



# Appeal Decision

Site visit made on 26 October 2021

**by Hannah Ellison BSc (Hons) MSc MRTPI**

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

**Decision date: 19 November 2021**

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**Appeal Ref: APP/L3245/W/21/3278064**

**The Cedars, 60 Prospect Road, Market Drayton TF9 3BH**

- 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 M Yorke against the decision of Shropshire Council.
  - The application Ref 19/05037/FUL, dated 15 November 2019, was refused by notice dated 1 March 2021.
  - The development proposed is described as residential development of 2 bungalows.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published in July 2021 and has replaced the 2019 iteration. The main parties were given an opportunity to comment upon the implications of the revised Framework.

## Main Issue

3. Whether the proposal would achieve a safe and suitable access to the public highway.

## Reasons

4. The appeal site is located to the rear of 60 Prospect Road. Access to the proposed dwellings would be shared with No 60 along its existing driveway, with the proposed development also seeking to alter the access onto Prospect Road, to allow for simultaneous entry and exit.
5. The proposed access point would be immediately adjacent to a care home and visibility in a south westerly direction, when egressing the appeal site in a forward gear, would be across this site. The shared boundary at this point currently comprises an iron fence above a brick wall and there is a low wooden fence along the care home's boundary with the highway. As such, drivers egressing the site can currently see over the adjacent land and thus can observe vehicles approaching along the highway.
6. However, the land within the south west visibility splay remains outside of the appellant's control. There is no mechanism or guarantee before me to ensure that it would be retained free from obstruction in perpetuity. If the visibility splay was ever obscured, drivers egressing the appeal site would have to edge out onto the highway and approaching road users would have limited warning, resulting in an unacceptable risk of conflict.

7. At the time of my site visit I observed that Prospect Road was busy with vehicles frequently passing the appeal site. Whilst this is only a snap-shot in time, I note that the highway is a main road between residential areas and nearby shops and services. There is nothing to suggest my observations were unusual or that speeds in the area are slower than the speed limit. The considerable reduction of the visibility distances, as indicated in the submitted plans, is not therefore justified.
8. It is suggested that the current access arrangement is similar to that of nearby properties and this proposal would result in improvements through the widening of the access. Nevertheless, the proposed development would see the intensification of the appeal site access and, moreover, the existing examples do not overcome the harm I have identified above.
9. Consequently, the proposed development would not achieve a safe and suitable access to the public highway, thus resulting in harm to highway safety. It would therefore conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy, March 2011 and the Framework which seek to ensure that developments are safe and do not have an unacceptable impact on highway safety.

### **Conclusion**

10. The proposed development would provide two additional homes which would bring some benefits associated with the investment and employment during construction and on subsequent occupation from the spending in the local area. These benefits would be limited due to the small scale of the development thus I afford them limited weight.
11. As I have found above, the proposal would result in harm to highway safety, which would lead to conflict with the development plan. I afford this matter substantial weight. Material considerations, including the Framework, do not therefore indicate that a decision should be made other than in accordance with the development plan, thus the appeal should be dismissed.

*H Ellison*  
INSPECTOR