



VEHICLE CROSS OVER (VCO) Application Criteria

WSCC Highways, Transport & Planning

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Foreword

You are most likely reading this document as you would like a Vehicle Cross Over to access your private property from the public highway. This document sets out what we require from you to ensure that if we approve your access, it is safe for highway users both now, and in the future.

As the Highway Authority, West Sussex County Council has to find a balance between allowing residents reasonable and safe vehicular access to their property whilst considering the needs of the wider communities, which includes retaining on street parking for future generations of motorists and also ensuring the highway remains reasonably safe.

Residents should remember that in the vast majority of cases the road outside their property is public highway and as such, unless there are parking restrictions or a vehicle access, any member of the public can utilise the space. Residents should also be aware that any license granted is for an insured and assured contractor to undertake work on the public highway, to create an access for the property. The application process considers the likely needs of future property owners, which may well be different from those of the applicant.

This guidance has been reviewed against other authorities' guidance and has been produced to ensure there is a clear understanding for all parties in advance of making an application. The criteria set out below is broadly similar to neighbouring authorities, who also apply criteria to these applications.

This guidance is subject to change and is regularly reviewed to ensure that it remains fit for purpose and aligns with any legislative changes that may occur between reviews.

Vehicle Cross Over: Application Criteria

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1. Introduction

A Vehicle Cross Over (VCO), often referred to as a dropped kerb, provides the legal means to access your property using a car / domestic vehicle from the public highway. Householders must gain permission by means of a license from West Sussex County Council for a VCO.

The license allows a competent, insured and qualified contractor to construct a vehicle crossover but does not give the requestor any ownership rights over the pavement. The County Council are still responsible for the pavement and will continue to make all decisions about its maintenance.

Applications are assessed against the criteria in this document. Other factors may also be considered when the decision is made and include the road aesthetics, local amenity, parking and the intended purpose of the requested location.

The application process is broken into two separate sections:

1. Initial application (Non-refundable fee)

The initial application has a fee in accordance with WSCC fees and charges and includes the administration associated with processing an application, and a site visit to confirm if the application is in accordance with this guide. Regardless of success, this fee will be charged and will not be refunded. It is recommended that residents fully review the guidance below and ensure they are satisfied that their circumstances comply with the criteria set out in it.

2. Issuing a License on successful application

The second part of the process is a fee in accordance with the current WSCC fees and charges. This fee will be charged if an application is deemed to be suitable for licensing. This includes for the administration, issuing the license & specification document and subsequent engagement, site visits and auditing of any works undertaken on the highway.

Further details on this can be found in Section 20 of this document.

2. Checklist

We do approve the majority of applications, however, to ensure your expectations are managed with regards to the likelihood of success, we have a brief checklist to help you consider your chances of having a successful application. Please ensure you read this document so that you fully understand our requirements.

- Do you meet the 'Safety criteria' and 'Space criteria' in this document against the amount of space at your property of 4.8m (or 6.0m if there is a door / access)?

If no, your application will be **refused**. **DO NOT APPLY**

- Have you checked the minimum length for a VCO outside of your property, which is 4.5m of available kerb line?

If no, your application will be **refused**. **DO NOT APPLY**

- Is there a tree near to the proposed crossover? Refer to S.14 for further information?

If yes, your application is likely to be **refused**.

- Is the proposed crossover closer than 1 metre to any item of street furniture such as a lamp column or road sign?

If yes, your application is likely to be **refused** or the costs of relocating the items may be high. The applicant will be responsible for any relocation.

- Are there any formally designated on-street parking spaces in your request?

If yes, your application may be **refused**. See section 8.

- If you are applying to widen an existing VCO, do you want to widen to more than 4.5m (note, an absolute maximum 6.4m)?

If yes, your application is likely to be **refused** unless significant justification is given.

- Are you a leaseholder or tenant?

If yes, you must **get written permission** from the freeholder before you apply.

- A, B or C road? You will require **planning permission**. You must demonstrate that you have appropriate permission from the local planning authority.

- D road? You *may* require planning permission. **Written proof** from your District or Borough Council will be needed to show if planning permission is or isn't required.

Local historic VCOs will not be considered in your application and will also not be considered justification in any appeal.

3. Vehicle Crossing Guidance and Self-Assessment

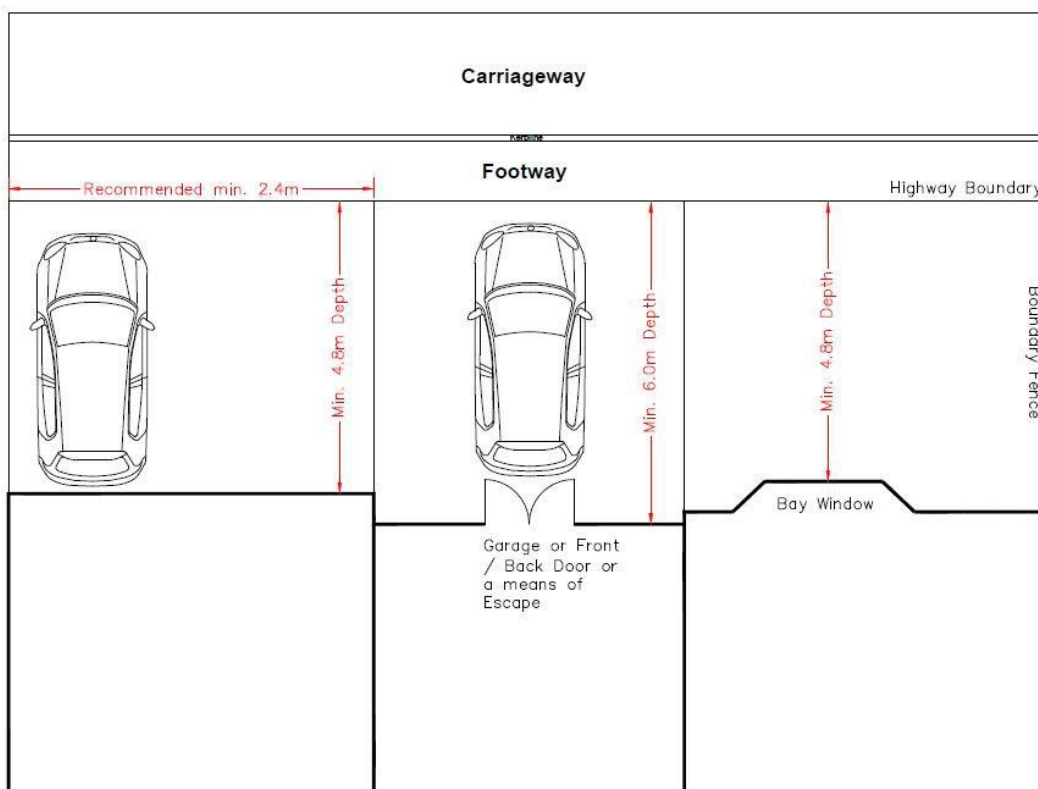
Before submitting your application, you are advised to check your proposal against the following criteria:

Is there enough space in your garden to accommodate a parked car?

In order to ensure that the full width of the pavement is available for pedestrians and that there is no risk of other vehicles coming into conflict with your parked car, no part of a vehicle parked within your property should overhang or be positioned on the highway. An application will not be permitted where multiple small manoeuvres on the footway are necessary to access your hardstanding. Parallel spaces that do not meet the minimum dimensions set out in this document will not be permitted

The vehicle access crossing the highway should not be used as an additional parking space and is for crossing into a private driveway only. The information below sets out the minimum allowable criteria for the private driveway area. This takes account of the probability of homeowners having different sized vehicles over time and removes the risk of future vehicles overhanging the pavement.

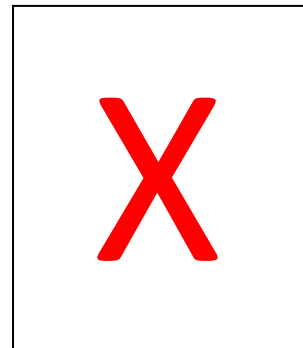
- at least 4.8m long between the back of the pavement or property boundary (the face of any wall, fence or hedge for example) and the front of your building and 2.4m minimum width.
- Or at least 6.0m long where the parking area is in front of a garage or door where adequate means of escape / access needs to be provided, like a front/back door, escape window etc.



Crossovers have been permitted in the past which are less than our current minimum of 4.8m. Unfortunately, in some instances this has led to potential safety issues with cars overhanging pavements and vehicles undertaking several manoeuvres across a pavement to access a hardstanding. To ensure this does not occur again we no longer permit any VCOs with less than 4.8m hardstanding depth.

Most other authorities adopt a similar guideline.

Vehicles must park on private land and not overhang the footway (see below)



4. Planning Permission

The WSCC VCO process is separate to Planning Permission and residents must have both forms of permission as appropriate. WSCC appreciates that you may have been granted planning permission by a local planning authority. This permission authorises you to undertake work on your own property. In addition to planning permission, applicants must demonstrate that their application meets the criteria set out in this document. Where this is not the case, the application will be rejected. As this guidance does not form part of planning policy or legislation, it cannot be considered by WSCC planners at the planning stage. However, WSCCs likely position on the request for an access may or may not be advised in the “informative” of the planning approval.

5. Separate entrance and exit or a Second access

In order to maintain as much on-street parking as possible, a second access in urban and suburban areas (this includes access from an adjacent road at the side or back of the property) is highly likely to be refused unless significant safety or community benefit can be identified. In rural areas, a request will be assessed on its own merits with consideration given to existing and future on-street parking pressures. If you would like to request an extension to an existing crossing (maximum of 6.4m in total), or to move a crossing to an alternative location, you will need to follow the process from the start.

6. Garages

Your current garage may not be large enough for your car. WSCC appreciates cars have tended to increase in size, however it is a resident's choice on what car they have and WSCC takes no responsibility if your car is too big to fit in your garage. If you have an existing access to a garage or hardstanding adjoining your property, that accesses directly onto the public highway, WSCC will not permit a second access.

Garages in complexes situated away from your property are not considered as part of this process and should not affect your application.

Garages or a hard standing, that do not have direct access to the public highway (e.g Privately maintained access roads), are not considered as part of this process and should not effect your application.

7. Laybys

WSCC do not permit the construction of vehicle accesses in parking laybys. This is to ensure that existing designated residents and visitor parking is maintained for all on a first come, first serve basis. An exception to this may be when there are already parking restrictions in a layby that would prevent parking from taking place. It may also be possible to have an access over the taper of the layby, however, no part of the dropped kerb must be in the full width of the layby. In these cases, please make contact so that you can discuss individual circumstances with the Highway Team.

We no longer allow VCOs in laybys that have been constructed to take vehicles off the live carriageway (see below)



We do allow VCOs through the tapers of Laybys (see below)



8. Controlled Parking Bays / Controlled Parking Zones (CPZ) / Residents Parking Scheme (RPS)

Parking bays, which are usually delineated with a white bay marking and an associated time plate, have been placed due to the need to control local parking in response to high demand. The demand may be from commuter parking or local amenities such as shops or leisure facilities. When receiving a request where there is an existing parking bay, officers will consider current and future demand in the area and may engage with local stakeholders before making a decision, which will be on a case-by-case basis. Please note, you are highly likely to be refused.

There are Traffic Regulation Orders (legal order to allow parking enforcement) associated with these bays, and amending the bays is expensive and time consuming. Where it is appropriate to do so, WSCC will amend bays within CPZs and RPSs at no cost to the applicant, however this could take several years.

9. Grass and other amenity areas

There are many grassed expanses in local housing areas within the county that have been designed to enhance the local amenity of the area. WSCC may consider any grassed area an amenity area, however we are more likely to consider the length of verge / grass from the kerb to the private residence of 3.0m of grassed area to be an amenity area.

Requests to cross and/or sever large expanses of grass amenity areas will most likely be refused. This is due to the negative impact on the street scene, the impact on highway drainage and the potential to introduce an unsafe environment for children that may use the area for recreation. Further to this there have been many instances where residents use this space as additional private parking areas that can affect the visibility and hence safety of other road users.

Vehicles should not be parked on the cross over (see below).



WSCC will no longer support significant intrusion into amenity areas (see below).



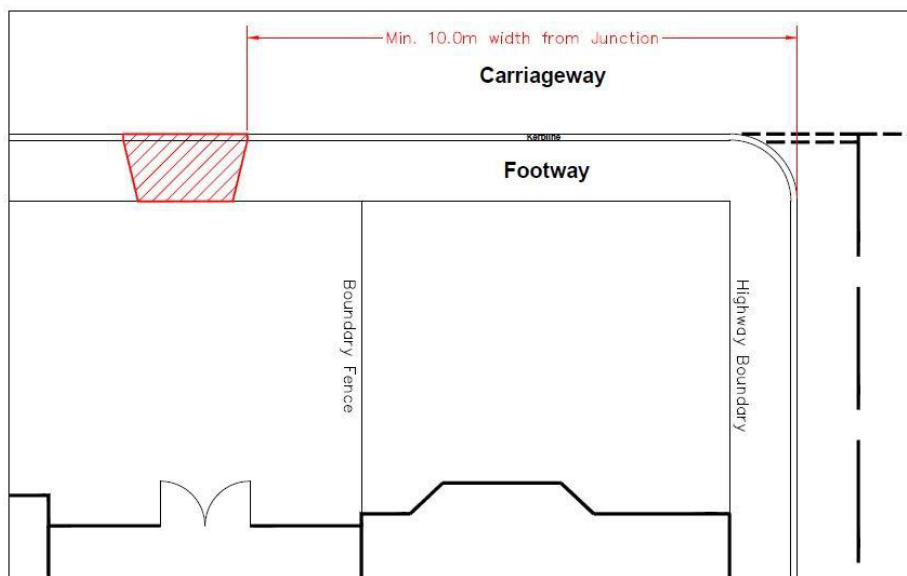
If there is any complication or doubt due to amenity features (such as steps or hedges) or challenging levels, the County Council retains the right to refuse or request further information.

10. Distance from road junctions

If the location of the proposed crossing is closer than 10m to a busy road junction it may create a significant hazard and the application will most likely be refused. This dimension may be increased to 15m on major roads or near very busy junctions.

If the property is situated directly on the junction of two roads, it will generally be safer to situate the access on the minor, side road. Accordingly, you may be asked to amend your proposals to comply with this requirement.

This requirement may be relaxed in very quiet roads and/or along the opposite kerb from the junction as visibility will not be impaired. This decision lies with WSCC and any decision on appeal is final.

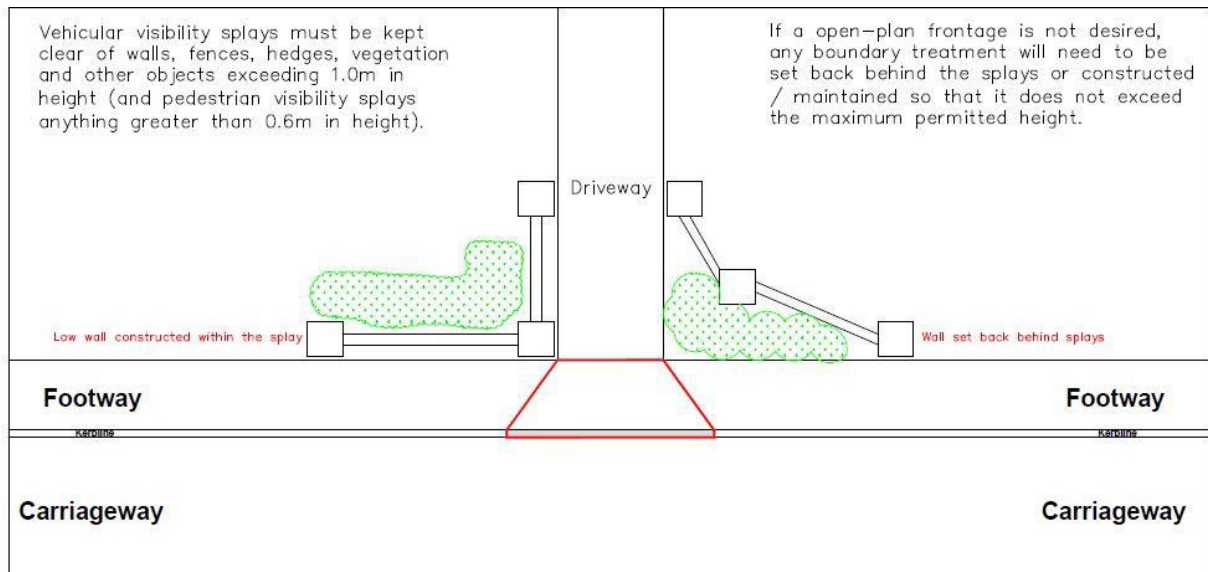


11. Visibility requirements

Will you be able to see pedestrians and vehicles clearly enough to drive out of the driveway without causing danger to yourself or other road users?

Adequate visibility enables road users to see a potential hazard in time to slow down or stop comfortably before reaching it.

West Sussex County Council considers each request on its own merits, but the minimum pedestrian visibility below must be achievable.



12. Shared access and permitted widths

Occupiers of two adjacent properties that share a driveway may wish to build a double width crossing to serve the two sites. To maintain on street parking, the maximum allowable width of any one access is 4.5m per property from the centreline of the shared access.

Hence, a single VCO for two adjacent properties with a shared access should not be more than 9.0m in total.

13. Drainage

The parking area within your property must be built so that water does not drain from it across the highway. Suitable drainage must be provided within the boundaries of your property. If your VCO involves crossing or is within 10 metres of a ditch or a watercourse, you will need to consult with the local District or Borough Council. Please also note that if you are proposing to construct a hard standing in excess of 5 square metres, you should again liaise with the local planning authority as this may require planning permission.

Additional information and guidance can be found at the links below:

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>

<https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance>

14. Lamp columns and street furniture

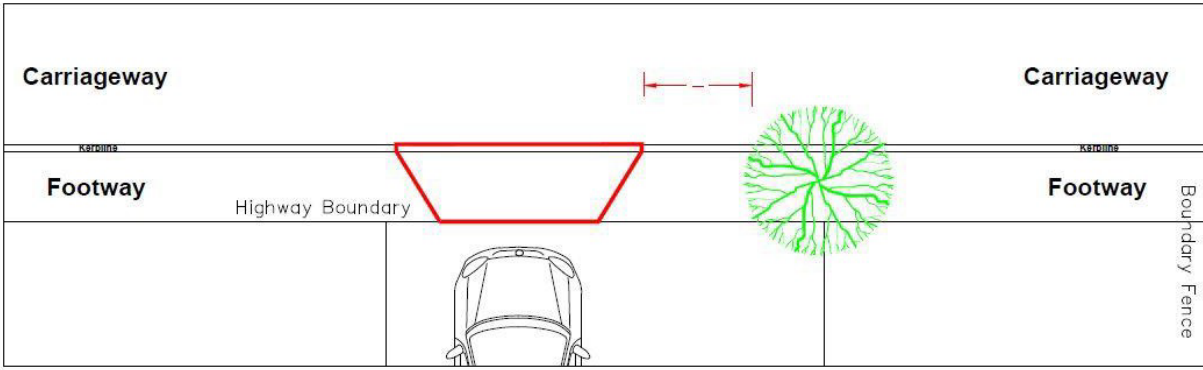
All street furniture, lamp columns and utility plant need to be situated at least 1m from the top of the ramped kerb of the proposed crossover. Any street furniture, lamp columns and utility plant within 1m must be relocated at the expense of the applicant or written confirmation in advance of the application from the utility owner must be provided to confirm that they have no issue with the distance you are proposing. It is the responsibility of the applicant to liaise with the necessary parties to organise the moving of any utility plant or other street furniture. Consideration will also be given to footway inspection covers, that may require alteration. Contact with utility company should be made prior to an application to determine suitability.

15. Trees and Root Protection

Applications requiring the removal of a healthy, well establish highway tree are likely to be refused.

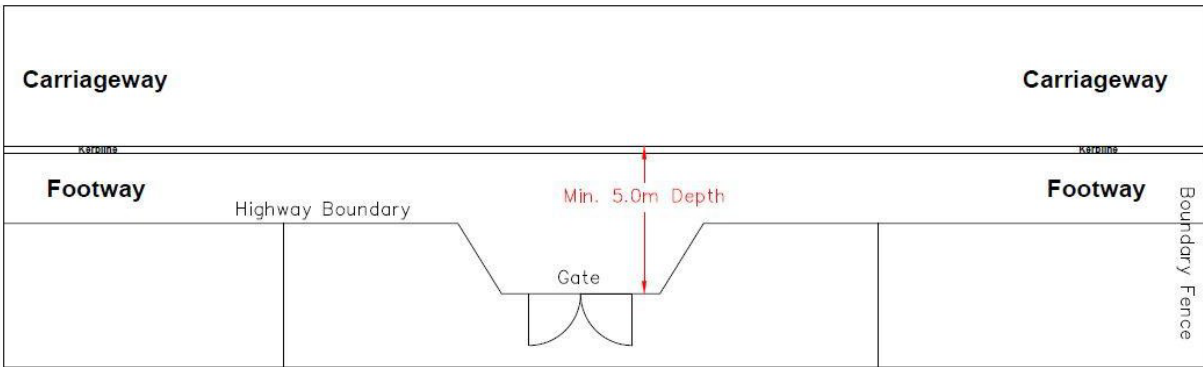
To avoid damage to the tree roots or rooting environment, a minimum Root Protection Area (RPA) needs to be left undisturbed around each tree. This figure can be calculated by multiplying the trunk diameter by 12, and then measuring from the trunk across the proposed driveway construction. Where this is not possible, an officer will need to assess the site before approval can be given.

Any request with an RPA of 8 times the diameter will be refused. Any request between 8 and 12 times the diameter will be referred to the County Arboriculturist, whose decision shall be final.



16. Gates

If gates are to be fitted across the vehicle entrance to your property, they must not open outwards across the highway. Additionally, on busy roads they must be set back at least 5m from the edge of the carriageway to allow the driver to park clear of the highway whilst opening the gates. Remember, sufficient space must exist within the site for the gates to close.



17. Are you the property owner or do you have their consent?

If you are not the freehold owner of the property, you will need to obtain the permission of the owner for the construction to be undertaken before West Sussex County Council will consider your application, evidence of which may be requested.

If the owner of the property is a West Sussex District or Borough Council you will need to obtain permission from the relevant Housing Officer for the construction to be undertaken before West Sussex County Council will consider your application, evidence of which may be requested.

18. Electric Vehicles

WSSCC does have an EV Strategy. Currently VCO applications are reviewed only in accordance with this VCO guidance. WSSCC do not make any exceptions to

this guidance for electric vehicles or any other modified vehicle, as much of the criteria within this document relates to highway safety and maintaining on street parking for all users.

https://www.westsussex.gov.uk/media/13766/electric_vehicle_strategy.pdf

19. Refusal

Most applications are successful; however, if your proposed crossing puts other road users at risk or seriously interferes with the free flow of traffic on a busy road, it may be turned down. Notwithstanding the guidelines above, in certain circumstances it will be necessary for the Council, as Highway Authority, to refuse to allow the construction of a footway crossing to your premises. In these circumstances you will be informed in writing of the reason why permission has been refused.

Reasons for refusal may include:

- Planning grounds
- Land ownership objections
- Local parking implications (laybys and double accesses)
- Safety implications such as poor sight lines at the proposed access point, the proposed access is in close proximity to a road hump, road safety feature etc.

The Council's decision as to whether the application will be approved or refused is final. The Council's appeal process is outlined at Section 22 of this document. An appeal is unlikely to be allowed due to parking conditions in your area or where you feel that an access that has already been built in your road or elsewhere does not comply with the current criteria for approval and should not have been approved. The presence of other historic substandard accesses cannot be accepted as mitigation.

20. Costs

A non-refundable fee will apply before a new application will be considered. It is therefore imperative that applicants have read and understood the guidance within this document.

If approved, a further fee will be charged to your chosen contractor as part of the licensing process.

The cost of having the access constructed can vary between £1,000 to over £4,000 depending on the size of the access, the material used and the type of surface the access is crossing. For instance, an access across a verge may be more expensive than an access across a footway.

The licence fee costs are charged for each dwelling for which the VCO provides access. So, if the access is to cross the footway for 5 properties, 5 x non-refundable assessment fee, and on successful assessment 5 x licence fee will be payable.

The costs of relocating streetlights and street furniture could be significantly over £2,000.

21. Your responsibility

The applicant will be solely responsible for all planning permissions that may be required. Consultation with the Local Planning Authority must be made before any works commence. There are a number of scenarios whereby planning permission may be required as follows:-

- Access is onto the classified road network (Any road starting with the letter A, B or C, such as the A259 or B2145 etc.
- The access is for anything other than a single dwelling (i.e. flats or commercial development)
- Where no buildings are present on the land (i.e. a field).
- Conservation areas.
- The property is listed (may not be required but would always advise the applicant to check).
- Your private hardstanding is in excess of 5sqm and impermeable.

The granting of a licence to install a VCO does not in any way change the ownership status of the highway. It remains part of the highway for the entirety, although a maintenance guarantee of 2 years is applied to the original contractor. Any defects identified in this period will be the responsibility of the contractor to repair. Once the 2-year period has expired, the responsibility for maintenance of the VCO will revert back to WSCC.

We request that the applicant provides evidence that they have consulted with any neighbours that may be affected by the relocation of street furniture nearer to their property

The applicant will be solely responsible for ensuring that there are no restrictive covenants preventing access over land between the boundary of the property and the carriageway edge.

By submitting an application, the applicant agrees that they have read the guidance document and agrees to pay a non-refundable fee as set out above. This fee is not recoverable should non-compliance with the guidance come to light when an officer is assessing the application. The site specification issued has a time limit of 6 months for your chosen contractor to apply for a licence. Once a licence is issued, this also has a time limit of 6 months for the works to be undertaken. It is the responsibility of the applicant to ensure that the works are carried out within this timescales set out above. If the licence laps, there will be additional costs for reassessment.

22. Appeals / Final Resolution

If you remain unhappy with the initial refusal and a second refusal on appeal, cases are ultimately referred to the Local Government and Social Care Ombudsman (LGSCO) who will review how the applicant has been considered. The Ombudsman reviews the information you provide and the decision we have made on this in accordance with our guidance. The Ombudsman does not review our guidance, which you may still disagree with.

Whilst we do recognise the value for the public to be able to refer these for a final decision, we think it is valuable to be honest and realistic with regards to the likely outcome.

The Council does appreciate your time is important to you, and appeals are time consuming for all parties including officers. The application of the VCO guidance is regularly tested, and our decision is rarely overturned or challenged by the LGO. If you are considering objecting to WSCCs decision to refuse your application we would recommend you visit the LGO website to understand the appeals process and your likelihood of a successful appeal.

How does the procedure work?

You can appeal using our online form at westsussex.gov.uk/complaints giving the reasons why you would like to appeal. If you are unable to go online, then you can:

- write to Customer Relations Team, County Hall, Chichester, PO19 1RQ
- call on 01243 777100 (ask for the Customer Relations Team)
- use Text Relay via 18001 01243 777100

There are two stages to the WSCC appeal procedure:

At Stage 1 an appropriate officer will look at the decision that has been made and whether it is in line with the council's procedures. If it has not been dealt with according to the procedures, then the decision will be reviewed.

If the original decision was in line with the procedures, then it will automatically move to Stage 2 and a more senior manager will look at the decision and consider whether there is any reason why the council should change the decision even though it is correct according to the procedure. If there are no reasons to change the decision, the applicant will be notified accordingly.

How long should it take?

All stages of the appeal should be completed within 20 working days. If we are unable to do so, then we will let you know the new timescale.

What if I am still not happy?

If you remain dissatisfied when the appeal is completed, then you have the right to ask the Local Government and Social Care Ombudsman (LGSCO) to look at how the council has dealt with your request.

When reviewing cases, the Ombudsman will review what is in the current guidance, what has been requested, and if guidance was applied reasonably to the application. The Ombudsman does not consider any factors outside of the this.

23. About this guidance

Author: Mike Thomas - Area Highway Manager
Owner: Michele Hulme – Head of Highways Operations

24. Version Control

This is the first dated and version controlled VCO Document. The previous document was issued in 2018.