



Appeal Decision

Site visit made on 17 September 2019

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2020

Appeal Ref: APP/Y2620/W/18/3210012

The New Bungalow, Mill Common Road, Ridlington NR28 9TY

- 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 J Plummer against the decision of North Norfolk District Council.
 - The application Ref PF/18/0641 dated 6 April 2018, was not refused by the Council within the notice period.
 - The development proposed is the change of use of an existing farm track to a residential access.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The plans and other details provided indicate that the proposed route would be used for residential access only, and there is minimal evidence of any intended agricultural use. Therefore I have amended the above description of development from that on the application form by the deletion of the words "and farm track" from the end of the sentence in the interests of accuracy.

Background and Main Issues

3. The Council did not make a decision on the planning application within the notice period. Therefore there is no formal refusal notice. However, the Council states that, had it issued a decision on the proposal, it would have refused permission on the basis of locational concerns, the effect on the appearance of the area, highway safety concerns and the effect on the living conditions of neighbouring occupiers.
4. Thus, the main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposed development would provide a suitable location for the scheme, having regard to the spatial strategy for the area;
 - The effect of the proposal on highway safety; and
 - The effect of the proposal on the living conditions of the occupiers of Rookery Barn and adjacent holiday accommodation with regard to noise, illumination during the hours of darkness and drainage.

Reasons

Character and appearance

5. Mill Common Road is a rural lane which passes through open countryside and past scattered dwellings. The appeal site forms the edge of an arable field which lies behind a small area of dwellings off the lane. A spacious and rural appearance results from the surrounding open countryside and the limited nature of development along the lane. As an undeveloped field edge the appeal site contributes positively to this appearance.
6. The appeal proposes the construction of a surfaced track along the field edge and adjacent to an earth bank. This would be used as an additional residential access to that currently in use for The New Bungalow. The track would be approximately 8 metres wide, comprising verges and a central surface. It would be approximately 115 metres long.
7. The proposal would result in the construction of a hard surfaced track of a significant length and width, adjacent to the field. Whilst intervening development and boundary treatments would offer some screening of the track in views available to those passing north along the lane, it would be prominent within views available to those passing south due to its scale. It would have a domestic appearance which would result in an urbanising effect which would cause moderate harm to the spacious and rural character and appearance of the area.
8. Thus, the proposal conflicts with Policies EN2 and EN4 of the North Norfolk Core Strategy ("the CS"), which require development to preserve or enhance the character and qualities of an area. Further conflict exists with the design aims of the National Planning Policy Framework (2019) ("the Framework").

Location of development

9. Policy SS1 of the CS sets a spatial strategy for the area. This designates the appeal site's location as countryside. The policy restricts development in such areas to particular types.
10. Policy SS2 of the CS concerns development in the countryside. This is limited to that which requires a rural location and is for one or more of certain types of development, including agriculture and transport.
11. It is submitted that the site has historically been used by agricultural vehicles. However, correspondence from the appellant confirms that the proposed track would be for residential use alone, therefore it would not have an agricultural purpose. The proposal relates to the creation of a private access and hence it does not form transport development.
12. Therefore the proposal would not provide a suitable location for the scheme, having regard to the spatial strategy for the area. It consequently conflicts with Policies SS1 and SS2 of the CS, which seek to achieve a particular distribution of development across the area. It would therefore result in harm in achieving the planned strategy.

Highway Safety

13. Established roadside hedgerow severely restricts the visibility of the highway looking south from the junction of the proposed access with Mill Common Road.

It is therefore likely that vehicle bonnets would need to protrude into the highway in order to increase available visibility when leaving the proposed access.

14. The lane carries a national speed restriction of 60 miles per hour at this point, and has a relatively narrow width. The lane to the south of the proposed junction has a relatively straight alignment. Therefore, whilst vehicles on this section may be less likely to meet the maximum permitted speed due to the width of the lane, they may potentially still be travelling at a significant speed. Furthermore, the protrusion of vehicle bonnets into the highway to enable visibility would be in the path of oncoming traffic from the south, due to the restricted width of the lane. The proposal does not seek to secure any improvements to visibility at the point concerned. Therefore it does not demonstrate that the access would be safe due to the existing restricted visibility looking south from the junction, combined with the highway conditions.
15. There is minimal evidence before me to support the contention that the proposal would provide a safer access to The New Bungalow than the existing track. Indeed, the appellant confirms that the majority of vehicle access to that property would continue to be via the existing track. It is further submitted that only vehicles of a type which encounter difficulties using the existing track would use the proposed access. However, no substantive evidence on the type of vehicles to which the new access would be restricted is before me. Therefore the appeal fails to demonstrate why the existing access is considered to be inadequate and the consideration is consequently one to which I attach only minimal weight.
16. It is common ground between the parties that the field gateway at Mill Common Road (as distinct from the entirety of the proposed track) is likely to have been used for informal access by agricultural vehicles. Be that as it may, the proposed vehicular use of the route would materially increase use of this junction. Unacceptable harm to highway safety would result from this increase due to the insufficient available visibility levels looking to the south.
17. Furthermore, the visibility from an agricultural vehicle is likely to differ from that available from the type of vehicle associated with a dwelling, so that I do not consider the two types of use to be comparable. Therefore, even if the field gateway were acceptable for use by agricultural vehicles, this would not demonstrate its acceptability for intensified use by other vehicles. I note that the local highway authority shares my view on the adequacy of the visibility looking south along Mill Common Road.
18. Given the proposed change from a field edge to a surfaced track and the relative ground levels in the area, there is likely to be some potential for the discharge of water from the proposal onto the highway. This can harm highway safety due to the resulting reduction in vehicle control. The appeal contains minimal details of any proposed drainage measures and consequently I am not satisfied that the proposal would not cause harm to highway safety in this regard.
19. The proposal would consequently have an unacceptable impact on highway safety. It therefore conflicts with Policy CT5 of the CS, which requires new development to provide for safe access. Further conflict exists with Policy EN 10 of the CS, which requires new development to demonstrate that it makes

appropriate surface water drainage arrangements for dealing with run-off. It also conflicts with the Framework, which seeks to ensure that development provides safe and suitable access.

Living conditions

20. The proposed track would pass behind the garden of a dwelling, "Rookery Barn", and associated holiday homes. An earth bank and hedgerow of a moderate height lie between the appeal site and the garden.
21. As the proposed track would have a hard surface and would lie on slightly higher land than the nearby dwellings there is some potential for an increase in run-off of water from the site onto surrounding land. However, minimal details of any drainage arrangements are provided with the proposal. Thus, the appeal does not provide sufficient assurance that it makes adequate arrangements for surface water run-off.
22. Vehicles using the proposed track would pass relatively close to the garden and the dwellings on the other side of the earth bank. This would be likely to result in some additional disturbance to the occupiers of those properties due to illumination by vehicle headlights during the hours of darkness, and vehicle noise. TRICs data suggests that the proposal would generate up to 6 vehicular trips per day, which would be a limited number of trips.
23. However, as set out above, the proposal suggests that only vehicles of a larger type would be using the track, in preference to the existing access. Furthermore, there is some evidence that the appellant's property is currently visited by larger vehicles, for example goods vehicles. If the vehicles using the proposed track were of such a type, this would result in a greater level of disturbance by illumination and noise than use by private cars, due to a higher headlight level and the increased noise emitted by such vehicles. Such use would result in moderate harm to the living conditions of the occupiers of the nearby dwellings and garden.
24. Thus, the proposal would have an unacceptable effect on the living conditions of the occupiers of Rookery Barn and adjacent holiday accommodation with regard to drainage, noise and illumination during the hours of darkness. It therefore conflicts with the drainage provisions of Policy EN 10 of the CS. Further conflict exists with Policy EN4 of the CS, which states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

Other Matters

25. An interested party has made a case in relation to human rights. However, as my decision has been wholly in favour of the person raising the issue, it is not necessary for me to reach a conclusion on such matters.
26. I note the appellant's concerns regarding the Council's approach. Nevertheless, these are not matters for this appeal, which I have determined on its planning merits.
27. I have had regard to other matters raised, including the effect of the proposal on the privacy of nearby occupiers and the suggested precedent set by another proposal. Notwithstanding this, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Conclusion

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

C Beeby

INSPECTOR