



Appeal Decision

Site visit made on 2 September 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/Y2620/W/19/3229246

Land at Guist Bottom Road, Stibbard, Fakenham NR21 0AQ

- 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 & Mrs J Spencer Ashworth against the decision of North Norfolk District Council.
 - The application Ref PF/19/0118, dated 15 January 2019, was refused by notice dated 28 March 2019.
 - The development proposed is construction of four new dwellings comprising one 5 bedroom house, one 4 bedroom house and a pair of semi-detached cottages with access onto Guist Bottom Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities;
 - the effect on highway safety; and
 - whether or not the proposed development would make adequate provision for a mix and type of dwellings.

Reasons

Suitability of Location – access to services

3. The site comprises an agricultural field located within a group of existing dwellings along Guist Bottom Road, forming part of the village of Stibbard and as such is not isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework). The site is outside of any defined settlement boundary and is therefore in the countryside for planning purposes. The village benefits from a primary school, church, village hall and public house and has a limited bus service.
4. The village can be accessed from the site via Guist Bottom Road which is a narrow road, being of single vehicle width for much of its length, without footpaths or streetlighting. These conditions would make it unattractive for people to walk, especially for small children going to school. Whilst a passing

place has been proposed along the frontage of the site, there are places elsewhere along Guist Bottom Road where the verges are of insufficient width to provide refuge for pedestrians and this adds to the unsuitability of the location for development.

5. Even if the occupants of the proposed development were to walk along Guist Bottom Road into Stibbard, the village has limited services and facilities and occupiers would have to travel onwards to services and facilities within the market town of Fakenham which is approximately five miles away on rural roads. I have no substantive evidence before me to indicate that the site is well served by public transport. I therefore consider that occupiers of the proposed development would be likely to be reliant on the private car to access a full range of community facilities such as shopping, healthcare, leisure and entertainment. Given the distance to the nearest sizeable town those journeys will often be lengthy.
6. I therefore conclude that the proposed development would not represent sustainable development in respect of its location. Consequently, it would not accord with Policies SS1 and SS2 of the North Norfolk Local Development Framework Core Strategy, incorporating Development Control Policies 2008 (CS) which, in combination, seek to ensure that development is sustainably located; reduces the need to travel and maximises the use of sustainable forms of transport.

Highway Safety

7. Guist Bottom Road is, along most of its length, not wide enough to allow two vehicles to pass without encroachment onto the verge. Furthermore, as there are limited footpaths and given that the lane passes a number of dwellings there are likely to be pedestrians walking along this lane. Accordingly, the lane would be a shared space between pedestrians, cyclists and vehicles, which the Council contend could lead to conflict between these users. Indeed, the Council's concerns are borne out in third party representations.
8. A Highways Technical Note has been provided by the appellant which provides information on the estimated trip generation from the development and crashmap data. This concludes that the development would result in a modest increase in the amount of traffic and mitigation is proposed in the form of highway improvements, including the provision of a passing bay. Whilst the highway improvements would lead to some benefits to road users it would not result in any tangible benefits for pedestrians.
9. The highway authority has recommended that the application be refused. Based on the evidence before me and from what I saw on my site visit, I also have concerns about the amount of additional traffic that would be generated along this rural lane and the highway safety implications due to the conflict between highway users and pedestrians. I consider that the suggested increase in traffic, in combination with the increased likelihood of pedestrians from the development walking along Guist Bottom Road, would result in conditions that would be detrimental to highway safety.
10. In conclusion, the proposed development would not provide a suitable location for housing, having regard to the suitability of the highway network and lack of footpaths, contrary to policy CT5 of the CS which requires development to provide for safe and convenient access on foot, cycle and private transport

addressing the needs of all and paragraph 109 of the Framework which advises that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Mix and type of dwellings

11. Policy HO1 of the CS sets out criteria for schemes of 3 or more dwellings to ensure an appropriate dwelling mix and type. In the case before me, where 4 dwellings are proposed, the policy requires at least one dwelling to comprise not more than 70sqm internal floor space and incorporate two bedrooms or fewer.
12. The development fails to comply with this policy as all of the dwellings exceed 70sqm in size and range from 3 – 5 bedrooms. However, it has been put to me that this policy is out of date given its age and the evidence it was based upon and that therefore I should favour an emerging policy, policy HOU9 of the First Draft Local Plan. But, given the early stage of Plan preparation (Regulation 18), and the fact that it is unclear if there are any unresolved objections to the emerging policy, I can only afford it limited weight in my decision.
13. I consider that Policy HO1 of the CS accords with the Framework insofar as it seeks to make efficient use of land taking into account the identified need for different types of housing (para 122) and to sustain an appropriate amount and mix of development (para 127e).
14. The Council advise that the reason for the policy is to attempt to redress an existing imbalance of larger detached dwellings in the district and I consider that given the limited development opportunities within rural villages, such as Stibbard, it is unlikely, despite the age of the policy, that there would have been opportunities for smaller dwellings to have been built, and I have not been provided with any evidence to the contrary by the appellant.
15. The appellants have set out in their evidence how the internal floor area of the dwellings meets the nationally described space standards, which I understand will be implemented through emerging policy HOU9. They consider that this overcomes the concerns set out within policy HO1. However, the intention of these policies are different and, as I have already set out above, I can only give limited weight to the emerging policy and I consider that the adopted policy does accord with the Framework and therefore can be attributed full weight.
16. I have no evidence before me to indicate that there is not a need for smaller houses within Stibbard and therefore I conclude that the lack of provision of a 2 bedroom dwelling within the proposed development would result in harm to the mix of dwellings available within the locality, in conflict with policy HO1 of the CS which seeks to ensure the provision of smaller dwellings within residential schemes, which is consistent with the aspirations of paragraph 122 and 127 of the Framework.

Other matters

17. The Council has advised that they can demonstrate a 5 year land supply and the appellant has not provided any evidence to dispute this. Therefore there is no requirement to apply the presumption in favour of sustainable development as required by the Framework.

18. I agree with the parties that the site would give rise to some economic benefits during the construction phase and I consider that there would be modest social benefits arising from the contribution to the Council's housing supply, noting paragraph 64 of the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
19. The appellant has raised a previous application made on the site in 2015, which was subsequently refused in 2016 on a single issue relating to highway safety, however I note that the Council refer to this scheme as a rural exception site but I do not have the full details of the circumstances that led to this proposal being refused and so cannot be sure that they represent a direct parallel to the appeal proposal.

Conclusion

20. I am required to determine the appeal in line with the relevant policies of the development plan, unless material considerations indicate otherwise. For the reasons given, the proposal would be contrary to the relevant policies of the development plan with regard to its location, the level of accessibility, highway safety and the mix of housing proposed. Whilst some modest social and economic benefits would arise they would not outweigh the combined harm arising in respect of the main issues identified above. Therefore, I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR