

Appeal Decision

Site visit made on 2 December 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019

Appeal Ref: APP/K2610/W/18/3211996

The Belt, Mill Row, Millgate, Aylsham NR11 6HZ

- 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 M Philpott against the decision of Broadland District Council.
 - The application, ref. 20181011, dated 7 June 2018, was refused by notice dated 14 August 2018.
 - The development proposed is the change of use from Studio to Holiday Let and single storey front and rear extensions.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a discrepancy between the application form, the appeal application form and the Decision Notice as to the description of the proposed development. I have therefore taken the description on the Council's Decision Notice.
3. It is noted that there appears to be no dispute between the parties as to the principle of the proposed extensions, which were seen to be appropriate within the setting of a listed building (The Belt, Grade II). I have no reason to dispute this assessment and shall make my decision on this basis.

Main issue

4. The main issue is the effect of the proposed change of use upon highway safety.

Reasons

5. I appreciate that the road conditions I experienced on my site visit was only a snapshot of the road at this particular time, however I have also considered the evidence submitted by both main parties and, in light of this, I am satisfied that what I saw represents typical conditions.
6. The appeal site is currently a residential annexe/studio that lies opposite The Belt, which is a farmhouse and ancillary agricultural buildings accessed from a private road which forms an extension from Mill Row which is a no through road. Mill Row connects onto Millgate which then leads into the settlement of Aylsham.

It is proposed to utilise the existing ancillary annexe/studio as a holiday let which would contain two bedrooms and provides parking for vehicles.

7. Mill Row, like many rural roads suffers from limited width which with the number of on street parked vehicles impedes simultaneous two-way flow. This means that vehicles need to stop momentarily to give way to traffic coming in the opposite direction. Whilst the Norfolk County Council's Highways Authority (HA) state that there have been no reported incidents in the past 5 years, the HA consider that the junction of Mill Row and Millgate has significant safety issues as a result of lack of visibility at this junction and visibility along Mill Row. I also noticed these issues on my site visit with many cars as well as service and contractor vehicles parked along Mill Row, making the road difficult to navigate when travelling to and from this junction and with visibility into Millgate and along Mill Row severely restricted. As the access to the proposed holiday let is a no through road, this junction would be the only junction utilised by the proposed holiday let. Therefore the HA are concerned regarding any increase of traffic to this junction which does not currently meet Manual for Streets guidance for visibility splays.
8. According to the Appellant's calculations, Mill Row is currently served by 17 dwellings, with comments regarding heavy farm traffic between Belt Farm and another farm complex and 'considerable traffic' from the Anglican Water Treatment Plant; as well as used for the on-street parking of vehicles associated with other holiday let uses along Mill Row that do not have on street parking. Whilst these uses may be historic, these do not weigh in favour of the suitability of increased use of a sub-standard access. The use of the road by heavy vehicles and agricultural vehicles does instead highlight the type of vehicles which can be encountered on this road which perhaps highlights Mill Row's further deficiencies and reinforces the need to reduce any increased traffic to this substandard access and road.
9. The land on either side of Mill Row at the junction of Millgate contains historic boundary walls of listed buildings in private ownership, with the highway safety situation not being able to be resolved as works required are part of third-party land, as well as historic environment considerations which would be needed to improve visibility splays. I note comments from the HA that according the Trip Rate Information Computer Serves Database, that this type of use is likely to generate an additional 3 trips per day to the Mill Row and Millgate junction. The appellant's appeal documents do not submit any evidence which would counter this figure, and as such I consider this trip generation a reasonable assessment given the proposed use.
10. Whilst I note the appellant's comments that the trips generated by the proposed use would be small, they are not insignificant. Based on the evidence before me, there is a lack of adequate information available in order to approve the proposed use and demonstrate that safe and suitable access to the site can be achieved for all users.
11. In conclusion on this matter, the proposed use is therefore is likely to cause significant and adverse impacts upon highways safety and be contrary to Broadland District Council Development Management DPD 2015 Policy TS3 which seeks 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.

Other Matters

12. I note commentary regarding a listed building consent approval for consent to extend the building to form a two bedroom building. The permission does not approve the change of use which is the subject of this appeal and has different considerations that go beyond the requirements caused to the historic environment. The approval of this scheme does not therefore have a bearing in this decision.

Conclusion

13. For the reasons given above I conclude that the appeal is dismissed.

J Somers

INSPECTOR