

REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT

By Graham Self MA MSc FRTPI

Appeal by Mr Steven Hunt and Mrs Gill Hunt against a grant of planning permission.

Reference Number: P/2017/0494.

Site at: Belvedere, Longfield Avenue, St Brelade.

Introduction

1. This appeal is against the grant of planning permission for development described in the application as: "Retrospective application to construct 2 No. gate pillars". In the decision notice granting permission, the development was described as: "Retrospective: Construct 2 No. pillars to South East of dwelling".
2. I held a hearing into the appeal on 10 October 2017 and inspected the site on the same day.
3. In this report I consider first some procedural and legal matters. A brief description of the appeal site and surroundings is provided, followed by summaries of the cases for the appellant and the planning authority. I then set out my assessment, conclusions and recommendation. The appeal statements, plans and other relevant documents are in the case file for you to examine if necessary.

Procedural and Legal Matters

4. This case concerns a "third party" appeal under sub-paragraphs (1) and (2(a)) of Article 108 of the 2002 Law. The applicants are Mr Michael and Mrs Maria Gleeson.
5. As recorded above, the description of the development in the planning permission is not the same as the description in the application. I established during the hearing that the planning authority did not obtain the applicants' agreement to the change. This matter is considered in my assessment below.

Site and Surroundings

6. Longfield Avenue is a cul-de-sac which leads westwards off La Route des Genets and then bends for a short distance northwards to provide access to premises known as Brooklands Farm. The appeal site is immediately west of the western end of the road, next to the bend. The land slopes generally down to the west at this point, fairly gently in places but more steeply further to the west beyond the site.
7. Within the appeal site there is a circular driveway (referred to by all parties as a "turning circle") with entry and exit points off the west end of Longfield Avenue. (This is shown in several photographs in the submitted documents, perhaps the clearest overall view being the photograph labelled "Turning Circle 2017" on the lower half of the ninth page of the applicants' statement of case.) The turning circle is surfaced with shingle and edged with low concrete kerbing. The width between the kerbing as measured during my inspection is about 2.44 metres (or 8 feet).

8. At its northern end, the turning circle meets a stone-surfaced driveway which extends northwards next to the dwelling at Belvedere. The disputed pillars stand about 4.2 metres apart, on either side of this driveway. The pillars are rendered structures as shown in various photographs and in the application drawing numbered 002. Their position is such that any vehicle being driven around the turning circle has to pass between the pillars.
9. In front of the turning circle next to the road is a concrete-surfaced area, which joins flush with the tarmac-surfaced carriageway at the outer edge of the bend in Longfield Avenue. This is the area edged blue on Drawing 001A. It is visible in several photographs including the appellants' photographs 5a-5c and the photographs attached to the Department of Environment's main statement.

Case for Appellants

10. The main grounds of appeal are, in summary:
 - The pillars are positioned on a turning circle which is subject to a legal covenant, where residents and others including service vehicles have a right of way. The applicants have contravened the deeds of Belvedere. The pillars are inappropriate and illegally sited. They impede use of the turning circle so as to be a likely cause of damage, potential injury and traffic congestion.
 - The western pillar is positioned in the path of vehicles, and the turning circle itself has been altered, including the introduction of a steep slope, so as to deter its use. The eastern pillar obstructs views and the two pillars make it necessary for vehicles to make a sharp turn to exit the turning circle.¹
 - The angle of vehicles emerging between the pillars is such that there is not a clear visibility to see tractors or other vehicles coming from Brooklands Farm. Because of the obstruction and danger caused by the pillars they were not permitted by the Planning and Building (General Development) (Jersey) Order 2011.
 - In the past for some 80 years the turning circle has provided an essential means for vehicles to be turned round at the end of a single-track road. The alternative reversing manoeuvre (using the area edged blue on Drawing 001A) is not always possible or preferred due to parked vehicles and the incline of the road. The Parish has advised that should this area not be available the refuse vehicle operators will cease using Longfield Avenue, so residents will have to take their bins to the top of the avenue.
 - The turning circle is not now available for vehicles and large emergency vehicles could not be navigated between the pillars.
 - The applicants' statement contains many dishonest claims. The turning circle has been previously frequently used. The applicants' actions in constructing the pillars have been deliberately anti-social and un-neighbourly. The appellants and other residents feel bullied by the applicants.
 - The applicants' suggestion that the turning circle is unsafe because of land instability is a red herring. No stability issue was raised by the previous owner.

¹ See Footnote 6 on page 6.

- Because of the effects noted above, the development conflicts with several policies of the Island Plan, particularly those referring to safety and design quality.
- As a compromise suggestion, the pillars could be relocated to a position nearer the house so as not to impede use of the turning circle and to protect everyone's safety.

Case for Planning Authority

11. In response, the planning authority make the following comments.
- The Department could only consider material planning factors in assessing the application. Civil law issues regarding a private right of way are not planning matters.
 - The existing turning circle is narrow, has a tight radius, and is argued by the applicants to be on unstable ground. The applicants submitted a drawing showing that alternative provision has been made for turning vehicles. This alternative is more practical and avoids vehicles being driven directly in front of the applicants' house.
 - The claim that the refuse vehicle will not now use Longfield Avenue is not supported by evidence and is contrary to advice from the Parish.
 - In granting planning permission, the Department considered that the construction of the two pillars met Island Plan policies, did not cause any harm to the character of the area or any other property, and did not impede the opportunities for residents or visitors to Longfield Avenue to turn vehicles.

Case for Applicants

12. The applicants dispute the appellants' case and put forward the following main points.
- The existence of a historical turning circle providing an 8 feet wide right of way over Belvedere is acknowledged, but the location, radius or other description of the turning circle is not stipulated in the title deeds; the only measurement stipulated is the 8 feet width of the circle. The pillars do not impede this route. On the aerial photograph submitted by the appellant, the pillars are shown in the wrong position.
 - The eastern pillar has no impact on visibility as it is set within a mature hedge. The combined position of the two pillars has improved the previous situation by preventing vehicles emerging from Belvedere's drive from cutting across the Brooklands Farm exit.
 - The appellants' claim that the applicants have reshaped or destroyed the turning circle is false. Belvedere's plot was accurately mapped by a land surveyor before renovation work started. A contractor later exposed the original concrete base of the turning circle. The same base has been followed to maintain the original 8 feet width over the whole circumference.
 - The turning circle has not been actively used by motor traffic for many years. It is now easier to negotiate than it was when a previous owner had placed rocks along the edges. Mr and Mrs Hunt have themselves used the turning circle, as a means of deliberate intimidation.
 - The appellants' allegation of bullying by the applicant is defamatory. It is part of a vendetta against Mr and Mrs Gleeson without any support from

other local residents. The appellants' statements about congestion are a fantasy.

- Covenant holders have a right to use the turning circle but also share the maintenance cost. The applicants have extended the Longfield Avenue roadway into their site boundary to aid vehicular turning for all residents. This area is easily negotiated every week by the large parish refuse wagon, is a realistic alternative to the turning circle and is easier to use. All the covenant holders except Mr Hunt seem happy to continue using this reversing area next to the road.
- The land stability issue has been the subject of detailed survey work by a well-known civil engineering company and a further expert survey. Both concluded that the turning circle should not be used by motor traffic because of instability.

Assessment

13. This is an unusual case because despite the small scale of the development, it raises complications, including issues of planning law which do not appear to have been realised by the appellants or applicants. Some of the legal points explained below may seem unduly detailed and possibly bizarre, but it would be wrong for me to ignore them. In the interests of fairness, I drew attention to these issues during the hearing and asked questions relating to them. The assessment below takes account of the responses.
14. The application described the development as "gate pillars". In this description, the word "gate" is used as an adjectival noun, and as a matter of normal English usage, a reasonable interpretation of the two words together would be: "pillars to support gates".
15. Under Class B.1 of the Planning and Building (General Development) (Jersey) Order 2011 as amended (shortened below to "GDO"), the erection of a gate, fence, wall or other means of enclosure within the curtilage of a dwelling-house is "permitted development" - that is to say, planning permission is granted by the GDO, so no application for specific permission is needed. Various exclusions apply. One of the exclusions is where the gate, fence, wall or other means of enclosure would be within 2 metres of a road and the highest part of the development would be more than 90 centimetres above road level. Another exclusion is where the development creates an obstruction to the view of a person using a road at or near a bend.²
16. For the purposes of the GDO, the term "road" is defined in Article 1 of the GDO as having the same meaning as in the Roads Administration (Jersey) Law 1960. This Law, in turn, defines a road as meaning a road, bridge, viaduct or subway which is repairable at the expense of the States or any parish. Longfield Avenue is a private road apparently not maintainable at public expense, so it is not a "road" for the purposes of the GDO. Therefore the exclusions to Class B do not apply. There is no dispute that Belvedere is a "dwelling-house" and that the pillars are within its curtilage.
17. Thus if, as would seem appropriate given the description "gate pillars" in the application, the development were to be regarded as part of a means of enclosure, it would have been permitted by the GDO. Your Department's representative at the hearing confirmed that where an applicant applies for planning permission for development which is considered by the Department to

² This is not intended to be a complete statement of the relevant law.

be permitted by the GDO, normal practice is to return the application. That did not happen in this instance. The application was retrospective, and the Department evidently took the view that as a matter of fact, the "gate pillars" had been erected as free-standing pillars, without gates, and that they did not constitute a means of enclosure.

18. I can see why the Department decided to proceed on that basis. Despite the implication in the applicants' description including the word "gate", the pillars as erected (and as they stood when the retrospective application was made and at the time of my inspection) were not fitted with any hinges or gates. It is also now clear from the evidence at the hearing that the applicants did not have the pillars built with the intention of attaching gates to them. So the Department's altered description omitting the word "gate" was probably justified, although it would have been better for all involved if the alteration had been confirmed as acceptable by the applicants, because of its potential legal implications.
19. There is a small gap of about a centimetre between the eastern pillar and a wall along the north boundary of Belvedere's plot, though the gap is not readily apparent from any distance and in terms of visual appearance the pillar forms the end of the wall, and the wall is a means of enclosure of the plot. In these circumstances, there are reasons for finding that the construction of at least the eastern pillar in its position at the end of the wall was permitted by the GDO.
20. Moreover, it would only be necessary for a gate or gates to be attached to the pillars to make them (together with the gates) permitted development. The gate or gates would not have to be closed to create a "means of enclosure", and could be hung in a way which would not cause any obstruction of the turning circle by the gate or gates.³ Alternatively, a simpler means of enclosure could be attached to the pillars. (Alternatively again, taken to an extreme, if the pillars were to be demolished they could be immediately rebuilt with gates or some other means of enclosure attached so as to be permitted development.)
21. The foregoing points create a strong "fall-back" case, on the ground that even ignoring the permitted development argument relating to the eastern pillar, there would be little point in refusing planning permission for development which could with an easily-made addition become permitted by the GDO. The appellants' belief about the excluding provisions of the GDO (relating to development causing obstruction or danger to persons using a road⁴) is misguided, since Longfield Avenue is not a road for GDO purposes as explained above.
22. So far, I have not mentioned the legal covenant to which the appellants refer in their submissions. The appellants contend that the applicants have "contravened the deeds of Belvedere" because no approval was obtained under the title deed clauses. As has been stated on behalf of the planning authority, the planning system has no jurisdiction over private legal agreements. I have no power to make recommendations about enforcing clauses in the title deed or covenant which evidently applies to the turning circle at Belvedere.
23. That said, the title deed covenant (which apparently dates back some 80 years) apparently only obliges owners of Belvedere to provide a turning circle 8 feet wide. I drove a medium-sized car (a Peugeot 308) around the turning circle

³ For example, by hanging one gate northwards from the eastern pillar and another gate southwards from the western pillar; or by hanging a single larger gate southwards from the western pillar.

⁴ This refers to the comments about the GDO on page 7 of the appellants' main statement.

during my inspection⁵ and found it not easy, allowing for the curve, to stay within the 8 feet width, especially where the recently extended house wall abuts the turning circle. Negotiating the gap between the pillars was also not easy and required a careful angled turn to be made - though nowhere near the 90 degree turn claimed several times by the appellants their main statement.⁶ For any larger vehicle, the manoeuvre around the turning circle and between the pillars would be increasingly difficult, and I judge that a driver of a large, longer-wheelbase commercial vehicle would find it impossible to stay within the 8 feet width. From the measurements and practical test that I carried out, I find that the pillars hinder the use of the turning circle, but not to any significantly greater degree than the geometry of the rest of the turning circle.

24. There is no planning-related obligation on the owners of Belvedere to provide a turning facility capable of being used by large emergency vehicles. Moreover there would be nothing under planning legislation to prevent the current or future owners of Belvedere erecting bollards or a wall along the edges of the turning circle, or placing heavy rocks there as happened in the past, so as to define its 8 foot width in a way which would make it even more difficult for drivers and impossible for larger vehicles to use it.
25. I now turn to other matters. A key part of the appellants' case is that the pillars cause, or could potentially cause, traffic congestion and safety hazards. The applicants and the planning authority disagree, and say that the hard-surfaced area now available for turning vehicles next to Belvedere (the area edged blue on Drawing 001A) is more suitable than the turning circle and easier for drivers.
26. Setting aside for the moment the matter of future availability of the blue-edged area (referred to as a "reversing area" in some of the documents), this area is clearly in my judgment more suitable as a turning space for vehicles than the turning circle within Belvedere's plot. Drivers turning their vehicles using the blue-edged area have to cope with the slope of Longfield Avenue at this point, but it is not severe and for most drivers of most vehicles this area would clearly be preferable to the turning circle.
27. A particular vehicle mentioned in evidence is the DAF "bin lorry" used by St Brelade Parish. In their main written statement submitted before the hearing, the appellants refer to the possibility of delivery vehicles, visitors or a tractor arriving together, and to the turning circle "providing relief to prevent jamming". The statement continues:

"We are concerned that should this happen when a refuse truck is there, the parish has advised us that they will cease using the road as there is no other place to turn, and residents will have to take their bins to the top of Longfield Avenue where it joins with Route des Genets, making this undesirable, especially for older residents."
28. This statement appears to be contradicted by other evidence, notably a letter from the Parish Connétable. This states that having spoken with the parish's refuse contractor and having consulted parish records, no concerns have been raised regarding access to Longfield Avenue and that the refuse lorry currently turns on what Mr Pallett calls "the private property". Although the reference to

⁵ This was requested by the appellants (in the appendix on page 9 of their appeal statement).

⁶ In their main appeal statement, the appellants refer six times to the need for a 90 degree turn (on pages 1,2 3, 4, 6 and 7). In a later statement (dated 4 August 2017) the appellants describe the exit through the pillars as "not 90 degrees".

"the private property" is ambiguous, it is reasonably clear from the context that Mr Pallett means the concrete-surfaced area in front of Belvedere.

29. When questioned at the hearing, Mr Hunt told me that the comment by the parish mentioned in his written statement had been made to Mr Hackett, occupier of Brooklands Farm. This admission weakens the appellants' case for two reasons. First, second-hand evidence carries less weight than first-hand evidence, especially as I could not verify by oral questioning exactly what was said to Mr Hackett. Secondly, the inaccuracy of the appellants' statement - referring to "us" instead of Mr Hackett - casts doubt on the accuracy of the appellants' other evidence.
30. From what I have seen and read, I judge that the appellants' references to "congestion" and "jamming" are overstated. For example, the appellants say that congestion causes a "constant worry and stress", and there are photographs of vehicles parked in the blue-edged area; but this evidently happened when building work was being carried out at Belvedere, and vehicles parked at the time appear to have blocked access to the turning circle just as much as to the blue-edged area. The layout of the access to Belvedere is such that it would be in any owner's interests to keep this area next to the road free of obstruction, because it is needed when reversing a car out of the driveway. Moreover any obstruction to visibility of vehicles emerging from Brooklands Farm is likely to be caused more by the wall and hedge next to the eastern pillar rather than the pillar itself. Taking these factors into account, I consider that any public safety hazards caused by this pillar are nowhere near as significant as claimed by the appellants.
31. The appellants contend that when the driveway to Belvedere and the disputed pillars were constructed, an awkwardly steep slope was formed. From what I saw on the site, it seems probable that some levelling may have been carried out to make the driveway flat across its width, instead of following the natural topography. If so, a slightly steeper slope may have been created near the point where the turning circle meets the driveway. Even so, the change would not have been extensive, as is evidenced by a survey plan submitted for the applicants showing spot heights.⁷ It seems that the appellants may have been misled by the cross-section shown in an architect's elevation drawing⁸ (which is easily misinterpreted because it does not seem to allow for the curvature of the turning circle). Be that as it may, I do not see any good reason to refuse planning permission for the pillars on grounds relating to the slope of the land within the turning circle.
32. Relations between the appellants and the applicants are obviously not good. The appellants state they have felt bullied by Mr and Mrs Gleeson and that other neighbours and guests have attempted to use the circle but have been deterred. The appellants also say that their objections to the development "are being encouraged by various neighbours". The applicants have accused Mr and Mrs Hunt of pursuing an aggressive vendetta without any support from other residents in Longfield Avenue, and say that other covenant holders "seem quite happy to continue using the reversing area".
33. In view of the disputed evidence, I considered holding a public inquiry into this appeal so that I could put witnesses on oath to test their evidence with more legal sanction than is possible at a hearing, but I decided that such a procedure would be disproportionate. As it is, I have no evidence - such as letters from

⁷ Drawing numbered 001 titled: "Original Site Plan Plus New Pillars".

⁸ Item numbered 4 in the appendices to the appellants' main statement.

other nearby residents - to support either side's claims about the views of neighbours, so I am left to make a judgment based on my assessment of the available evidence.⁹ Bearing in mind that the appellants are seeking to overturn a planning decision and are clearly capable of organising written material, I would have thought that if there were significant support for their statements about the views of local residents, some form of supporting evidence would have been submitted. I also take into account that I have found other parts of the appellants' evidence to be exaggerated. On this matter, I find the applicants' evidence more believable.

34. The appellants are not the only ones with a flawed case. The applicants describe the turning circle as "unobstructed". There is photographic evidence that a statue was placed in a position which would have partly obstructed the turning circle, though the statue was evidently later moved. Furthermore, as I pointed out at the hearing, the diagram submitted for the applicants showing a DAF 45 bin lorry making a three-point turn using the blue-edged area is misleadingly incorrect. The red lines purporting to show the space needed to turn the vehicle (its "swept path") would only be accurate in the very unlikely event that the lorry has steerable rear wheels. The swept path of the vehicle when reversing with normal steerable front wheels would in reality cover a wider, differently-shaped area than that shown with red lines in the diagram.
35. In response to a question on this point Mr Pallot, an architect who advised the applicants, said that he had obtained the diagram from an architect's handbook. If so, and assuming he copied the diagram correctly, I hope he has by now contacted the publisher to pass on my criticism, since if the diagram remains uncorrected numerous architects could be misled.
36. Despite that flaw, I am satisfied from my inspection and from the evidence that in practice the bin lorry drivers do not have any significant difficulty in turning their vehicle using the blue-edged area. Allowing for its length and width, it would be impossible to turn a DAF 45 lorry within the turning circle with its 8 feet width, irrespective of the presence of the disputed pillars. It would be equally impossible for any emergency vehicle measuring 8 feet wide and 22 feet long (as mentioned on page 4 of the appellants' statement) to be navigated around a turning circle only 8 feet wide.
37. There is disputed evidence about the frequency of use of the turning circle and about its underlying structural condition in the area where the land drops away towards the west and there are drainage pipes under the surface. Given the confined dimensions of the turning circle, which would have been even more restricted when large rocks were placed at the sides during a previous ownership instead of the low kerbs now installed, I find it difficult to believe that its use in recent years has been anything more than occasional.
38. The appellants have objected not only to the pillars but also to the formation of the hard-surfaced driveway. The driveway was not covered by the planning permission for the pillars and is not subject to this appeal. In any case, as was confirmed by the Department's representative at the hearing, the driveway development would have been permitted by the GDO. The appellants also say that "high hedging adds to obstructing the view to vehicles emerging from Brooklands Farm". This has no bearing on the appeal since planning permission is not required for the hedging and it is not the subject of the appeal.

⁹ In their response statement dated 4 August 2017 the appellants mention "a previous letter of objection by co-neighbours" - but no copy of any such letter has been submitted in evidence.

39. The decision on this case has to be taken in the light of applicable planning policies. The most relevant ones appear to be Policies GD1 and GD7 of the Island Plan, covering matters such as the impact of development on neighbouring uses, and design quality. Policies H6 and BE6 are also mentioned by the Department, but these are of only limited relevance as they refer to alterations and extensions to existing buildings.
40. Policies GD1 and GD7 set out various criteria. These concern, among other things: the amenities of neighbouring uses; personal safety; traffic generation and parking; satisfactory access and manoeuvring space; and safe and convenient access meeting the needs of those with mobility difficulties. Policy GD7 refers to the need for safe pedestrian routes, including for those with mobility impairments, vehicle access and parking.
41. I have found that the pillars have not made the use of the turning circle any more difficult or hazardous than it already was. Nor for the same reason have the pillars created a loss of amenity in the way claimed by the appellants. Taking this into account I do not consider that the development conflicts with the policies mentioned above. People with mobility problems might well have difficulty negotiating the turning circle as a vehicle driver, but again, any such difficulty would be caused just as much by the layout and narrow width of the turning circle and the closeness of the house as by the presence of the disputed pillars.

Conclusions

42. The decision on whether planning permission should be granted has to be based on public interest planning considerations. These legitimately include issues such as appearance, traffic or pedestrian safety, residential amenity, and related planning policies. There is nothing objectionable about the appearance or visual impact of the pillars. The pillars may deter people from using a covenanted right of way, but for the reasons explained above their deterrent effect is no greater than results from the restricted geometry of the rest of the turning circle, and they do not cause any additional traffic or pedestrian hazards or loss of amenity of relevance to the public interest.
43. I conclude that there are no good reasons to overturn the grant of planning permission.

Possible Conditions

44. None of the parties to this appeal covered the matter of possible conditions in their written material submitted before the hearing. During the proceedings I made some suggestions about possible conditions, invited comments, and adjourned for a short time to allow those present to consider their responses.
45. The cases for the applicants and the planning authority both rely partly on the argument that the blue-edged "reversing area" is easier to use and more suitable as a turning space for vehicles than the historical turning circle. I agree with that view - but as I pointed out at the hearing, a future owner of Belvedere (or the present owners if their intentions were to change) could dig up the concrete and fence off the area, or obstruct it by other means to prevent vehicles being driven on to it. With that in mind I invited comments on two alternative conditions which might conceivably be imposed with a varied permission.
46. Conditions on retrospective planning permissions can be difficult to frame so as to be enforceable, because the normal "trigger" clause preventing any development being started until some scheme has been approved, and if necessary implemented, cannot be used. The two alternatives I put to the hearing are

reproduced in the appendix to this report, in case you wish to consider using them.

47. In order to be validly imposed, planning conditions have to pass certain tests - among other things they have to be necessary, reasonable and enforceable. Having considered the responses made at the hearing I have come to the view that it is not feasible to impose a condition which would meet all those tests. The blue-edged land is evidently in the same ownership as Belvedere, and I think a requirement that this area be kept clear for use by turning vehicles would be enforceable. Condition B in the appendix would be simpler to implement than Condition A. However, I have some doubt whether such a requirement would pass the other tests, even though the long-term guaranteed availability of this area would certainly be a beneficial "planning gain".
48. A consideration here is that Belvedere appears to have good parking space provision without any need for occupiers or visitors to park cars on the blue-edged area (where they could also be at risk of damage by other drivers reversing nearby). A separate parking area has been recently formed in the southern part of Belvedere's plot and there is a garage further to the north with a separate access near Brooklands Farm. The prospect of an owner of Belvedere digging up or fencing off the concreted blue-edged area also appears inherently unlikely since it would make vehicle access to and from their own driveway awkwardly difficult.
49. At the hearing the applicants indicated that they intended at some stage to have the concrete area surfaced with tarmac to match the adjacent roadway surface and that a condition requiring this area to be kept available for turning vehicles would be acceptable provided that it also specified that traffic on the turning circle should cease. In my view this latter requirement could not be validly achieved by means of a planning condition, which would not extinguish or override any deed of covenant. Without it, there would be some unreasonableness in requiring the owners of Belvedere to in effect dedicate part of their land for general use as a turning area whilst still retaining the old, historic turning circle.
50. A further factor is that the applicants (or future owners, if ownership of the property were to change in the near future) could avoid any planning condition they regarded as unacceptable by using the "fall-back" position I have previously mentioned - that is to say, by attaching gates to the pillars or rebuilding them with gates, to create a means of enclosure permitted by the GDO.
51. On balance, therefore, I consider that it would not be appropriate to impose a condition or conditions along the lines explored at the hearing, and I have not been able to devise any better condition.
52. This is a case where a suitable mediated solution is obvious, if common sense were applied; but as an inspector appointed to assess a planning appeal I do not have powers to act as a mediator.

Recommendation

53. I recommend that the appeal be dismissed.

G F Self

Inspector
21 October 2017.

Appearances at the Hearing

Mr Steven Hunt and Mrs Gill Hunt	Appellants
Mr Michael and Mrs Maria Gleeson	Applicants
Mr Ian Pallot	Architect, adviser to the applicants.
Mr Andrew Townsend	Department of the Environment.

Appendix - Possible Alternative Conditions

(Read out by Inspector at the hearing for the purposes of inviting comments.)

- A. Within 3 months of the date of this decision, details shall be submitted to the planning authority for its approval of arrangements to ensure that the area edged blue on Drawing 001 Rev A shall be made permanently available as a turning space for vehicles using Longfield Avenue. In the event that no scheme meeting the planning authority's approval is submitted within that time period, this permission shall lapse and the pillars subject to this permission shall be removed within a further period of one month.

- B. The area edged blue on Drawing 001 Rev A shall be kept permanently free of obstruction and available for unhindered access from Longfield Avenue so that it can be used as a turning area by drivers of vehicles using Longfield Avenue.