The Planning Inspectorate

Appeal Decision

Site visit made on 6 December 2016

by Nick Palmer BA (Hons) BPl MRTPI

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

Decision date: 18 January 2017

Appeal Ref: APP/Y2620/W/16/3156607
Land between B1145 and Bradfield Road, Swafield, North Walsham, Norfolk NR28 0RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Michael Buckingham against the decision of North Norfolk District Council.
- The application Ref PO/16/0330, dated 14 March 2016, was refused by notice dated 1 July 2016.
- The development proposed is construction of a new access road, blocking the old access and construction of four dwellings in the farmyard.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline permission with details of access, appearance, layout and scale submitted for approval and details of landscaping reserved. I shall consider the proposal on this basis.

3. The application and appeal were made by the executors of the estate of Michael Buckingham, deceased. Michael Buckingham is named as applicant and it has also been clarified that he is the appellant because the site still forms part of his estate notwithstanding that probate has been granted. The executors are the beneficial owners of the site. I see no reason why any party would be prejudiced by my considering the appeal on this basis.

Main Issues

4. The main issues in the appeal are:

   i) the accessibility of the proposed development to services and facilities by means other than the private car; and

   ii) whether there are other considerations which weigh in favour of the proposal.

Reasons

Accessibility

5. The appeal site forms part of a farm yard and is located on the edge of the small village of Swafield. It is proposed to demolish a farm building which was

previously used as a piggery and to construct two pairs of semi-detached houses. The existing farm access which is onto a bend in the B1145 at its junction with Trunch Road would be closed and a new access road would be constructed to join Trunch Road to the north of that junction.

6. Swafield has very limited facilities but is about 2 km from North Walsham which has a full range of local facilities and services. There is a village hall next to the site and a butchers shop at the other end of the village, but residents would need to travel to North Walsham or beyond for services and facilities needed on a day to day basis. There are no footpaths along the B1145 for about 800m south of the site. The road is narrow, unlit and busy and there are few opportunities for pedestrians to take refuge. Through parts of the village I saw on my visit that the road is enclosed on both sides by adjoining walls. The road also meanders, reducing forward visibility for drivers. For these reasons walking to the village facilities or to North Walsham would not be a safe, practical or attractive option. The restricted width of the road would also reduce the attractiveness and safety of this route for cycling.

7. There are regular bus services throughout the day, seven days per week to North Walsham as well as school bus services. The nearest bus stops to the site are on the green to the south of the site and on Trunch Road to the north. In order to get to those bus stops the occupants would have to walk along the roads. While Trunch Road is less busy than the B1145 and the bus operator is willing to stop at locations other than bus stops provided it is safe to do so, I remain of the view that walking to gain access to bus services would be unattractive and potentially hazardous.

8. For these reasons the accessibility of the proposed development to services and facilities by means other than the private car would be very limited. Some services are available by home delivery such as supermarket shopping and take-away food but for the reasons given the occupants of the proposed development would be heavily reliant on the private car for access. This would not accord with the local transport plan[1] which requires minimisation of the need to travel and reduced reliance on the private car. Neither would the proposal accord with the core planning principle in the National Planning Policy Framework (the Framework) to make the fullest use of public transport, walking and cycling.

Planning Policy

9. The site is within the countryside as defined in the development plan. Policies SS1 and SS2 of the Core Strategy[2] restrict development in the countryside. The proposal would not accord with those policies which are consistent with the Framework requirement to avoid new isolated homes in the countryside. Although the site is not isolated in terms of its proximity to other development it is isolated in terms of its accessibility to services and facilities.

10. The Council's Statement of Housing Land Supply & Housing Trajectory (April 2016) calculates that the Council has 5.6 years' worth of housing land. On this basis in accordance with the Framework, policies SS1 and SS2 which control the supply of housing are up-to-date and I give full weight to them.

[1] Connecting Norfolk - Norfolk's Transport Plan for 2026 policy 5
[2] North Norfolk Core Strategy (2008)

11. The Framework encourages the use of previously-developed land which is defined as excluding land that is or has been occupied by agricultural buildings and so this provision does not apply to the appeal site.

The Unilateral Undertaking

12. A Unilateral Undertaking (UU) has been submitted which is intended to secure transfer of the freehold title of land adjacent to the village hall to the trustees of that facility for use as a car park. However the UU does not provide an adequate mechanism to secure this facility principally because the trustees are not party to it and there would thus be no obligation on them to accept the freehold. Because it merely requires the transfer of land the UU does not fall within any of the categories in S106 (1) (a) to (d) of the Town and Country Planning Act 1990 and it is not therefore a planning obligation. I have other concerns about the UU in that the executors do not have title to the land and the document does not require the provision of the car parking facility. For these reasons the UU would not be enforceable by the Council and would in any case be ineffective.

13. A condition could be imposed if the appeal were to be allowed requiring provision of the car parking spaces but any weight in favour of the proposal on this basis would be very limited given that the land is already used informally for this purpose and there is no adequate mechanism to transfer the land.

Other Considerations

14. The existing former piggery building is a long, low building which is utilitarian in appearance, consistent with its previous function and location within the farm yard. It is set back from the road and not prominent in the street scene. It is some distance away from the village hall which is listed at grade II and given its degree of separation it is not harmful to the setting of that building.

15. The traditional appearance of the proposed dwellings may be of some benefit to the appearance of the area in that they would be prominently located at the entrance to the village and would replace the former piggery building. The closure of the existing access and provision of new planting along the frontage may also be of benefit in this respect. However given that the existing building is not particularly harmful I find that this benefit would be very limited. For this reason I give very limited weight to that benefit.

16. The existing building is no longer used for accommodation of livestock but the appellant has said that such use could potentially be re-introduced. There is however no evidence before me to indicate that previous use of the building for the accommodation of livestock resulted in complaints to the Council from local residents. For this reason it has not been demonstrated that the proposal would be of material benefit to the living conditions of nearby residents.

17. The existing access emerges onto a junction and a bend in the main road and there have been two recorded personal injury accidents at the junction. There is however no evidence that those accidents were a result of the use of the existing access. While recognising the importance of this aspect of the proposal in terms of improving highway safety the Highway Authority seems to have given less weight to it than the need to ensure accessibility by sustainable means. For these reasons I give moderate to significant weight in favour of the proposal on this basis.

18. The appellant has referred to permitted development rights for conversion of agricultural buildings to dwellings. Those rights are subject to conditions and limitations and the suitability of the building for conversion under those provisions is not a matter for my determination. This does not alter my conclusions on the main issues.

Balance

19. I have found that the occupants would rely heavily on the car for access to services and facilities and that accessibility by other means would be very limited. The proposal would not accord with national and local planning policies which restrict new development in the countryside and require maximisation of the use of sustainable means of transport. This conflict with policy must carry considerable weight.

20. On the other hand I have given moderate to significant weight to the identified benefit in terms of highway safety and very limited weights to the benefits in terms of appearance and parking for the village hall. Those weights are not however sufficient to outweigh the considerable weight that I give to the identified harm.

21. The improvement to highway safety would accord with the social and economic dimensions of sustainable development as would any car parking facility for the village hall. The identified benefit to the appearance of the area, albeit very limited would accord with the environmental dimension. However the high degree of reliance on the private car as a means of transport would significantly conflict with the environmental dimension in terms of emissions. It would also not accord entirely with the aim in paragraph 55 of the Framework to enhance or maintain the vitality of rural communities which would weigh against the social dimension. For these reasons when considered as a whole the proposal would not be a sustainable form of development.

Conclusion

22. I have taken into account all other views expressed including those by the Village Hall Committee in support of the proposal but for the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR