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## Appeal Decision

Site visit made on 25 February 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> March 2025

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**Appeal Ref: APP/R4408/W/24/3355613**

**Land adjacent 293 Hough Lane, Wombwell, Barnsley S73 0LR**

- 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 Hero Construction against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref is 2023/0482.
  - The development is described as 'proposed erection of 2 no. detached bungalows'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. During the appeal process, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and corrected on 7 February 2025. The main parties were given the opportunity to comment on the effect of the changes.

### Main Issue

3. The main issue in determining this appeal is the effect of the development upon highway safety.

### Reasons

4. Policy T4 of the Barnsley Local Plan (2019) (BLP) expects new development to provide all transport users, within and surrounding the development site, with safe, secure and convenient access and movement. This aligns with paragraph 115b of the Framework which stipulates that it should be ensured that safe and suitable access to sites can be achieved for all users.
5. The site comprises a parcel of land located to the rear of terraced dwellings on Hough Lane, Wombwell in a predominantly residential area. The site is accessed between two end terraced properties via a track leading from Hough Lane, a classified road with a speed limit of 30mph. The track provides access to the rear of property No's 275 to 303 Hough Lane and leads to a communal car parking court, domestic outbuildings, garages and allotments.
6. The access point at Hough Lane is flanked by the front boundary treatments of the terraced dwellings either side and to the east by an electricity cabinet. At both sides of the access point are short sets of double yellow lines, which the Council confirms are not the subject of a Traffic Regulation Order (TRO). On the opposite side of Hough Lane, just off to the west, is the junction with Windmill Road.

7. Only part of the track is laid in a bound surface, closest to Hough Lane. Beyond the rear elevation of the terraces, the track comprises bare ground interspersed with some hardstanding. South of the appeal site, as it turns eastwards, it comprises an unmade dirt track. This access is narrow, with very restricted visibility to Hough Lane that already serves a notable number of residences. It is also used by pedestrians and does not benefit from a separate footpath. Therefore, the current situation is less than ideal.
8. Two additional dwellings would generate additional vehicular traffic. Evidence before me from the appellant indicates that this would equate to a maximum of 2 two-way vehicle movements during each peak period and a total of 10 two-way vehicle movements across a typical day. The development would also generate some pedestrian movement and is likely to have some delivery vehicles associated with it. Whilst I note it is the appellants case that deliveries would be infrequent and irregular, no evidence to corroborate this has been provided.
9. The increase in traffic on this narrow lane would make conflict between two-way traffic more likely. It may be possible for two average sized cars to pass, however there is no margin for error due to the presence of the walls that flank the access. Figure 7.1 contained within Manual for Streets illustrates how tight this could be. It is likely that only confident drivers would attempt this passage, and it would be off putting to many. Hence, this would be likely to lead to vehicles waiting on Hough Lane. Furthermore, it is foreseeable that two larger than average cars could not physically pass; or if a car encountered a larger delivery vehicle. Pedestrians have no separate footway and would be vulnerable in such circumstances.
10. It is not shown that larger vehicles could turn within the site and exit in a forward gear. This could result in larger vehicles having to perform many manoeuvres in an attempt to turn, or having to reverse out onto the highway. This would result in other vehicles waiting on Hough Lane to turn in whilst the vehicle on the track exited. Vehicles waiting on Hough Lane, even momentarily, would not only provide an obstruction for vehicular traffic, but also for other road users, including pedestrians and cyclists. Given Hough Lane is a main thoroughfare, close to the junction with Windmill Lane, this would have a significantly detrimental impact on highway safety. These factors undermine highway safety and are certainly not representative of a 'convenient' access as required by Policy T4 of the BLP.
11. It is not clearly demonstrated that the access junction meets the required visibility splays in both directions. Due to the presence of neighbouring boundary walls and the siting of an electricity box to the east, visibility is limited in both directions. In addition, on-street parking occurs along Hough Lane which further obscures sight lines for drivers exiting the track. Whilst drivers might typically respond to the restricted visibility by nudging out slowly, there would still be an increased risk to other highway users as a result of increasing the use of what is a significantly substandard access. Therefore, the development would cause harm to highway safety on the basis of the additional use of this substandard access.
12. I have taken account of a historic outline permission for one dwelling at the appeal site, but have no evidence that this has commenced or that it remains extant. Even if it were, the appeal represents an incremental addition to risk over that. I am mindful of the safety record submitted by the appellant which shows no collisions at the site access between 2018 and 2022, which I note includes the Covid-19

pandemic period. However, the lack of collisions is not strong evidence that it would be appropriate to increase the use of an unsuitable access arrangement.

13. I have considered whether the imposition of conditions could mitigate the harm identified, such as the suggested TRO at either side of the access point. However, this would neither fully negate the harm identified nor would it meet the tests of the Framework, as the outcome of any such TRO application would not be certain.
14. Paragraph 116 of the Framework indicates that having an unacceptable impact on highway safety is a reason to prevent development. It does not say that to be unacceptable the impact must be severe. The term severe relates to cumulative impacts on the road network.
15. Therefore, I find that the development would have an unacceptable adverse effect on highway safety which runs counter to the Framework. It follows that there is also conflict with Policy T4 of the BLP.

### **Other Matters**

16. Set against the harm identified there would be social and economic benefits from the scheme, including boosting the supply of housing and making efficient use of land where future occupants would be within close reach of local facilities and public transport in Wombwell. Whilst these matters weigh in favour of the proposal, their extent would be modest given the scale of the development and they do not outweigh the significant risk and harm I have identified to highway safety.

### **Conclusion**

17. For the reasons set out above, the proposal would conflict with the development plan as a whole and there are no other considerations which outweigh the adverse effects on highway safety. Therefore, the appeal fails.

*C Walker*

INSPECTOR