
Appeal Decision

Site visit made on 9 August 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 29 August 2017

Appeal Ref: APP/K2610/W/17/3174353

Greenwood, 43 Cromer Road, Hainford, Norwich NR10 3AT

- 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 M Barrett against the decision of Broadland District Council.
 - The application Ref 20161874, dated 27 October 2016, was refused by notice dated 9 December 2016.
 - The development proposed is the change of use of double garage and garden store into annexe accommodation.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Whilst not shown on either the planning application or appeal forms I observed as part of my site visit that the proposed development has been carried out. The scheme before me therefore seeks retrospective planning permission and I have determined this appeal on that basis.

Main Issues

3. There are two main issues. These are a) the principle of the development with specific regard to its location and nature and b) the effect of the development on the safe use of the highway with specific regard to the suitability of the access.

Reasons

Principle

4. The appeal building is a substantial single storey detached structure in the rear garden of and some distance from Number 43 Cromer Road. It is built of brick with a tiled pitched roof. The building is centrally heated with internal accommodation comprising an entrance hall, kitchen, fitted bathroom and a spacious single bedroom. There is also an open plan living and dining area.
5. The use of a building as an annexe infers a degree of functional or occupational link to a host dwelling. In essence, some form of reliance. They need not be attached but greater distance between an annexe and its host moves towards more independence than reliance.

6. The building is entirely self-contained and has the capability to be accessed, occupied and functioned as its own dwelling unit. The spatial separation between it and No 43 is also significant, to the extent that the main outlook from the bedroom and living spaces face away and onto what could legitimately be its own garden space albeit I accept this is not defined on the ground.
7. I can attach only limited weight at the time of determining this appeal to any occupational link that the building may have with No 43 since it is currently vacant. However, I noted at the time of my site visit that No 43 appears to be occupied by a third party. The appellant lives elsewhere, having confirmed in the evidence that it had previously been used to temporarily house one of his relatives. Notwithstanding this, it seems highly likely to me that whoever occupied the building, they would do so completely independently to No 43, living as a separate single or family unit. The building would thus, in use terms and taking into account my findings above, function as its own dwelling rather than an annexe. In my view, this is what the development has therefore created.
8. With this in mind, it is located outside of the defined edge of the settlement and therefore, in planning terms, in the countryside. I accept that it would not be remote from other dwellings but the evidence before me suggests that the appeal site is remote from the services on which occupiers would rely for day to day living. I have not been advised of any public transport options available and there are no details before me of a practical or usable public rights of way network. A segregated pavement is available to the front of the site on Cromer Road but any walk would be some distance from the aforementioned services. Occupiers would therefore be highly likely to rely on the use of the private car for their main source of transport. This is the least sustainable travel option and the building would not therefore be better sited in these terms than if it were in the more open countryside.
9. The development therefore serves to promote unsustainable patterns thereof, which is contrary to one of the fundamental principles underpinning the Framework¹. Concluding as I must therefore that the principle of the development is not acceptable in planning terms. This would also lead to conflict with Policy 1 of the JCS² and Policies GC1, GC2 and H1 of the Development Management DPD³. These policies, amongst other things, seek to ensure that new development is sustainable, it reduces the need for people to travel, gives priority to low impact modes of travel and restricts new development in the countryside to that which has a specific need.

Highway Safety

10. The building is accessed via a private, narrow gravel track that leads south west from and links at right angles to Cromer Road. This access is used by No 43 and an adjacent certified caravan and camping site. Cromer Road is a busy classified single carriageway road (A140). Whilst it carries traffic below the national speed limit (50mph), traffic streams steadily and constantly.
11. The long and relatively straight nature of the stretch of the A140 as it passes the appeal site means that visibility is adequate for exiting vehicles. However,

¹ The National Planning Policy Framework 2012.

² Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, amended 2014

³ Broadland District Council Development Management Development Plan Document 2015

the right angle of the access relative to the carriageway means that vehicles have to slow considerably and due to the constant flow of the traffic sometimes stop in order to make a turn either left or right into the site. In terms of the latter, this would have the potential to add to the occurrence of queueing traffic whilst a vehicle is waiting in a live carriageway. The absence of a dedicated turn lane may also lead to the possibility of verge damage through vehicles taking avoiding action at either low or higher speeds. There is also an increased danger of rear end collisions arising from this situation within the highway. All of these factors would affect, to varying degrees, the free flow of traffic along the A140 which is a high frequency arterial route between Cromer and Norwich as well as creating obstructions which would ultimately be a potential danger to users.

12. I acknowledge that this arrangement would not be different from other private accesses that link to the A140 in the same way but clearly one should not consider a new use of it to be acceptable for this reason given the problems it could create. The function of the building as it would likely be, when also factoring in my findings on accessibility, means that movements to and from it would be independent of and as well as No 43. Such movements may be small in the grand scheme but this is an argument that to my mind could be used too often to justify the intensification of what is already not an ideal exit off a busy main A road.
13. Taking all of these factors together with the detailed evidence that has been provided by the Council's highways advisors at Norfolk County Council, I am concerned that the development would not be appropriate in the context of highway safety. The access is therefore not adequate for the requirements of the development before me. Thus, there would be clear conflict with Policy TS3 of the Development Management DPD. This policy sets out that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network. This approach is supported by section 4 of the Framework which states that, amongst other things, development should create safe and secure layouts which minimise conflicts between traffic.

Other Matters

14. The appellant has stated that the building is connected to the same water and electricity supply as No 43. Be this as it may, this is not sufficient in my view to consider them linked in use of occupation terms. There is further discussion in the appellant's submissions of the high level of demand for rental accommodation where there is an annexe provided but I have seen no further evidence to support this. I can therefore apportion this argument only limited weight.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR