

# The NPPF: Recent Appeal Decisions Relating to Highway Matters

Presented by  
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# The Severe Test

The focus of attention –

paragraph 32 of the NPPF: ***“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”***

Question -

What does it mean?

# Preston Last Year

- Limited number of decisions on highways
- Whittingham Road Preston – last year
  - Chronic shortage of housing land
  - Junction over capacity and “unsafe”
  - Development would make it “significantly worse”
- “Residual cumulative highway problems would be extreme”.

# Preston This Year

- Lightfoot Lane, Preston (App/N2345/A/13/2193377)
  - City Deal – provides funding certainty to bring forward substantial infrastructure
  - The infrastructure would be in place before congestion from this development became a problem
  - Conclusion: “with these works in place the scheme would be unlikely to result in any significant worsening of congestion ... the appeal scheme would not result in any significant compromising of highway safety”
- Forest Grove Barton Preston (App/N2345/A/132192362)
  - Certainty re delivery of by-pass
  - Works referred to in Whittingham Road already carried out on in process of being carried out
  - No reference to severe test – would not compromise road safety or the efficient and convenient movement of highway users.

# Road Safety and Severity

- Organ and Dragon Epsom – (APP/P3610/A/12/2189902)
- Pub to KFC
- Concern – busy rd; queuing would prevent right turn in and right turn out
- No objection from Highway authority/refusal against officer recommendation
- Inspector – insufficient gaps; driver frustration; inappropriate pulling out; blocking carriageway = impact on efficiency and safety
- “seriously adverse impact on safety and efficiency” = Severe impact re NPPF

# Existing Policies and Consistency with NPPF

- Para.215 – due weight according to consistency with Framework
- No real analysis of highway policies
- Policies which demand no significant impact or nil detriment or improvement in safety – unlikely to survive
- Policies which ask for no ‘unacceptable impact on road safety/efficiency’?

# Telford and Wrekin v SoSCLG [2012] EWHC 1638 (Admin)

- CIL contribution agreed and offered on basis of X number of proposals coming forward requiring Y scheme
- Inspector – no way of knowing whether amount reasonable because no guarantee X would come forward and therefore no guarantee that Y would be required
- Agreed that there would be off site impact
- CIL contribution rejected by inspector but PP granted
- High Court upheld this – matter for inspector to decide whether CIL compliant
- CA Permission granted –
  - Will there be an adverse impact without any contribution?
  - Is the adverse impact severe?
  - If so, are the impacts outweighed by other considerations?
  - Procedural fairness

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