
Appeal Decision

Site visit made on 13 December 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 10 January 2017

Appeal Ref: APP/U2615/W/16/3158318

Land adjacent to Briarcroft, Porters Loke, Burgh Castle, Great Yarmouth NR31 9PX

- 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 Eric Foster against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/16/0321/F, dated 11 May 2016, was refused by notice dated 12 August 2016.
 - The development proposed is a self-build chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) whether the proposal would accord with national and local planning policies for the location of housing, having particular regard to its accessibility to jobs, services and facilities by sustainable means of transport and its effect on the character and appearance of the area; and
 - ii) the effect of the proposal on highway safety.

Reasons

Planning Policies

3. Burgh Castle is a small village which is close to the larger village of Belton. There is housing development spread out along the roads but little in the way of local facilities. There are a number of holiday parks in close proximity which provide static caravan accommodation. The site is in the countryside to the north of the built up area of the village and outside the village development limit as defined in the Local Plan¹ (LP).
4. The Core Strategy² (CS) was adopted in 2015 and forms part of the development plan together with saved policies of the LP. Policy CS1 of the CS requires development to be sustainable. Policy CS2 sets out a settlement hierarchy. Approximately 5% of new development will be in Secondary and

¹ Great Yarmouth Borough-Wide Local Plan (2001)

² Great Yarmouth Local Plan: Core Strategy (2015)

Tertiary Villages. The Council advises that Burgh Castle is a Secondary Village. Saved policy HOU10 of the LP restricts housing development in the countryside subject to stated exceptions.

5. The Great Yarmouth Borough 5 Year Housing Land Supply Position Statement (HLSPS) as at 1 April 2016 states that the Council has a 5.17 year supply of deliverable housing land. The HLSPS includes sites with planning permission and sites which have been allocated by the CS but which are at planning application stage or have a resolution to grant permission. Sites are also included which are not yet subject to a planning application but which are to be promoted under the Detailed Policies and Site Allocations Plan. The HLSPS states that the latter accord with the CS and the Council's Interim Housing Land Supply Policy (IHLSP) which allows for development outside, but adjoining development limits.
6. The appellant has questioned whether sites identified in the HLSPS are deliverable within 5 years, citing development viability. However the sites referred to by the appellant in this respect do not appear to have been included in the HLSPS. Two sites at Hemsby are included in the HLSPS but it is not clear whether these form any part of the site referred to by the appellant.
7. Footnote 11 to the National Planning Policy Framework (the Framework) states that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Because sites are included in the HLSPS where no planning application has been submitted they are not necessarily available now and there is doubt as to whether the anticipated houses on those sites would be realistically deliverable within five years. Those sites account for 370 houses which form a significant proportion of the housing supply. Without those houses the supply would be less than 5 years.
8. For these reasons I find that the Council has not demonstrated that it has a robust 5 year supply of housing land as required by the Framework. In these circumstances its policies for the supply of housing are not up-to-date. Saved policy HOU10 is such a policy and although the proposal would not accord with that policy I can give little weight to it.
9. Paragraph 14 of the Framework provides for planning permission to be granted where relevant policies are out-of-date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework as a whole.

Accessibility

10. It is a core planning principle of the Framework that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling. Porters Loke is an unmade private road which also forms a public footpath. It is a short walk to bus stops on Butt Lane from where buses run to and from Great Yarmouth. On my visit it appeared that there were few local facilities in Burgh Castle although I saw that there is a post office and shop and a hot food takeaway close to the Kingfisher Holiday Park.
11. The CS plans for a limited amount of housing growth in the village, indicating that it is a sustainable location where access to jobs, services and facilities is

possible by sustainable means. However the site is outside the village and the unmade nature of the track would make it inaccessible for all people on foot. For the reasons given I find that the site has a limited degree of accessibility by sustainable means and that the occupants of the proposed dwelling would rely on the car to a large extent. This would not accord with the above core planning principle or with policy CS2 of the CS which seeks reduction in the need to travel.

Character and Appearance

12. The site forms part of an open area of land which separates the built up area of the village from the Kingfisher Holiday Park. There are recently built houses on Butt Lane, older houses adjacent to the corner of Porters Loke and three bungalows along the first part of that route. The holiday park to the north is a contained site and is separated by trees and vegetation from Porters Loke. This route has a distinctly rural character.
13. The site forms a sizeable area of open paddock and adjoins woodland to the rear. There is a bungalow further along the track on the other side of the site and the proposal would be an infill development. However the site is part of an open break and the proposal would amount to an encroachment of urban development into the countryside given that the amount of development further along Porters Loke is limited. While the site is not visible from Butt Lane it is visible and prominent from the footpath. For these reasons the proposal would unacceptably adversely affect the character and appearance of the area. This would not accord with the core planning principle in the Framework to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.
14. The recently built houses on Butt Lane were approved under the IHLSP as they adjoin the development limit but that policy does not apply to the appeal site because it does not adjoin the boundary.

Highway Safety

15. Porters Loke is a narrow route which serves a number of dwellings, a farm and a small Caravan Club site. As such the road already accommodates a modest level of traffic but the proposal would increase this.
16. At its junction with Butt Lane there is fencing and vegetation around adjacent front gardens which restrict visibility to the south-east. Measured from a point 2.4m back from the carriageway edge the available visibility in that direction is only about 7m which is substantially below the 43m required in *Manual for Streets*³ for a speed of 30 mph. This is the critical direction for approaching traffic on the same side of the road and visibility is further reduced by any vehicles parked along the road. In the north-westerly direction visibility is also restricted at 25m although the Highway Authority acknowledges that this could potentially be improved.
17. Thus drivers emerging from Porters Loke have limited visibility of approaching traffic and drivers on Butt Lane also have limited visibility of emerging vehicles. There have been no recorded accidents in recent years at or near the junction but the proposal would generate additional traffic. For the reasons given the junction does not meet the required highway safety standards and there would

³ Department for Transport: Manual for Streets sections 7.5 – 7.7

be potential for accidents which could be severe. For these reasons the proposal would be unacceptably harmful to highway safety. Paragraph 32 of the Framework requires safe and suitable access for all people and policy CS16 of the CS requires that there is no adverse impact on the safety of the local road network. For the reasons given the proposal would not accord with those policies.

18. The Council has referred to the potential for damage to the footpath route by construction vehicles. The Public Rights of Way Officer has advised that the County Council has responsibility to maintain the route as a footpath but not to repair damage caused by vehicular use. The appellant has provided correspondence which indicates that he may have shared responsibility for the road and its upkeep but this is not conclusive. A condition could be imposed if the appeal were to be allowed requiring a construction management plan which could ensure that damage to the route is avoided or minimised. However there would still be potential for deterioration of the footpath not only from construction traffic but from an increase in traffic generally. This is of concern but is not a determinative matter in my decision.

Other Considerations

19. The proposal is for a self-build unit of housing and the appellant has registered his interest with the Council in this respect. The proposal would accord with the Framework requirement for provision of a mix of housing for the needs of different groups in the community. The proposal would also make a limited contribution to housing supply. For these reasons I give moderate weight to the benefit of the proposal.

Other Matters

20. The appellant has drawn attention to other appeal decisions in Great Yarmouth and elsewhere. The circumstances of each site and proposal differ as do the planning policies applicable at the times when the decisions were made. Those other decisions do not alter my conclusions.

Balance

21. I have found that the proposal would not accord with the Framework in terms of its core planning principles and its requirement for safe means of access. I give significant weights to the harms to highway safety and the character and appearance of the area. I give limited weight to the harm in terms of the limited accessibility by sustainable means because there is a certain level of accessibility in this respect. The significant and limited weights that I have given to the harms significantly and demonstrably outweigh the moderate weight that I give to the benefit of the proposal.
22. The proposal would accord with the social and economic dimensions of sustainable development by contributing to housing supply. The proposal could be supportive of the local economy both in its construction and its support for local businesses.
23. Against these considerations however the harm to highway safety would weigh against those dimensions. The harm to the character and appearance of the area would not accord with the environmental dimension. Reliance on the car for transport would also not accord with that dimension.

24. For these reasons, considered as a whole the proposal would not be a sustainable form of development and would not accord with policies CS1 and CS2 of the CS.

Conclusion

25. I conclude for the reasons given that the appeal should be dismissed.

Nick Palmer

INSPECTOR