



Appeal Decision

Site visit made on 30 June 2021

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15th July 2021

Appeal Ref: APP/F2605/W/20/3252383

Land at Church Lane, Shipdham, Norfolk IP25 7JY

- 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 Clayland Estates Limited against the decision of Breckland District Council.
 - The application Ref 3PL/2019/0401/F, dated 3 April 2019, was refused by notice dated 16 January 2020.
 - The development proposed is described as residential development of 6 dwellinghouses.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. On the application form the proposed development is described simply as 6 dwelling houses, as set out above. In addition, the proposed scheme as shown in the submitted plans, and as described in other submitted documents, also includes a new 20-space car park to serve the nearby Parish Church of All Saints. It is clear that all parties have treated this as part of the application, and I have therefore done the same.

Main issues

3. Based on all the submissions made, I consider that the main issues in the appeal are as follows:
 - whether the appeal site is an acceptable location for the proposed scheme, having regard to the relevant policies relating to the location of new housing;
 - the effects of the proposed development on the character and appearance of the village and its setting;
 - the effects on highway safety;
 - and the effects on neighbouring occupiers, in terms of noise and disturbance from traffic.

Reasons for decision

Accordance with relevant housing location policies

4. In the Breckland Local Plan (the BLP), adopted in November 2019, Shipdham is designated as a Local Service Centre (a LSC). The village settlement boundary is shown on the Policies Map. The appeal site is located just outside that boundary.

5. BLP Policy HOU2 sets minimum housing targets for the LSCs and other settlements. Where the target for a particular LSC has been provided for, Policy HOU3 requires that development outside the settlement boundaries of that LSC will normally be resisted, except where the development is supported by other relevant BLP policies, and also satisfies a list of four further criteria.
6. In the case of Shipdham, the target figure in Policy HOU2 is 282 dwellings. Against that figure, the Council has provided details of sites in the village totalling 311 dwellings, including completions, commitments and identified sites, which would be more than enough to meet this target.
7. I note the appellants' comments on some of these sites. I accept that where a planning permission has lapsed, this may raise doubts as to whether the development will be delivered. The same may apply where sites have apparently unresolved issues in relation to access, land ownerships or existing uses. However, the targets in Policy HOU2 relate to the whole of the BLP period of 2011-36. As things stand, that period still has nearly 15 years to run. At this stage therefore, it would be premature to assume that any of these sites will not be developed within that period.
8. Furthermore, it is relevant in my view that neither of Policies HOU2 or HOU3 contains any phasing requirements, or any sub-targets for intermediate years. In the absence of such provisions, it seems to me that there is no clear reason why the Council should be expected to demonstrate that all of the sites identified are deliverable now. To my mind, there is no clear evidence to suggest that the provisions identified by the Council are inadequate, or that the details provided fail to meet what is reasonably required under the relevant policies.
9. I agree that, even if all the 311 dwellings on the Council's list were delivered, that would not necessarily amount to a 'significant' exceedance over Shipdham's target; and nor would the addition of a further six units, as now proposed, materially alter that position. There is also no dispute that the site adjoins the settlement boundary, nor that the development would avoid causing coalescence or any impacts on connectivity or historic interests. In these respects, the proposed development would not conflict with Policy HOU3's other criteria. But these criteria are only relevant where there is a shortfall against the village's housing target, which is not the case here. And in any event, there is no evidence that the appeal proposal is supported by any other development plan policies, as Policy HOU3 also requires. Without any such support from other policies, the scheme remains in conflict with Policy HOU3, irrespective of these other criteria.
10. I therefore conclude that, due to the appeal site's location outside the village boundary, the proposed development would fail to accord with BLP Policy HOU3. As such, the scheme would conflict with, and undermine, the BLP's locational strategy for housing in the District.

Effects on the character and appearance of the village and its setting

11. I saw on my visit that the original village of Shipdham was mainly linear in form, following the line of what is now the A1075, which includes the High Street, Chapel Street, and Market Street, with a minor deviation around the Parish Church via Church Close. Subsequent estate development has taken place mainly to the south of this main spine.

12. On the northern side of the village centre, buildings are arranged around the Church, along New Road and Church Lane, terminating at the dwellings 'Rectory Cottage' and 'Bridleways'. At this point, there is a clear change in character, from the built up part of the village to the open countryside. Beyond this, there is pleasant, undulating, open country, with a mixture of paddocks, smallholdings and larger arable fields.
13. The appeal site lies within this area, and forms the foreground to the uninterrupted views westwards from Church Lane, as it proceeds northwards towards Wood Farm. Those views are currently of land that is open, undeveloped and pastoral in nature. Built development here would intrude into this unspoilt rural landscape, and disrupt the attractive vista that is now available. Further to the east, future housing developments are planned to extend northwards to a roughly similar extent, but those sites do not extend westwards to Church Lane, and the open land that exists on three sides of the present appeal site is proposed largely to remain. In this context, it seems to me that the development now proposed would be highly damaging to the character and appearance of the area, and to this part of the village setting.
14. I note the appellants' submissions that, at some time in the past, quarrying has taken place on the appeal site, and as a result the present-day contours are not suitable for grazing or other agricultural activities. But the land has long since regenerated, and has a green appearance which fits well with the surrounding landscape. There is no evidence that the site falls within the definition of previously developed land. To my mind, nothing in this past history justifies the visual harm that would be caused by the development now proposed to the intrinsic character and beauty of this part of the countryside.
15. The proposed scheme would involve four detached and two semi-detached, individually-designed dwellings, with a mix of one and two storeys. The proposed designs are restrained and well-mannered, taking cues from the local vernacular building traditions. To my mind, their overall design and composition would be very pleasing. Indeed, in a more appropriate location, I have little doubt that such a scheme would be widely, and deservedly, welcomed in this regard. The dwellings would also offer a very good standard of accommodation for their future occupiers. But none of these considerations alters my view as to the suitability of this location, in terms of the development's visual impact on its surroundings.
16. For these reasons, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the landscape and village setting. In this regard it would be contrary to BLP Policy ENV05, which amongst other things seeks to protect the District's landscape and rural character, and the intrinsic character and beauty of the countryside.

Highway safety

17. Traffic from the appeal site heading north-east towards Dereham would join the A1075 at the point where Church Lane exits onto Church Close/Chapel Street, forming a crossroads with Mill Street on the opposite side. Traffic heading south-west towards Watton or Thetford could also join the A1075 at that same junction, but would also have an alternative, slightly shorter route by cutting through via New Road, joining the A1075 at the junction of New Road with the High Street. This latter route would also involve the use of the

minor junction between Church Lane and New Road. I see no reason to doubt that some traffic would use each of these routes.

18. It is common ground that at all of these three road junctions, visibility falls well short of what would be required to comply with the standards recommended in Manual for Streets (MfS), taking account of the surveyed traffic speeds. The six dwellings in the appeal scheme are estimated to add around 36 vehicle movements per day to the network. Traffic generated by the proposed new car park has not been quantified, but would be additional to this. The use of all three of the junctions in question would therefore be increased.
19. The numbers of vehicles generated by the proposed new dwellings would not be particularly large. And in the case of the new car park, whilst the pattern of usage is unknown, it seems likely that church events would tend to be at off-peak times. But nevertheless, at each of the three junctions, the effect of the development now proposed would be to add more traffic movements, thus making an already unsatisfactory situation worse. Given the seriousness of the existing safety failings at these junctions, any material worsening would to my mind amount to a severe and unacceptable impact on highway safety.
20. In the case of the Church Lane/A1075 junction, the appellants suggest a possible alteration to the existing road markings, which would potentially allow emerging vehicles to stop slightly further forward, gaining some improvement in visibility to the south-west. However, this benefit would be at least partly offset by the potential added risks resulting from the consequent reduction in the width of the existing major road carriageway, at an uncontrolled 4-way junction. I note that these potential risks have not been subjected to any formal safety audit. Given that even with this modification, the junction would still not fully meet the relevant visibility requirements derived from MfS, it seems to me that a net benefit has not been demonstrated. But in any event, any such benefit could not be said to arise solely from the development now proposed, because the suggested alteration to the road markings could be implemented by the Highway Authority at any time, without reliance on the appeal scheme. I also note that the appellants now accept that their earlier scheme for the Church Lane/A1075 junction, involving alterations to the church boundary wall, cannot be relied on in the absence of any apparent support from the Parochial Church Council, which has ownership rights in that respect.
21. Furthermore, any improvement to the Church Lane/A1075 junction would not overcome or reduce in any way the evident visibility and safety issues relating to the other two identified junctions, at New Road/High Street and New Road/Church Lane. I appreciate that it would be open to the Highway Authority to consider other possible measures, including traffic management, signalisation, parking controls, changing priorities, full or partial closures, one-way systems, or any combination of these. But currently there appears to be no agreed solution that would ensure that the local network would be able to safely accommodate the increase in traffic, to and from the appeal site, that would result from the development now proposed.
22. I acknowledge that there is no evidence that the existing problems have previously been seen by the Council or the Highway Authority as serious enough to require remediation. The number of recorded accidents in the last five years is not high. I also note that a slightly larger development was permitted by the Council, at Wood Farm, which is also accessed via Church

Lane. But none of these alters the fact that the appeal proposal would add extra traffic to three road junctions which currently fall far short of modern safety standards, including two which involve a main A-class primary road carrying heavy traffic flows.

23. The appellants also suggest that these highway impacts would be counterbalanced by the proposed new car park, together with a new passing place and partial resurfacing in Church Lane. However, as none of these are secured by way of any Section 106 agreement or undertaking, there is no certainty as to their provision. Nor are there any details as to the administrative arrangements for the car park's management and use, or how these would be guaranteed in the future. And in any event, there is no clear evidence that the car park is needed. The resurfacing and passing place would be of some benefit to Church Lane's existing users, but that benefit would be relatively minor, and anyway the lane is not part of the public highway network. Consequently, to my mind, none of these matters would provide any clear or significant highway benefits that could be considered to offset the demonstrable harm to safety at the three existing junctions that would be affected.
24. In the light of all the above matters, I conclude that the proposed development's impact on highway safety would be unacceptable. Having regard to the terms of Policy TR02 of the BLP, the development would be poorly integrated with the local and strategic highway network, and would fail to sufficiently mitigate its effects on that network, thus compromising the safety of occupiers and other road users. In all these respects the scheme would conflict with this relevant development plan policy.

Noise and disturbance to neighbouring occupiers

25. A number of neighbouring properties in Church Lane are set close to the road, including some of the rooms forming part of Shipdham Manor, a care home. But the level of noise and disturbance generated by six dwellings and a car park would be no greater than that likely to be experienced, and indeed expected, in many other similar residential streets. I see no reason to think that the occupiers of any of the properties in question would be likely to be unusually sensitive to ordinary vehicle noise of this kind. I therefore conclude that the impact on the living conditions of neighbouring occupiers would not be unacceptable.

Other matters

26. At the time of the Council's decision, it was stated in the Officer's report that the supply of housing land in Breckland District was less than five years' worth. The Council's subsequent appeal statement confirmed that the Authority was content to rely on the contents of that report. No further evidence regarding the 5-year supply has been submitted by any party in this appeal. Based on this evidence, I consider that substantial weight should be given to the benefit of providing additional housing.
27. In addition, the development would generate local employment and investment, and provide a degree of support for local business. These considerations add some weight in favour of the scheme, albeit modest.

28. As already noted, the proposed new car park and improvements to Church Lane could potentially provide some minor benefits, but in the absence of any legal obligation, that prospect cannot be relied on. None of these items could be secured by conditions, as the need for them does not arise from the proposed housing development. In the circumstances, I consider that the weight that can be given to these is small.

Planning balance and conclusions

29. The proposed development would fail to accord with BLP Policies in three respects. Firstly the scheme would conflict with Policy HOU3, due to its location outside the village boundary. Secondly it would cause harm to the character and appearance of the landscape and village setting, contrary to Policy ENV05. And in addition it would impact adversely on highway safety, in contravention of Policy TR02. No policies have been identified which support the development in any significant way. The proposal therefore fails to accord with the development plan as a whole.
30. Given that a 5-year supply of housing land has not been demonstrated, and having regard to paragraph 11(d) of the National Planning Policy Framework (the NPPF) it seems to me that in this case the conflict with Policy HOU3 and the BLP's locational strategy should carry only modest weight. But in the case of the issues relating to character and appearance and highway safety, the impacts would be real and tangible, and the importance of these issues is reflected in national as well as local planning policies. I have therefore given the relevant policies relating to these issues significant weight.
31. For the reasons already given above, I agree that the benefits of providing of six new dwellings should carry substantial weight, and the economic benefits modest weight. But on the evidence before me, the possible benefits of the proposed car park and private road improvements have little weight. On the other side of the balance, the harm to the area's landscape character and appearance would be substantial and unacceptable. So too would be the harm to highway safety. In total, I find the scheme's benefits to be significantly and demonstrably outweighed by these adverse impacts.
32. I have taken account of all the other matters raised, but none changes these conclusions.
33. The conflict with the development plan is not outweighed by the other material considerations, and accordingly, the appeal must be dismissed.

JS Felgate

INSPECTOR