
Appeal Decision

Site visit made on 30 October 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 22nd November 2017

Appeal Ref: APP/F2605/W/17/3179533

Land accessed from Rectory Road, Lyng, Norfolk, NR9 5RA

- 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 Rayner against the decision of Breckland District Council.
 - The application Ref 3PL/2016/1260/O, dated 14 October 2016, was refused by notice dated 24 January 2017.
 - The development proposed is 4 eco houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all detailed matters reserved for later approval and I have dealt with the appeal on this basis. A location plan is included that shows the access taken through land owned by the appellant and which provides visibility splays onto the highway of 50m in each direction. This indicates the junction design that might be achievable were additional land to be included.
3. The plans showing the layout, scale and design of the four two-storey eco-houses, grouped around a turning circle, are taken to be indicative. Consideration has been given to the planning and sustainability statement, including the sustainable design and construction measures intended.

Main Issues

4. The Council's first reason for refusal is based on the development falling outside the Lyng settlement boundary. From the delegated report the harm found relates to the proposal failing the social and environmental dimensions of sustainable development. Since this report was written the Council acknowledges that a five year housing supply cannot currently be demonstrated. Therefore the presumption in favour of sustainable development set out in the National Planning Policy Framework (the Framework) applies to this decision.
5. The Council's concerns in respect of the proposal failing to be sustainable development is therefore properly considered in the context of this presumption as part of the planning balance, having first addressed the other reasons for refusal. These other reasons can be condensed into three main issues:

- The effect of the proposal on the character and appearance of the area.
- Whether safe and suitable access to the site could be achieved for all people.
- The effect on biodiversity.

Reasons

Effect on the character and appearance of the area

6. The four houses proposed would be slightly away from the main built-up part of Lyng, just to the south of the older centre of this quite small village which includes its conservation area. The site is to the rear of a very substantial detached dwelling fronting Rectory Road which at the time of my visit was under construction. This dwelling was recently permitted outside the Lyng settlement boundary due to it being of exceptional quality and an innovative design, based on paragraph 55 of the Framework.
7. The development of four houses on farmland at the edge of the settlement would inevitably alter the character of the site and result in an encroachment and intrusion into the rural landscape. In this case the landscape is not the subject of any particular protective designation. The proposal is in outline and so the design of the housing, the protection of surrounding trees and hedging and further landscaping remain matters in the control of the planning authority.
8. The site is relatively enclosed and would be screened by the large new house being built to the east and the village development to the north. The new access would intrude further into the countryside but the hedging removed could be replanted behind the visibility splays and the development as a whole made subject to further landscaping to soften the more exposed views from the south and west. Consequently only limited harm would arise from the conflict found with Policy CP 11 of the Council's adopted Core Strategy and Development Control Policies¹ (CSDCP) regarding the protection of the District's landscape for the sake of its own intrinsic beauty and its benefit to rural character.
9. The large house under construction forms the limit of housing in this location and the four detached houses proposed on farmland to its rear would contrast with the generally more compact settlement pattern of the village. Although the proposal is in outline the four dwellings would as a consequence be somewhat alien and unsympathetic to the established form and character of the village. Moderate harm would result from the conflict found with the aims of CSDCP Policy CP 14 that settlement boundaries protect against inappropriate proposals and of CSDCP Policy DC 16 that development should complement the built form that surrounds it.

Whether safe and suitable access to the site can be achieved for all people

10. The appellant controls land that would enable satisfactory visibility onto the highway from the proposed site access, as shown on drawing no 0154 010 A01. Nevertheless, the adjacent section of Rectory Road is unlit and significantly below the minimum 4 metres width desirable for cars to pass each other in free flow, as recommended by the DCLG/DfT guidance *Manual for*

¹ Breckland Council Core Strategy and Development Control Policies Development Plan Document 2001 – 2026 adopted December 2009

Streets. The narrow width of this country lane has led to traffic wearing away the banked sides to the carriageway and to the creation of informal passing bays. This had led to soil being deposited on the running surface, increasing the risk of vehicles skidding.

11. To the north of the appeal site there is a bend in Rectory Road, just before entering the main village. This restricts forward visibility for drivers and stopping times which increases the potential for hazardous conflict between road users. Based on TRICS² data it is likely the four dwellings would generate in the region of 24 vehicular movements per day which would add significantly to the usage along this section of highway. The dwellings would also generate pedestrian and other non-motorised traffic likely to be mainly travelling towards services in the village.
12. I am persuaded that this proposal would lead to a significant increase in the use of the adjacent unlit section of Rectory Road which is of restricted width, with inadequate forward visibility in parts and without pedestrian refuges. Consequently, although the journeys made might only be short distances, there would be an increased risk of road user conflict or collision which would be of material harm to the interests of highway safety. This risk would be reduced only marginally by the passing bay provided with the completion of the large house approved on Rectory Road.
13. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. However, this test of severity relates to highway capacity and congestion. The relevant test in paragraph 32 in respect of the adequacy of the road serving this proposal is whether safe and suitable access to the site can be achieved for all people. I conclude this would not be achieved which weighs significantly against a further four houses accessing Rectory Road in this location.

Effect on biodiversity

14. The appeal site was a weedy field at the time of my visit and I am not persuaded it is likely to be of particular interest in respect of biodiversity. It contains no water bodies, mature trees or vacant buildings and consequently I do not find it reasonable to consider that there would be harm to bats. A condition requiring an appropriate survey might address any mitigation required in respect of this site providing a habitat for great crested newts. Consequently the proposal has not been shown to result in any material conflict with the aims of CSDCP Policy CP 10 in respect of the natural environment.

Planning balance and conclusion

15. CSDCP Policy SS1 provides for only nominal housing growth for rural settlements such as Lyng. CSDCP Policy DC2 states this will be permitted within the defined settlement boundary to meet the aims of Policy CP 14 to focus new development in sustainable locations and protect the form and character of the village. However, through these policies the Council is unable to provide the five year supply of housing land required under paragraph 47 of the Framework. Paragraph 49 goes on to state that relevant policies for the

² Trip Rate Information Computer System

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.

16. As relevant policies for the supply of housing 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. 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.
17. The proposal would provide small social benefits in helping to boost the supply of housing, be readily deliverable and help redress the Council's five year deficit. There would be small local economic benefits through the construction and maintenance of the houses and the expenditure of future occupants would support village services. The Council Tax revenue and New Homes Bonus generated by the development would support spending on public services. Four dwellings would help in a small way to enhance the vitality of the village. A reliance on private car use would be normal in a rural area and not be a significant factor in this case, as village services are within walking distance.
18. However, the social and economic benefits of four houses would be relatively small. These benefits would be significantly and demonstrably outweighed by the significant adverse impacts to highway safety and the moderate harm to the character and appearance of the village. Therefore the proposal would not gain support through the presumption in favour of sustainable development set out in paragraph 14 of the Framework. The proposal for four dwellings outside of the defined settlement boundary for Lyng would conflict with CSDCP policies SS1, CP14 and DC2 and consequently, having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR