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## Appeal Decision

Site visit made on 13 January 2021

**by John Morrison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 January 2021**

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**Appeal Ref: APP/F2605/W/20/3259472**

**Plot adjacent Redroofs, 73 Fakenham Road, Beetley, Dereham NR20 4BT**

- 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 I Webster and Mr R Sturman against the decision of Breckland District Council.
  - The application Ref 3PL/2019/1597/F, dated 24 December 2019, was refused by notice dated 18 March 2020.
  - The development proposed is described as a resubmission of one dwelling and detached garage on plot adjacent Redroofs following withdrawal of previous application number 3PL/2019/0393/F.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. There are two main issues. These are a) the principle of development with specific regard to its location; and b) The effect of the proposed development on the safe use of the highway with specific regard to visibility and access.

### Reasons

#### *The Principle of Development*

3. Policy GEN05 of the Local Plan<sup>1</sup> seeks to direct development to within settlements. Boundaries therefore have been established to define them and set out those areas where development will be permitted. This is done in a tiered manner, directing it first to large settlements, then to defined services centres and so on. Development in the countryside is restricted to certain defined types and scales in accordance with not only the need to recognise the countryside but to ensure sustainable patterns to new development. Policy HOU04 of the Local Plan sets out the Council's approach to development in rural areas, recognising that such should be directed to the most sustainable locations to support local services. It allows for development outside of boundaries but is explicit in stating that such should be adjacent to them. Specific criteria must also be met.
4. The appeal site is outside of the settlement. As such, it is in the countryside. The proposed development does not appear to sit squarely with any of the

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<sup>1</sup> Breckland Local Plan 2019

identified policy exceptions for development in the countryside. The appeal site is also not adjacent the settlement boundary. It is in fact some distance from it. In any case, it would not comply with the criteria identified in HOU04.

5. The evidence suggests the appeal site is in the region of 800m from the edge of the defined settlement. In accordance with the above mentioned policies, some development would be permitted within the settlement since it has some services but I am unsure based on what I have seen how far said services are from the appeal site. There is a segregated footway which, whilst alternating which side of Fakenham Road it occurs on, all but links the appeal site with the village. That said, the route is unlit, by the side of and involves crossing a rural main road which carries vehicles travelling at the national speed limit. The route is walkable as a distance but for these reasons I would not consider it desirable for older residents, those less able or parents with young children.
6. There is a bus stop close to the junction of High House Road, part way between the appeal site and the edge of the settlement. It too however is accessible by the means I have described above and in any case, I have not been advised as to the frequency or destination of routes that serve it. I cannot therefore consider it a travel option on which to rely.
7. With the above in mind, it seems to me that future occupiers of the appeal site would more likely than not rely on the use of the private car to access services on which they would rely for day to day living. This is the least sustainable travel option and leads me to conclude that the appeal scheme would serve to promote unsustainable patterns of new development. The principle of the proposed development would thus be unacceptable, contrary to the aims of the policies that I have set out above.

#### *Visibility and Highway Safety*

8. The appeal site is located to the south side of Fakenham Road which, at this point, is a single carriageway B class road carrying vehicles at the national speed limit. To the south east of the intended access, Fakenham Road bends gently and gradually to the south which inherently limits the visibility in what is the critical direction for oncoming vehicles. According to the Council's highways advice, a minimum visibility splay of 203 metres in both directions, taken from a 2.4 metre set back from the point the access meets the back edge of the carriageway, is required. The available distance on site, in the critical direction, is around 120 metres.
9. The appellant's evidence has the available visibility as similar to the Council's advisor, agreeing therefore that it is substandard against the requirements. A road safety assessment has looked at accident data for the immediate area, finding that there have been a limited number, but none have been due to limited visibility. The assessment also points out that there would be a limited number of trips associated with a proposal for a single dwelling.
10. Be this as it may, I remain concerned not solely with the fact that the visibility in the critical direction is substandard but also by how far below that standard it is. I see that there have been no accidents recorded due to limited visibility, but this is looking at recorded accidents, disregarding the possibility that some may not have been recorded. Also, it does not guarantee that the access for the appeal scheme would not give rise to accidents just because there have been none recorded in the past. The limited number of movements associated

with what would be a single dwelling is noted. However, it only takes one of those movements to be a problem. The risk of an accident may be reduced in terms of frequency and thus probability, but it would not be sufficient for me to consider such a reduced visibility on a national speed limit road as acceptable.

11. Ultimately, minimum visibility standards are explicitly that and are set for a reason. That reason is safety. Safety for users of the public highway and to ensure that, in this case, vehicles can exit onto what is a national speed limit road having been able to see sufficiently in each direction so as to not endanger the lives of either themselves or others. Seldom does the planning process, or indeed a decision taken therein, have the potential to affect someone's life. This is one of those occasions.
12. With these factors in mind, the appeal scheme would be unacceptable in highway safety and visibility terms, resulting in potential danger to vehicular users. Thus, contrary to Policies COM01 and TR02 of the Local Plan. Amongst other things, these policies seek to ensure high quality design that does not compromise highway safety, providing safe, suitable and convenient access for all users.

### **Other Matters**

13. The appellant has suggested that the appeal site is no less locationally sustainable than the existing dwellings with which it forms a cluster. Whilst this may be the case, I do not feel this is sufficient to justify another. I see that it would be an argument that could be used too often in favour of dwellings added to informal clusters in the countryside that would be no more locationally acceptable than if they were erected on their own.
14. The appellant also postulates that the erection of a dwelling at the appeal site could be no closer or further away from services on which occupiers would rely for day to day living than one erected within a settlement. I.e. one could travel a greater distance to access services but that the principle of the dwelling would be acceptable by virtue of it being within the settlement boundary. Whilst this may be true to an extent, such travel would be within the settlement and thus inherently more sustainable, often via an internal road infrastructure, likely with street lighting and crossing roads with vehicles at lesser speeds. Travel by sustainable means would thus be that much more desirable and more likely to take place. Moreover, a site in the countryside could be reasonably close to services within a village but to allow it purely for this reason has the potential to, cumulatively, undermine the development plan's priorities for the spread of new growth throughout the district.
15. Other dwellings that make up the immediate street scene also have substandard visibility but that is not sufficient justification to accept another. In any case, and if I considered the visibility at the access acceptable, it would not lead me to allowing the appeal given my findings on the first main issue.

### **Conclusion**

16. For the reasons I have set out above, the appeal is dismissed.

*John Morrison*

INSPECTOR