

Appeal Decision

Site visit made on 2 November 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 November 2016

Appeal Ref: APP/V2635/W/16/3152066

Land adjoining 1 Ella Place, Green Lane, Tottenhill, King's Lynn, Norfolk PE33 0RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Gordon against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 15/01376/F, dated 24 August 2015, was refused by notice dated 10 December 2015.
 - The development proposed is construction of two 2-bedroom houses (semi-detached) on part of the large garden of 1 Ella Place, Tottenhill, previously the site of a garage now demolished.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the determination of the planning application, the Council adopted the Site Allocations and Development Management Policies Plan (SADMP) in September 2016. In its appeal statement, the Council highlights that Policy DM3 is a relevant policy from this plan. The Council also highlights that specific policies from the King's Lynn and West Norfolk Core Strategy July 2011 ('the Core Strategy') are now relevant following a recent appeal decision¹ that found the Council can demonstrate a five year housing land supply (namely Policies CS01, CS02, CS06 and CS09). I have allowed the appellant the opportunity to comment on the relevance of these policies from the Core Strategy and the SADMP, and have taken these policies and the appellant's comments into account as part of my decision.
3. I am aware that a previous appeal decision exists for this site² for similar development. I have not been presented with any information on this previous proposal apart from the appeal decision itself. While I have been mindful of the previous decision, for the avoidance of doubt I have determined this appeal on its own merits based on the evidence before me.

Main Issues

4. The main issues are:

(a) Whether the proposed development would provide a suitable site for housing having regard to the accessibility of services and facilities; and

¹ APP/V2635/W/14/2221650 dated 14 July 2016

² APP/V2635/A/12/2180428 dated 31 December 2012

(b) The effect of the proposed development on highway safety.

Reasons

Accessibility to services and facilities

5. Tottenhill is a small rural settlement located in-between the A10 and A134. Policy CS02 of the Core Strategy includes Tottenhill under Smaller Villages and Hamlets in the overall settlement hierarchy. At my site visit, I noted that the settlement has few day to day services and facilities, with a public house and small cluster of shops around the crossroads with the A10 consisting of antique dealers, a furniture shop and car showrooms. There is also a village hall further into the settlement. Other services are only accessible by leaving Tottenhill and crossing the A10 or A134, which are busy main roads.
6. Existing housing is dispersed across Tottenhill with groups of buildings along Green Lane separated by large areas of green space. The appeal site is located at the edge of a small group of dwellings on the southern end of the settlement, on land to the side of 1 Ella Place that is in part overgrown and occupied by a corrugated garage and in part used as a rear garden for No 1. The appellant argues that the site constitutes previously developed land by virtue of its use as for garages. From the evidence before me, including my site visit, I have been unable to verify this claim. The extant garage appears ancillary to the adjoining dwellings and there is no evidence of previous garage structures on the site, while much of the land forms part of the private residential garden for No 1. Therefore, I do not consider that it constitutes previously developed land as defined by the National Planning Policy Framework (NPPF).
7. The limited services and facilities in the settlement means occupants of the proposed development would likely be dependent on the use of a private motor vehicle on a daily basis. Cycling to Watlington to access services and facilities including the train station would require cyclists to cross the A10 and ride along long, narrow and winding unlit roads. This does not make cycling a feasible alternative mode of transport. While two dwellings are unlikely to generate a large number of vehicle movements, such development would encourage unsustainable modes of travel with negative environmental effects. There would be some social and economic benefits from the provision of two houses in terms of supporting services, providing jobs and increasing rural housing, but this would have a limited effect on the overall vitality of the settlement given the lack of accessible day to day services and the small scale of development.
8. Policy DM3 of the SADMP permits housing in Smaller Villages and Hamlets where it represents sensitive infilling of small gaps in an otherwise continuously built up frontage where the development is appropriate to the scale and character of the buildings and surroundings and does not result in the filling of gap that provides a positive contribution to the street scene.
9. The proposed development would be appropriate in terms of scale and character to the neighbouring properties and would not detract significantly from the street scene or harm any environmental assets. However, by virtue of its location at the edge of the group of dwellings, it would not represent the sensitive infilling of a small gap within an otherwise continuously built up frontage and so would not comply with Policy DM3. The existence of a garage

on the appeal site does not alter the fact that it is at the end of a built up frontage and development would encroach beyond this frontage.

10. As noted above, the Council contends that it can now demonstrate a five year housing supply based on the recent appeal decision that supports this position. I have not been presented with any evidence that contradicts the Council's position and leads me to take a different view. Thus, paragraph 49 of the NPPF does not apply in terms of relevant policies for the supply of housing not being considered up to date. Furthermore, the presumption in favour of granting planning permission as set out in paragraph 14 of the NPPF is not engaged.
11. Concluding on this main issue, the proposed development would not provide a suitable site for housing having regard to the accessibility of services. Therefore, it would not accord with Policies CS01, CS02, CS06 and CS09 of the Core Strategy which, amongst other things, seek to promote sustainable patterns of development in rural areas and limit development in Smaller Villages and Hamlets to specific identified needs and where it can be achieved in a sustainable manner, particularly with regard to accessibility to employment, services and markets.
12. The development would also not accord with Policy DM3 of the SADMP as it would not represent sensitive infilling of a small gap within an otherwise continuously built up frontage. Finally, it would not meet the aims of paragraph 55 of the NPPF which seeks sustainable development in rural areas where it will enhance or maintain the vitality of rural communities.

Highway safety

13. Green Lane is a narrow single track road running past the appeal site from the A10 into the settlement. There are no designated passing places, pavements or street lighting, with bends and vegetation restricting views at some points. The verges either side of Green Lane have suffered some damage in terms of tyre marks presumably as vehicles try to pass. Green Lane was quiet enough at the time of my site visit to walk along, although has a speed limit of 40mph past the appeal site and into the rest of the settlement.
14. The proposed development is unlikely to generate a large numbers of vehicle, pedestrian or bicycle movements. However, the limitations of Green Lane in terms of its width, visibility and lack of lighting, pavement and passing places increases the risk to highway safety for all road users in terms of potential accidents. While vehicles may not travel at the full speed limit due to the nature of Green Lane, there is still a risk of conflict with other road users.
15. I accept that such roads are commonplace in rural areas and conventional standards and recommendations relating to road widths may not be possible. I also note the appellant's statement that a garage previously existed on the appeal site that generated traffic movements. However, none of this outweighs the harm to highway safety resulting from the proposed development.
16. Concluding on this main issue, the proposed development would unacceptably increase the harm to highway safety. Therefore, it would not accord with Policy CS11 of the Core Strategy which, amongst other things, seeks safe and convenient access for all modes of transport. It would also not meet the aims of paragraph 32 of the NPPF in terms of not ensuring safe and suitable access

to the site for all people. While the residual cumulative impacts of development would not be severe given the scale and location, this does not negate the harm I have identified.

Conclusion

17. There would be some benefits from the provision of two houses, but this is outweighed by the harm that would be caused by the housing's accessibility to services and the effect on highway safety. Considered as whole, the proposal would not be a sustainable form of development. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR