
Appeal Decision

Site visit made on 14 August 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 21st August 2017

Appeal Ref: APP/F2605/W/17/3175949

Land off Main Road (Swaffham Road), Wendling, Norfolk, NR19 2LZ.

- 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 Malcolm Pates against the decision of Breckland District Council.
 - The application Ref 3PL/2016/1102/O, dated 19 July 2016, was refused by notice dated 3 May 2017.
 - The development proposed is described in the application as: 'The erection of 2 No. dwellings on a plot measuring approximately 0.26 hectares. The plot is currently unused. The dwellings would, on the most part, be of an appropriate scale and design to be in keeping with the existing locality. The dwellings would be positioned one behind the other to ensure the new dwellings would maintain the pattern of development seen in the area. Access to the properties would be gained by the existing track that is to the side of the site'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Malcolm Pates against Breckland District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with all detailed matters reserved. I have dealt with the appeal on this basis, considering the submitted layout as indicative of how the two dwellings might be accessed and sited.

Main Issues

4. The main issues are (i) whether this would be an appropriate location for the development, with regard to the character and appearance of the area and in providing occupiers reasonable access to services, and (ii) the effect of the proposal on the safety of users of the adjacent highway.

Reasons

(i) Appropriateness of location

5. Wendling comprises dispersed clusters of relatively small amounts of housing situated along the main street that runs east from a junction with the A47, which by-passes this area to the north, towards Scarning and then onto the main town of Dereham. The appeal site is towards the western end of this very

sporadically developed village and comprises an overgrown parcel of land where the two houses would be served by an access provided where a farm entrance currently exists. Other than a single dwelling adjacent, Catalinas, the area to the south of the main road, where the appeal site is situated, comprises mainly extensive areas of open farmland.

6. There is a very loose scatter of some three dwellings opposite the site on the north side of the main road, with a hotel a small distance away further west towards the A47 junction. A cluster of a greater number of houses is located further to the east with farmland intervening on both sides of the road. Wendling is not identified as a settlement in the Council's Core Strategy and Development Control Policies¹ (CSDCP) which reflects its dispersed and sporadic development pattern and low level of services.
7. The appeal site is therefore outside of any settlement boundary defined in the CSDCP. The national Planning Practice Guidance advises that all settlements can play a role in delivering sustainable development and that blanket policies restricting housing developments in some settlements and preventing other settlements from expanding should be avoided.
8. However, in this case, the appeal dwellings would be outside any identifiable settlement and be associated with only a very small amount of existing and sporadic development in surroundings dominated by open farmland. The screening of vegetation and trees around the appeal site would not alter this proposal being the incursion of two relatively isolated new houses into the open countryside which would be harmful to its undeveloped rural character. That the site is overgrown and subject to fly tipping would not provide adequate justification for permitting houses in this location.
9. Although the area is not subject to any special landscape or environmental designation the proposal would conflict with the core principle of the National Planning Policy Framework (the Framework) for planning to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.
10. The proposal would conflict with the spatial strategy set out in CSDCP Policy SS1 where growth is focussed in the larger centres and where only minimal development, predominantly comprising the diversification of rural enterprises, will be accommodated in the countryside. Policy SS1 recognises that Breckland contains large areas of predominantly un-developed agricultural land. Its strategy supports the aim of CSDCP Policy CP11 to protect the District's landscape for the sake of its own intrinsic beauty and its benefit to rural character and which the development would be contrary to.
11. There is little by way of services very near to the appeal site beyond the eating, drinking and leisure facilities available at the nearby hotel, which future occupiers of the two houses could use. Otherwise Wendling has only two churches and a village hall which, whilst of community value, means this location offers very few regularly required services and facilities, such as shops, schools and medical centres. Most regularly required needs would be catered for in Dereham which is less than 4 miles away and accessible by a regular bus

¹ Breckland Council Core Strategy and Development Control Policies Development Plan Document – adopted December 2009.

service from a stop around 0.2 miles from the appeal site, which would also take occupiers to other places offering services.

12. Notwithstanding the availability of a bus service this rural location is mainly lacking in nearby facilities that any future occupiers would require regular access to. This would not be a location for new housing which would gain any material support from the Framework principle to focus significant development in locations which are or can be made sustainable. The proposal would generate a high dependency on private car use to conveniently access regularly required services and therefore this would not be a sustainable location for the dwellings proposed.
13. The dwellings would not be supported by paragraph 55 of the Framework whereby, to support sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This gives the example of where there are groups of smaller settlements development in one village may support services in a village nearby. However, this would not apply to the appeal location which is in the countryside and outside any settlement where paragraph 55 states that new isolated homes should be avoided unless there are special circumstances.
14. For these reasons the site would not represent a sustainable option for the two dwellings proposed and conflict with the spatial strategy in CSDCP Policy SS1 and the housing provision made in policies CP1 and CP14. Consequently, this would not be an appropriate location for the two new dwellings both in respect to the harm caused to the character and appearance of the countryside and through encouraging a significant amount of additional private car use to access regularly required services and facilities.

(ii) Highway safety

15. Means of access is a reserved matter but were it to be taken from the existing disused farm entrance I am persuaded by the evidence contained in the statement from the Highway Authority that visibility onto the highway would be severely substandard for the recorded average vehicle speeds along this part of the Swaffham Road.
16. The adjacent stretch of road is relatively straight and, based on the local speed limit of 50 mph, the Highway Authority would seek a visibility splay measuring 160m in length in both directions from a 2.4m set back. The appellant has provided photographs showing a more even visibility in both directions were the access to be taken from the centre point of the site frontage. However no detailed topographical survey has been produced to substantiate to what extent such an access point would meet the Highway Authority's requirements.
17. There are no vehicle counts supplied to support the appellant's belief that the level of traffic along this road would not give rise to highway safety concerns. Neither is there any firm guarantee that a planned 30mph speed limit will be introduced.
18. Paragraph 32 of the Framework requires that planning decisions take account of whether safe and suitable access to the site can be achieved for all people. Although this paragraph also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe this addresses matters of highway capacity and

congestion rather than safety considerations. I must conclude that the evidence has not been provided to demonstrate that this proposal would not be of material harm to the safety of users of the adjacent highway.

Planning balance

19. The appellant has provided significant evidence to support the view that the Council is currently unable to demonstrate the 5 year housing land supply required through paragraph 47 of the Framework. The Council has not provided detailed evidence to rebut this and this appeal does not provide the appropriate means to conduct a detailed assessment of housing supply issues. Consequently, I am unable to conclude with any confidence that the Council is currently able to demonstrate the required 5 year housing land supply.
20. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Where relevant development plan policies are out-of-date the presumption in favour of sustainable development set out in paragraph 14 of the Framework applies. This would mean granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, based on it performing economic, social and environmental roles which should be sought jointly and simultaneously.
22. The two houses would provide social and economic benefits by supporting the rural economy, local services and facilities, through making a readily deliverable contribution to help boost the supply of housing in the District and by providing employment to local businesses through the construction and servicing of the development.
23. However, the harm I have identified from the proposed development is substantial. In my judgement, the adverse effects would significantly and demonstrably outweigh the contribution two dwellings would make towards addressing the undersupply of housing. I do not consider that the proposal accords with the overall provisions of the Framework.
24. The proposal would harm the character and appearance of the area and offer limited access to regularly required services and facilities conflicting with the development plan. The scheme has not shown there would be no material harm to the safety of users of the adjacent highway and would not gain support through the presumption in favour of sustainable development contained in the Framework.

Conclusion

25. For the reasons set out above, and having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR