
Appeal Decision

Site visit made on 21 November 2016

by Zoe Raygen Dip URP MRTPI

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

Decision date: 6 December 2016

Appeal Ref: APP/F2605/W/16/3154802

land to rear of 'Fredena', Chapel Street, Rockland St.Peter, Rocklands, Norfolk NR17 1UJ

- 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 Bowbridge Land Limited against the decision of Breckland District Council.
 - The application Ref 3PL/2015/0384/F, dated 30 March 2015, was refused by notice dated 2 June 2016.
 - The development is described as an application for full planning permission for residential development comprising seventeen new dwellings, together with associated access, drainage infrastructure and public open space.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. During the course of the planning application the amount of houses was reduced to 11 dwellings and this was reflected in the Council's description of the development on their decision notice. It is on this basis that I will determine the appeal.

Main Issues

3. The main issues are firstly the effect of the proposals on highway safety and secondly, whether the proposal makes appropriate provision for affordable housing.

Reasons

Highway safety

4. The appeal site lies to the rear of a ribbon of housing extending to the west of the village of Rockland St Peter along Chapel Street. There is a variety of house types and styles. Access would be from Chapel Street between Littleways and Devonian and would require the demolition of an existing property Fredena. Currently, the main part of the site is laid to pasture and is mostly enclosed by native hedgerows.
 5. Rockland St Peter provides a good range of facilities and the Council have accepted that the village is a sustainable location for housing development. The Parish Council (the PC) refers me to an appeal decision
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APP/F2605/W/15/3133842 regarding a site for housing on The Street. From the extracts provided by the PC it appears that the Inspector considered that Rockland St Peter was a sustainable location. The PC point out though that the site in question is nearer to the local facilities than the appeal site in front of me now.

6. I saw that the local services were available within walking distance of the appeal site along Chapel Street and The Street. However, both streets are unlit with no dedicated footway or cycleway. While therefore there may at times be some dependence on the car to access facilities, particularly during the winter months I cannot rule out the possibility that pedestrians and cyclists would be actively using Chapel Street to access local services. I note the representations received by occupiers of surrounding properties confirm this occurs. Therefore I consider that future occupiers of the properties would have a choice of alternative sustainable transport options to reach the local services. I would concur therefore that the site is within an accessible location.
7. Chapel Street, despite having housing to both sides, retains a rural character. It has no lighting or footways, but has intermittent verges and driveways along the carriageway, which, for most of its length, is sufficient for two cars to pass. There is a 30 mile per hour speed limit along the road. However speed surveys undertaken by the appellant indicate that 85th percentile speeds on this section of Chapel Street are 25mph eastbound and 26.6mph westbound. Based on these traffic speeds, visibility splays of 2.4 metres x 33 metres would be needed to each side of the access to accord with published guidance in Manual for Streets Department of Transport and Department for Communities and Local Government 2007 (MfS). There is no disagreement on this issue.
8. The appellant has proposed a visibility splay of the required dimensions but is measured from the channel of Chapel Street and therefore is offset by about 1 metre. This is acknowledged by the appellant to step away from the general approach advocated for such splays and is objected to by the Council and Highway Authority (HA).
9. The road is narrow at the point of the entrance to the appeal site and it is likely that cars and cyclists would be travelling close to the edge of the highway, particularly if there were to be cars travelling in both directions. Furthermore, due to the lack of footway it is likely that pedestrians would also be walking close to the edge of the carriageway to avoid on-coming cars.
10. The Parish Council also point out that heavy agricultural tractors and trailers, delivery vehicles, domestic oil tankers and other large vehicles regularly use and park on Chapel Street adding to the hazard on the street. At the time of my site visit though the road was clear. I appreciate however that this was only a snap shot in time and I saw no traffic regulation order preventing parking on the road.
11. The Council submit that the visibility splay achieved from the carriageway edge, as recommended by MfS, would be 2.4m x 15m and 2.4m x 20m to the west and east respectively. This represents a compliance with the minimum guidance of only some 45% and 61%. Accordingly, visibility to the west would be severely limited. As a result, emerging vehicles are likely to be reliant on encroaching onto the carriageway to gain sufficient visibility along Chapel Street. Consequently there would be an increase in the potential for vehicle

- and pedestrian/cyclist conflict, particularly given I have found that pedestrians are likely to be using the road to access local services, including a school.
12. I observed that a tree positioned in front of Littleways to the west represents a significant obstacle to the existing level of visibility for vehicles entering the highway. Furthermore, the tree is not within the control of the appellant, and therefore any improvements to the visibility splay would be reliant on the agreement of third parties, and from the appellant's evidence there is no suggestion that such an agreement has, or is likely to be reached. Moreover while the visibility to the east is good, this is reliant on views over the open gardens of neighbouring properties. There is no guarantee therefore that the required visibility splay to the east would not be obstructed by future planting or development.
 13. The appellant considers that the proposal is likely to generate 6 vehicle movements within the morning and afternoon peak periods with 53 movements over 12 hours. These figures are based on data within the Trip Rate Computer Information System (TRICS) database using rates obtained from "Residential – Houses Privately Owned" category with rates taken from suburban, neighbourhood centre and edge of town locations. Nonetheless the proposal is in a rural village and I consider that the HA figure of 60 vehicular movements per day (based on 6 per dwelling) is therefore more likely. Even if I were to take the lower figure the proposal would still generate a significant number of movements over and above those currently occurring from the access to the field and a single dwelling
 14. The appellant points out that MfS states that shared surfaces are likely to work well where the volume of vehicles is below 100 vehicles per hour. Based on the submitted evidence this would be the case here. While the road may be a shared surface it is a through road providing access to dwellings, commercial buildings and local services. Furthermore, irrespective of the successful operation of the shared surface, it is still imperative that drivers have safe access onto the shared surface.
 15. I acknowledge that there has only been 1 reported accident within the last five years within the vicinity of the appeal site. Nevertheless, the proposal would add a significant amount of vehicle and pedestrian movements to the street in a manner which would increase the potential for conflict between the users of the highway.
 16. The appellant has also offered to install gateway features and road signage to advise users that the road is shared. However this would not weigh significantly in favour of a scheme which I have found to be harmful to highway safety.
 17. For the reasons above, on the basis of the evidence before me, and my own observations at the site visit, I conclude that the proposal would be harmful to highway safety. It would therefore be contrary to paragraph 32 of the National Planning Policy Framework (the Framework) which requires that safe and suitable access to the site can be achieved for all people.

Affordable housing

18. The proposal is for a net increase of 10 dwellings. A Court of Appeal judgement on 11 May 2016 upheld the Secretary of State's appeal on all grounds relating

to the High Court judgement in *R (on the application of West Berkshire District Council and Reading Borough Council) v SSCLG* [2015] EWHC 2222 (Admin) on 31 July 2015. As a consequence, a Written Ministerial Statement published on 28 November 2014 and Planning Practice Guidance (PPG) are material considerations that set out Government policy defining the specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought for small scale development.

19. I note the Council's comments that they consider that cumulatively the gross internal floor space of the ten new dwellings appears to be above 1000 square metres. Therefore, the proposal would not fall under the threshold stated in the PPG for which affordable housing contributions should not be sought. As a result the Council consider that the requirements of Policy DC4 of the Core Strategy and Development Control Policies Development Plan Document 2001-2026 (2009) should be applied given the need for affordable housing evidenced in the Council's recently published Strategic Housing Market Assessment.
20. Although the appellant has already agreed to provide four affordable units shown on drawing RDC1018/101. They also state that the cumulative floor space would be 1000 square metres and therefore in accordance with the PPG there would be no requirement for their provision. However the schedule of floor space in the appellant's statement relates to detached dwellings whereas the drawing shows a pair of semi-detached houses as well as detached dwellings.
21. The Council has provided no evidence of their alleged floor space figure and I cannot be sure of the accuracy of those supplied by the appellant due to discrepancies between the drawing and the statement. As a result I have no certainty that the gross floor space in the proposal would definitely be over 1000 square metres. As a consequence, I cannot conclude at this stage that an affordable housing requirement would accord with Policy.
22. In any case even if I had concluded that there was a requirement for affordable housing I have no means of securing its provision in front of me through a section 106 agreement. Paragraph 21a-010-20140306 of the PPG advises that only in exceptional circumstances can a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence be appropriate such as in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. As the proposal is for only ten dwellings I do not consider it to be either complex or strategically important.

Other matters

23. The PC refers me to appeal decision ref APP/F2605/W/16/3145565 which was dismissed due to the Inspector finding significant harm to the character and appearance of the area due it appears primarily due to the introduction of back land development into the linear character of the Street which the Parish Council consider is a similar situation in respect of the current appeal. However, I saw on my site visit that there is development to the rear of Chapel Street in the form of St Peter's Close. As a result the proposed development while of a larger scale would not be unique or unacceptable in this respect. While St Peter's Close may have been developed on brownfield land it nevertheless forms part of the current character and appearance of the area.

Balancing and conclusion

24. In considering the potential benefits of the proposal, I note that the provision of 10 dwellings would contribute to the Council's five year housing land supply as required by the Framework and can be given moderate weight. Based on the submitted evidence I have been unable to ascertain whether the alleged benefit of affordable housing would be required. Therefore I can only give it very limited weight. The proposal would provide economic benefits of temporary employment opportunities during construction and the future occupiers could support local services which can be given some weight. However the proposal would be seriously harmful to highway safety. This impact would be contrary to national policy. I therefore give it significant weight.
25. I have considered the benefits which would be derived from the appeal scheme but these carry moderate weight. I therefore conclude that the considerable harm I have found would significantly and demonstrably outweigh the moderate benefits I have identified when assessed against the policies in the Framework and the Development Plan as a whole. Consequently the proposal is not sustainable development for which the Framework carries a presumption in favour. For this reason, and having regard to all other matters raised, including the significant representations of the local community and a local petition against the proposal, I conclude the appeal should be dismissed.

Zoe Raygen

INSPECTOR