be followed. This requirement arises from the HCSSG introduction chapter, which states that schemes with a speed limit greater than 30 mph, those that adjoin the existing highway network, or those with peak-hour flows exceeding 500 vehicles must comply with the design guidance in DMRB and MFS2. Each document is addressed below.

Design Manual for Roads and Bridges

7. The appellant accepts that the proposal does not comply with the junction spacing requirements in the DMRB and maintains that the DMRB, is not an appropriate document against which to assess the scheme. It is further observed that, if the wider estate were assessed against the DMRB junction spacing criteria, it would similarly fail to meet those standards.
8. Although the HCSSG indicates that guidance within the DMRB should be followed, the wording of Policy T2 of the Local Plan affords a degree of flexibility in the assessment of proposals. In particular, the policy requires that development must provide "appropriate access" and only that proposals "have regard to" the standards contained within the HCSSG. Taken together, this wording indicates that strict compliance with the DMRB is not an absolute requirement for the purposes of Policy T2, and that a balanced planning judgement may be applied, having regard to the specific context and operational characteristics of the proposal.
9. Given that the DMRB provides requirements and advice for the design, assessment and operation of motorway and all-purpose trunk roads within the UK, its primary purpose does not naturally extend to the design of estate road networks. While it can serve as a useful technical reference, its standards cannot necessarily be applied directly, or without adaptation, to smaller scale proposals where the traffic environment and operational context differ markedly from those of the strategic road network.
10. Accordingly, the relevance of the DMRB in this case should be considered in the context of the local road hierarchy and the specific characteristics of the proposal, rather than treated as determinative in assessing the acceptability of the access. While the proposal does not comply with the junction spacing requirements set out in the DMRB, this in itself, does not demonstrate that the access would operate unsafely. In view of the policy wording in the Local Plan and the intended application of the DMRB, the absence of compliance with the junction spacing standards within this document is therefore afforded limited weight.

Manual for Streets 2

11. The parties agree that the proposal should be considered against MFS2 which details that:

'The need for and provision of junctions on existing routes should be assessed in the round, considering a wide range of factors such as the need for access at

particular locations, the impact on the size of the development blocks, the potential for interaction between adjacent junctions and the consequent effect on user delay and road safety’.

This demonstrates that MFS2 advocates a context led, holistic method of assessment, rather than one in which compliance with fixed spacing standards is determinative. Given the specific reference to need and the potential for interaction between adjacent junctions detailed in MFS2, both are considered.

Need

12. The reference to ‘need’ within MFS2 does not appear to be confined solely to a highway-related need. Although there is an extant permission that provides access to all units, the appellant states that several years of unsuccessful marketing have demonstrated that the remaining vacant units require an additional access point to make them viable and attractive to prospective occupiers. During the hearing, the appellant advised that the agreed pre-let of unit seven is subject to a condition requiring access to be taken from Pegasus Drive, which is presented as evidence of commercial need.
13. Whilst the existing access onto Normandy Lane may be more lightly trafficked than Pegasus Drive and not affected by proximity to a roundabout exit, the consideration of need in this context is broader than identifying an alternative less constrained point on the highway network. MFS2 requires that the need for a junction be assessed “in the round” which could include operational and commercial factors. In this case, the appellant contends that the existing access does not fully meet the functional needs of prospective occupiers and that this has contributed to ongoing vacancy. Whilst sufficient evidence has not been submitted that demonstrates that the plot is considered undesirable without an independent access, commercial need from the agreed tenant is not disputed, as a result, there appears to be a need for an access onto Pegasus Drive.

Interaction between adjacent junctions and the consequent effect on user delay and road safety

14. The proposed access would be situated between the existing Smiths access and the roundabout that serves Pegasus Drive and Montgomery Way, close to these established junctions. The Council considers that this arrangement, particularly the proximity to the roundabout, would result in vehicles travelling westbound having to stop and turn almost immediately after exiting the roundabout to enter the site. This, in their view, would pose a potential safety issue. The peer review acknowledges that this is a valid concern; but concludes that, the actual level of risk is likely to be low. The Road Safety Audit also raises no concerns. In making these assessments the inter visibility between the roundabout and the proposed access, as well as the number of turning movements anticipated at the proposed access have been taken into account.
15. Although reference is made to the proposed junction spacing and layout meeting all relevant visibility and safety requirements under Manual for Streets (MFS), this position is not supported by the evidence.
16. Whilst MFS2 does not explicitly prescribe junction spacing standards, Table 7.1 provides the derived Stopping Sight Distances (SSDs) for different vehicle speeds. For a 30 mph road, it indicates an SSD of 40 metres, representing the forward

visibility required for a driver to perceive a hazard and bring their vehicle to a controlled stop. The independent peer review identifies that the available forward visibility between the proposed access and the roundabout exit is approximately 30 metres. According to Manual for Streets 1 (MFS1), a sight distance of this magnitude corresponds to a vehicle speed of around 23 mph. This indicates that the available visibility is substantially below the SSD expected for a 30 mph road and would rely on drivers travelling significantly slower than the speed limit. As such, the proposal does not demonstrate compliance with the minimum sight distance requirements set out in MFS.

17. No assessment of exit speeds from the roundabout has been undertaken, instead it is claimed that suitable visibility is provided. However, whilst visibility and SSD are related concepts, they are not the same. SSD represents the minimum distance a driver requires to perceive and react to a hazard, whereas visibility is the actual distance available on the ground or as measured from the submitted plans.
18. For visibility to be adequate, it is reasonable for it to meet or exceed the SSD associated with the operating speed of the road. In the absence of any assessment of roundabout exit speeds, it has not been sufficiently demonstrated that the available 30 metres of visibility aligns with the SSD recommended for safe operation, particularly if drivers are travelling closer to the 30 mph limit rather than the lower speed of 23mph. This is particularly relevant as drivers tend to accelerate upon leaving a roundabout, rather than decelerate, as noted in the Peer review.
19. Although MFS2 advises that SSD should not be applied as an inflexible standard for junction spacing, it nevertheless emphasises that forward visibility must remain sufficient for drivers to perceive hazards and react in time to avoid conflicts. In this case, the measured inter-visibility of approximately 30 metres is short and notably below the 40 metre SSD typically associated with a 30 mph road. This shortfall indicates that the safe operation of the proposed access would be dependent on drivers travelling below the speed limit, which cannot be relied upon in practice.
20. While this represents a worst-case scenario, potentially influenced by weather, lighting, or driver behaviour, when the arrangement is considered holistically, including typical acceleration patterns on exiting the roundabout and the close proximity of other nearby junctions, it has not been sufficiently demonstrated that the proposed access would not have a detrimental effect on highway safety and patterns of movement.
21. The 56- metre visibility across the roundabout in drawing PD200 is noted, but this does not alter the fact that visibility between a driver exiting the roundabout and the proposed access is limited to approximately 30 metres. This distance would be even shorter if a vehicle was stopping or slowing down to turn right into the proposed junction ahead of it. This shorter distance governs a driver's ability to perceive, react and stop in time when encountering a turning or slowing vehicle. Without evidence of actual roundabout exit speeds, it cannot be concluded that this reduced visibility would consistently provide a safe stopping distance under all operating conditions.
22. I note that it is disputed whether forward visibility would in practice be obscured or obstructed by vehicles circulating on the roundabout, and it is suggested that

drivers could adjust their position to avoid such obstruction. However, this assumption relies on drivers consistently selecting an optimal position and being able to do so within the limited distance available, which cannot be guaranteed.

23. Although the Road Safety Audit (Audit) and the Road Safety Assessment (RSA) raise no concerns, neither process is required to consider planning policy or compliance with it. Instead, their remit is limited to identifying potential safety problems rather than evaluating the overall suitability of the access. In addition, the peer review acknowledges that the proximity of the proposed access to the roundabout has the potential to increase conflict. In this context, the RSA's assertion at paragraph 3.12, that the likelihood and severity of collisions would not materially change because of the proposed access, does not align with the peer review's findings. This inconsistency indicates that an element of subjective judgement underpins these assessments.
24. The peer review considers that good inter visibility and a relatively low number of turning movements may suggest a low level of risk, however, the assumptions that vehicles would be travelling slowly and that turning movements would remain limited cannot be relied upon. There will be periods when the roundabout is free-flowing, as I observed during my site visit, during which vehicles are likely to exit at higher speeds. In such circumstances, the required SSD increases, further exacerbating the existing shortfall in inter-visibility. Additionally, future occupation of currently vacant units could introduce drivers unfamiliar with the access and result in greater turning activity. These uncertainties undermine the suggestion that the associated risk would remain low.
25. Whilst the concern is principally related to right-turn manoeuvres, it is nonetheless valid. Vehicles travelling westbound would need to reduce speed and undertake a right-turn manoeuvre immediately after exiting the roundabout, a situation in which adequate SSD and predictable operating speeds would be particularly important.
26. For the above reasons, the proposal would be contrary to Policy T2 of the Local Plan insofar as it requires proposals not to have a detrimental effect on highway safety and patterns of movement.

Other Matters

27. It is noted that the local highway network has a good road safety record and is not inherently unsafe. However, a good historic safety record cannot compensate for potential new conflicts created by a junction positioned so close to a roundabout, particularly where the available sight distance falls significantly below the SSD required for the speed limit.
28. The appellant considers that the Council's case is unsupported by quantitative evidence, based on the incorrect application of design standards and contradicted by independent technical review. However, the Council has clearly referenced MFS2 which the parties agree is relevant and the Peer Review accepts that the council's concern in respect of proximity of the proposed access to the roundabout is valid.
29. Reference is made to planning permission MB/08/00625/FULL, granted in 2008, for the enlargement of Unit B and the creation of a new vehicular and pedestrian access. However, the parties agreed during the hearing that the approved scheme differed materially from the current proposal and that the surrounding context at

that time was also significantly different. Accordingly, that earlier permission does not provide a justification for the proposed access.

30. Whilst the Stratton Park Local Development Order (LDO) previously allowed the creation of new access points onto the public highway without the need for planning permission, it has not been in force since October 2020, and the surrounding context at that time was materially different. As such, the historic LDO carries very limited weight in justifying the access now proposed.
31. A number of sites are referenced² as examples of developments benefiting from a similar access arrangement to that proposed. While all of these sites take access from Pegasus Drive, they are not directly comparable to the appeal scheme. The access serving the Lidl site is taken directly from a roundabout exit, and the access to Smiths, along with the multiple access points serving Solina, are positioned further from the Montgomery Way roundabout than the appeal proposal. These differences in layout, proximity to the roundabout, and junction context mean that the cited examples do not justify the proposal.
32. The appellant criticises the Council for failing to collaborate in respect of the Road Safety Audit. However, the absence of such collaboration does not indicate any procedural failing.
33. It is noted that no objections were raised by Biggleswade Town Council, the elected ward members or members of the public. However, the absence of objection does not, in itself, demonstrate that the proposal is acceptable or that it is compliant with the development plan.

Planning Balance and Conclusion

34. The proposed access would facilitate the occupation of the extension to Unit B, bring a long-vacant parcel of land into active use, promote economic activity, support the efficient use of land, and deliver on-site biodiversity net gain. These are undisputed benefits of the scheme, which must be weighed against the identified harm arising from the proposed access and its implications for highway safety.
35. Whilst paragraph 85 of the National Planning Policy Framework requires significant weight to be placed on the need to support economic growth and productivity, the extent to which this applies is influenced by the strength of the evidence before me. The appellant refers to extensive marketing over a period of years and feedback suggesting that the plot is considered undesirable without an independent access; however, this evidence has not been provided. Furthermore, although the pre-let agreement for Unit B is contingent upon an access from Pegasus Drive, it has not been sufficiently demonstrated that an alternatively positioned access, one capable of providing appropriate SSD, could not be identified, nor that such an option has been explored or discounted. Accordingly, whilst the identified benefits attract weight, in the absence of robust supporting evidence, the overall weight to be afforded to these benefits is moderate.
36. In contrast, it has not been sufficiently demonstrated that the proximity of the proposed access to the roundabout would avoid giving rise to a safety risk, having regard to DMRB and MFS2, particularly in view of the increased potential for

² Lidl Supermarket, Smiths Metal Centre and Solina Coating UK

vehicle conflict associated with its position. Given that the consequences of an unsafe access could be significant and Policy T2 of the Local Plan requires proposals to prevent hazards to other road users, the identified harm is given significant weight.

37. The proposal therefore conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is dismissed.

V Goldberg

INSPECTOR

APPEARANCES

For the appellant

Richard Ground KC- Cornerstone Barristers

James Herd. B (Hons), MSc, MRTPI Principal Planner, Tetra Tech RPS

James Bancroft, BSc (Hons), MSc, MBA, MCIHT Director – Transport, SLR Consulting

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Alexandar Marshall, BSc (Hons), MSc, CEng Development Director, Dunmoore and applicant.

For the Council

Mr Jethro Punter HND MSc MCIHT

Mr David Gauntlett BSc MSc – Planning Manager (North Area)

DOCUMENTS RECEIVED AT OR AFTER THE HEARING

- Drawing PD200 – Proposed site access inter visibility assessment
- Drawing PD200.1- Existing access inter visibility assessment
- Costs Update