
Appeal Decision

Site visit made on 7 October 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal Ref: APP/E9505/W/19/3233093

Wayford Marine Ltd. Wayford, Nr Stalham, Norwich, Norfolk NR12 9LL

- 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 Wayford Marine Ltd against the decision of The Broads Planning Authority.
 - The application Ref BA/2018/0460/FUL, dated 7 November 2018, was refused by notice dated 12 February 2019.
 - The development proposed is construction of five lodges for short term holiday lets and repositioning and enlarging of boat washdown facility.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Broads Authority Local Plan for the Broads Plan 2015 to 2036 (2019) (the Local Plan) has been adopted since the submission of the appeal. Furthermore, the Council has confirmed that the policies set out in its reasons for refusal have been superseded by policies in the Local Plan. Both main parties have had the opportunity to consider the relevant policies in the Local Plan, consequently there is no prejudice to either party as a result of me attaching full weight to those policies.
3. The appellant has submitted an amended plan (Drawing no. 1100 (--) 01 B) and the Council has had the opportunity to consider this plan. On this basis I have accepted the amended plan as forming part of the appeal scheme and determined the appeal accordingly.

Main Issue

4. The Council has confirmed that it no longer wishes to contest Reason 2 as set out on the Decision Notice. On this basis the main issue is the effect of the development on the safe and efficient operation of the highway network in the vicinity of the appeal site with particular regard to the A149 Wayford Road.

Reasons

5. The appeal site forms part of the Wayford Marina complex (the marina) which is accessed via an unmade track off Wayford Road. The A149 Wayford Road is part of a network of roads passing through the Norfolk Broads between Norwich and the coast.

6. The majority of uses surrounding the site are related to the recreational activities associated with the River Ant, including boat hire and repairs, moorings and car parking. The appeal site is an area of open grassland and reed bed. There is no dispute between the parties that the development would result in additional traffic being generated which would in turn increase the number of vehicles using the existing junction on Wayford Road. There are no proposals within the appeal scheme to make changes to the access or the junction.
7. Nearby on Wayford Road are accesses serving a garden centre, which has a right turn lane at its junction and the Wayford Bridge Inn which has a wide frontage and two points of access. By contrast the access serving the marina is comparatively narrow and does not benefit from a right turn lane, although there is a gap in the ladder markings on the road surface. Consequently, any vehicle accessing the site and turning right off Wayford Road into it has the potential to create an obstruction to traffic if the driver has to wait for vehicles to clear the junction from the opposing direction.
8. During my site visit, accepting that this is only a snapshot in time, there was a steady flow of traffic on Wayford Road. There is limited evidence before me to suggest that this is not a common occurrence. Therefore, given the frequency of vehicles passing the access to the marina in both directions it is likely that the obstruction of traffic on Wayford Road would arise regularly in association with right turn movements into the access serving the marina.
9. Although Wayford Road is subject to a 50mph speed limit, it is nevertheless a road of strategic importance and a key part of the highway network. Therefore, an obstruction in the road in the form of an idling vehicle would have an adverse effect on the flow of traffic and the efficiency of the network. Furthermore, given the alignment of the road as it passes Wayford Bridge Inn drivers would have restricted lines of sight resulting in the potential for collisions in the event that vehicles could not be slowed sufficiently quickly so as to avoid stationary vehicles in the highway, which would be hazardous for road users.
10. The appellants consider that the Wayford Road is sufficiently wide to allow one vehicle to pass another on the same side of the road, if the waiting vehicle was 'well-positioned'. However, there is very limited information before me to demonstrate how this arrangement could be controlled or that a significant reduction in speed would not be needed for one car to pass the other, which itself would affect the free flow of traffic.
11. There are areas of difference between the appellant and the Local Highway Authority (the LHA) regarding the data which supports their arguments in relation to the appeal scheme. For example, there is dispute over the time period over which it is considered that accident data should be assessed. Notwithstanding this area of disagreement, it is clear from the appeal submission that there have been accidents in the vicinity of the site in recent years. Even accepting that there may have been particular circumstances which resulted in these accidents which were not fully down to the road conditions, this evidence weighs against the appeal scheme.
12. There is also a disagreement between the parties in relation to the annual average daily flows of traffic, nevertheless it is clear from the evidence that notwithstanding the number of vehicles using Wayford Road there is a steady

stream of traffic. In combination with the agreed position that the A149 is not at capacity in this location, it follows that users of the road would not be expecting any interference or impediment to the free flow of traffic. Any additional vehicles waiting to turn into the access serving the marina would undermine that expectation.

13. The appellants argue that improvements to the junction are not justified by the additional amount of traffic generated by the appeal scheme and refers to a minimum flow of 500 two-way trips by vehicles on the access as being a trigger for such action. Whilst it is unlikely, on the basis of the evidence, that traffic movements would exceed 500 trips, the Council points out that this trigger relates only to mandatory assessment of a junction and that there is evidence of local accident problems associated with turning movements. I have limited evidence before me to counter the Council's arguments and from my observations on site and the information before me I conclude that the junction, in its current form, is inadequate to cater for the additional traffic which would be generated by the appeal scheme.
14. My attention has also been drawn to the lack of control over the amount of traffic which could be generated by the marina and that if the business operated in a different way more traffic could be using the junction. There is very limited evidence before me to demonstrate that were the appeal to fail, there is a greater than theoretical possibility that there would be further development or changes to the operation of the marina which would lead to additional traffic using the junction with Wayford Road. This argument therefore attracts limited weight and does not outweigh my concerns regarding the use of the junction.
15. The appellants refer to the Wayford Bridge Inn which lies a short distance along Wayford Road. Whilst this site is closer to the bend on Wayford Road it has a wide frontage including two points of access. This arrangement provides more flexibility in accessing the site and vehicles would be travelling slowly given the alignment of the road. I do not find the access serving the Wayford Bridge Inn to be sufficiently similar to the access serving the appeal scheme to draw a direct comparison between the two sites. Furthermore, I have limited information before me regarding the recent planning history of the Wayford Bridge Inn and consequently I have not given significant weight to it as a material consideration and it does not outweigh the harm which I have identified in respect of this main issue.
16. Drawing all of these strands together, I conclude that, in the absence of any proposed alterations to the existing access or junction on Wayford Road or any other mitigation measures, the appeal scheme would have a harmful impact on the safe and efficient operation of the highway network in the vicinity of the appeal site with particular regard to the A149 Wayford Road. The development is therefore contrary to Policy DM23 of the Local Plan which requires appropriate mitigation to address the impact of development on the highway network.

Conclusion

17. For the reasons set out above, the appeal is dismissed.

Sarah Dyer

Inspector