
Appeal Decision

Site visit made on 15 December 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2020

Appeal Ref: APP/F2605/W/20/3257506

Land adjacent to Meadowbank and Loran, Dereham Road, Bawdeswell, Norfolk NR20 4AA

- 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 Neville Middleton against the decision of Breckland District Council.
 - The application, Ref 3PL/2020/0378/O, dated 4 April 2020, was refused by notice dated 5 June 2020.
 - The development proposed is development of three detached self-build properties with garages.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline, with details of access, layout and scale submitted for approval and those relating to appearance and landscaping reserved for later consideration. I have dealt with the appeal on the same basis, treating the further details provided as illustrative.

Main Issues

3. Whether this proposal would be appropriate with regard to (i) development plan policies for the location of new housing and (ii) providing safe and convenient access to services and facilities.

Reasons

(i) development plan policies for the location of new housing

4. The settlement of Bawdeswell lies close to, and mainly to one side, of the principal A1067 Norwich to Fakenham Road. The appeal site lies to the other side of this main road and comprises a parcel of farmland behind a roadside hedge fronting the C888 Dereham Road, not far from its junction with the A1067. The land is physically capable of accommodating the three detached dwellings proposed, which would lie between the small amount of frontage housing to either side. The site is a significant distance from the Bawdeswell settlement boundary defined in the Breckland Local Plan (LP) adopted in November 2019. This lies about the same distance beyond, as this site is to, the A1067.

5. Most new development needs will be met through the proposed sustainable settlement hierarchy of LP Policy GEN 03. This identifies Bawdeswell as a third tier Local Service Centre, below Key Settlements and Market Towns and above Villages with Boundaries. Through Policy HOU 02, the LP provides for a 10% growth of 49 additional dwellings within Bawdeswell in the period up to 2036. This planned growth is commensurate with the level of services provided in this settlement, which include a regular bus service between Norwich and Fakenham, a convenience store and a primary school.
6. Policy HOU 03 of the LP is relevant to this proposal as this addresses development outside of the boundaries of Local Service Centres. Opportunities for self-build dwellings which meet the criteria this sets out will be supported. However, Bawdeswell has already met its planned growth of 49 new homes through permissions already given. Where this is the case, development outside of the settlement boundary is resisted unless supported by other LP policies, which is not the case here. Even if there remained a shortfall in reaching the housing target for Bawdeswell, Policy HOU 03 applies further criteria which this proposal would fail to meet through not being immediately adjacent to the settlement boundary.
7. This would therefore not be an appropriate location for the three detached self-build properties proposed as this would be contrary to development plan policy. There would be significant harm arising from a proposal which would conflict with the adopted plan-led approach towards the delivery of a sustainable level and distribution of development growth in this District.

(ii) safe and adequate access to services and facilities

8. Although the nearest services in the centre of Bawdeswell are within a reasonable walking distance, access would initially be along an unsafe section of Dereham Road leading to the A1067. This would require walking in the live carriageway of an unlit highway of meandering alignment and bound mainly by raised grass verges, giving pedestrians pushing prams, buggies or wheelchairs no opportunity of standing clear of passing traffic. Furthermore, inter-visibility for pedestrians walking back to the appeal site is restricted by the horizontal alignment of the carriageway, giving little warning of oncoming vehicles. On reaching the A1067, pedestrians would be required to make the hazardous crossing of this principal highway, comprising two running lanes and a left filter lane and lacking a pedestrian refuge island or street lighting, in order to continue onward to or from the village.
9. The nearest services in Bawdeswell would therefore not be safely or conveniently accessible by foot, wheelchair or bicycle. Therefore, most household journeys from this site would be undertaken by private car. In the appeal statement, it is made clear that it is intended to widen the existing farm entrance to jointly serve the three dwellings, and that there would be no loss of the roadside hedge. However, the evidence suggests the hedging would need to be maintained to a suitably reduced height and width to achieve highway visibility.
10. On this basis, I accept the findings of the local highway authority that a maximum achievable level of visibility to the south of the site access would nonetheless be substantially below that recommended in the Design Manual for Roads and Bridges, which I consider to be the relevant source of national guidance for this location, rather than Manual for Streets. Compared to the

existing agricultural use, three dwellings would generate significantly greater vehicular use of this access, where the substandard level of visibility onto the Dereham Road in this location would result in an unacceptable reduction in safety for all highway users.

11. I also agree that the robust highway evidence has not been provided to support the greater level of visibility claimed in the appeal statement, compared to that evidenced in the application. Furthermore, the proposed layby adjacent to the entrance that is proposed has not been the subject of a safety audit and I am not persuaded this feature overcomes the outstanding highway safety concerns arising from this proposal.
12. For the above reasons, I consider that this proposal would not be appropriate with regard to providing safe and convenient access to services and facilities. As a consequence, the scheme conflicts with LP policies COM 01 and TR 02. These seek that new development does not compromise highway safety and enables safe access for vehicles, walking and cycling, offering maximum flexibility in the choice of travel modes for all potential users.

Balance and Conclusion

13. The National Planning Policy Framework (The Framework) would have been taken into account in the preparation and adoption of the more recent LP. However, it remains a material consideration in planning decisions. The Framework requires that it be read as a whole, including its footnotes and annexes. Considering the Framework as such, the areas of conflict with the LP policies are not as a whole contradicted. The Framework endorses the plan-led system for delivering the economic, social and environmental objectives of sustainable development. This includes providing appropriate opportunities to promote sustainable transport modes, ensuring safe and suitable site access can be achieved for all users, giving priority first to pedestrian and cycle movements and addressing the needs of people with disabilities and reduced mobility in relation to all modes of transport. None of the above contradicts the conclusions I have reached over the main issues.
14. The proposal would make good use of a small parcel of land that is awkward to farm with modern machinery. This would provide some small social and economic benefits by adding to the supply of self-build housing plots that are capable of a quick build-out. This might help boost housing delivery that has stalled with the current Covid pandemic. The proposal would not comprise the development of isolated homes in the countryside, which the Framework seeks to be avoided unless certain circumstances apply. However, that is not a factor in this decision, and is thus a neutral consideration.
15. Taken in the round, the proposal conflicts with development plan policies which are broadly consistent with those of the Framework. The small benefits identified would not outweigh the harm found and consequently, having taken all other matters raised into account, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector