The Planning Inspectorate

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Planning Appeals
Wiltshire Council
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Your Ref: PL/2023/08121
Our Ref: APP/Y3940/D/24/3344550

07 May 2025

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Revrend Errol Williams
Site Address: 1A Central St, Ludgershall, , Andover, Wiltshire , SP11 9RA

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

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The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Jasmine Rogers
Jasmine Rogers

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Planning Inspectorate

Appeal Decision

Site visit made on 12 December 2024 by S Indermaur

Decision by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025

Appeal Ref: APP/Y3940/D/24/3344550
1A Central St, Ludgershall, Wiltshire SP11 9RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Reverend Errol Williams against the decision of Wiltshire Council.
- The application reference is PL/2023/08121.
- The development proposed is the creation of a new vehicular access including a dropped kerb.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description in the banner heading has been taken from the Council's decision notice rather from the planning application form as it more succinctly describes the proposed development. I have used the word 'dropped' kerb as distinct from 'drop' kerb in the interests of precision.

Main Issue

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

Reasons for the Recommendation

5. The appeal site consists of a two-storey detached residential dwelling which is accessed via an access off Central Street shared with No.1 Central Street. To the south of the property is Andover Road, with an inclined grass bank leading to the appeal property. It is proposed to create a new access at this point facilitated by a dropped kerb.

6. The submitted plans outline three spaces for car parking in association with the new access. However, the appellant has stated that one of these car parking spaces could solely be used for manoeuvring or turn around purposes. It is not clear from the plans or evidence which of the three car parking spaces would be used for manoeuvring or turn around purposes. In this regard, and, in the absence of an annotated plan relating to this matter, I do not find that a planning condition would meet the tests of precision and enforceability.

7. Even if it were possible to impose a planning condition in respect of the above, the appellant does not dispute the Council's claim that the drawing submitted as part of the planning application does not include an appropriate swept path drawing using industry software. In this context, the evidence does not unequivocally demonstrate that there is enough space on site for parked vehicles to conveniently turn and then leave safely in forward gear. Without such certainty, I cannot therefore conclude that all vehicles would be capable of leaving the site in forward gear.

8. I do not find that reversing into or out of Andover Road would constitute a safe vehicular movement given traffic speeds and the volume of traffic that I witnessed as part of my site visit. I find that such movements would likely lead to conflicts with vehicles, as well as unacceptably interrupting the flow of traffic on this highway. Moreover, such movements would not be acceptable in a location which is close to a junction and where motorists need to be particularly alert.

9. Even if it were to be demonstrated that suitable car parking could be provided on the site, and in a manner that suitably allowed vehicles to leave the site in forward gear, it is noteworthy that the Highway Authority has raised concern about the construction of the proposed access. Indeed, limited information has been provided by the appellant in respect of this matter. The proposed site plan indicates that further work would be needed to regrade or support excavation of the bank and to provide necessary visibility splays.

10. While some of the above works might take place on highway land, they may also require further planning permission as well as consent from the Highway Authority. Therefore, in the absence of sufficient detail to understand the extent and nature of additional work required, and without an indication that such works would be approved, I cannot be certain that the access could be constructed safely. Nor can I be certain from the evidence that the access could support the retained bank and carriageway and provide visibility splays in accordance with technical standards. I do not find that it would be appropriate to seek to control these operations through the imposition of a planning condition. This is because such matters go to the heart of the acceptability of the proposal.

11. For the reasons detailed above, I am unable to conclude that the proposal would not cause harm to highway safety. As such, I cannot conclude that the proposal would accord with Policies 57, 60 and 61 of the adopted 2015 Wiltshire Core Strategy which seeks to assess the impact of developments on transport users and local communities ensuring safe access to the highway network. Furthermore, I am unable to conclude that the proposal would accord with paragraph 116 of the National Planning Policy Framework 2024 which prevents development that has an unacceptable impact on highway safety.

Other Matter

12. I note the appellant's concern about the handling of the application in terms of engagement and communication. However, this is not a matter which is of direct relevance to the consideration of the main issue. Moreover, it is of note that the appellant has already lodged a complaint with the Council about this matter. Hence, it will be dealt with separately from the consideration of this appeal.

Conclusion and Recommendation

13. The proposal would conflict with the development plan read as a whole and there are no material considerations that justify granting permission. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

D Hartley

INSPECTOR