
Appeal Decision

Site visit made on 21 April 2016

by B J Sims BSc(Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 April 2016

Appeal Ref: APP/R3325/D/16/3144793

Homeleigh, Axeford, Tatworth and Forton, Chard TA20 4QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Drew against the decision of South Somerset District Council.
 - The application Ref 15/04537/FUL, dated 6 October 2015, was refused by notice dated 9 December 2015.
 - The development proposed is the formation of a new access and hardstanding.
-

Decision

1. The appeal is allowed and planning permission is granted for the formation of a new access and hardstanding at Homeleigh, Axeford, Tatworth and Forton, Chard, TA20 4QL, in accordance with the terms of the application, Ref 15/04537/FUL, dated 6 October 2015, subject to the conditions set out in the Schedule appended to this decision.

Procedural Matter

2. The name of the appeal property, set out above as 'Homeleigh' is properly taken from the application and appeal forms, whereas it is displayed on the house sign as 'Holmleigh'. There is no question as to the identity of the appeal property or that 'Homeleigh' and 'Holmleigh' are one and the same house.
3. It is noted that the appeal site appears to incorporate an area of highway verge. For clarity, nothing in the planning permission granted by this decision provides consent for works to be undertaken within the public highway, including the roadside footway and verge, where separate permission is required for such works by other legislation.

Main Issue

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

Reasons

5. The proposal falls to be considered in the light of Policy TA5 of the adopted South Somerset Local Plan which requires new development to address its transport implications, including by providing safe access and ensuring that traffic and parked vehicles do not compromise the safety of the local road network. This is consistent with the National Planning Policy Framework (NPPF) wherein paragraph 32 specifies that planning decisions should take account of
-

- whether development would achieve safe and suitable access, albeit development should only be prevented where residual transport impacts would be severe.
6. The Council refused the application on grounds that the proposed vehicle entrance fails to provide the recommended 2.4m x 43m vision splay to the right, noting that, from that direction, there is potential for approaching vehicles to exceed the 30mph speed limit due to the downward gradient of the road. However, clear visibility would be available over some 20m to the right from a position 2m back from the road edge. Approaching vehicles would also be seen for the full 43m over the low wall of the neighbouring property. However, no reliance can be placed on this prospect as the Appellant has no control over this neighbouring land where vehicles are known to park lawfully, partially obstructing the view from the proposed entrance.
 7. Importantly, however, the development includes parking spaces for two cars with additional turning space to obviate reversing within the public highway. This would also avoid frontage parking on the road verge which is likely to involve undesirable parking manoeuvres off and onto the road. It is appropriate also to take into account the built up nature of the frontage, with many vehicle entrances, some without on-site turning space. In this street context drivers are likely to be relatively alert to the potential for vehicles to undertake turning movements, whilst, as recognised in Manual for Streets, parking in urban vision splays is not generally problematic.
 8. Judged overall on individual merit, despite the strictly substandard visibility at the proposed entrance, the proposed access and hardstanding would potentially result in some net improvement or, at worst, neutral impact on highway safety and no severe transport impact in terms of the NPPF. The proposal would thus avoid conflict with the aims of Policy TA5, as supported by the NPPF, to ensure safe access which does not compromise the safety of the local road network.
 9. The appeal is accordingly allowed but subject to conditions requiring that the on-site parking and turning space be kept available in perpetuity and, for the avoidance of doubt and in the interests of proper planning, that the development be carried out in accordance with the approved plans. For further clarity and to ensure proper construction and drainage of the access and hardstanding, specific conditions are necessary, based upon suggestions by the Council, to secure the proposed consolidated surface for the first 5m of the driveway, drainage measures to prevent the discharge of surface water onto the highway, and the vision splays to be kept free of obstruction at all times.

B J Sims

Inspector

SCHEDULE OF PLANNING CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plan Ref P-100 Revision B.
- 3) The area allocated for parking and turning on the submitted plan shall be kept available for the parking and turning of vehicles in connection with Homeleigh.
- 4) There shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splay delineated on the approved plan. The visibility splay shall be fully provided before works commence on the construction of the access and hardstanding hereby permitted and shall thereafter be maintained.
- 5) The access hereby approved shall, over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed, the access shall thereafter be maintained in that condition at all times.
- 6) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the development hereby permitted is first brought into use and thereafter maintained at all times.