



## Appeal Decision

Site Visit made on 24 August 2021

**by Tamsin Law BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 September 2021**

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**Appeal Ref: APP/L3245/D/21/3274164**

**The Birches, Condover, Shrewsbury SY5 7AA**

- 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 & Mrs Ken and Margaret Sykes and Wright against the decision of Shropshire Council.
  - The application Ref 20/03325/FUL, dated 17 August 2020, was refused by notice dated 22 March 2021.
  - The development proposed is the installation of automated sliding vehicular gates, pedestrian gate and fence (1.83m high).
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### Decision

1. The appeal is allowed and planning permission is granted for the installation of automated sliding vehicular gates, pedestrian gate and fence (1.83m high) at The Birches, Condover, Shrewsbury SY5 7AA in accordance with the terms of the application, Ref 20/03325/FUL, dated 17 August 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2224/17; 224/18; 2224/19; and The cantilever sliding gate.

### Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this more concisely describes the proposal.
3. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). I have not asked for further comment from the parties as the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and therefore no parties have been prejudiced.

### Main Issue

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

### Reasons

5. The appeal site is located in an area characterised by residential dwellings set back from the highway with access and parking to the front. Opposite the appeal site is a junction into a residential development (Ashton Road). The

- appeal site currently benefits from open access on to the highway and off-street parking and is located on a relatively straight section of highway within a 30 mph limited area.
6. The Council are concerned that the installation of the gate would impact traffic moving along the highway as it does not allow for a vehicle to pull off the road before opening the gate. Currently waiting for vehicles to manoeuvre is characteristic of the area immediately in front of the appeal site. During my site visit I witnessed vehicles waiting in the highway to turn into Ashton Road and into the nearby residential dwellings.
  7. The proposed development would include automated gates that can be opened from a distance of 100 metres, allowing the gates to be opened when approaching the site and vehicles to entirely pull off the highway, therefore reducing any impacts on the flow of traffic. I note the Council's comments regarding visitors; however, this is likely to be limited and most vehicle movements will be undertaken by those occupying the site. In any event, the waiting time for a gate to be opened and a vehicle to be moved off the road would be minimal, and the movements associated with a single dwelling are low.
  8. Concerns have also been raised regarding the proximity of the proposal to the highway and a lack of space for other vehicles i.e. deliveries. Parking on the adjoining highway and street opposite the site (Ashton Road) is unrestricted and during my site visit I witnessed vehicles parking on both roads. Whilst this caused a degree of delay for vehicles waiting to pass, this was minimal and the vehicle numbers travelling along the highway and their speed during my visit, which I appreciate was during the day, were not such that this would likely cause highway safety problems. I am aware that traffic volumes may increase when people return from school or work. I note that a school is located to the south, however parking is provided and the main access to the school is off another highway. Whilst the volume of traffic may increase during the morning and evening due to this, the movements associated with accessing a single dwelling are unlikely to cause harm to highway safety.
  9. I note that in the original consent for the dwelling that conditions were imposed by the Council in relation to gates and set back of means of enclosure and the reasoning for this was in the interest of highway safety. These primarily relate to visibility and accessing the site without causing a delay. As mentioned above the gates will be automated allowing residents to pull off the highway without delay. With regards to visibility when exiting the site, the access is on to a relatively straight stretch of highway with good visibility in both directions. When open the gate area provides an opening of approximately 4.8 metres. This combined with the cross over provides opportunity for any vehicles exiting the site to see any approaching vehicles and also for approaching vehicles to see any vehicles exiting the access.
  10. For the reasons set out above I consider that the proposed development would not be detrimental to the free flow and safe movement of traffic. Accordingly, I find no conflict with Policy CS6 of the Core Strategy<sup>1</sup> (2011) which seeks, amongst other things, to ensure that development is safe and accessible to all. The proposal also complies with paragraph 111 of the National Planning Policy

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<sup>1</sup> Shropshire Local Development Framework Adopted Core Strategy (March 2011)

Framework which to ensure that development does not have an unacceptable impact on highway safety.

**Conditions**

11. In the interest of certainty and safeguarding character and appearance of the area, the conditions requested by the Council regarding time limit and adherence with plans are considered to be necessary.

**Conclusion**

12. For the reasons given above I conclude that the appeal should be allowed.

*Tamsin Law*

INSPECTOR