
Appeal Decision

Site visit made on 25 June 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Ref: APP/L2630/W/19/3226072

Land adjacent to Gransville, Ipswich Road, Saxlingham Thorpe, NR15 1NT

- 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 J Jarvis and Miss M Skutela against the decision of South Norfolk District Council.
 - The application Ref 2019/0247, dated 30 January 2019, was refused by notice dated 12 March 2019.
 - The development proposed is the erection of a single self-build dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was in outline with all matters reserved. I have had regard to the location and block plans. All other information submitted with the planning application and appeal I have therefore regarded as being indicative.
3. I have rationalised the names of the appellants to the wording used on the Council's decision notice for the purposes of clarity.
4. I have been referred to the emerging Greater Norwich Local Plan, which will ultimately supersede the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) (CS). I understand that the plan is at a very early stage. Therefore, in accordance with the requirements of Paragraph 48 of the Framework, I have afforded the emerging Local Plan limited weight in my consideration of the merits of this appeal.

Main Issues

5. The main issues are:
 - whether the site would be a suitable location for housing, having regard to development plan and national policies; and
 - the effect of the development upon highway safety.

Reasons

Location of the development

6. The appeal site is situated within an area of countryside between Newton Flotman and Tasburgh. The proposed dwelling would be situated alongside another dwelling, known as Gransville, that has a direct access onto Ipswich Road. For planning purposes, the site is located within the countryside where development would conflict with the function of defined settlement boundaries to protect the pattern of development.
7. Whilst I do not consider the site to be isolated in the context of Paragraph 79 of the National Planning Policy Framework (the Framework) and the recent Court of Appeal judgement¹, the site is some distance away from Newton Flotman and Tasburgh. These settlements include a limited range of facilities and services that would not sustain the everyday needs of any future residents of the site. For those needs a resident would be obliged to travel further to Norwich or Long Stratton where there are a greater range of facilities and services.
8. I appreciate that the existing occupants of Gransville may already choose to make such journeys and the appellants may also spend time at that property. Nonetheless, increasing the number of dwellings at this location would permanently increase travel to and from this site. This would be contrary to the Council's spatial strategy and its aims of directing development to the places that are most accessible to facilities and services, and would not minimise waste or pollution and use of natural resources.
9. Access on foot or by bicycle to Newton Flotman or Tasburgh would require passage along Ipswich Road. This is a particularly busy road that operates with national speed limits for the majority of its length. There are bus services available close to the Duke of Delhi restaurant to the north of the site. However, the appellants have stated that they may not be able to use bus travel due to the nature of their work. Nonetheless, the footpaths serving the bus stops do not extend south towards the site. Similarly, whilst I am informed that there is a footpath behind the appeal site, this appears to be through adjacent fields and is not lit.
10. The opportunities to walk or cycle to the services and facilities available nearby are not therefore convenient ones. The appellants may be able to undertake linked trips as part of their employment for retailing and other services but their current circumstances could change in the future. Moreover, indications are that the appellants wish to build a 4-bedroom house, which could lead to a considerable increase in traffic associated with the proposed development. Given the location of the proposed dwelling, all future occupants would be highly likely to be required to travel regularly by private motorised transport to access education, retail, employment and healthcare. This is the least sustainable travel option available.
11. In light of all of the above, I conclude that the site would not be a suitable location for housing. As such, the proposals would not accord with Policies DM1.3 and DM3.10 of South Norfolk Local Plan Development Management Policies Document (2015) (LP), CS Policies 1 and 6, and the sustainable

¹ *Braintree DC v SSCLG* [2018] EWCA Civ. 610 Case No: C1/2017/3292

development objectives of the Framework. Together these seek to ensure that new development is located so that it positively contributes to the sustainable development of district of South Norfolk, minimises the need to travel, gives priority to low impact modes of transport and encourage walking and cycling as the primary means of travel.

Highway safety

12. The appellant has indicated that access to the proposed dwelling would be taken from the existing access from Ipswich Road (the A140) serving the adjacent property known as Gransville. I have therefore considered the appeal on this basis.
13. The A140 is classified as a Corridor of Movement in the LP, as its primary purpose is to carry traffic between centres of population. The latest survey evidence provided by the local highway authority (LHA) suggests that the route is heavily trafficked daily. Furthermore, evidence provided by the LHA has assessed the speeds on the A140 to be in the region of 55 mph to 60 mph in either direction. The appellant also provided their interpretation of the pattern of speeds locally but this was not evidenced.
14. The hedges along the road frontage are set back from the edge of the carriageway and appear to be maintained in good condition. As a result, visibility in either direction from the access is not impeded along the highway verge in the immediate vicinity. Be that as it may, the visibility that can be achieved for access to the north onto the A140 from the vehicular access is significantly below what is expected by the Design Manual for Roads and Bridges (DMRB). Moreover, the DMRB requires the visibility splay for 60 mph roads to measure 215 metres from a 2.4 metre setback in both directions from the access. Whilst the site visibility for access to the south is compliant, visibility for access to the north has been measured by the LHA to be around half this (100-110 metres).
15. I am referred to the reduction of the speed limit to 50 mph as part of road improvements to the south. The extent of which has been confirmed by the LPA. Nonetheless, were the speed to be reduced the visibility for northbound traffic would still be below that which is required (160 metres).
16. I accept that the existing access is already below the standards set out above and that the appellants may already use the access whilst they reside at Gransville. However, the proposals would lead to the permanent intensification of the use of the access by occupants of a separate dwelling. Similarly, whilst the working patterns of the appellants may mean that they do not need to travel northwards during peak times, the risk to users of the highway has not specifically been identified to those periods. In any case, the appellants' employment and travel patterns may change in the future.
17. The appellant suggests that there have not been any accidents recorded as a result of vehicles entering or leaving Gransville. Be that as it may, the absence of such evidence does not mean that accidents would not occur in the future. Whilst I accept that vehicles will be slowing or stopping elsewhere in the locality, it is the circumstances affecting the safety of the users of the A140 within the vicinity of the appeal site that is before me.

18. In light of the above, northbound vehicles would be required to slow down and wait to enter the site. At which point, vehicles would be stationary in the carriageway, which has two opposing lanes of traffic. This would impede the flow of traffic along this stretch of the A140 and represent a danger to users of the highway. Whilst access into the site in the opposite direction would not generate the same problems, the slowing of vehicles would also be likely to interfere with the flow of traffic.
19. I conclude that the proposed development would have a significantly detrimental effect on highway safety. It would not therefore accord with Policy DM3.11 of the LP, which states that development will not be permitted that endangers highway safety or the satisfactory functioning of the highway network; or prejudices the safe and free flow of traffic.

Other matters

20. Both main parties agree that the proposed development would not visually intrude into the countryside. As the site has a close relationship with the road and is enclosed by substantial mature planting, I consider that the proposed development could be designed to respect the landscape character and the neighbouring property. The development of the site would not therefore result in a new encroachment into the open countryside that would offend Policy DM3.8 of the LP. This seeks to ensure that new development protects and enhances local distinctiveness and successfully integrates into its surroundings. However, as all matters are reserved, the design of development is not for determination. I have therefore afforded this limited weight in the determination of this appeal.
21. The appellants suggest that the proposal would be a self-build project that allows them to be able to afford to live in a rural area. There is support in the Framework at Paragraph 61 for self-build projects, as this requires that planning policies should reflect the needs of people wishing to commission or build their own homes.
22. Whilst the appellants may qualify as self-builders, I have not been provided with evidence to demonstrate that the appellants are at risk of being made homeless from their present accommodation in Broadland; that there is a shortage of alternative accommodation in the area that would meet the appellants' needs; or that no land is allocated or consented for self-build dwellings in the locality. Furthermore, there do not appear to be any local policy exceptions that would apply to the development. In particular, Policy 17 of the CS would not apply to the development, as it refers to development of affordable housing for specific local needs adjacent to villages as an exception to general housing policies. Consequently, although these matters may not necessarily be determinative, I have only given limited weight to the appellants' personal circumstances due to the lack of substantive evidence to support their case.
23. I have been referred to several appeal decisions but I note that these are all in nearby LPA areas. Whilst the appeals in Broadland rely on the CS that is shared by Norwich and South Norfolk, the circumstances behind these decisions are not before me so I am unable to give these much weight. Notwithstanding these decisions, I have determined this appeal on its own individual merits and they do not lead me to a different conclusion.

Planning Balance

24. Whilst the Framework introduces a presumption in favour of sustainable development, this does not change the status of the development plan as the starting point for decision making. Paragraph 47 of the Framework states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Since the appeal was lodged, the Council has provided evidence that it has five years supply of deliverable housing land available, which the appellant has not disputed. Consequently, I can see no reason why relevant policies of the development plan should not be given full weight.
25. There would be benefits that would be brought to bear from the proposals in respect of the economic and social sustainability of the development. However, beyond the initial construction of a further dwelling within the locality, the other benefits to the local area would not be tangible. Subsequent investment into the local community and contributions to sustaining facilities and services, as well as the enhancement of social cohesion, would not be significant and would be achieved at the expense of highway safety.
26. To my mind, meeting the locational needs of a self-builder should not necessarily be at the expense of the sustainable development objectives of Development Plan policies or the Framework. Moreover, whilst I appreciate the personal circumstances of the appellants, I am not satisfied that these would amount to overriding economic, social or environmental benefits that would be sufficient to outweigh the aims of the development plan policies referred to above.
27. Even if the Council did not have sufficient housing land supply, the adverse effects of the development identified above would significantly and demonstrably outweigh the benefits of the appeal scheme when assessed against the policies in the Framework taken as a whole. There would not therefore be a compelling reason to allow the proposed development in the identified location.

Conclusion

28. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR