
Appeal Decision

Site visit made on 17 January 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 03 February 2017

Appeal Ref: APP/V2635/W/16/3160021

Land south of 62 Outwell Road, Emneth, Norfolk PE14 0DU

- 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 Phillip Jones against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00429/O, dated 1 March 2016, was refused by notice dated 27 April 2016.
 - The development proposed is 4 No building plots for 2-storey detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline permission with all matters reserved. An indicative site plan has been provided which shows a possible layout and means of access. I shall consider that plan on this basis.
3. When the Council determined the application its Site Allocations and Development Management Policies Plan (SADMP)¹ had not been adopted but was at an advanced stage. Since then the SADMP has been adopted and forms part of the development plan.

Main Issues

4. The main issues in the appeal are the effects of the proposal on:
 - i) the character and appearance of the area, and
 - ii) highway safety; and
 - iii) the accessibility of the proposed development to services and facilities by sustainable means.

Reasons

Character and Appearance

5. The site is an open unused piece of land which fronts onto the A1101 Outwell Road. It is in the open countryside and outside but adjacent to the development boundary for Emneth as defined in the SADMP. Immediately adjacent to the site there is a row of dwellings and there is other development

¹ King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (2016)

along the road towards the built up areas of Elm and Emneth. While the existing built development influences the character of the road the large areas of open land give it a predominantly rural character. To the immediate south of the site is a small farm shop which occupies temporary buildings with an associated parking area.

6. While the site is closely related to the existing group of dwellings it adjoins open countryside and the proposal would extend the existing ribbon pattern of development. This would erode the open rural character of the immediate area and would have an urbanising effect. For these reasons I find that the proposal would adversely affect the character and appearance of the area. Policy CS06 of the King's Lynn & West Norfolk Core Strategy (CS) (2011) sets out the strategy for development in rural areas. In the countryside the policy requires protection of the countryside for its intrinsic character and beauty. This is consistent with one of the core planning principles of the National Planning Policy Framework (the Framework). The proposal would not accord with those policy requirements.
7. Policy DM2 of the SADMP (2016) restricts the types of development that may take place outside development boundaries while allowing for infilling in smaller villages and hamlets in accordance with policy DM3. The site is not in such a settlement and so that policy provision does not apply. In any case the location and extent of development would not amount to infilling and the existence of the farm shop to the south of the site does not alter this. The proposal would not accord with that policy.

Highway Safety

8. The A1101 is a main route which carries traffic between major centres and is part of the Strategic Road Network as defined in policy DM12 of the SADMP. It has a speed limit of 50 mph but the 85th percentile average traffic speeds in both directions as measured by the Highway Authority were higher than the limit at 52.8 mph. The road is single carriageway in both directions and there is no space available for right turning traffic to enter individual accesses. Any vehicle slowing in order to gain access to properties along the road would potentially be disruptive to the flow of traffic given the generally high speeds.
9. The appellant has obtained details of accidents along the A1101 between Scarfield Lane and Colletts Bridge over the last 10 years. This indicates 26 collisions and although the appellant states that the stretch between 58 and 90 Outwell Road was accident-free in that period this is only a limited part of the road. The Highway Authority has advised of two serious accidents in the vicinity of the site in 2003 and 2013. The latter appears to have been a result of driver error at temporary road works and not a result of accesses onto the road. However the accident record is significant and underlines the need to avoid further potential for conflict with through traffic.
10. I saw on my visit that the existing properties along the road have individual accesses. Turning movements in association with the farm shop are likely to be significant. However the existence of means of access onto the road does not alter the requirement of policy DM12 of the SADMP that the provision of further access points onto the Strategic Road Network will be restricted. A single point of access is shown on the indicative plan which would serve the four proposed dwellings but this would not accord with that policy. The road

is described by the County Council as a Corridor of Movement. The County Council's guidance entitled *Safe, Sustainable Development*² requires that development avoids the need to create new accesses onto such routes and I take this into account in my decision.

11. Furthermore although a footpath could be provided across the frontage of the site this would not connect to any existing footpath on that side of the road. There is a footpath along the opposite side of the road but the need for pedestrians to cross the busy main road would be likely to be hazardous especially in conditions of poor visibility.
12. The Highway Authority has accepted that the required visibility splays could be achieved on both sides of the indicative access position. I was able to see this on my visit as the splays had been marked out. Nonetheless for the reasons given I find that the proposal would be unacceptably harmful to highway safety. The proposal would not accord with policy CS11 of the CS which requires safe and convenient access for all modes or with paragraph 32 of the Framework which has a similar requirement.

Accessibility

13. Emneth is designated in the SADMP as a Key Rural Service Centre. This has a range of services and facilities including public transport services and sources of employment. However I saw on my visit that the local facilities in Emneth are some distance away from the site. Irrespective of whether or not those facilities and services are within easy walking distance I have already found that facilities for pedestrian access are inadequate and potentially hazardous.
14. Although vegetation has encroached on the footpath along the opposite side of the road and that vegetation could be cleared the footpath remains narrow. Its close proximity to fast moving traffic would make it an unattractive pedestrian route. Cycling to local facilities may be an option but the busy nature of the main road and traffic speeds would be likely to deter this.
15. There is a bridleway to the rear of the site which provides access to Elm however details of facilities in that village or of the suitability of the bridleway for full pedestrian access including access by disabled people are not before me. The adjacent farm shop would provide for the occupants of the proposed dwellings to some extent. However for the reasons given walking and cycling to local services and facilities in general would be unattractive and it is likely that the occupants would rely heavily on the private car for transport.
16. For these reasons the proposal would not accord with the core planning principle of the Framework to make the fullest possible use of public transport, walking and cycling. Paragraph 55 of the Framework seeks to avoid new isolated homes in the countryside. Although the proposed development would be adjacent to existing houses and the farm shop it would be isolated in terms of its general accessibility to services and facilities. I conclude on this issue that the proposed development would have only very limited accessibility to services and facilities by sustainable means.

² Paragraph 7.2

Overall

17. The appellant stated in the Design and Access Statement that the Council could not demonstrate a five year supply of deliverable housing sites as required by the Framework, claiming that this stood at 1.9 years. The Council has not commented on this position and although the SADMP has now been adopted there is no further information before me in this respect. An absence of the required five year supply would mean that policies that restrict housing development outside development boundaries, including policies CS06 of the CS and DM2 of the SADMP could not be considered up-to-date and therefore would attract less weight than would otherwise be given.
18. I have found that the proposal would be harmful to the character and appearance of the area and that its occupants would be reliant on the private car to a large extent. I have also concluded that the development would harm highway safety. Together these adverse impacts carry substantial weight. On the other hand the proposal would be of benefit in contributing to housing supply but the weight I can give to that benefit is limited by the limited number of dwellings proposed. The substantial weight that I give to the adverse impacts significantly and demonstrably outweighs the limited weight that I give to the benefit of the proposal.
19. The harm to the character and appearance of the area and the heavy reliance on the car for transport would not accord with the environmental dimension of sustainable development including in terms of emissions. Furthermore the harms that I have identified in terms of highway safety would weigh against the social and economic dimensions of sustainable development. Although the proposed houses would accord with the social and economic dimensions to some extent in terms of providing new housing and supporting the local economy, considered in total the proposal would not be sustainable and would not accord with policy CS06 of the CS which requires sustainable patterns of development.

Conclusion

20. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR