



Appeal Decision

Site visit made on 30 November 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Thursday, 31 December 2020

Appeal Ref: APP/V0510/W/20/3258159

The Pines, Mildenhall Road, Fordham CB7 5NT

- 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 David O'Connor of D&R Developments against the decision of East Cambridgeshire District Council.
 - The application Ref: 20/00715/FUL, dated 1 June 2020, was refused by notice dated 5 August 2020.
 - The development proposed is described as 'intensification of use of existing mobile home site to accommodate a total of 8No. mobile homes'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site is occupied by approximately nine mobile homes and two outbuildings and therefore I am considering this appeal retrospectively.

Main Issues

3. The main issues are:-
 - i) The effect of the proposed development on highway safety; and
 - ii) Whether the appeal site is a suitable location for development having regard to the settlement strategy of the development plan.

Reasons

Highway safety

4. Access to the appeal site would be taken via an existing driveway leading from Mildenhall Road, a single carriageway road. At the time of my site visit, I observed that the road received a regular flow of traffic including heavy goods vehicles, transit vans and farm vehicles. It is also a route for buses. The junction of the B1085 with Mildenhall Road is situated opposite the entrance to the existing driveway. I observed the B1085 to be in frequent use albeit vehicles were travelling noticeably slower on their approach to the junction.
5. Although the speed limit at the point of the existing access is restricted to 30mph, this increases to the national speed limit a short distance from the entrance to the existing driveway. Vehicles were generally travelling quickly at the point of the entry to the existing driveway.

6. Notwithstanding the presence of some grass verge along its edges, the existing driveway is relatively narrow and would be a shared space between pedestrians, cyclists and vehicles for both the appeal site and the development that is situated to its rear. This could lead to conflict between these users.
7. The proposal would not be likely to generate an excessive number of vehicular movements. However, by reason of its constrained width, this would be likely to prevent two vehicles from passing each other simultaneously. Taken together with an absence of any adequate passing place and a pedestrian footway, it is far from clear that safe and suitable access to the appeal site would be achieved.
8. Substantial vegetation along the boundary with No 193 Mildenhall Road has the effect of obscuring views of the existing driveway when approaching from the direction of the village. In the event that two vehicles were to meet each other within the existing driveway, one vehicle would need to reverse until the other could pass. Existing vegetation would make it more difficult for a driver to have adequate visibility to reverse, particularly at the junction with Mildenhall Road.
9. In addition, the internal access within the appeal site would not meet the width requirement for a road serving in excess of five dwellings. As such, it would not be capable of adoption and further exacerbates the problem of vehicles being able to safely pass each other. Based upon the evidence before me and from what I saw on my site visit, I have serious concerns about the impact of additional users of the existing driveway and the highway safety implications due to the conflict between highway users.
10. The Highway Authority (HA) advocates that improvements would be necessary to the existing driveway in order to construct a formal junction with six metre radii kerbs. Whilst the appellant has expressed a willingness to incorporate the junction improvements, the Council state that the works required to be undertaken include land which does not fall within the ownership of the appellant or the HA. There is no substantive evidence before me to refute the Council's assertion and demonstrate that the proposed scheme would incorporate the requisite junction. Consequently, I cannot conclude that acceptable access can be achieved in this instance.
11. Therefore, I conclude that there would be significant harm to highway safety. Thus, the proposal conflicts with Policy COM7 of the East Cambridgeshire Local Plan (2015)(LP) insofar as this policy requires development to provide safe and convenient access to the highway network and to accommodate the level/type of traffic generated without detriment to the local highway network.
12. The Council's reasons for refusal also cite a conflict with LP Policy COM8. However, this policy concerns parking provision and it has not been put to me that the proposal would provide inadequate levels of car and cycle parking. On the basis of the evidence before me, I do not consider that the proposal would conflict with this policy. However, my findings with regard to the conflict with LP Policy COM7 remains unaltered.

Settlement strategy

13. The appeal site lies outside of the defined settlement boundary for Fordham. For the purposes of applying planning policy, it is located within the countryside.

14. LP Policy GROWTH 2 sets out the spatial strategy for the location of new residential development. It requires development to be located within defined settlement boundaries, with development concentrated in the market towns with limited development in the villages. Outside of those areas, development is strictly controlled to a number of exceptional circumstances. Policy 1 of the Fordham Neighbourhood Plan 2016-2036 (NP) has similar aims. LP Policy GROWTH 5 sets out the presumption in favour of sustainable development.
15. It is the appellant's case that the proposal would accord with the provisions of LP Policy HOU 7 insofar as this policy is permissive of the intensification of existing mobile home parks outside of development envelopes. There is dispute between the parties as to whether the appeal site amounts to a mobile home park which I am unable to resolve on the evidence before me. In any event, exceptional development in accordance with this policy is subject to a number of requirements. In particular, that there should be no adverse impact on the local highway network by reason of the scale and nature of the traffic generated by the proposal. On the basis of my findings above, the proposal would fail to satisfy this requirement and the proposed scheme would not benefit from the provisions of LP Policy HOU 7.
16. It follows that in the absence of anything to suggest that the dwellings proposed would be consistent with the exceptions to the various policies noted above, the appeal site is not a location to which new development should be directed. The development would clearly conflict with LP Policies GROWTH 2 and GROWTH 5 and NP Policy 1, the requirements of which are set out above.
17. The Council's reasons for refusal also cite conflict with paragraph 79 of the National Planning Policy Framework (the Framework). However, given the proximity of other dwellings I do not consider that the appeal site would be 'isolated' for the purposes of the Framework, since it cannot be said that it would be far away from other places, buildings or people, albeit the location is rural.

Other Matters

18. Planning permission for the construction of three bungalows was granted by the Council¹. This permission has not been implemented and it would be open to the appellant to construct the consented scheme. Nonetheless, when compared against the consented scheme, the proposed scheme would be for considerably more dwellings and would nonetheless generate additional vehicular traffic over and above the level of traffic which is deemed acceptable for the existing driveway and junction.
19. It has not been put to me that there would be any visual harm arising from the proposal. Nor would there be any adverse impact from contamination, flooding, the loss of trees or living conditions of neighbouring occupants. However, the absence of harm is a neutral factor that weighs neither for nor against a proposal.
20. Whilst the LP recognises that mobile homes play an important role in providing low-cost market housing for local people and the NP promotes a range of dwelling types for a mixed community, there is little evidence before me that

¹ Planning Reference: 18/00740/FUL.

there is demand for this type of housing at this particular location. As such, this limits the weight I attach to this benefit of the scheme.

21. In terms of the proposal's benefits, it would make efficient use of previously developed land. It is located in close proximity to local services and facilities which future occupants of the proposed scheme would be likely to contribute towards. In addition, income would be generated during construction, albeit this would be for a temporary period. However, given the modest scale of the proposal, the benefits generated by the proposal would be limited. I have concluded that the proposals' adverse impact relates to highway safety and its conflict with the settlement strategy. In my judgement, this harm carries substantial weight. The modest benefits of the proposed scheme do not outweigh the harm I have identified above.

Conclusion

22. For the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR