



Appeal Decision

Site visit made on 19 June 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 21 July 2017

Appeal Ref: APP/F2605/W/17/3170350

Bridge Farm, Diss Road, South Lopham, Norfolk IP22 2LA

- 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 Lee Batchelor against the decision of Breckland District Council.
 - The application Ref 3PL/2016/1242/F, dated 12 October 2016, was refused by notice dated 25 November 2016.
 - The development proposed is described as 'conversion of workshop to residential dwelling'.
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 29 June 2017.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of the workshop to residential dwelling at Bridge Farm, Diss Road, South Lopham, Norfolk IP22 2LA, in accordance with the terms of the application, Ref: 3PL/2016/1242/F, dated 12 October 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has submitted additional information with his appeal relating to visibility splays at the site access, which would be provided in the event the appeal was successful. This information has not altered the proposal and the Council and Local Highway Authority have had an opportunity to review the additional information. I have therefore considered it as part of my assessment.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

4. As a departure from the broad policies of restraint relating to new dwellings in the countryside, Policy DC20 of the Breckland CSDCP¹ permits the conversion of buildings in the countryside to dwellings subject to a number of criteria. Criteria (c) of this policy states that regard will be given to the access from the

¹ Core Strategy and Development Control Policies Development Plan Document 2001-2026 Adopted 2009

development site to the highway and the ability of the highway network to accommodate the associated demands that would occur.

5. The appeal building is a reasonably modern storage building located to the rear of Bridge Farm and is accessed from the A1066 Diss Road. This road is categorised by the Local Highway Authority as a Principal Primary Route within the Norfolk Route Hierarchy. The purpose of which is considered to be strategic in nature as a corridor of movement that carries vehicles between major centres. The A1066 links Diss with Thetford.
6. It is understood that the appeal building is currently used for purposes ancillary to the occupation of Bridge Farm. The appellant has suggested in his statement that it is used to store garden/smallholding machinery and equipment including paraphernalia used to support livestock such as a trailer, feed and tools. The building/site has been used historically to support a tree surgery business, a 'music festival' and a small holding/farmstead. The small holding use in particular would have generated some regular traffic due to deliveries and visits. This use may currently be dormant (there was no livestock present at the site when I visited) but it could recommence. The site history is a material consideration when establishing the past use of the site access and any previous effects on the highway network.
7. It has also been suggested that the appeal building is used as a storage building by the appellant's friends, who are also loaned the equipment stored at the site. The Council have suggested that the storage would not be an ancillary activity and I tend to agree with this given the scale of activity suggested by the appellant. As such, this storage may not benefit from planning permission and should be discounted as a lawful use of the building.
8. Nevertheless, on the balance of the evidence before me, it is likely the existing access has generated traffic over and above what would normally be expected from a single dwelling (Bridge Farm). The appeal scheme would effectively replace or off-set some of these vehicle movements, some of which are likely to have included the turning of larger vehicles with trailers on what may have been a reasonably regular basis. This is significant as the extent of the Council's concerns² are unlikely to be as great as has been suggested.
9. The appeal scheme is for a four bedroom dwelling that would be located away from services and facilities. It is therefore going to generate a level of vehicle movements that would be at the higher end for a dwelling. The Council have suggested it would be in the region of six movements a day. I consider this to be highly likely, but some of these movements would be off-set by the existing/potential movements which would decrease if the appeal scheme went ahead.
10. The appellant has not quantified the number of movements that can currently be independently attributed to the appeal site/building. I will therefore take a precautionary approach and find that the proposal would result in a modest intensification in the use of the site access, but perhaps not to the extent suggested by the Council and Local Highway Authority given the nature and extent of the existing and previous uses. As such, the appeal scheme would

² That the proposal would result in a harmful intensification of the existing access, and the associated and inevitable slowing and turning manoeuvres would increase the risk of accidents. This is a potential concern outlined in the document *Safe Sustainable Development, Revised November 2015*

result in some additional slowing and turning manoeuvres within the A1066 due to the increased number of vehicles using the site access.

11. Nevertheless, there is good forward visibility along the stretch of the A1066 to the east of the appeal site so motorists approaching the appeal site from this direction would have ample time to see and respond to a vehicle slowing and undertaking a right hand turn into the appeal site, or waiting to perform this manoeuvre. In addition, the local accident data suggests that the existing vehicular accesses onto the A1066 serving dwellings in the vicinity of the appeal site are apparently operating without incident. There is nothing to suggest the access at the appeal site would perform materially worse. It is also a point of note that the nature of the use of the access is likely to change with fewer movements involving vehicles with trailers.
12. A right hand turn could result in some impact on the free flow of traffic if a vehicle had to wait in the carriageway but this is unlikely to be of a frequency or period of time that would result in serious disruption. Moreover, I have not been provide with substantive evidence to suggest there is an existing cumulative problem to the free flow of traffic along this stretch of the A1066, that can be attributed to a collection of highway access points and junctions, which the appeal scheme would compound.
13. Similarly, motorists approaching the appeal site from the east would also have ample time to react to a vehicle turning into the site. Additionally, such a manoeuvre would result in minimal disruption to the free flow of traffic as it would be an infrequent occurrence and vehicles turning left into the appeal site would not need to stop in the carriageway when entering it from this direction.
14. Significantly, vehicles would be able to exit the appeal site in a forward gear and the appeal scheme would facilitate the provision of improved visibility splays at the existing access. This has been confirmed by the Local Highway Authority (LHA)³ following the appellant's clarification of land ownership and the submission of a topographical survey. This new information demonstrates the appellant can provide adequate visibility splays⁴. The Council have not contested the revised views of the LHA. As such, the visibility at the access would be greatly improved and therefore exiting manoeuvres would be safer than they currently are, albeit more frequent in occurrence. It would also be possible for motorists exiting the site to see any cars performing an over taking manoeuvre along the A1066.
15. The appellant has also drawn my attention to a similar application for two dwellings⁵ which included an access onto the A1066. In that case, the net increase of one dwelling alongside the overall improvements in visibility outweighed any concerns regarding the free flow of traffic along the A1066 and any risks from turning manoeuvres. Whilst every application should be considered on its merits, like applications should be considered in a like manner. In this respect substantive evidence has not been provided to demonstrate that it would be consistent decision making to dismiss this appeal when a scheme with similar effects has been approved nearby.

³ Provided after the Council's decision - see email from Kay Gordon, Highways Development Management Officer, to the appellant dated 31 January 2017

⁴ 215 metre vision spay with a 5.8 metre set back. This would require the fence line to be repositioned.

⁵ Reference 3PL/2016/0500/F

16. When taking the preceding paragraphs together, I conclude that the safety of the access would be improved and the highway network could safely accommodate the demands resulting from the proposed development. The proposal would therefore maintain highway safety. The proposal would therefore adhere to the requirements of Policies DC20 and CP4 of the CSDMP, which are consistent with Paragraph 32 of the National Planning Policy Framework and can therefore be afforded significant weight.

Other Matters

17. The Council have stated that the proposal would not provide high quality access to public transport and safe walking and cycling routes. Given the remoteness of the site from a settlement and the poor connectivity, I share this conclusion. Nevertheless, in the Officer's delegated report, which has been carried over as the Council's appeal statement, it is suggested that the sustainability of the location is not materially important in this instance because the re-use of redundant or disused rural buildings, which lead to an enhancement of the immediate setting, is an exceptional circumstance in Paragraph 55 of the Framework that can justify an isolated dwelling.
18. The appellant has suggested the building is disused and the Council have not disputed this. Moreover, whilst the conversion would introduce a number of overtly domestic features, including a dormer window, the Council have not suggested it would fail to enhance the immediate setting. Instead, the Council have suggested the building is of value to the area and the conversion would maintain this contribution. As such, the special circumstance in Paragraph 55 pertaining to the reuse of a rural building would be met. Consequently, the isolated nature of the location is acceptable in this instance.
19. Although the appellant confirmed that the appeal site has previously been used to support a tree surgery business and has generated vehicle movements over and above those associated with the occupation of the dwelling at Bridge Farm, the Council were content to conclude the building would be unviable in a commercial use. Given the Council's local knowledge I am content to submit to their judgment on this point and therefore I find no conflict with Policy DC20 in this respect.

Conditions and Conclusion

20. I have had regard to the Planning Practice Guide and the Council's list of suggested conditions. In the interests of safeguarding the character of the area it is necessary for the development to be implemented in accordance with the approved drawings and for the materials to be those specified on the application form. In the interests of highway safety it is necessary to impose those conditions suggested by the Local Highway Authority.
21. The proposal would be acceptable, in part, because it would retain a rural character to the building and site. The particular circumstances of the site are such that it is therefore necessary, exceptionally, to remove permitted development rights for works that could otherwise individually or cumulatively erode the rural character of the building and site.
22. From a consideration of all I have seen and read I conclude that the appeal scheme would adhere to the development plan taken as a whole. Accordingly,

for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development must be carried out in strict accordance with the application form, the approved drawings and any recommendations or details in the approved documents. The approved drawings and documents are as set out below:
 - Existing Plans – 542-01 – dated 04.10.16
 - Existing Elevations and Sections – 542-02 – dated 04.10.16
 - Proposed Ground Floor Plans – 542-03 Rev A – dated 04.10.16
 - Proposed First Floor Plans – 542-04 Rev A – dated 04.10.16
 - Proposed Elevations & Sections - 542-05 Rev A – dated 04.10.16
 - Existing & Proposed Site & Location Plans – 542-06 Rev A – dated 04.10.16
 - Design & Access Statement, Commercial Viability Report, Vulnerable End Use Questionnaire – dated 01/11/2016
- 3) For the avoidance of doubt, the development hereby permitted shall be constructed using the materials specified on the planning application form and/or submitted drawings.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no extensions, roof alterations, porches or ancillary buildings as defined within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no fences, gates, walls or other means of enclosure as defined within Class A of Part 2 of Schedule 2 of that Order shall be carried out on the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.
- 6) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

- 7) Prior to the first occupation of the development hereby permitted visibility splays measuring 5.8 metres x 215 metres shall be provided to each side of the site access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 8) Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the site for three standard size family cars to park, turn and re-enter the highway in forward gear. This area shall be levelled, surfaced, drained and retained thereafter available for that specific use.