



Appeal Decision

Site visit made on 31 January 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/V2635/W/19/3239426

Barn North of Cresswell Cottage, The Street, Marham, Norfolk PE33 9JQ

- 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 P Sprake against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/00677/F, dated 4 April 2019, was refused by notice dated 2 August 2019.
 - The development is the proposed demolition of redundant farm building and replacement with single storey residential dwelling within footprint of demolished building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - Whether the proposal would provide suitable living conditions for the future occupiers of the dwelling with particular regard to noise and disturbance, dust and odour; and
 - The effect of the development on highway safety.

Reasons

Character and appearance

3. The appeal site is located to the south-west of an existing farm complex and to the north-east of a group of residential properties. There are other residential properties further away to the south-east but the area has a rural character and feel to it.
4. The appeal site itself is a narrow site which extends a significant distance rear of The Street and currently contains a derelict barn which is in a very poor state of repair.
5. The Council have raised concern that the development would be an overdevelopment of the site, be unacceptably cramped, and would harm the character and appearance of the area. The Appellant has outlined that the

Councils concern in this respect was not included in the determination of previous planning proposals¹. Whilst this appears to be the case, it is nevertheless a matter before me.

6. Given the limited development in the immediate vicinity, which includes both frontage and tandem style development, it cannot be said that there is a strong established pattern of development in the area.
7. However, from what little development there is, it is clear that all of the existing properties have a wider plot width than the appeal site at the point where they join the highway or their respective access drive.
8. To my mind this is the most significant factor as the comparatively narrow width of the appeal site where it abuts The Street gives an impression of a development which is squeezed into the available space. This is particularly the case as the dwelling itself would be set back into the site (where the appeal site is wider).
9. Having said that, I am conscious that there is an existing building on the site which is similar in width and height to the appeal proposal. Given that the proposed development would not have the appearance of a traditional dwelling from the street frontage I consider that the overall impact on the streetscene would not be too dissimilar to the existing situation in terms of its scale. Taking this factors into account, I am of the view that the proposal would not harm the overall character and appearance of the area.
10. For the above reasons the proposal would not harm the character and appearance of the area and would accord with Policies CS08 of the Kings Lynn & West Norfolk Local Development Framework Core Strategy (2011) (CS) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) (SADMPP) which amongst other matters seek to respond to the context and character of the area. It would also be consistent with the overarching aims of the National Planning Policy Framework (the Framework).

Living conditions

11. The appeal site lies immediately adjacent to farm buildings which are close to the farmhouse². The dwelling itself would be located broadly in line with Chapel Farmhouse and to my mind would be in a location where farming activities would be low-key.
12. The Council have raised concerns that the farm activities would cause dust, odour issues, together with noise and disturbance issues. However, very little evidence has been provided to substantiate these concerns.
13. At my site visit there was very little activity at the farm. Whilst my visit was only a snapshot in time I consider that the location of the proposed dwelling is such that should any activities occur which have the potential to cause an unacceptable living environment it is likely that such activities would be shielded by the existing buildings.
14. Furthermore, it is noted that the dwelling itself is located further away from the farm buildings at the rear of the farm complex than the existing residential development to the west of the site.

¹ References 18/00615/PACU3 & 18/01707/F

² Chapel farmhouse

15. Taking all of these factors into account, and based upon the evidence before me, I am of the view that the activities at the adjacent farm would not cause any undue noise, disturbance, dust or odour for the future occupiers of the development.
16. For the above reasons the future occupiers of the dwelling would have suitable living conditions and the proposal would accord with Policies CS08 of the CS and Policy DM15 of the SADMP which amongst other matters seek to ensure that all new development is of a high quality design which promotes health lifestyles including the amenity of future occupiers. It would also accord with the overarching design aims of the Framework.

Highway safety

17. The appeal site is located in a 30mph speed limit zone and is close to a 90 degree bend in the road. From the evidence before me, traffic travelling along The Street from the west was marginally above the speed limit, whilst traffic from the east was much slower owing to the bend in the road.
18. As noted by the Appellant, the visibility splay required for a safe egress from the appeal site access crosses land³ not in either the Appellants or the County Councils control. However, it is stated that such land is mutually required by the occupiers of Cresswell Cottage and Papillions for their own visibility.
19. Whilst this may well be the case, there is no guarantee that the current situation would remain in perpetuity. Furthermore, the wall to the boundary between Eves and Papillions appears to partially block the visibility splay. Additionally, there is nothing to suggest that some form of boundary treatment to the frontages to these properties could not be erected in the future.
20. Taking the above into account, and in the absence of any method to guarantee that the required visibility splay can be provided and maintained, I must conclude that the development cannot provide for the required visibility splay. This is particularly important given the acknowledged speed characteristics of traffic travelling eastbound which from the Appellants own surveys is around the speed limit of 30mph. As such I consider that the development would not be provided with a safe and suitable access.
21. In coming to the above view, I acknowledge that the development would not create significant levels of traffic generation and that the Framework has a presumption in favour of sustainable development. I also acknowledge that a level of agricultural activity could take place on the site without any further planning permission. Notwithstanding these points, I consider that the lack of a deliverable and maintainable visibility splay is fatal to the acceptability of the development.
22. In respect of visibility to the east, I am of the view that adequate visibility is provided at the access point despite the 90 degree bend as traffic speeds are significantly lower than the speed limit. Whilst I acknowledge the concerns raised by the County Council over the raised verge which is not regularly maintained at the present time, I consider that this factor is not a determinative one in this instance.

³ The frontages to Cresswell Cottage, Papillions and Eves on The Street

23. Turning to the potential for traffic turning right into the site, it is noted that traffic flows along The Street are low and that traffic speeds in this direction are also well below the speed limit.
24. From what I observed on site, in the unlikely event that a vehicle would have to wait within the highway to turn right into the appeal site, there would be sufficient visibility and notice for any drivers to safely react to such a stationary vehicle. This would also be the case for any slowing vehicle whilst they approach the access point.
25. Taking this into account, and the low levels of traffic which would be generated by the development, I consider that there would not be an unacceptable increase in highway danger as a result of vehicles turning right into the appeal site.
26. For the above reasons the proposal has no mechanism to ensure that a suitable visibility splay to the west can be provided and maintained. In the absence of such a visibility splay a safe and suitable access cannot be provided and therefore the proposal would be contrary to Policy CS11 of the CS and Policy DM15 of the SADMPP which amongst other matters seek to ensure that development provides for safe and convenient access for all modes of transport. It would also be at odds with the transportation aims of the Framework.

Conclusion

27. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR