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APPEAL BY MR. PATRICK CASEY, LAND ON NORTH WEST SIDE OF MAYS
LANE, ARKLEY, BARNET, EN5 2AH

Hearing Statement on Highway Matters of
Jeremy P. Hurlstone BSc (Hons), CMILT, MCIHT

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1 INTRODUCTION

- 1.1 My name is Jeremy Peter Hurlstone; I am the Managing Director of The Hurlstone Partnership Limited, which provides specialist highway advice to developers and Local Authorities. I hold a BSc (Hons) in Civil Engineering Management. I am a Member of the Chartered Institution of Highways and Transportation (MCIHT) and a Chartered Member of The Institute of Logistics and Transport (CMILT).
- 1.2 I have over 36 years of experience in the transportation industry, during which time I have been involved in many projects of varying development type.
- 1.3 I worked for the multi-disciplinary consultancy Scott Wilson Kirkpatrick for approximately 11 years before moving to The Denis Wilson Partnership, a more specialised transportation company, for a further 4 years, where I was employed as a Principal Transportation Planner. I continue to undertake work with HaskoningDHV (which incorporates what was DWP) in addition to servicing the expanding client base of The Hurlstone Partnership.
- 1.4 I have prepared and given evidence at numerous Public Inquiries and Hearings during my career for various types and scale of development.
- 1.5 I was initially contacted by Green Planning Studio on 11 March 2024 regarding a potential appeal following the refusal of planning application 23/3816/FUL for "A material change of use for stationing of caravans for residential use with hardstanding and dayrooms ancillary to that use" by Barnet London Borough Council on 21st December 2023.
- 1.6 The application was refused for seven reasons. I was subsequently instructed to review the seventh reason for refusal, which states: "*In the absence of a transport statement, including swept path analysis and highway mitigation measures, it has not been demonstrated that vehicles can safely access and egress the application site without causing detrimental harm to highway and pedestrian safety and the free-flow of traffic along Mays Lane, contrary to Policies CS4 and CS9 of the Local Plan Core Strategy DPD (2012), Policy DM17 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.*"
- 1.7 Through the evidence contained within my Hearing Statement and its Appendices, I will demonstrate why the seventh reason for refusal is misguided, inappropriate and unreasonable, as is the approach taken to the application and appeal by the Council's determining planning officer.
- 1.8 Accordingly, I respectfully invite the Inspector to allow this appeal and grant an award of costs against the Council insofar as highway matters are concerned, in accordance with an application to be made by the Appellant's representative, Green Planning Studio. In order to minimise the exposure to further unnecessary costs, I also invite the Council to confirm it will not be pursuing the seventh reason for refusal to avoid unnecessary attendance at

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the hearing to deal with matters that could and should have been dealt with by the imposition of reasonable planning conditions, as the Highway Officer recommended.

2 LOCAL PLANNING POLICY AND THE DELEGATED REPORT

2.1 Policies CS4 and CS9 of the Local Plan Core Strategy DPD do not require a Transport Statement to be submitted. Neither Policy DM17 nor HOU7 require a Transport Statement. It was therefore unclear to me why the absence of a Transport Statement triggered the seventh reason for refusal; particularly given the Delegated Report confirms within section *"4.1 Statutory Consultation"* under the sub-heading "Highway Officer": *"No Objection – subject to S184 and planning conditions"*.

2.2 The S184 requirement relates to section 184 of the Highways Act 1980. *"S184 Vehicle crossings over footways and verges"* provides the legal mechanism via which the agreement to form or improve an access, such as a dropped kerb crossing, gateway etc. and authorisation for work within the public highway is expedited. Based on the text in the Delegated Report, it therefore appears that the responding Highway Officer was content that the proposed development was or could be safely and satisfactorily accessed.

2.3 It was therefore surprising to note that under the sub heading of *"Highways"* within the Delegated Report it states: *"Transport Officers have been consulted and based on the limited information submitted (site plan only) they raise significant concerns for highway safety at the proposed access junction with Mays Lane."* This appeared to directly contradict the earlier statement in the report that there was no objection from the Highway Officer subject to S184 and planning conditions.

2.4 The Delegated Report then goes on to state: *"The proposal presents one way lane vehicle movement only, which could result in safety concerns with vehicles, caravans and emergency vehicles needing to reverse back into Mays Lane to allow for oncoming vehicles. This safety issue is compounded by the fact that potential turning conflict may arise with the existing access located directly opposite, serving Cottage Farm, and the absence of a pedestrian footway on this section of Mays Lane. Although appropriate visibility splays can be secured by condition, the day to day manoeuvring of vehicles cannot be controlled on Mays lane."*

Although detailed information has not been submitted regarding on site car parking provision (including disabled parking) and cycle parking the extent of the site allows for minimum standards to be met. A planning condition can be imposed to secure such measures. To further ensure highway and pedestrian safety a further condition can be imposed to prevent additional pitches and parking being made available without the express consent of the Local Planning Authority. The storage and collection of waste and recycling at the proposed access can also be controlled by condition. As part of a section 184 application, the speed limit along Mays Lane would be reviewed due to the safety aspect for pedestrians and potential conflict of traffic movements.

However, on balance, the potential for turning conflict at the proposed access is significant and in the absence of supporting information to indicate safe passage the proposal is contrary to the aforementioned policies and cannot be supported."

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- 2.5 It is apparent from the text in the Delegated Report that it is accepted the following matters could be dealt with by condition:
- Appropriate visibility splays;
 - on-site parking;
 - highway and pedestrian safety by limiting additional development without further consent; and
 - the storage and collection of waste and recycling.
- 2.6 Given the requirement for a S184 which would include a more detailed access design to be submitted and approved prior to construction, and taking into account the site frontage is not so constrained that a wider access would be impossible to achieve, or that its centreline could not be relocated if necessary along its frontage, there is no reason why a condition requiring the S184 could not be imposed to overcome the concerns regarding one-way movement, the potential for vehicles to need to reverse and the position of the access relative to that opposite, as the entire site frontage to Mays Lane was included within the red line boundary.
- 2.7 Due to the conflicting information within the Delegated Report regarding the Highway Officer's position and the seventh reason for refusal, in the absence of a Highway response on the Planning website, I contacted the Planning Officer, Stephen Volley, with the intent of establishing the basis of the seventh reason for refusal and precisely what the highway concerns were, as they are not clear from the documents which provide conflicting and contradictory information, particularly when considering the characteristics of Mays Lane and the proliferation of direct access to it, which would routinely result in turning movements to / from the highway.
- 2.8 On 05th April 2024. I explained to Mr Volley that I had been instructed to review the decision and prepare a fee proposal for the client based on the work needed to address the highway issues, to allow him to consider whether to proceed with an appeal.
- 2.9 Through my discussion with Mr Volley, I established that there was no objection from the Highway Officer, who, whilst expressing concerns regarding the lack of information provided, believed there were no matters that were incapable of being dealt with by condition, such that a highways reason for refusal was justified. Mr Volley then explained that the Case Officer considered the Highway Officer's response and formed their own view, which led to the seventh reason for refusal, contrary to the professional Highway Officer's advice.
- 2.10 Having established Mr Volley was the Case Officer, I asked him to provide a copy of the Highway Officer's comments and also to explain precisely what his concerns were and why he believed they could not be dealt with by condition, as the Highway Officer has expressly explained to him. Mr Volley refused to elaborate on the content of the delegated report, which he believed was clear in terms of the issues. He advised he would only provide a response to an appeal that was live, should one be lodged against the decision.

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- 2.11 Following this unhelpful response, I e-mailed Green Planning Studio, which in turn e-mailed the Council. The e-mail correspondence is provided at Appendix JPH-A for information, which sets out the discussion and the Council's unhelpful response.
- 2.12 The Council's unhelpful response and failure to proactively engage with the process has forced the Appellant to appoint me to undertake work which I consider is unnecessary and unreasonable in the circumstances.
- 2.13 Given Mr Volley's refusal to narrow down his precise concerns, I was left with no alternative but to cover all potential interpretations of both the reason for refusal and the Delegated Report.
- 2.14 I therefore commissioned a traffic survey to establish existing flows on the network, visited the site to review the existing Appeal Site and neighbouring accesses, the ability to walk safely along the road to access the footways to the east of the Appeal Site and the potential for relocating the access, should it be concluded its juxtaposition with that opposite is inherently unacceptable, which would be surprising given the number of opposing accesses on Mays Lane to the east of the Appeal Site.
- 2.15 It may be that the foregoing is sufficient to allow the Inspector to agree with my own conclusions that the decision by M Volley to over-rule the clear consultation response from the Highway Officer is misguided and unreasonable, given it is apparent that specific details regarding the access layout could easily have been dealt with by condition. If so, the Inspector need not read the remainder of my Statement, which details the findings of the review I have undertaken.
- 2.16 It is hoped that upon reading the information provided within my Hearing Statement, the Council will agree to confirm it no longer contests the seventh reason for refusal, subject to conditions being imposed as recommended by the Highway Officer, in order to reduce further unnecessary costs on both sides. However, irrespective of the Council's position, I trust the Inspector will agree with my conclusion that the proposed development should not have been refused on inappropriate and unreasonable highways grounds, and in so doing I respectfully invite the Inspector to allow this appeal.

3 EXISTING SITUATION

- 3.1 The Appeal Site is currently laid to grass and is being grazed by horses. It was noted that a large hay roll had been deposited within the field to supplement the horses' food supply, as is apparent from Photo 1 in Appendix JPH-B.
- 3.2 The Appeal site is currently served by a single field/farm gate to Mays Lane, which is set back approximately 3m from the road edge within the hedgerow forming the southeast boundary adjacent to the highway.

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- 3.3 To the southwest of the gate there is a mirror mounted on a post to assist with visibility for drivers emerging from the access to Cottage Farm on the opposite side of Mays Lane, as it sits on the inside of a slight bend (see Photo 2 of Appendix JPH-B).
- 3.4 As the Appeal Site access sits on the outside of the bend, its visibility could be significantly superior to that of the Cottage Farm access, but at present it is significantly worse, due to the hedgerow growth on either side, as Photos 3 and 4 within Appendix JPH-B illustrate.
- 3.5 Whilst on-site, the people who cared for the horses arrived and parked partially within the gateway and part on the highway. I asked how often they visited the site and was advised it was at least daily and sometimes multiple times per day, depending upon what was going on.
- 3.6 They normally park on the road, as Photo 5 of Appendix JPH-B illustrates, whilst checking on the horses; particularly when the ground is wet, as the gateway becomes muddy, which would result in their car becoming stuck if attempting to park within the site. As can be seen from Photo 5, the parking at the gateway does encroach into the carriageway surface of Mays Lane and the available turning area for vehicles entering and leaving Cottage Farm, opposite. However, there is no recent collision evidence to suggest this inherently compromises safety.
- 3.7 This situation, and that associated with vehicles using the existing gateway which has significantly reduced visibility forms the fallback against which the impact of the proposed development should be considered, together with the potential for land to be used by animals belonging to any resident of properties to the northeast who could walk or cycle to the Appeal Site to look after them.
- 3.8 Mays Lane is subject to a 30 mph speed limit and benefits from street lighting. It is a level route in the vicinity of the Appeal Site and has a typical width of 5.5m with opposing traffic lanes separated by an intermittent white line along the centre of the carriageway. As confirmed by the signage at the western end of Barnet Gate Lane, which is the continuation of Mays Lane to the junction with the A411 Barnet Road, it also falls within the ULEZ emissions area and Safer HGV Zone, which requires HGVs over 3.5 tonnes to be fitted with pedestrian / cycle friendly equipment such as high coverage mirrors and side guards to protect cyclists from being dragged under the wheels in the event of a collision.
- 3.9 Whilst there are no pedestrian footways at the Appeal Site, the nearest footway starts approximately 130m to the east of the Appeal Site access on the opposite side of the road.
- 3.10 Between the Appeal Site access and the existing footway, there is an access to the place of worship on the same side of the road from approximately 65m to 72m; a field gateway approximately between 95m to 107m and a secure pedestrian gateway to the place of worship 133.5m from the Appeal Site access, all of which provide a potential refuge for pedestrians to step off the carriageway to allow vehicles to pass, should they consider doing so to be necessary. Between these access points there is also a grass verge onto which pedestrians may step, if necessary, to wait for an approaching vehicle to pass.

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- 3.11 Notwithstanding this, due to the excellent forward visibility for drivers travelling along Mays Lane in either direction, combined with the relatively low traffic flows, I noted whilst walking backwards and forwards along the route undertaking my measurements, that drivers were able to clearly see me and were able to easily pass me whilst I was within the carriageway surface between the Appeal Site access and the start of the footway to the east.
- 3.12 The measurements I undertook on site revealed that visibility splays extending approximately 148m to the right / southwest and 220m to the left / northeast were available to the near edge, subject to trimming of vegetation adjacent to the site access within the site frontage. These distances may be compared with the 43m required under Manual for Streets (MFS) guidance for speeds of 30 mph within its Table 7.1 (See Appendix JPH-C). It is therefore unsurprising that the Highway Authority and the Planning Officer have confirmed there are no visibility concerns relating to the site access.
- 3.13 Given such a significant margin of safety provided by the excellent lateral and forward visibility along Mays Lane, it is unclear to me on what basis Mr Volley concluded that vehicles entering and leaving the site could cause *"detrimental harm to highway and pedestrian safety and the free-flow of traffic along Mays Lane"*, given there are no parking restrictions to prevent vehicles from being parked lawfully on the highway, such as the visitors to the horses currently at the Appeal Site, and when taking the number of other direct accesses on Mays Lane into account, all of which could attract turning movements and similar impact on through-traffic.
- 3.14 Several signs are provided on the Mays Lane / Barnet Gate Lane corridor advising road users of the potential to encounter pedestrians and equestrians. Those nearest the Appeal Site access are located near the Nupton Drive junction approximately 375m to the northeast, which warns of pedestrians and *"No footway for 1 mile"*, and the equestrian warning sign at the main access to the place of worship adjacent to the Appeal Site. As a result, road users should be well aware that pedestrians and equestrians may be encountered.
- 3.15 The 1 mile distance referenced on the supplementary plate below the pedestrian warning sign near the Nupton Drive junction covers the length of Mays Lane between Nupton Drive to the east and Althorp Close to the west. Within this length are the playing fields / open space adjacent to the now closed Quinta Youth Club, which is accessed opposite Shelford Drive approximately 240m to the northeast of the Appeal Site, and the Old Elizabethans Memorial Playing Fields, located approximately 760m to the west of the Appeal Site, at Gypsy Corner on Mays Lane. The latter site appears to host a number of local sports clubs for matches, training etc.
- 3.16 These facilities would be expected to attract pedestrians and cyclists travelling along Mays Lane, passing the Appeal Site on route.
- 3.17 A review of Crashmap data covering an extended period of seven years between 2016 and 2022, to allow for the period of reduced activity during Covid 19 restrictions, confirmed there have been no pedestrian or cycle accidents along Mays Lane between the two sites where footways are absent. There was a single recorded slight injury accident between the bends at Gypsy Corner within the last five years, which involved two cyclists and no other vehicles,

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in wet conditions in November 2018. There were no other recorded injury accidents of any type along this section of Mays Lane / Barnet Gate Lane during the period considered.

- 3.18 Once reaching the pedestrian footway commencing 130m to the east of the Appeal Site access, further facilities available locally include, but are not limited to, Whittings Hill Primary School /Swimming Academy 550m distant on Whittings Road, where Bus Stops are available to access service 384 Cockfosters – Edgware, including; Quinta Stores approximately 325m to the north of the school along Quinta Road on Aitken Road, i.e. 875m from the Appeal Site; Barnet Hospital approximately 1.36 km from the Appeal Site on Wellhouse Lane, High Barnet Underground station on Barnet Hill and numerous other facilities 7 days per week.
- 3.19 A further bus stop is available approximately 825m northeast of the Appeal Site along Mays Lane, adjacent to Connaught Road, and Underhill School, which includes a sports club, lies a further 300m to the northeast along Mays Lane, which also has bus stops outside.
- 3.20 These bus stops are visited by service 184 Chipping Barnet to Turnpike Lane, which provides access to numerous facilities 7 days per week, including rail services, food stores, Wood Green Shopping City etc.
- 3.21 I have dealt with numerous Gypsy / Traveller sites during my career to date, and I cannot recall a site which is as accessible to such a wide range of services and facilities seven days per week as this one. Many sites are located in countryside areas where there are no realistic opportunities for travel other than by car, no street lighting and where distances to services are significantly greater.
- 3.22 The facilities may require pedestrians to walk along a short section of carriageway where there are no footways, but as previously described, the route is level, has excellent visibility and benefits from street lighting, which is rare when assessing gypsy/traveller sites in my experience. Cycling is also a realistic option in this location, and I observed cyclists on Mays Lane during my visit to the site.
- 3.23 The local services identified above, including the bus stops, are all within the Preferred Maximum walking distance of 2km and most within the acceptable distance of 1km for Commuting/School/Sight-Seeing specified in Table 3.2 of the Institution of Highways and Transportation's "Guidelines for providing for Journeys on Foot" (See Appendix JPH-D). As a result, they are also well within acceptable cycling distance of the Appeal Site, which is significantly further.
- 3.24 Given the foregoing and taking into account the transport / accessibility guidance contained within Planning Policy for Traveller Sites, I conclude that in terms of access to services, the Appeal Site is well located.

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- 4 TRAFFIC FLOW AND ACCESS ACCEPTABILITY
- 4.1 In order to establish existing traffic flows on Mays Lane against which the impact of the proposed development could be assessed, an Automatic Traffic Counter (ATC) was fixed to the telegraph pole adjacent to the footway commencing 130m to the northeast of the Appeal Site access. The ATC recorded traffic flows continuously, 24 hours per day between Thursday 16th and Wednesday 22nd May 2024. The ATC results summaries are provided at Appendix JPH-E for information.
- 4.2 The average daily cumulative flow, i.e. the combined total of both directions of travel, over the seven day period was found to be 2169 vehicles from daily totals between 1599 on Sunday and 2497 on Friday. The lowest weekday (Monday to Friday) flow was 2194 vehicles on Monday. It is therefore apparent that the day to day variations experienced on Mays Lane range from 303 vehicles over the five day Monday to Friday period and 898 per day over the full week.
- 4.3 The overall large vehicle content (HGVs and buses combined) was just 0.32% from daily flows of between 2 vehicles on Tuesday and 17 vehicles on Monday, with a total flow of 48 movements over the full week.
- 4.4 The AM peak hour was found to occur between 07:00 – 08:00, with an average over the five day Monday to Friday period of 239 movements from daily flows between 218 on Thursday and 259 on Wednesday, giving a day to day variation of 41 movements during the AM peak hour.
- 4.5 The comparable PM peak hour was found to occur between 16:00 – 17:00, with an average of 203 movements from daily flows between 189 on Friday and 219 on Wednesday, giving a day to day variation of 30 movements during the PM peak hour. However, it was noted that the following hour between 17:00 – 18:00 was only one vehicle movement less for the average, from daily flows between 182 on Monday and 222 on Thursday, giving a daily variation of 40 movements.
- 4.6 The highest hourly flow recorded during the survey was the 259 movements between 07:00 – 08:00 on Wednesday.
- 4.7 As is apparent from the survey data, these flows are considered to be relatively low. MfS, which the *"Status and application section"* advises *"...focuses on lightly-trafficked residential streets, but many of its key principles may be applicable to other types of street, for example high streets and lightly-trafficked lanes in rural areas..."* considers traffic volume at section *"7.9 Frontage access"*.
- 4.8 Paragraph 7.9.3 of MfS states: *"In the past, a relatively low limit on traffic flow (300 vehicles per peak hour or some 3,000 vehicles per day) has generally been used when deciding whether direct access was appropriate. This is the equivalent to the traffic generated by around 400 houses. Above this level, many local-authority residential road guidelines required the provision of a 'local distributor road'."*

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- 4.9 Paragraph 7.9.4 of MfS continues: *“Such roads are often very unsuccessful in terms of placemaking and providing for pedestrians and cyclists. In many cases, buildings turn their backs onto local distributors, creating dead frontages and sterile environments. Separate service roads are another possible design response, but these are wasteful of land and reduce visual enclosure and quality.”*
- 4.10 Paragraph 7.5.9 adds: *“It is recommended that the limit for providing direct access on roads with a 30 mph speed restriction is raised to at least 10,000 vehicles per day (see box).”*
- 4.11 The box referred to appears directly below the paragraph within MfS and confirms: *“Traffic flows at the sites varied from some 600 vehicles per day to some 23,000 vehicles per day, with an average traffic flow of some 4,000 vehicles per day.*
- It was found that very few accidents occurred involving vehicles turning into and out of driveways, even on heavily trafficked roads.*
- Links with direct frontage access can be designed for significantly higher traffic flows than have been used in the past, and there is good evidence to raise this figure to 10,000 vehicles per day. It could be raised further, and it is suggested that local authorities review their standards with reference to their own traffic flows and personal injury accident records.”*
- 4.12 MfS was published in 2007 and remains current guidance. It is not new and is well established. It provides clear advice that direct access on roads with flows of 10,000 vehicles per day is acceptable.
- 4.13 Given Mays Lane is 5.5m wide, which is a typical residential road width, and has daily flows of less than 3,000 vehicles per day, averaging less than 25% of the 10,000 vehicle threshold identified in MfS, it is clear that direct access is acceptable, as is the associated potential impact on through-traffic movement.
- 4.14 It is common ground that visibility at the Appeal Site access is not a constraint to safe access, and it is clear from the MfS guidance that network capacity is not a concern. It is also clear from the survey data that the normal day to day and hour to hour variations on Mays Lane significantly exceed the quantum of traffic that could reasonably be expected to occur at a two pitch gypsy/traveller site.
- 4.15 In such circumstances it could only reasonably be concluded that the movements associated with the Appeal Site are insignificant and an access serving the site from Mays Lane would be acceptable, as was recognised by the Highway Officer when considering and responding to the formal consultation related to the application, who acknowledged that matters of detail could be dealt with via conditions and a S184 agreement. This is standard procedure when the principle and preliminary design submissions are found to be acceptable, as the S184 process allows for preliminary designs to be refined or altered prior to approval for construction.

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- 4.16 Notwithstanding this clear advice, Mr Volley misguidedly sought to refuse permission based entirely upon his own unsubstantiated highway concerns. He raised concerns regarding *"potential turning conflict may arise with the existing access located directly opposite"*. These concerns were not raised by the Highway Officer, as in practical terms the potential for conflict is inherently limited by the scale of development served by both the Appeal Site and the Cottage Farm accesses.
- 4.17 It is unclear why Mr Volley believed opposing accesses and turning movements are unacceptable in principle, given a cursory review of Mays Lane to the east of the Appeal Site reveals that not only are accesses often directly opposite each other, but in several places accesses exist directly opposite junctions with other roads, where the potential for conflict with turning vehicles is inherently greater as a result of their higher traffic flows.
- 4.18 Mr Volley also raised concerns that: *"The proposal presents one way lane vehicle movement only, which could result in safety concerns with vehicles, caravans and emergency vehicles needing to reverse back into Mays Lane to allow for oncoming vehicles."*
- 4.19 Notwithstanding the fact that the majority of accesses to Mays Lane are single width, and many of the driveways to properties are too small to allow a vehicle to turn around off the highway, resulting in reversing manoeuvres either from or to Mays Lane, both the width and the precise location of the Appeal Site access could be addressed through a standard condition and the S184 approval process required by the Highway Officer in their response.
- 4.20 Given the limited scale of development proposed, the likelihood of two vehicles meeting at the access is naturally limited. Should that occur, it is more likely that a vehicle wishing to enter the site would allow the emerging vehicle to leave before continuing to enter the Appeal Site. Any such delay would be insignificant and no different to that which could occur at one of the drives along Mays Lane, many of which have two cars on the driveway but only a single width access to the highway itself. Similar delays can be experienced where drivers wishing to turn right into a drive are prevented by doing so from oncoming traffic and therefore wait until the opposing traffic lane is clear before proceeding; potentially delaying following traffic.
- 4.21 Should a vehicle be already turning into the Appeal Site access as another approaches the highway from the plots, the outbound driver could stop, move over, reverse slightly or move towards the bin-store adjacent to the access to allow the inbound vehicle to complete its manoeuvre. There is no reason why a vehicle would have to reverse from the Appeal Site access onto Mays Lane as there is sufficient space for vehicles to turn and pass within the site.
- 4.22 As a result, I do not consider a single lane width access to be inherently unacceptable. Notwithstanding this, there is scope to widen and relocate the access within the red line of the application boundary, if preferred, due to the significant road frontage and excellent visibility.

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- 4.23 In terms of widening, by way of an extreme example, I have included an access capable of accommodating the two-way movement of towed caravans at Figure JPH1 within Appendix JPH-F.
- 4.24 Whilst it is highly unlikely that coincident opposing movements of caravans would occur, Figure JPH1 illustrates what could be delivered by condition if necessary.
- 4.25 The access illustrated in Figure JPH1 has been developed around the existing access centreline, which could be moved to the west or east to provide an offset to the Cottage Farm access, if preferred or considered necessary. As previously stated, these matters could easily be dealt with by way of condition and the S184 process, as recommended by the responding Highway Officer.
- 4.26 In many respects, the proposed development would provide betterment by reducing the potential for conflict when compared with the current situation. The proposed development would provide for vehicles to park off the highway within the Appeal Site, rather than on the roadside, and would also deliver protected visibility splays for emerging vehicles, which represents a significant safety improvement when compared with a vehicle emerging onto Mays Lane from the existing field gateway with its severely constrained lateral visibility towards oncoming traffic. A sealed surface on the access would also prevent mud being transferred from the Appeal Site onto Mays Lane, reducing the potential for skidding etc.
- 4.27 There is no doubt that a satisfactory and safe access could be provided as it is accepted that visibility is not a constraint in this case. The National Planning Policy Framework is clear in its advice, which confirms at paragraph 115: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
- 4.28 A severe impact is a high threshold to breach. In circumstances where safe access can be provided with appropriate visibility splays to a road with demonstrably sufficient capacity to accommodate the development traffic movements, which fall within the range of normal daily and hourly variations already experienced, it cannot be reasonably concluded there would be a severe residual cumulative impact. As a result, planning permission should not be prevented or refused on highways grounds, as was demonstrably apparent to the responding Highway Officer who the determining planning officer chose to unreasonably ignore for his own reasons.
- 4.29 I trust, having considered the foregoing, the Inspector agrees with my conclusion and trust the Appeal will not be dismissed on Highways grounds.
- 4.30 Given the foregoing, I would also respectfully invite the Council to reconsider its highway objections and withdraw these reasons from proceedings to save time and further unnecessary costs associated with attendance at the Inquiry.

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5 SUMMARY

- 5.1 My name is Jeremy Peter Hurlstone; I hold a BSc (Hons) in Civil Engineering Management, am a Member of the Chartered Institution of Highways and Transportation and a Chartered Member of The Institute of Logistics and Transport. I have over 36 years of experience in the transportation industry.
- 5.2 I have presented evidence at numerous Public Inquiries and Hearings during my career for various types and scale of developments.
- 5.3 I was instructed to review the seventh reason for refusing planning permission provided by the Council in its decision, which relates to concerns regarding the access safety.
- 5.4 Upon reviewing the Delegated Report it was apparent that there were inconsistencies in terms of the Highway Officer's position, which I sought to clarify with the determining Officer, who confirmed he had refused on Highways grounds despite the Highways Officer raising no objection subject to normal planning conditions being imposed.
- 5.5 The Planning Officer who imposed the highway reason would not clarify the basis of his concerns or explain why he did not follow the Highway Officer's advice until an Appeal was submitted. This unreasonable approach forced the Appellant to instruct me to cover matters which may not be relevant in order to ensure the various potential interpretations of the unspecific text and conflicting information within the Delegated Report and refusal reason were covered.
- 5.6 I have visited the site, reviewed visibility at the access and the collision records in its vicinity, empirical traffic survey data, relevant design guidance and policy, together with the Highway Authority's consultation response and the planning history of the Appeal Site access.
- 5.7 Having completed the review I have found that the Highway Officer's recommendation that access was satisfactory subject to conditions and a S184 agreement was correct and that the determining Planning Officer's decision to ignore that clear advice was misguided and unreasonable, as was his subsequent approach in terms of engagement to narrow the issues for the appeal.
- 5.8 Having completed my review, I conclude that the highway impact of the proposed development is acceptable, and that planning permission should not be refused on highways grounds, as confirmed by national planning policy.
- 5.9 It is hoped that the evidence presented in my Hearing Statement will allow the Council to formally withdraw their Highway concerns and therefore the seventh reason for refusal from the Appeal proceedings, in order to reduce unnecessary costs being incurred on both sides and to save time at the Hearing.

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- 5.10 Irrespective of the Council's decision whether or not to withdraw the highway objections, I trust the Inspector agrees with my own conclusion, that planning permission should not be refused on the alleged highway grounds, as safe and satisfactory access can be achieved onto a route where the cumulative residual impact on the road network would not be severe. Accordingly, I respectfully invite the Inspector to allow this Appeal.