



Appeal Decision

By Declan K Beggan BSc (Hons) MSc DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 24.04.2024

Appeal reference: CAS-03049-Q2X6G9

Site address: 2 Raggs Hill, Whitchurch Road, Raggs Hill, Bangor on Dee, Wrexham,
LL13 0BD

- 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 James Jones against the decision of Wrexham County Borough Council.
 - The application Ref BAN P/2022/0830, dated 22 August 2022, was refused by notice dated 21 September 2023.
 - The development proposed is described as “Construction of a new access off a classified highway to create off road parking”.
 - A site visit was made by the Inspector on 12 March 2024.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development varies between that stated on the submitted planning application form and the Council’s decision notice; I have used the latter as it is more concise.
3. The proposed development subject to this appeal was assessed with regard to the planning policies of the Wrexham Unitary Development Plan (UDP), however reference in the Council’s refusal notice was also made to policy DM1 of the draft Local Development Plan. The UDP has recently been replaced by the adopted Wrexham Local Development Plan 2013-2028 (LDP) which now forms the primary basis for making decisions on planning applications/proposals within the area. Bearing in mind the status of the LDP, I have only had regard to policy DM1 in my determination.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on highway safety with particular reference to visibility at the junction with the public highway.

Reasons

5. The proposed access onto a classified road, the A525, would provide off road parking to serve the existing dwelling. The road in the vicinity of the proposed access is subject to a 40 mph speed limit. Approximately 80 metres to the southeast, the existing property currently provides off road parking to its side. I observed during my site visit that the A525 was well used.
6. The Council appeal documentation highlights that the required visibility splay to the north-west is impeded by a bank and gabions. The appellant maintains the submitted drawings taken from ordinance survey mapping show visibility is adequate to meet the required standard.
7. The appellant's submitted plan, showing the required visibility splays, lacks detail in terms of being a topographic survey, nonetheless, based on that plan and my observations whilst on site, I concur with the Council's assessment and am not convinced the splay to the north-west can be achieved on land within the control of the appellant/highway authority; this significantly comprises safety for all road users.
8. In the absence of adequate and accurately detailed drawings confirming that the splay to the north-west of the site can be achieved as per the requirements of the Council, the appellant has failed to demonstrate that the proposed access would not be detrimental to highway safety. The alignment of the road and my observations on site also reinforces my concerns regarding the need for provision of appropriate visibility splays in the interests of highway safety.
9. The Council highlight that the submitted swept path drawings for larger vehicles indicate that vehicles would have to go beyond the centreline of the highway to enter/exit to and from the southeast of the site. I appreciate this type of vehicle movement is not likely to be a regular occurrence, however, bearing in mind my concerns raised above, the fact that it may occur only reinforces my concerns in terms of highway safety.
10. I appreciate that the general area may be free of traffic accidents, nonetheless neither this fact nor any other matters raised in support of the application would outweigh the potential harm identified.
11. I therefore conclude the proposed development would be detrimental to highway safety and is therefore contrary to policy DM1 of the LDP that seeks, inter alia, to ensure highway safety.

Conclusion

12. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal be dismissed.
13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives.

Declan K Beggan

Inspector