



Appeal Decision

Site visit made on 8 September 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 10th November 2020

Appeal Ref: APP/F2605/W/20/3253717

Ivy Farm, Thumb Lane, Horningtoft NR20 5DY

- 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 S Cleverley against the decision of Breckland Council.
 - The application Ref 3PL/2019/1265/F, dated 19 September 2019, was refused by notice dated 6 December 2019.
 - The development proposed is a change of use for the two existing agricultural units as follows: "Unit A" from Agricultural to mixed use: Agricultural / B1 (Business) / B8 (Storage). "Unit B" from Agricultural to B1 (Business) / B8 (Storage).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 have come into force since the submission of the appeal. The Council and the appellant have been provided with an opportunity to comment on the implications of this legislation for the appeal and, regarding Paragraph 4 of the Regulations, I have also considered the case with reference to the previous use classes in force when the application was made.

Main Issue

3. The main issue is whether the proposal would provide a suitable site for the development, having regard to the spatial strategy for the area and the effect on highway safety.

Reasons

4. Policy EC04 of the Breckland Local Plan (2019) (the BLP) concerns employment development outside General Employment Areas. It sets out criteria for employment proposals in such locations. The policy aims to guide the majority of employment development to locations which reduce the need to travel.
5. The appeal site lies in Horningtoft, which is a small village which is located outside any General Employment Area. The appeal provides minimal evidence to suggest that there are no other suitable sites available on identified employment sites, or that there are particular reasons which support the development's proposed location. Therefore the scheme does not accord with Criteria a) and b) of Policy EC04. Criterion C of the policy states that

development in such locations should not adversely affect the type and volume of traffic generated.

6. The appeal site lies off Oxwick Road, which is a rural lane of a width which is mainly suitable for a single vehicle for some distance in the vicinity of the appeal site. Whilst a limited passing place is available further along the lane, other opportunities for vehicles to pass are generally restricted to the use of property accesses. These do not provide assured passing places because they are likely to comprise private rather than public land.
7. The lane's restricted width will consequently necessitate a reversing manoeuvre on the part of one motorist, to enable two vehicles to pass. Such a manoeuvre carries increased risks to both motorists and other users of the highway due to the reduced visibility which is available to drivers when reversing.
8. Highway verges in the vicinity are narrow and uneven and would not offer reliable refuge to more vulnerable road users close to passing cars. Furthermore, footways are not available for pedestrian use, so that these users would be within the carriageway and hence at greater risk.
9. Any use of verges for pulling over to pass would additionally increase the current partial erosion of the carriageway edge, with a resulting deposition of mud and other material within the highway. As this would increase the risk of skidding it presents a risk to highway safety.
10. Oxwick Road has a winding alignment which reduces visibility for highway users. Whilst the road outside the appeal site has a speed restriction of 30 miles per hour, this changes to a national speed limit in close proximity to the site. Vehicles would be in the centre of the carriageway on bends due to the road's single track width. Therefore an oncoming vehicle may appear in another's path. The reduced visibility consequently presents a risk to highway safety, as it decreases the reaction time available for drivers.
11. Large vehicle movements associated with the agricultural units currently comprise approximately 2 tractor journeys per month, and this would continue. The units are proposed for use by a vehicle recovery business, and employees at a proposed light industrial business.
12. Accordingly, both buildings would be subject to business uses which would intensify the vehicular use of Oxwick Road. The vehicle recovery business would additionally require the use of recovery vehicles, which would be particularly challenging to operate safely given the restricted width and winding alignment of the road. As a result, the scheme would exacerbate the risks created by the road's restricted width and visibility, lack of pedestrian facilities and verge erosion, with resulting harm to highway safety.
13. Thus, the proposal would not provide a suitable site for the development, having regard to the spatial strategy for the area and the effect on highway safety. It consequently conflicts with Policy COM01(m) of the BLP, which states that development proposals should not compromise highway safety. Additional conflict exists with Policy EC04 of the BLP, the aims of which are set out above. Further conflict exists with the highway safety provisions of the National Planning Policy Framework (2019).

Other Matters

14. I acknowledge that some industrial uses exist at other sites in the vicinity. However, the submission that these are similar to the appeal proposal is unsubstantiated by any significant evidence. Furthermore, I note that the industrial units near Brancaster House appear to be served by an alternative vehicular access which does not require the use of Oxwick Road. As a result, I am not persuaded that these schemes have sufficient similarities to the appeal proposal to lead me to a different conclusion.
15. I have assessed the appeal proposal based on the existing circumstances of the site and its surroundings. Therefore the historic presence of a business which is suggested to have produced higher traffic levels than those which currently arise from the use of the units does not provide justification for the scheme.

Conclusion

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

C Beeby

INSPECTOR