
Appeal Decision

Site visit made on 20 March 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 28th March 2017

Appeal Ref: APP/F2605/W/16/3162775

Land adjacent to The Hawthorns, Back Lane, Beeston, Norfolk PE32 2NN

- 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 and Mrs B Elliott against the decision of Breckland District Council.
 - The application Ref 3PL/2015/1148/O, dated 28 September 2015, was refused by notice dated 20 July 2016.
 - The development proposed is erection of detached house and garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters reserved for future consideration except access and scale. Plans have been submitted showing a possible front elevation; the footprint of the proposed dwelling and the proposed access arrangements. I have taken these into account in so far as they relate to the matters which are not reserved.

Main Issue

3. The main issue for this appeal is whether safe and suitable access would be provided taking particular account of the extent of achievable visibility splays.

Reasons

4. The appeal site is a field which appears to most recently have been used for the grazing of horses. There is an unmade field access centrally within the site with a set back gate and post and rail fencing along the road frontage. The existing habitual daily vehicular traffic movements into the site associated with grazing are likely to be negligible and this is corroborated by the undisturbed appearance of the grass verge outside the gate.
 5. The access for the proposed dwelling would be in a similar position to the existing gate. The submitted plan shows that the carriageway would be widened across the frontage of the site with visibility splays to either side.
 6. The C241 Back Lane is classified as a Category 4A2 "Remaining Link Road" within the Norfolk County Council Highway Authority Route Hierarchy. This is a road that links main and secondary distributor networks with frontage access and frequent junctions. Back Lane provides such an east/west link between Beeston and other parts of the highway network. In the vicinity of the appeal
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site it is mainly single track; has no pedestrian facilities or street lighting; has limited passing facilities; and is subject to a 30mph speed limit. As it is around 3m in width it is too narrow to allow vehicles to pass easily and there is evidence of verge overrun in places.

7. Based on the submitted plans the Highway Authority has assessed that the maximum visibility splays from a 2.4m set back achievable over highway verge and land in the control of the appellants would be approximately 18m to the west and 25m to the east. It is estimated that these represent some 42% and 58% of the 43m visibility safety standards recommended in the Manual for Streets. The proposed dwelling would generate a significant increase in daily movements with vehicles protruding forward or backward into the carriageway through an access with restricted levels of emerging visibility. This would lead to an additional high risk of sideways impact collision and additional potential vehicle/pedestrian conflict whether or not there have been recorded incidents in recent years. Without the land being in the control of either the appellants or the Highway Authority satisfactory visibility splays could not be achieved.
8. To the north-east the verge along Back Lane narrows to a point beyond which the hedge line is very close to the edge of the carriageway. During my site visit I observed that the hedge is reasonably well maintained and it did not appear to me that extra maintenance of it would substantially improve visibility from the proposed access.
9. I have taken account of the fact that the adjacent properties, The Hawthorns and The Stables, have boundary structures and garages that reduce visibility from their respective drives which is less than ideal in highway safety terms. However, whether or not other properties have less than satisfactory access is not a reason to allow a new dwelling with unsatisfactory visibility.
10. The Council has not referred to any specific development plan policies in relation to highway safety. Accordingly I have considered the proposal against the principles of the National Planning Policy Framework (the Framework). For the reasons set out above I conclude that it has not been demonstrated that safe and suitable access would be provided for all as required by Paragraph 32 of the Framework. I give this matter great weight in my considerations. In this respect the proposal would also fail to meet the environmental dimension of sustainable development as described in Paragraph 7 of the Framework and therefore could not benefit from any presumption in favour of sustainable development as set out in Paragraph 14 of the Framework.

Other considerations

11. Beeston is a rural settlement as identified by Policy SS1 of the DPD where significant growth is considered to be unsuitable although Beeston does benefit from some facilities and services including a village hall and playing fields a little further along Back Lane. The appeal site is located outside but adjacent to the defined Settlement Boundary of Beeston. The proposed development would provide a small positive addition to the supply of housing in the District irrespective of whether the Council can demonstrate a five year deliverable supply of housing land or not. It would also provide short term economic benefits from employment during construction and help support the local rural community. These matters weigh in favour of the proposal.

12. The appeal site adjoins the existing built up part of the village. There is a significant extent of open agricultural fields beyond but the proposal would not result in isolated development in the countryside. The Council considers that, with hedges around the boundaries, the proposed house and garage would not appear cramped in relation to neighbouring properties or visually intrusive and would not adversely affect the character or appearance of the area. From all I have read and seen during my site visit I see no reason to come to a different view.

Conclusion

13. As set out above some benefits would arise from the proposal and it would not adversely affect the character or appearance of the area. However, I conclude that these matters do not outweigh the failure to demonstrate safe and suitable access. In failing to do this the proposal would not conform to Paragraph 32 of the Framework. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should be dismissed.

SHarley

INSPECTOR