
Appeal Decision

Site visit made on 6 January 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2021

Appeal Ref: APP/K2610/W/20/3258122

Land to the North East of Telegraph Hill, Honingham, Norwich NR9 5AT

- 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 John Norfolk (Building Plans Ltd) against the decision of Broadland District Council.
 - The application Ref 20200116, dated 02 January 2020, was refused by notice dated 06 March 2020.
 - The development proposed is erection of two detached one and a half storey dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - The effects of the proposal on the safe operation of the highway network in the vicinity of the appeal site;
 - Whether or not the appeal site is a suitable location for new housing.

Preliminary Matters

3. The proposal is for outline planning permission with approval sought at this stage for access only, with layout, appearance, landscaping and scale reserved for future approval. I have, therefore, taken the layout shown in the submitted plans as indicative only, with the exception of the vehicular access.

Reasons

Character and appearance

4. The site is located within the open countryside, approximately 1.7km south-west of the village of Ringland and approximately 2km north-east of the village of Honingham. The site is accessed off the north-eastern side of Telegraph Hill, a narrow country lane. The existing site is undeveloped, relatively flat and predominantly comprises mature mixed woodland. A small, flat-roofed building and telephone mast are located adjacent to the eastern edge of the site. Residential properties, farmsteads and businesses are sporadically located within the surrounding countryside. The surrounding area is, however, predominantly characterised by blocks of mature woodland, open

farmland and narrow country lanes, resulting in a distinctly rural and undeveloped landscape. Indeed, the site is located alongside an approximately 200m long stretch of highway without any significant development adjacent to the highway within the surrounding woodland.

5. Whilst I have had regard to existing buildings along Telegraph Hill, the appeal site provides a valuable undeveloped woodland gap that contributes positively to the landscape character of the area. The drawings show an indicative layout and the description states that the houses would be one and a half storeys in height. Whilst the final layout, scale and appearance details are reserved matters, the presence of the houses and their accesses would inevitably result in a notable change in the character of the site; from a rural woodland to a more urban, residential one. Such isolated residential development within an expanse of mature woodland would appear inharmonious and incongruous with the landscape.
6. A number of trees, including sycamores and oak, and existing areas of vegetation would be lost to the development. Whilst replacement planting would help lessen the visual impact of the development, it would not overcome the harm resulting from the dwellings' encroachment into the open countryside. During the winter months, the dwellings would likely still be very evidently perceived from the road, whether by those walking, cycling or travelling by car.
7. I find, therefore, that the development would be incongruous within the landscape, harmful to the character and appearance of the area, contrary to Policy 2 of the Broadland, Norwich and South Norfolk Joint Core Strategy 2014 (the JCS) and Policies GC4 and EN2 of the Broadland Development Management Development Plan Document 2015 (the DMDPD). These policies require, amongst other things, all development to protect the character of the area, securing high standards of design that has regard to local context and creates a strong sense of place. The proposal would also fail to accord with the National Planning Policy Framework (the Framework) which requires planning decisions to, amongst other things, recognise the intrinsic character and beauty of the countryside¹, ensuring developments are sympathetic to local character².

Highways Safety

8. The Council's highways safety concerns relate to the conditions of the rural road network serving the site. In particular, the Council has concerns regarding the effect of additional traffic generated by the proposal given the visibility at nearby road junctions, the width and alignment of the road network, and the number of passing places. Based on TRICS (Trip Rate Information Computer Database), the proposal is likely to generate 6 additional vehicular movements per weekday, per dwelling.
9. Whilst the rural road network in the surrounding area is predominantly subject to the default national speed limit of 60 mph, the appellant's Highways Report³ (HR) advises that traffic travelling in proximity of the application site would do so at approximately 25 mph to 35 mph. This is based on the 'Moving Observer Method', where vehicles are followed and typical speeds assessed. The

¹ Framework Paragraph 170 (b)

² Framework Paragraph 127 (c)

³ Highways Report by PBS Services (Norfolk) Limited, Report Ref. 20228/A – dated June 2020

desirable minimum stopping sight distance (SSD), as stated within Highways England's publication The Design Manual for Roads and Bridges (DMRB), is 70 m for vehicles travelling at 31 mph. The proposal would result in two new accesses off the north-eastern side of Telegraph Hill (U57214), an unclassified road. There is agreement between the parties that appropriate visibility splays could be provided for these new accesses and I have no reason to disagree.

10. The appellant's HR acknowledges that the nearby junctions of: The Broadway (U57216) with Paddy's Lane (C167); and Telegraph Hill with Taverham Road (C174); provide visibility splays which are not fully compliant with guidance within the DMRB. The Local Highway Authority (LHA) considers the extent of deficiency in these junctions' visibility splays to be significantly greater than set out in the appellant's HR. I acknowledge that there is no substantive evidence that the limited visibility at these junctions has caused any accidents. Nevertheless, even if I accept the appellant's visibility splay measurements and indicated road speeds, the increased traffic generated, in combination with the substandard visibility splays, would result in an increased risk of accidents and consequent harm to highways safety.
11. The junction of Weston Green Road (C167) with Paddys Lane / Honingham Road (also C167) is a crossroads junction located to the north-west of the site. The appellant's HR identifies a 180 m visibility splay looking right (north-east) and 70 m looking left (south-west) from Weston Green Road. No speed data specific to this junction has been provided and the C167 has a speed limit of 60 mph at this location. The appellant's HR advises that vehicle speeds of 30 mph would be a relatively accurate speed for this location and that visibility splays are therefore commensurate. The Local Highway Authority (LHA) estimate that only a 30 m visibility splay is available looking right (north-east) of this junction, and approximately 15m looking left (south-west), from the required 2.4 m setback. The LHA advises that, given the road geometry, visibility splays of 120 m in accordance with an 85th percentile speed of 40 mph would be acceptable. Whilst I acknowledge there is no evidence before me of recorded accidents at this junction, on my site visit, I noted that visibility, particularly to the south-west, was restricted by existing roadside hedges and trees. Without any substantive evidence of vehicle speeds along the priority route, I cannot be certain that appropriate visibility splays, in accordance with DMRB guidance, can be achieved at this junction. As such, insufficient evidence has been provided to demonstrate that increased traffic generated by the proposal would not be detrimental to highways safety at this junction.
12. The routes east and west of the site are initially along single carriageway roads, without road markings, pedestrian footways, street lighting and formal passing places. Whilst I have had regard to the informal passing places and sections of wider road highlighted in the appellant's HR, visibility along the surrounding roads is compromised, in several places, by bends and undulations. The 2006 Traffic Count / Speed Survey provided by the LHA indicates approximately 200 vehicles per day along Telegraph Hill and 85th percentile speeds of 40 mph.
13. Whilst I acknowledge that this volume of traffic may be seasonal and influenced by the Merryhill Countryside Holiday Park, I have not been provided with any alternative substantive evidence with regards to traffic volumes. Given the local road conditions described above, in combination with the observed speeds and volume of vehicles on Telegraph Hill, the proposal would

increase the likelihood of road user conflict. Such conflict would occur when vehicles meet each other, and when vehicles meet pedestrians and cyclists, on narrow sections of the surrounding roads. These road user conflicts would increase the need for vehicles to reverse, and for pedestrians and cyclists to mount uneven roadside verges. Furthermore, the opportunity to seek refuge for certain groups of people such as users of mobility scooters and people with mobility issues, blind or partially sighted persons and people with prams would not, in my opinion, be readily available. The width of the surrounding roads is such that drivers are likely to try to squeeze past cyclists and pedestrians. Such interactions would increase the risk of accidents and therefore would be harmful to highways safety.

14. I have had regard to potential effects on accessibility of the proposed A47 dualling scheme and the western link project. However, given the LHA advises that, at this stage, there is no certainty they will be introduced, I give these highway improvement schemes very limited weight.
15. Overall, therefore, the proposal would result in a significant adverse impact upon the safety of the highway network contrary to Policy DMDPD TS3. The proposal would also be contrary to paragraphs 108 and 109 of the Framework, by virtue of its unacceptable impact on highway safety and failure to provide safe and suitable access to the site for all users.
16. The Council's refusal reason also cites DMDPD Policy TS4. This policy relates to parking and manoeuvring space. I have not been provided with any substantive evidence to suggest these matters could not be appropriately provided for at the reserved matters stage. As such, I have not found conflict with this policy.

Location

17. Policy GC2 of the DMDPD states that new development will be accommodated within the settlement limits defined on the policies map. Development outside these limits would need to accord with a specific allocation and/or plan policy. There is no dispute between the parties that the site lies outside of any defined settlement limit and is, therefore, located in the open countryside for the purposes of applying planning policy. I have not been referred to any other relevant development plan policies that are supportive of the development in its proposed location. The proposal does not fall within any of the types of development within the countryside supported by JCS Policy 17. The proposal is therefore contrary to Policy GC2 of the DMDPD.
18. The appeal site is positioned a significant distance away from the nearest settlements with any notable services and facilities. I have had regard to the list of facilities and services and their distances from the appeal site as listed within the appellant's statement⁴. The Government's National Design Guide⁵ states that walking distance to local facilities is generally considered to be no more than a 10 minute walk (800m radius). The listed distances are significantly greater than 800m, re-enforcing the remote nature of the site from the nearest services, facilities and public transport. Furthermore, the routes from the appeal site to the nearest villages are, for much of their extent, unlit and not served by footways or any specific facilities for cyclists. It would therefore be an unattractive route to be undertaken on foot or by cycle. The

⁴ Appellant's Statement - Paragraph 6.19

⁵ MHCLG National Design Guide (January 2021)

lack of suitable walking and cycling routes would result in future resident's relying on the private motor car to access regular requirements such as schools, shops, employment and health services. This would significantly reduce the likelihood of sustainable journeys.

19. I have had regard to the Court of Appeal decision in the Braintree case⁶ referred to me by the appellant in respect of applying paragraph 79 of the Framework. This judgement found that "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. As described above, whilst there is sporadic development in the surrounding countryside, the proposed dwellings would be immediately adjoined by open countryside. The nearest settlements are more than 1 km from the site. As such, I find that the proposal would result in isolated homes in the countryside contrary to paragraph 79 of the Framework.
20. The appeal site is not, therefore, a suitable location for the proposed housing. It would conflict with DMDPD Policy GC2 and JCS Policies 1, 6 and 17 which taken together, seek to focus residential development in settlements which are well linked and well-related to existing development, services, facilities and employment opportunities, thereby minimising the need to travel, prioritising low impact modes of travel and addressing climate change.

Other Matters

21. The appellant has drawn my attention to a number of planning decisions at Merryhill Country Park. I have not been provided with details of the background to those cases and cannot, therefore, be certain of their full circumstances. From the limited information before me, it appears that the referred decisions relate to circumstances that are not directly comparable with the appeal proposal as they relate to an established caravan park. The permanent residential use of caravans on the site would not alter my findings with regards to the main issues above.
22. I have also had regard to the appeal decision⁷ for a single dwelling at a site in the countryside just outside of Morley St Botolph. Whilst I note that the Inspector in that case finds the proposal to constitute a sustainable form of development, that is based on an assessment that the site is in a relatively sustainable location which is not the case in this instance. Notwithstanding the appellant's referred appeal and previous planning decisions, I have considered the appeal on its own merits.

Planning Balance

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. I have identified that, in this case, the proposal does not accord with development plan policies concerned with character and appearance, highways safety and the distribution of residential development across the district. As such, the proposal would conflict with the development plan when taken as a whole.

⁶ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

⁷ APP/L2630/W/19/3229614

24. Paragraph 213 of the Framework states that existing development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. To engage the pertinent part of DMDPD Policy GC1, it must be the case that there are either no policies relevant to the application or the relevant policies are out of date. There is no substantive evidence before me to suggest that the most important policies for the determination of the proposal are out-of-date. The policies referred to in the refusal reason are broadly in line with the aims of the Framework, in so far as they seek to focus development in the most sustainable and accessible parts of the Borough, prevent harm to highways safety, and protect the intrinsic character and beauty of the countryside. As such, I give significant weight to the development plan policy conflicts identified above.
25. I have no substantive evidence before me to suggest that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. As such, I have no reason to conclude that the Council is unable to identify a 5-year housing land supply. The 2020 Housing Delivery Test⁸ results indicate that, together with Norwich and South Norfolk, the Council managed to deliver 133% of the total number of homes required across the three authorities, within the previous three years. As such, the tilted balance, as set out in paragraph 11 of the Framework, is not engaged in this instance.
26. I acknowledge that the proposal would result in some economic and social benefits, including through its construction and as a result of a slight increase in spending and patronage of services in the local area. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. I am aware of the importance of windfall housing and that housing targets should not be considered as a cap on the delivery of housing. However, as the proposal is for only 2 dwellings, the benefits identified attract limited weight.
27. The appellant's submitted Preliminary Ecological Appraisal advises that significant enhancements, including native species tree planting, and bird and bat boxes, will be required to provide a net gain for biodiversity. It is not clear to what extent these measures would provide a net gain for bio-diversity and I therefore give this matter limited weight in favour of the proposal.
28. The appellant has also highlighted that the proposal would attract New Homes Bonus (NHB) and Council Tax revenue. However, as Section 70 of the Town and Country Planning Act 1990 (as amended) does not refer to these as "local finance considerations", I give very little weight to the development attracting the NHB and Council Tax revenue.
29. I recognise that the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, there would be environmental and social harm arising from the lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. This would not promote sustainable development in rural areas or encourage the healthy lifestyles and community building supported by paragraphs 78 and 91 of the Framework.
30. Overall, I find that the benefits associated with the proposal would not outweigh the harms identified above, and there are no considerations which

⁸ Housing Delivery Test 2020 – Published 19 January 2021

indicate that the appeal should be determined, other than in accordance with the development plan.

Conclusion

31. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR