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## Appeal Decision

Site visit made on 1 April 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> April 2025

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**Appeal Ref: APP/R4408/W/24/3357181**

**Land to rear of 207 - 209 Manchester Road, Thurlstone, Sheffield S36 9QS**

- 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 Mr & Mrs Anita and Stuart Kimberley against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref is 2023/1062.
  - The development proposed is 'Erection of new two storey dwelling and associated detached double garage'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On 12 December 2024, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issue of this appeal, I have not sought comments on the revisions.

### Main Issue

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

### Reasons

4. The appeal site comprises a parcel of land located to the north of the rear gardens of No's 207 and 209 Manchester Road. The proposal includes a two-storey dwelling and a detached garage, with vehicular access taken from High Bank Lane (HBL) to the north.
5. HBL is a narrow 'metalled' lane which initially branches off from Manchester Road (A628) to the southeast, moving northwest past numerous properties before reaching a junction with Hedgehill Road. From here, the lane continues to rise to the northwest where built form becomes notably more sporadic as the lane leaves the built-up area of Thurlstone.
6. I have had regard to the Highways Statement of Case<sup>1</sup> (HS) submitted with the appeal which also includes the Technical Note<sup>2</sup> submitted with the planning application. Clearly the lane is already in use by motorists and, evidently, pedestrians and cyclists. The HS includes a survey which demonstrates that there were 141 vehicle movements on average in total across the 7-day test period. I

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<sup>1</sup> TPS – dated November 2024.

<sup>2</sup> TPS – dated 14.11.2023.

understand these peak on a Sunday due to the location of a local football club to the northwest for which players and spectators travel along HBL to access. The HS also advises that there would be an average of 6 daily vehicle movements associated with the proposal.

7. Even excluding the Sunday increase as a result of the football club, which would likely be seasonal, 6 additional daily movements caused by the proposal set against a 5-day average of 7 movements is a significant intensification of use of HBL. This is particularly concerning given the condition and characteristics of HBL. On the site visit, I observed it to be very narrow with no street lighting. Were two vehicles to meet, there would have been nowhere for either to pass. It is unclear as to where the most suitable place for one vehicle to move aside would be, with the most likely scenario involving one reversing a significant distance.
8. The HS also advises that in 12 of the 168 hourly intervals through the week the data was collected, vehicles were travelling at the same time, although this does not mean they needed to pass one another. Be that as it may, the intensification of an additional 6 daily movements would only serve to increase this risk of conflict and collision. Moreover, there would be very little room for pedestrians or cyclists to move if a vehicle was to attempt to pass. While pedestrians or cyclists may use other rights of way in the area that connect to a local walking route, this does not mean they would not use HBL. I therefore share the concern of the Council with regards to the potential effects of the intensification of the lane on the safe and efficient operation of the highway.
9. I have considered the potential offsite passing place to the east which would widen the road to 4.8m to allow vehicles to pass. Drawings<sup>3</sup> provided in the HS show two large cars passing in one scenario and a large car and 7.5-ton box van in another. The passing place would evidently be secured by an agreement under Section 278 of the Highways Act 1980.
10. However, it is unclear as to whether the grass verge lining the south side of the road has been included in the calculations of the road width, with the arrow indicating the 4.8m width illustrated between the wall to the south and the edge of the passing place. Moreover, it is unclear who would be responsible for the long-term maintenance and upkeep of the passing place in order to continue its effectiveness as mitigation.
11. Furthermore, my attention is drawn to the South Yorkshire Residential Design Guide (adopted January 2011) which advises that widened sections of 4.8m should be introduced at a maximum distance of 40m between one another. The distances in either direction in this case would exceed the guidance. There is nothing before me to alleviate this concern. As such, I cannot be certain that a passing place would be effective as mitigation.
12. There are further concerns that a standard sized refuse collection vehicle could not collect from the appeal site. Given the width of the road this would be a reasonable conclusion, and I note the appellant does not disagree. I am informed that refuse collection does currently take place from the dwellings closer to Hedgehill Road, while the appellant advises that a private arrangement could be made at the appeal site with a smaller vehicle used. However, to secure this via a planning condition would be unlikely to be enforceable and were this arrangement to cease,

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<sup>3</sup> Drawing Numbers: D-1003 & T-1003

the Council would evidently have a legal obligation to collect the waste. While I have had regard to the information provided by a private waste collector that they could collect and turning in the appeal site could be possible, this is not a suitable long-term solution, particularly if future occupiers of the property do not wish to continue this service. Similarly, there is also a lack of information as to how an emergency vehicle such as a fire appliance could access the site or be able to turn and exit in a forward gear.

13. Although it was not provided with the planning application, I have had regard to the Proposed Site Entrance Visibility Splays drawing<sup>4</sup>. These are required to show a 2.4m 'X' distance and a 43m 'Y' distance for a vehicular splay and 2m x 2m for pedestrians. However, I observed dense and tall foliage lining the near (south) side of HBL and it is unclear from the drawing as to whether land to either side of the proposed access junction is under the ownership of the appellant as this is outside of the red line development boundary. At a setback of 2.4m, the visibility splays on the drawing appear to show the 'Y' splay transecting the rear garden areas of adjacent properties to the east. The likely scenario would therefore involve an egressing vehicle edging into the narrow road to gain a favourable view of the road to leave the site due to their line of sight being obscured. This would present a clear collision risk to oncoming vehicles and/or pedestrians or cyclists.
14. My attention is drawn to a previous appeal decision<sup>5</sup> for a detached house. I have no plans or drawings before me, although the decision letter states that the address is land adjacent 149 Manchester Road and that access would be taken from HBL within the curtilage of that property using an existing parking area. This would likely place it much closer to the existing built form closer to Hedgehill Road and therefore not travelling close to the appeal site. Based on the limited evidence before me, I do not find that the allowing of that appeal is directly comparable to the proposal before me.
15. Taken together, the proposal would be detrimental to highway safety. This would be contrary to policy T4 of the Barnsley Local Plan (adopted January 2019), which states that new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. The proposal would also be contrary to the Framework, including at paragraphs 115, 116 and 117. These seek to ensure that safe and suitable access to the site can be achieved for all users; that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety; and that development should allow for the efficient delivery of goods, and access by service and emergency vehicles.

### **Other Matters**

16. The appellant is unhappy with the Council's handling of the planning application. Be that as it may, it is not my role to mediate disputes of this nature. The Council will have its own complaints procedure, and this does not have any bearing on my determination of the appeal, which has been assessed on its planning merit.
17. Similarly, regardless of whether the Council requested information relating to visibility splays or other aspects of the scheme, it is incumbent on the developer

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<sup>4</sup> Drwg No & Revision: ASK-JMA-ZZ-00-DR-A-(01)003A

<sup>5</sup> Appeal Reference: APP/R4408/A/07/2043600

and/or their appointed technical experts to provide this information to satisfy these requirements. The information provided by the Council in its appeal submissions was in relation to the main issue, and I see no reason to turn such evidence away in this case.

**Conclusion**

18. The proposal is in conflict with the development plan as a whole and advice in the Framework. There are no material considerations presented which would outweigh that conflict. Accordingly, for the reasons given, I conclude that the appeal is dismissed

*C McDonagh*

INSPECTOR