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21st January 2025

The Planning Inspectorate

2 The Square

Temple Quay House

Bristol

BS1 6PN

Appeal ref no.: APP/Z3825/W/24/3355997

Council Ref no.: DC/23/1909

Dear Mr Devereux

APPEAL BY PUNCH PARTNERSHIPS (PML) LIMITED

SITE ADDRESS: THE OWL, DORKING ROAD, KINGSFOLD, HORSHAM, WEST SUSSEX, RH12 3SA

APPELLANT'S FINAL COMMENTS

Please find the Appellant's Final Comments in respect of the above planning appeal. The comments are in response to the Council's Statement including suggested conditions, and representations submitted by three third parties.

To begin with, the Council has paid no regard to the fact that the Local Highway Authority ("**LHA**"), West Sussex County Council ("**WSCC**"), has indeed raised no objection to the proposals, by concluding that "*the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal*" in their positive consultation response.

The concerns raised in the Planning Committee regarding the number of vehicles using the road, the speed of traffic and the risk of traffic turning into and exiting from the site can be summarised into highway safety concerns in relation to the visibility splays of the proposed access, which these

concerns have been taken into consideration and agreed by the LHA that the proposed access arrangements will not give rise to highway safety issues and are thus acceptable in highway terms, as stated in the Committee Report that The WSCC Highways Authority have confirmed that "Therefore, the proposed access onto the A24 Dorking Road and development as a whole is not contrary to the NPPF (paragraph 115), and there are no transport grounds to resist the proposal".

Notwithstanding this, the Council's stance was aligned with that of the LHA, as confirmed in the Committee Report that "*The Objections relating to highway impact are acknowledged. However, with the above in mind, officers consider that this proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is therefore not contrary to the National Planning Policy Framework (paragraph 115) and there are no transport grounds to resist the proposal, in accordance with Policies 40 and 41 of the HDPF.*"

The Council has given no indication that the Highway Authority has subsequently altered its stance, whilst the Council has challenged the expertise of LHA and alleged the use of Manual for Streets ("**MfS**") as guidance is not the correct approach yet without explaining how this would consequently impact on highway safety, by stating that "the interpretation of the LHA and their use of MfS was not though considered to fully reflect the situation which exists at the application site as it was noted during the Planning Committee debate that the MfS was originally written for 'street' as opposed to 'roads'". Indeed, the LHA has confirmed that it was content with MfS being the guidance for this site, in recognition that Dorking Road does feature elements of a street, such as footways on both sides, a bus stop layby, and existing access points serving properties, which supported the planning application.

The MfS is applicable for roads with 85th percentile vehicle speeds up to 40mph, being the common practice in transport planning whereby this is the adopted guidance for 85th percentile speeds below 40mph, as confirmed by WSCC. Paragraph 1.3.7 of MfS 2 advises that "*in rural areas many parts of the highway network are subject to the national speed limit but have traffic speeds significantly below 60mph. Again in these situations where speeds are lower than 40mph, MfS Stopping Sight Distance ("SSD") parameters are recommended*".

Given that speeds are below 40mph in both directions, minimum visibility splays of 2.4m x 55m and 2.4m x 56m respectively are required in accordance with the MfS SSD calculator. Adjusted for wet weather speeds, the required splays are 2.4m x 62.8m and 2.4m x 63.4m respectively, as confirmed

by WSCC. As demonstrated in the plan at Appendix D of the Appellant's Highways Appeal Statement, visibility splays of 2.4m x 117m and 2.4 x 86m are achievable, far in excess of the minimum requirements.

It is also worth highlighting that the applicability of MfS standards is corroborated by an appeal decision for the Black Horse, Densole, Kent (ref: APP/L2250/W/22/3313299), where the Inspector agreed with the Appellant and the highway authority that MfS standards were applicable given that measured speeds were 39.9pmh and 39.1mph, included in Appendix F of Appellant's Highways Appeal Statement.

The Council has concluded that meeting MfS standards would not demonstrate the proposed access would be safe, however without providing further elaboration and setting out how the Council recognise a safe access should be. In turn, this implies the Council has agreed the proposed access has met the MfS standards and should therefore be considered acceptable in highway terms.

It is worth emphasising once again that the LHA has raised no objection to the proposed access, and the Committee Report confirmed that the proposal would not result in an unacceptable impact on highway safety nor result in 'severe' cumulative impacts on the operation of the highway network. It has furthermore been demonstrated that visibility splays are achievable far in excess of the minimum requirements.

The Council rather relies on the Members' knowledge which is considered subjective and biased than the professional judgement of the LHA and submitted evidence including speed surveys and visibility splays diagrams etc. There is no reason to believe that the Members' knowledge is holistic or representative of the highway situation. Such anecdotal evidence cannot outweigh the expertise of the LHA and the Appellant's Highway Consultant, which were assessed according to the MfS Standards and in accordance with the Council's Planning Framework and provide an accurate picture of the current highway network.

Comments on Conditions

The Appellant is content with the suggested conditions within the Council's Statement.

Third Party Comments

The comments below are made in relation to Third Party Representations received in respect of the appeal. Three local residents have commented on the appeal. The level of response by third parties is considered to be low. The Appellant's response to the comments is set out below.

One of the third party comments refers to the Warnham Parish Council's traffic surveys, which have been addressed following the first Planning Committee that the traffic surveys undertaken by the Parish Council are irrelevant given none of the surveys were of traffic passing the application site, as confirmed in the submitted Highway Technical Note (ref: 2303-041/TN/03A).

Two of the third party comments object to the proposals because a smaller car park with reduction in parking spaces will be resulted, which is considered crucial to determine the success of the pub, hence risking the pub's viability. However, there are 50 spaces retained which is considered more than adequate to accommodate the customers, based upon site observations and consultation with the landlord. Plus, the LHA has confirmed that the retained parking spaces would be suitable to serve its existing use in their consultation response.

Lastly, one of the objections is concerned about potential serious accidents or fatalities. As set out in the submitted Transport Statement (ref: 2303-041/TS01), there are a total of Personal Injury Collisions recorded over the most recent five year period (2017-2021), with four being slight in nature and a single serious incident took place on Marches Road, circa 20 – 25 m from the junction with the A24. The absence of a cluster of serious incidents over the five year period showed that there was no evidence of a road safety issue in the vicinity of the development site.

<u>Conclusion</u>

The Appellant judges that the proposals will have a negligible effect on highway safety, and therefore will not breach Policy 40 of the Horsham District Planning Framework, as the Council has alleged. The

Council has failed to identify any instances where highway safety will be jeopardised by the proposals, and has provided no evidence that there would be an unacceptable impact on highway safety (which is the relevant test contained in Paragraph 116 of the National Planning Policy Framework 2024).

The planning balance therefore clearly favours the granting of planning permission, and the Appellant respectfully requests that the Inspector take the above points into account and allow the appeal.

[redacted]

Yours sincerely

[redacted]

Jenna Lai

Planner

CPC Planning Consultants Limited

Cc Punch Partnerships (PML) Limited