



Appeal Decision

Site visit made on 24 March 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 May 2021

Appeal Ref: APP/L2630/W/20/3263836

Land at The Fields, Hingham NR9 4JG (Vacant site between no.s 9 and 9a The Fields)

- 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 and Mrs Lee and Emma Pigott against the decision of South Norfolk Council.
 - The application Ref 2020/0936, dated 29 May 2020, was refused by notice dated 24 August 2020.
 - The development proposed is a self build dwelling and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon highway safety; and
 - Whether the proposal would provide a suitable site for development, having regard to its location in conjunction with the Housing Strategy of the area.

Reasons

Highway Safety

3. I appreciate that the road conditions I experienced on my site visit was only a snapshot of the road at this particular time, however I have also considered the evidence submitted by both main parties and submissions from interested parties and, in light of this, I am satisfied that what I saw represents typical conditions.
4. The appeal site is located along The Fields, a carriageway which according to appeal documents is an unclassified road. The road is narrow and is single width for the majority of its length with tall hedges and verges aligning the sides of the road. The road is without footpaths, lighting, pedestrian refuges or designated passing places. At the beginning of the road closer to the village, the road is straighter with some visibility; however when travelling further down the road towards the appeal site there are sections of blind bends as well as a dead end at the end of the road with no turning place for vehicles. Whilst I appreciate that there are a scattering of dwellings that have existing accesses along the carriageway; current road conditions are poor in terms of manoeuvrability, visibility, accessibility and highway safety.

5. The application has been supported with a note from a transport consultancy¹ which states that there has been no recorded accidents between vehicles, or vehicles and pedestrians along The Fields; that vehicles travel at low speeds; if vehicles meet each other than cars could pull onto grass verges or driveways; and that there are no mitigation measures which are warranted in order to develop the appeal site. The note also refers to three planning applications², the most recent dating from 2014, however no information is presented as to why these applications have similar considerations or judgements to the appeal site. Despite this, it is noted by the Council that these applications were closer to the starting point of The Fields before the blind bends where there is greater visibility and accessibility to the village.
6. The Transport note also makes reference to a planning appeal³ for the construction of a dwelling along a narrow carriageway at Howe Lock where the author believes this appeal represents a similar scenario and judgement to the current appeal site. This appeal location contained pedestrian refuges and passing places as well as a new passing place provided as a result of the proposed development and a lower number of dwellings along the road which the Inspector gave weight to. The road was also not as tightly confined as The Fields with flat verges to the road and more visibility being provided. I am not persuaded that the conditions or judgements made in this example appeal are similar to the appeal site.
7. Whilst there are comments in the transport note with regards to vehicle movements being 'less than expected,' the appeal is not supported by any traffic data. Whilst it may be true that vehicles travel at a low speed and traffic may be infrequent, this does not overcome the already poor conditions of the road. Comments from the transport note that vehicles can pull onto a verge are problematic, which is highlighted by the Council's Highway Authority which has concerns that such pulling onto verges causes mud to enter the roadway increasing the risk of skidding hazards. There is no discussion in the transport note with regards to pedestrians encountering vehicles, and whilst able bodied people are able to step onto the verge to avoid vehicles, this is problematic to pushchairs, or persons with mobility impairments as evidenced by accounts of interested parties and their 'near misses' from day to day usage of the road which have not resulted in calls to the police or formal accident logs. Accordingly, the absence of accident data does not in itself mean that accidents have not occurred, near misses, or indeed that a carriageway is 'safe.'
8. Additionally, there also does not appear to be any commentary with regards to larger vehicles such as delivery vehicles, collection vehicles and emergency vehicles which would have great difficulty traversing this section of the road to access the appeal site as evidenced from interested parties. As the road is unlit, the ability for pedestrians, cyclists and vehicles is poor, particularly during bad weather, winter months and at hours of darkness.
9. In conclusion on this matter, given the serious and already poor conditions with regards to highway safety encountered on The Fields; the further trips generated by the proposed development as well as ancillary trips by associated vehicles is a cause of serious concern. The proposal is likely to engender additional traffic movements which have an unacceptable impact on highway

¹ By Kingdom TP, KingdomTP Ref: P320, dated 25/01/19

² South Norfolk Council Refs: 2014/1525; 2013/2048; 2010/0532

³ APP/K2610/W/18/3196121, Howletts Loke, NR13 6EX

safety, and would cause severe residual cumulative impacts on the road network. Consequently, the proposal would be contrary to South Norfolk Local Plan Development Management Policies Document 2015 (DMP) Policy DM3.11 which seeks that development that does not endanger highway safety or the satisfactory functioning of the highway network; or the free flow of traffic.

Suitability of the site for development

10. The Council's Housing Strategy consists of DMP Policy DM1.3 which seeks to implement a spatial strategy from a local level for the distribution of sustainable development contained in the spatial strategy of the Joint Core Strategy for Broadland, Norwich and South Norfolk. As such the policy seeks to secure sustainably located development in accordance with a defined settlement hierarchy whilst carefully managing development in the countryside. Additionally, Policy DM3.1 of the DMP seeks that all development should support sustainable transport and development objectives, utilise opportunities to integrate with local sustainable transport networks, and be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location.
11. Commentary from the Applicant's Statement of Case (SoC) questions the consistency of Part 2 of DMP Policy DM1.3 with the National Planning Policy Framework (The Framework) where in the applicant's opinion the 'overriding benefits test' of economic, environmental and social dimensions is a 'significantly higher' test than the Framework at Paragraph 11.
12. Part 2 of Policy DM1.3 along with supporting text to the policy does not prevent development in the countryside, nor is it a blanket approach. I am also aware of this issue having previously been addressed in other appeals⁴ where colleagues have taken the view, referred to by the LPA, that 'overriding benefits' for the purposes of Part 2 of DM1.3 should be on a par with being 'exceptional' (i.e. being much more or greater than usual). That said, I do not share the opinion of the applicant that there is a 'significantly higher' test between the documents and that Part 2 of Policy DM1.3 is in general conformity with the Framework; is up-to-date; and to be afforded full weight in the decision-making process.
13. Additionally, commentary has been made regarding the Annual Monitoring Report which shows that there has been a decline over the last 2 years of the delivery of housing. The Council in their SoC highlight that there is a 5 year land supply as assessed in a recent appeal decision⁵, which was also satisfied of the position of delivery of self-build housing. I have no reason to dispute these findings based upon the information submitted within the applicant's SoC. That said, because Policy DM1.3 is up-to-date and there is a five-year supply of deliverable housing land, the tilted balance at paragraph 11d of the Framework is not engaged.
14. I also note that flexibility is given within paragraph 78 of the Framework to locations of new housing in settlements where they are able to support the facilities of another settlement which is also a material consideration to this determination. Paragraph 103 of the Framework also stresses the importance of provision of sustainable transport modes and travel choice. It also

⁴ Appeal Ref: APP/L2630/W/20/3258218

⁵ Appeal Ref: APP/L2630/W/20/3258218

recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision making.

15. Whilst the appeal site is outside the designated settlement boundary, the site would be accessed from The Fields, which provides direct access to Hingham approximately 0.6 miles away; a settlement which is designated as a Key Service Centre suitable for further development and contains a number of facilities and access to public transport.
16. It is clear that future occupants would be predominantly dependant upon The Fields for access into the village, which is previously noted as being substandard and without sufficient lighting, footpaths or manoeuvrability and problematic for vehicles, cyclists, persons with pushchairs and mobility impairments. The applicant's SoC contains commentary with regards to Public Rights of Way (PROW) across fields in order to provide an alternative access to the village than The Fields; which is disputed that this access exists from interested parties and the Highways Authority. Despite this, these PROW routes, even with access agreement from relevant owners, are not ideal and would only be suitable for those walking without mobility impairments and during the hours of daylight and good weather given that these routes require access across fields which are unlit and would not be suitable for alternative sustainable means of transport such as cyclists.
17. The applicant's SoC outlines a number of benefits of the proposal such as contributing to the supply of housing; the deliverability of small sites; socio-economic benefits in terms of short term employment opportunities and expenditure locally from future occupants; increasing the viability of nearby settlements; and the development of underused or under-utilised plots. These benefits weigh moderately in favour of the development. I also note reference to the self-build nature of the site, the intention of which is only shown in the application form and accompanying documents, with no formal agreement submitted with the application or appeal. Given the Council's healthy land supply position which also contains deliverability of self-build dwellings, I therefore afford only limited weight to the self-build nature of the site.
18. Despite these benefits, the impacts of the proposed development are significant given the ability to access the appeal site via a substandard road which is problematic for vehicles, pedestrians and cyclists which would unlikely deter regular use of the private car, providing impacts in terms of social and environmental dimensions. The Fields would not provide a suitable access for further development which is a significant impact in terms of the sustainability of the site or the ability to offer genuine alternative forms of transport into the village.
19. Therefore, taking these findings as a whole, I conclude that the location would not be made in accordance with the housing strategy, and whilst there are benefits of the scheme, these are predominantly related to the economic dimension, with the scheme being limited in terms of environmental and social benefits. Consequently, when considered as a whole, the proposed scheme would be contrary to DMP Policy DM1.3 which seeks to carefully manage new development in countryside locations in accordance with the over-arching spatial strategies for both the Greater Norwich and South Norfolk areas; and

Policy DM3.11 which seeks sustainable transport and genuine forms of transport are present in new development proposals.

Other Matters

20. There are comments in the applicant's SoC and within the Transport note which state that if the Highways Authority had an issue with the road that they should make improvements and that the lack of improvements or willingness to make improvements implies that there are no issues. The lack of action by the Highways Authority to improve the road is not a determinant of acceptability that the existing conditions are appropriate. The motives in the repair and improvements of the road environment is a matter outside the determination of this appeal and I have assessed the application on the basis of the information before me and the current state of the carriageway.
21. There are comments from interested parties with regards to access of the proposed development to mains drainage, sewerage, and impact to local wildlife. Given that the scheme fails on matters discussed above, I have not found it necessary to assess these further issues raised.
22. The Applicant's SoC refers to an appeal decision⁶ where the Inspector was satisfied that the appeal met all three dimensions of sustainable development and therefore approved the appeal. Having read the appeal, I do not see the similarities as there were different considerations of the merits of the scheme and the elements that contributed to the consideration of sustainable development. As such this appeal is not relevant to the considerations of this appeal.

Conclusion

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

J Somers

INSPECTOR

⁶ Appeal Ref: APP/L2630/W/19/3229614