
Appeal Decision

Site visit made on 28 March 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 28 April 2017

Appeal Ref: APP/F2605/W/16/3165265

**Land south of Magdalen House, Redgrave Road, South Lopham, Norfolk
IP22 2HL**

- 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 S Willmott against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0897/O, dated 22 July 2016, was refused by notice dated 14 October 2016.
 - The development proposed is erection of 3 x residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The evidence before me indicates that this is an outline application with all matters reserved. The appellant has submitted an indicative housing layout as well as a layout showing the proposed access point and visibility splays.
3. The position of the site entrance was amended after the application had been determined, and additional information was supplied relating to the design of the dwellings. Having reviewed this information I am satisfied that the application has not changed sufficiently to prejudice the interests of third parties. Therefore I have considered this amended evidence in my reasoning.

Main Issues

4. The main issues are the effect of the development on:
 - the safe and efficient operation of the highway;
 - the safeguarding of heritage assets;
 - the safeguarding of established trees;
 - the character and appearance of the South Lopham Conservation Area (CA); and,
 - whether the site would represent sustainable development in the context of relevant local and national policies.
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Reasons

Highway safety

5. The appeal site is uncultivated land situated on the edge of the small settlement of South Lopham. The development would be the provision of three dwellings. I noted on my visit that the area is predominantly rural and characterised by clusters of small settlements and isolated dwellings.
6. The highway authority¹ (NCC) classifies Redgrave Road as a Main Distributor. It has two running lanes but no footways or street lighting, and there are soft verges in the vicinity of the appeal site. The site lies on a sweeping bend and there is a further sharp bend to the immediate south. These bends restrict forward visibility for north-bound traffic on the approach to the proposed entrance.
7. The traffic report² suggests that the road is lightly trafficked and that visibility requirements should be those given in the Manual for Streets³ (MfS). However, although traffic volumes did not appear particularly heavy at the time of my visit, I was aware of a large proportion of heavy vehicles. Furthermore, although there are dwellings with frontages on Redgrave Road, the lack of footways would be likely to deter pedestrians. Whilst I realise that this is a snapshot in time, my observations led me to agree with NCC that Redgrave Road has a predominant function of movement rather than place. As such, I see no reason to disagree with NCC that visibility standards should be those given in the Design Manual for Roads and Bridges⁴ (DMRB).
8. NCC has raised a concern that the limited visibility in the north-bound lane could lead to a risk of collision with vehicles waiting to turn right into the site. The appellant argues that northbound traffic will slow to 15 mph at the first sharp bend when approaching the site's entrance. However, there is no supporting evidence to substantiate this assertion and although speed data is supplied in the appellant's traffic report, the data was recorded south of the sharp bend. Consequently, I give this argument little weight.
9. With regard to vehicles pulling out of the site, the appellant has provided a layout with visibility splays⁵. Although visibility to the south is predicated upon the opposite road verge being kept clear of obstructions, NCC does not find this unacceptable and I see no reason to disagree with that conclusion.
10. I also concur with the Council that the road is a poor pedestrian environment and notwithstanding that there is existing development near the site, it is unlikely that future occupiers would feel able to walk or cycle safely along Redgrave Road. Whilst I recognise that rural life requires a greater use of private cars compared to more urban environments, I am not satisfied that this justifies development where alternative modes of travel are so restricted by safety issues.
11. The appellant argues that the provisions of Paragraph 32 of the National Planning Policy Framework (the Framework), which requires safe and secure access to sites, should not apply in this instance as the site would not generate

¹ Norfolk County Council

² The Transportation Consultancy, 19 July 2016

³ Manual for Streets 2007

⁴ Department of Transport

⁵ Dwg. 210142-01

significant amounts of traffic. The traffic report also argues that the Framework accepts that there are fewer opportunities for sustainable transport in rural areas. However, there is nothing in the evidence before me to indicate that highway safety standards carry less weight in rural areas. Moreover, Paragraph 35 of the Framework states that developments should create safe and secure layouts, and Paragraph 69 of the Framework expects safe and accessible developments. As such, I give this argument little weight.

12. I appreciate that the traffic report indicates that speeds are not particularly high south of the appeal site, and that there have been no recent personal injury incidents. However, this does not alter my reasoning in respect of obstructions and poor visibility.
13. In the light of the above, I conclude that forward visibility for northbound traffic would be significantly less than the guidelines set out in the DMRB. I also consider there would be significant risks to pedestrian safety for future occupiers who wished to adopt more sustainable modes of travel.
14. As such, there would be a significant adverse effect on highway safety if the appeal was allowed and the development would be contrary to the provisions of Sections 7 and 8 of the Framework.

Heritage assets

15. The evidence before me indicates that the southern site boundary lies alongside a former mediaeval moat. Although the appellant states that there is little evidence of the moat remaining, NCC has recommended that a trench be excavated to assess its importance before permission for the application is granted. The appellant has contacted an archaeologist who considers the moat is now filled with rubble and that there would be little of interest. I appreciate that this might be the case but in the absence of a heritage assessment, I give this argument little weight.
16. As such, I am unable to conclude whether the development would cause harm to an archaeological asset, and I consider the development would be contrary to LP Policy DC17. This seeks to protect sites of archaeological interest and their settings. The application also fails to accord with Paragraph 128 of the Framework which requires applications to describe the significance of heritage assets so affected.

Trees

17. There are established trees bounding the site and I noted evidence of recent tree works along the road boundary. The appellant has provided a tree survey⁶ since the initial application which details the condition of the trees, but does not include a plan to enable me to verify which trees the notes refer to. Consequently, the report is of limited usefulness. Furthermore, I noted that the construction of the proposed access would probably necessitate excavation within the root area of some of the trees bounding the road. However, if the appeal was allowed, conditions could be imposed to safeguard their future health and longevity. Consequently, the development would not be contrary to Policy DC12 of the Local Plan⁷ (LP) which protects important natural features.

⁶ T F Contracting, 8 December 2016

⁷ Breckland Council, Core Strategy and Development Control Policies, adopted December 2009

Character and appearance

18. The appeal site lies within a loose ribbon development, and I noted on my visit that dwellings lining Redgrave Road exhibit a diverse range of style and period, are on plots of varying size and have little consistency of building line.
19. Although I appreciate the Council's concern that three dwellings on this site would extend residential development into the countryside, there is residential development to the site's north and west, as well as the Old Rectory to the south, albeit at a greater distance. Furthermore, the Council implies that the visual impact of the development would be contained and would not have an adverse effect on the wider landscape.
20. As the building pattern to the north of the appeal site is comprised of domestic curtilages fronting the road, the development would not be particularly incongruous. Consequently, I conclude that although there would be some consolidation of development I am not satisfied that this would be sufficiently harmful to warrant dismissal of the appeal.
21. I appreciate that the indicative elevations may be insufficient to demonstrate that the development would reflect the immediate and wider context of the CA, but if the appeal was allowed details of materials and design could be addressed through condition.
22. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. In this instance, I am not satisfied that the development would necessarily detract from the prevailing character and appearance of the CA, and as such find no conflict with the provisions of the Act.
23. Nor would there be harm in relation to LP Policy DC17 in respect of the protection and enhancement of heritage assets or LP Policy CP11 that requires development to protect and enhance the landscape. The Council has also cited the environmental dimension of development outlined in Paragraph 7 of the Framework in its reasons for refusal. However, this is general guidance and in any case I am not satisfied that the development would pose significant harm to the natural, built and historic environment.

Location

24. As I have noted above, the development would fall within a loose building pattern on the southern edge of South Lopham. The village has a post office with shop, primary school, village hall and two public houses as well as reasonable bus links to the nearby town of Diss. Given that this is a rural community, I am not satisfied that there would be particular harm arising from the limited number of private car journeys generated by the development. Moreover, I concur with the appellant that Paragraph 55 of the Framework accepts that rural services need local support. Consequently, in principle the proposals would not be contrary to the social dimension of sustainable development as outlined in Paragraph 7 of the Framework.

Planning balance

25. The appellant argues that the Council does not have sufficient five year housing land supply. In that instance, Paragraph 49 of the Framework states that

policies for the supply of housing should be considered out of date. However, even where housing supply policies are out of date, Paragraph 14 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the this Framework taken as a whole. In this instance, I consider the harm I have identified above in relation to highway matters would significantly and reasonably outweigh the limited contribution to local housing supply.

Other matters

26. An interested party has raised a concern in respect of drainage. However, if the appeal was approved a condition could be imposed to ensure adequate drainage arrangements were provided.
27. The appellant argues that the site is too small for an agricultural plot. However, whilst I acknowledge that it is a lot smaller than the adjacent field, this does not alter my reasoning in respect of highway safety.
28. The Council has also cited Paragraph 34 of the Framework but as the development would not generate significant movement, I consider this of lesser relevance than those referred to above.

Conclusion

29. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR