
Appeal Decision

Site visit made on 4 August 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/F2605/W/20/3249468

Land adjacent Lords Meadow House, Swaffham Road, Wendling, Dereham, Norfolk NR19 2LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Philip Morter against the decision of Breckland Council.
 - The application Ref 3PL/2019/1134/O, dated 6 September 2019, was refused by notice dated 16 January 2020.
 - The development proposed is residential development (three dwellings and garages).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline permission with all matters being reserved for future consideration except access and layout. The description of the development restricts the development to three dwellings. A site layout plan (Drawing No 88/Rev C) was submitted with the application. I have taken the details shown on this plan that relate to appearance, landscaping and scale as being illustrative only.

Main Issues

3. The main issues are: -
 - Whether the site is a suitable location for three new dwellings having regard to local policy for the delivery of housing;
 - The effect of the proposal on the character and appearance of the site and the surrounding area; and: -
 - Whether the proposed development would incorporate a safe and suitable access for all users.

Reasons

Suitable location for dwellings

4. The appeal site is a narrow open field running roughly perpendicular away from Swaffham Road. In the vicinity of the site Swaffham Road is subject to a 50 MPH speed limit and has a footway only on the opposite side to the appeal site.
5. The site lies between a linear development, served by a drive running away from Swaffham Road, and open fields. Opposite the site lies a telephone

exchange which lies on the end of linear residential development facing onto Swaffham Road. Within and on the boundary of the site are several trees. Wendling contains three distinct groups of buildings, together with some sporadic development; each group of buildings retaining a rural setting within open countryside. The separate groups contribute significantly to the distinct character of the settlement.

6. The proposal would create three dwellings and associated garages, accessed by a shared drive off Swaffham Road. Some trees within the site would be removed to facilitate development.
7. There is no dispute that the site lies outside of any of the settlement boundaries identified within the Breckland Local Plan -2019- (the Local Plan). Wendling falls under the definition of 'Small Villages and Hamlets Outside of Settlement Boundaries'.
8. Together Policies GEN01, and GEN05 of the Local Plan establish a spatial strategy and development hierarchy that seek to protect countryside and concentrate development growth in more sustainable locations.
9. Policy GEN01 seeks, amongst other things, to co-ordinate development with transport provision ensuring good access to existing community facilities, services and open space. Policy GEN05 restricts, subject to certain exceptions, development outside of identified settlement boundaries.
10. Whilst Wendling has a village hall, restaurant and swimming pool, these facilities would fall short of catering for the day-to-day needs of future occupiers of the development, necessitating a trip further afield. Whilst I observed a bus stop on Swaffham Road, within walking distance of the site, little evidence has been provided of the frequency of the service to demonstrate that this would provide a realistic alternative to the use of the private car to cater for the day-to-day needs of residents.
11. The nearest sizeable settlement is Dereham, some four and a half miles away, which contains a full range of services. The village of Necton, identified within the Local plan as a Local Service Centre is about four miles away whilst the town of Swaffham, at a distance of around eight miles, provides a full range of services.
12. However, the intervening roads are unlit and lack footway provision, with vehicles travelling at speed. The unlit nature of the intervening roads, with their lack of footways and vehicular speeds would be likely to deter pedestrians and cyclists, particularly after dark, with children or during inclement weather and so residents of the site would almost certainly rely very heavily on the private car to meet their day-to-day needs.
13. The National Planning Policy Framework -2019- (the Framework) recognises that sustainable transport solutions will vary between urban and rural areas and that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. The appeal site lies in an area of only sporadic development, where dwellings form small loose groups or hamlets with few services within them requiring, in all likelihood, a trip into the local town to satisfy their day-to-day needs. Thus it could not be said that the development would contribute meaningfully to the vitality of villages outside the towns.

14. Further, there is no meaningful alternative to using the private car to satisfy these needs. With, for such a limited scale of development, no real scope to improve connexions for walking, cycling or public transport, dependency upon private motor vehicles would be almost total.
15. Policy HOU05 of the Local Plan limits development in small villages and hamlets outside of defined settlement boundaries, apart from where it would comply with other development plan policies, except Policy GEN05, and where they satisfy all of the criteria set out in HOU05.
16. These criteria include infilling and rounding off of a cluster of dwellings, being of an appropriate scale and design to the settlement, contributing to enhancing the historic nature and connectivity of communities and avoiding harm or undermining of a visually important gap that contributes to the character and distinctiveness of the rural scene. The policy supports, where all of the above criteria are met, self-build housing.
17. Whilst the site is adjacent to other dwellings, and would be a similar linear form of development, the proposal would lie parallel to that development with open fields to the other side. The proposal is not, therefore, infilling nor is it 'rounding off', but rather extends urbanisation further into the open countryside. I do not, therefore, consider that the proposal satisfies the first criteria of Policy HOU05.
18. Whilst the proposal is in outline form and scale and appearance are reserved for determination at a later stage, the layout is not. However, the layout provided shows how three dwellings could be incorporated within the site, within moderate-sized plots incorporating provision for the keeping of cars. The size of the plots would not be out of keeping with those nearby, albeit that nearby plots are generally larger. The number of dwellings is relatively small and of a scale that is unlikely to have any significant effect on the overall nature of Wendling. The design of the dwellings is a matter to be determined at reserved matters stage, however, there is nothing before me to suggest that a sympathetic building design could not be achieved. I am therefore satisfied that, subject to incorporation of appropriate planning conditions on any permission that I may be minded to issue, the proposal would be able to satisfy criteria 2 and 3 of Policy HOU05.
19. The proposal would extend development into the countryside. There is dispute between the main parties regarding the historic use of the site. At the time of my site visit I did not observe any structures within the site and I have little substantive evidence before me that any sizeable structures existed. The built form of three substantial dwellings, together with their associated outbuildings and associated residential paraphernalia would increase the urbanisation of the countryside, incrementally reducing the openness of the countryside and the gap.
20. Whilst the development, when viewed from Swaffham Road, would generally appear against the backdrop of existing development, an urban form would be introduced to the frontage and the urban form on that side of the road increased. This increase would be noticeable from the road. Directly opposite the site lies the telephone exchange, which has a form similar to a shed, and is more in keeping with the rural nature of the open fields to the east. The proposal would reduce the gap between the cluster of dwellings, undermining that gap which contributes to the character and distinctiveness of the

settlement of Wendling within its rural setting. The proposal would not, therefore, satisfy Criteria 4 of Policy HOU05.

21. Whilst satisfying some of the criteria for compliance with Policy HOU05 of the Local Plan, the site would not provide good access to existing community facilities and services. Further it would lie outside of any settlement boundary and would fail to satisfy the first and fourth criteria of Policy HOU05.
22. The appellants have stated that two of the properties will be occupied by their children and that these plots would be 'self-build'. I have no evidence before me to demonstrate that any of the future occupiers is on a self-build register, or how the provision of the properties as 'self-build' will be secured or retained. I am mindful that the support given to 'self-build' dwellings by Policy HOU05 is conditional upon the proposal otherwise satisfying all of the criteria of the policy. I therefore give this matter limited weight.
23. I therefore conclude that the proposed development is not a suitable location for three new dwellings having regard to local policy for the delivery of housing and is therefore contrary to Policies GEN 01, GEN 05 and HOU 05 of the Local Plan. The proposal would also be contrary to those Paragraph 170 parts of the Framework which seeks to protect intrinsic character and beauty of the countryside.

Character and appearance

24. As will be seen from my reasoning above, the development would extend the urban form of the cluster of dwellings into the open countryside, and this would undermine the distinct character and distinctiveness of the settlement of Wendling within its rural setting and that the change would be clearly visible from Swaffham Road. In this context the change to the rural landscape would amount to significant harm.
25. I therefore find that the proposal would result in harm to the character and appearance of the site and the surrounding area and would, therefore be contrary to Policies ENV05, GEN02 and COM01 of the Local Plan in as much as these seek to, amongst other things, ensure that development contributes to and where possible enhances the local environment by recognising the intrinsic character and beauty of the countryside, and respects and is sensitive to the character of the surrounding area and makes a positive architectural and urban design contribution to its context and location. The proposal would also be contrary to the aims of Paragraph 170 of the Framework, which seeks to ensure that development contributes to and enhances the intrinsic character and beauty of the countryside.

Highway safety

26. The proposal would provide an access directly onto Swaffham Road. The road is subject to a 50MPH speed limit and the Highway Authority consider that a visibility splay in accordance with the requirements of the Design Manual for Roads and Bridges (DMRB) should be provided.
27. Recent speed surveys in the vicinity of the site demonstrate that the 85th percentile speeds on Swaffham Road are close to the maximum permitted by the speed limit and I have no evidence before me to dispute this. These would require a visibility for emerging drivers, at a setback of 2.4 metres from the edge of the carriageway, of 150 metres to the west and 149 metres to the east

to ensure that emerging and approaching drivers have sufficient warning of each other's presence and intentions to allow safe manoeuvring. Visibility is usually measured along the nearside carriageway edge.

28. The appellants have provided a plan showing the provision of 160 metres of visibility for emerging drivers to the east, and 117.5 metres to the west. The plan shows that 150 metres of visibility for emerging drivers can be provided if the visibility splay is measured to the centre line of the carriageway. However this would not provide inter-visibility between drivers of approaching vehicles that are overtaking and drivers pulling out from the appeal site.
29. To ensure the availability of visibility splays they should be either under the control of the owner of the access, or in public ownership. In the case of this access the plan does not demonstrate that a 150 metre visibility splay could be provided within public highway or over land within the control of the appellant without creating an area within which an overtaking vehicle approaching from the west would not be visible to an emerging driver. Notwithstanding that the Local Highway Authority query whether such a provision could be met, the proposed visibility provision of 117.5 metres would be very significantly less than the minimum requirement I have referred to above. I therefore consider that a significant residual risk and potential of harmful injury to highway users would remain, which I find to be unacceptable.
30. I therefore conclude that the development would not incorporate a safe and suitable access for all users and would result in unacceptable harm. I consider that the development would be contrary to the provisions of Policies TR01, TR02 and COM01 of the Local Plan in as much as these policies seek, amongst other things, to ensure that development provides safe, suitable and convenient access for all users and does not adversely impact on the operation or safety of the strategic road network. The proposal would also be contrary to paragraphs 108 and 109 of the Framework which have similar aims.

Other Matters

31. Whilst there would be some limited economic and social benefits arising from an additional dwelling, I consider those benefits to be modest, given the scale of this development, and to be outweighed by the harm that I have identified in my reasoning above.

Conclusion

32. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR