

P/24/0258/2 - Installation of track and use of existing vehicular access point and the track for access to existing dwellinghouse with associated works (Retrospective)

Objection:

This application is essentially the same as a number of previous ones which have been refused and appeal subsequently dismissed.

As the applicant's planning statement correctly states: *Planning application ref. P/22/0771/2 was for "use of existing vehicular access point and track for access to dwelling and for the creation of a section of track and lighting (retrospective)". It was refused on 29 July 2022 and subsequent appeal ref. APP/X2410/W/22/3308383 was dismissed 20 March 2023. The current application comprises similar proposals, but without the lighting previously included and an additional landscaping scheme.*

The issue here is whether the (current) absence of lighting and the additional landscaping make any material difference and whether any weight should be given to the *supposed* improvement in visibility splays, which was previously a consideration.

But firstly, it is notable that this application for use of the entrance as residential access is wholly unnecessary since TWO vehicular access points to the property already exist.

With regard to 'landscaping', the following should be noted from the inspector's summary when the appeal was dismissed:

*The inspector concluded that 'the domestic activity through the comings and goings along the track combined with the lighting, both result in harm to the character and appearance of the CA, by eroding the existing "hidden" relationship between the woods and these large houses. The proposal would not therefore preserve the character and appearance of the CA. I find in relation to paragraph 196 of the National Planning Policy Framework, that whilst the harm to the significance of the CA would be less than substantial, there are no public benefits that would outweigh that harm'.*

Landscaping behind the gates is irrelevant to the application since it will not be publicly visible nor materially affect the character which the inspector was seeking to protect.

The current application is just one of a series of applications by which the initial refusal has been frustrated by incremental steps – the cumulative effect of which is nonetheless as inspector noted, so should be refused for the same reasons.

The absence of lighting is spurious since the lighting (and intercom and other ancillary items) should have already been removed following its explicit exclusion from the Certificate of Lawful Use.

With regard to the issue of visibility splays, this is a spurious argument since the evidence is illusory and relies on theoretical calculations which, in this case, are extremely sensitive to errors in scaling and the extent and maintenance of adjacent hedgelines etc. Even a casual examination of the site on Google shows there is in reality a negligible improvement between to existing access and the proposed which is directly adjacent.

Besides (if there is severely limited visibility with current access as has been claimed i.e. 10m), there is already another access point with much better visibility splays already in use (approx 140m further

north west) which could be used in preference to both the existing southerly access and the proposed one (both of which do not remotely meet the highways standards for a new access).

In reality of course, there is no evidence that the existing access is actually unsafe. As the inspector noted:

*In terms of highway safety, the inspector on refusing the appeal stated that 'The appellant suggests that to do this presents highway safety benefits for improved visibility when accessing and egressing the site. However, there is no evidence before me of any significant existing highway safety issues for this proposal to outweigh the significant harm I have found above in terms of character and appearance.'*

In conclusion, this application has no material difference from the previously repeatedly refused applications for the same scheme. It is wholly unnecessary to gain access to a dwelling which already has two entrances. It impinges further on 'open countryside' outside of the development limits of the village. The issue of visibility splays and additional screening is irrelevant and a smokescreen. This is a case of incremental development with a view to vehicular access being obtained to a proposed new residential development on the adjacent land and should not be permitted.