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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 27/03/18

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 12/04/18

## Appeal Decision

Site visit made on 27/03/18

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 12/04/18

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**Appeal Ref: APP/E6840/D/18/3195534**

**Site address: Parklands, Llandogo, Monmouth, Monmouthshire NP25 4TW**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- 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 A Jones against the decision of Monmouthshire County Council.
  - The application Ref DC/2017/01265, dated 14 September 2017, was refused by notice dated 20 December 2017.
  - The development proposed is described as 'New vehicular access to Parklands, to separate access from Holiday Let within grounds, to provide secure garden to Parklands'.
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### Decision

1. The appeal is allowed and planning permission is granted for a new vehicular access to Parklands, to separate access from holiday let within grounds, to provide secure garden to Parklands at Parklands, Llandogo, Monmouth, Monmouthshire NP25 4TW in accordance with the terms of the application, Ref DC/2017/01265, dated 14 September 2017, and the plans submitted with it subject to the following conditions:
  - (i) The development shall begin not later than five years from the date of this decision.
  - (ii) The development shall be carried out fully in accordance with the details shown on Drawing Ref BP2609/00 prior to the beneficial use of the access hereby approved.
  - (iii) No structure, erection or planting exceeding 0.9metres in height shall be placed, erected or grown in the visibility splay.
  - (iv) No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

### Procedural Matters

2. The Council has incorrectly referred to Mr A James as the applicant in its decision notice. The appellant has clarified that the name shown on the planning application form and the subsequent appeal form is Mr A Jones.
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## Main Issue

3. This is the effect of the proposed development on highway safety.

## Reasons

4. The appeal site comprises a dwelling known as 'Parklands' and its large garden, which fronts the A466, a Class 1 Primary Road Network. Along its road frontage, there is continuous line of conifer trees separated from the carriageway by a grass verge.
5. Parklands and the wider site in the appellant's ownership is served by an existing vehicular access off the A466. This existing gated access is set back from the carriageway with flanking low stone walls and splays in both directions.
6. The proposal would result in the formation of a new vehicular access alongside the existing access (with a distance of 21 metres between centre lines) to serve Parklands only, which would incorporate a 6 metres set back from the kerb edge to the gates and 2.1 metre x 160 metre visibility splays in both directions. The existing access would remain and would continue to serve the holiday let, the agricultural buildings and the telecommunications mast.
7. The Council has not taken issue with the design of the proposed access or the visibility from this access to on-coming traffic in either direction along the A466. Rather, the Council's concern relates to the juxtaposition of the proposed and existing vehicular accesses and its implications for highway safety. It contends that the creation of a new separate access represents an unnecessary additional point of conflict onto the A466 within close proximity to existing means of access to surrounding properties (*my emphasis*).
8. The Council has not provided me with any national or local planning policy which requires the appellant to demonstrate a need for a new vehicular access or which states that such proposals can only be favourably considered where they are deemed necessary.
9. However, the need to ensure that new development does not compromise highway safety is entrenched in both national and local planning policy. To this end, I have had regard to the Council's argument that the development would be within close proximity to other existing vehicular accesses on a route which is a Class 1 Primary Road Network and has the potential to result in an additional point of conflict.
10. The site lies on a relatively straight section of the A466 which is subject to a 40 mph speed limit. I saw that it has clear visibility of oncoming traffic in both directions. Hence, there would be excellent forward visibility for a vehicle entering or exiting the new access.
11. In my opinion, the proposal is unlikely to significantly increase the volume of vehicular movements at or around the appeal site; it would merely re-direct the vehicular movements associated with the existing dwelling to the new access but the activity associated with the other uses on the wider site would remain as existing. Similarly, the level of use associated with the lane providing access to a paddock immediately to the north-east would appear to be relatively low given its nature and character, and there is no reason to believe that this situation would change as a result of that proposed. In this context, and given the relatively modest level of use of the proposed and existing accesses, it is unlikely that vehicular movements entering and exiting the access points would coincide.

12. Be that as it may, the appellant has described several scenarios that might occur with the concurrent use of the existing and proposed accesses. I agree that the inter-visibility between the existing and proposed access points is such that the associated vehicular movements would be undertaken by drivers in full sight of each other. As such, in the infrequent event of a vehicle exiting the proposed access at the same time as one entering the existing accesses, the latter would have the right of way and the driver of the exiting car would wait until the vehicle leaving the highway completes its manoeuvre.
13. In a situation where cars exit from the proposed and existing accesses at the same time, drivers of both vehicles would have good inter-visibility of each other from a distance in the order of 20 metres, with no vehicle having right of way over the other. Whilst such movements may cross where their directions of travel converge, it is likely to be an infrequent occurrence in relatively low traffic speed within the 40mph speed limit<sup>1</sup>, thus providing drivers with the opportunity to complete their manoeuvres safely and in full sight of each other.
14. Where vehicles seek to leave the highway to enter the proposed and existing accesses at the same time, their movements would be sufficiently divorced to avoid conflict with each other as their paths would not cross.
15. Consequently, I do not consider that the proximity of the proposed access to the existing accesses, the volume of vehicles using the accesses and the pattern of movements described would be likely to result in an additional point of conflict onto the A466 such that it would have serious implications in highway safety terms.
16. Furthermore, the Council has not provided any compelling evidence of adverse highway conditions in the vicinity. Neither has it cited any record of road traffic accidents that have arisen from vehicular movements using the existing accesses or those associated with the properties on the opposite side of the A466 where their access points also lie in close proximity to one another. That is, there is no substantive evidence to suggest that the proposal would lead to a dangerous highway situation where one does not presently exist.
17. I therefore find that the proposal is acceptable in terms of highway safety and would meet with the aims of Policies EP1 and DES1 of the adopted Monmouthshire Local Development Plan 2014 (LDP), which *inter alia* support new development proposals that would ensure a safe environment and would not cause unacceptable harm or risk to amenity, including public health or safety.
18. The appellant has also drawn my attention to LDP Policy MV9 which deals with new proposals affecting County Routes, including the A466. I consider that the development the subject of the appeal meets with its requirements to favourably consider proposals which are in the interests of road safety and the efficient movement of traffic.

### **Conditions**

19. I have had regard to the Council's suggested conditions and whether they meet the tests outlined in Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*'.

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<sup>1</sup> There is no evidence before me to suggest that traffic speeds are higher than the speed limit along this section of the A466.

20. In accordance with the provisions of Section 91 of the 1990 Act, the standard condition specifying a time limit for the commencement of development is imposed.
21. A condition requiring the development to be carried out in accordance with the details shown on the approved plans prior to the beneficial use of the access is necessary in the interest of highway safety, albeit I have amended the wording suggested by the Council in the interests of clarity and precision.
22. A condition stating that no surface water shall be permitted to drain from the site onto the adjoining highway is reasonable to ensure a satisfactory form of drainage. It is also necessary to attach a condition preventing any structure, erection or planting exceeding 0.9metres in height in the visibility splay to ensure that adequate visibility is maintained in the interest of highway safety.

### **Conclusion**

23. For the reasons I have given, and having regard to all matters raised, the appeal is allowed.
24. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

*Melissa Hall*

Inspector