



Appeal Decision

Site Visit made on 14 September 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021.

Appeal Ref: APP/K2610/W/21/3267750

Beck House Lyng Road, Weston Longville, Norwich NR9 5LP

- 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 Mrs Wendy Fitch against the decision of Broadland District Council.
 - The application Ref 20201942, dated 13 October 2020, was refused by notice dated 17 December 2020.
 - The development proposed is conversion and extension of existing partly converted double garage to use as holiday let accommodation
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Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of existing partly converted double garage to use as holiday let accommodation at Beck House Lyng Road, Weston Longville, Norwich, NR9 5LP in accordance with the terms of the application, Ref 20201942, dated 13 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Submitted 13/10/20), Elevations (Submitted 13/10/20), Floor Plans (Submitted 13/10/20), Block/Site Plan (Submitted 13/10/20).
 - 3) The building to the north-west of Beck House, as shown on the approved Block/Site Plan, shall be used for holiday accommodation only and shall not be used as the sole or main residence of the occupiers. No single holiday tenancy shall exceed a continuous period of six weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. An up-to-date register shall be maintained, which shall include the names of all occupiers of the holiday accommodation, including details of tenancy durations. The register shall be made available to the Local Planning Authority upon written request, within two weeks of any such request.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Both parties have been consulted in relation to the revised Framework and as such, I have had regard to it in my consideration of this appeal.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety.

Reasons

4. The proposed development is for conversion of an existing double garage to holiday accommodation. The appeal site is located on Lyng Road, which is an unclassified road and is subject to a speed limit of 60mph. Lyng Road, in the vicinity of the appeal site is predominantly single track, albeit, during my site visit I noted that there are passing places in each direction approaching the appeal site.
5. To the east the B1535 connects the appeal site with the surrounding area. Various tourist attractions are accessible off the B1535. This road is accessible either via Lyng Eashaugh Road, or Sandy Lane, which is a small and narrow section of road with no passing places.
6. There are many other properties located on Lyng Road, including a number of residential properties and a Fishing Centre. Within this context, there would be a very minor increase in vehicular traffic as a result of the proposed development, given its small scale. However, Norfolk County Council (the Highway Authority) objected to the planning application on the grounds that *'any increase in use whatsoever of these roads and their severely sub-standard junctions with the B1535 are grounds for concern'*.
7. Lyng Road, which is subject to a 60mph speed limit, is a predominantly single-track road and has similar characteristics to many rural roads in the surrounding area, some of which serve visitor attractions. The narrow nature of the road and its constrained alignment are such that vehicles, in the vicinity of the appeal site, are unlikely to be travelling along it at the upper-end of the speed limit. I also noted that there are numerous passing places on Lyng Road in both directions. These factors, combined with the very minor increase in traffic generated by the development, are such that there would not be an adverse impact on highway safety in relation to the use of Lyng Road.
8. The Council and the Highway Authority have also highlighted concerns in relation to two junctions with the B1535. I acknowledge that Sandy Lane is narrow and that there are no passing places along it. However, upon approach in either direction, this section of road is clearly not the primary route to or from the appeal site. Lyng Easthaugh Road is the more obvious route. Lyng Easthaugh Road at its junction with the B1535 has two separate lanes to facilitate both access and egress from this junction. Furthermore, the speed limit along this section of the B1535 is limited to 40mph. Within this context, during my site visit I noted that there was sufficient visibility to allow safe access and egress from this junction. In this regard, the site is accessible by safe and convenient means and the fact that there is a less suitable road (Sandy Lane) within the vicinity of the appeal site is not in itself a reason to dismiss this appeal.
9. The appellant's evidence indicates that the Highway Authority, in commenting on a previous application on the same site in 2020, referred to four personal injury accidents having occurred in the preceding five years *'at, or between the two junctions'*. However, it is not clear from the evidence provided, where these accidents occurred and whether they occurred as a result of vehicular

movements associated with the junctions. Furthermore, it is not clear whether these accidents relate to one or both of the aforementioned junctions. The appellant also asserts that at the time of the accidents the speed limit was 60mph, now reduced to 40mph. No evidence has been submitted to the contrary. Indeed, no technical evidence has been provided by the Council to support the reason for refusal.

10. On the basis of the evidence before me, and given the reduced speed limit along this section of the B1535, the good visibility from the junction with Lyng Easthaugh Road and the very minor increase in traffic generated, I conclude that there would not be an adverse impact upon highway safety as a result of the proposed development.
11. As such, the proposed development would comply with Development Management DPD¹ Policy TS3, which states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.
12. The proposed development would also comply with Framework Paragraph 111 which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conditions

13. In the interests of certainty, I have imposed a condition detailing the approved plans. I have also imposed a condition restricting the use to holiday accommodation, such that it could not be used for any other purposes. I consider it necessary to impose a six-week maximum restriction on tenancy periods and a requirement to keep a register of occupiers. However, I have included a period within which the register should be provided to the Council upon written request, to allow a reasonable amount of time to comply with this requirement. I have made other minor changes to the Council's suggested wording, such that the condition is reasonable and enforceable. This condition is necessary to ensure that the property is operated as a holiday let and to prevent full-time occupation, which might otherwise result in continuous residential use. These conditions meet the tests set out in the National Planning Practice Guidance.

Conclusion

14. The proposed development would comply with the development plan taken as a whole. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. As such, the appeal is allowed, subject to conditions.

Luke Simpson

INSPECTOR

¹ Broadland District Council Development Management DPD 2015