

Appeal Decision

Site visit made on 1 February 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/K2610/W/21/3275889

Brockmer, Kerdiston Road, Reepham, Norfolk NR10 4RY

- 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 S Walker against the decision of Broadland District Council.
 - The application Ref 20201799, dated 17 September 2020, was refused by notice dated 26 February 2021.
 - The development proposed is described on the application form as 'outline application with all matters reserved other than access for the erection 1 no. dwelling including repositioning of access'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with all matters reserved except for access. I have therefore had regard to the site location plan and plans showing the proposed access.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework) and I have had regard to it in considering this appeal.
4. The Council has referred to several development plan policies in their appeal representations, in relation to the main issues, which were not included within their original reasons for refusal. However, none of these policies have raised any new issues beyond those cited in the reasons for refusal. Where relevant I have therefore had regard to these policies. The appellant has had the opportunity to provide a response to the matters raised in the Council's statement and has therefore not been prejudiced in this regard.

Main Issues

5. The main issues are:
 - Whether the appeal site is a suitable location for the proposed development, with particular regard to access to services and facilities.
 - The effect of the proposed development on the character and appearance of the appeal site and surrounding area.
 - The effect of the proposed development on highway safety.

Reasons

Suitability of the site

6. The appeal site comprises an area of grassland which is located in close proximity to a stable building. The site is located in the countryside. I have not been provided with a copy of the development plan defined settlement boundary of Reepham (the nearest settlement). However, the site is approximately 1 mile from the edge of the built-up area of this settlement and it is physically and functionally divorced from Reepham in this regard.
7. Development Management DPD¹ Policy GC2 seeks to ensure that new development is located within the settlement limits unless it accords with an allocation or other development plan policy. There is no evidence to suggest that any such development plan policies are supportive of the proposed development and the site is not allocated. As such, the proposed development would conflict with this policy.
8. Paragraph 2.13 of the Development Management DPD sheds light on the aims of Policy GC2 through reference to the settlement hierarchy within the Joint Core Strategy² (JCS). It highlights the aim of the JCS to focus residential development in settlements which are 'well-linked and well-related to existing development, services, facilities and employment opportunities'. None of the JCS policies relating to the settlement hierarchy are before me, but it is nonetheless clear that part of the purpose of Development Management DPD Policy GC2 is to focus new residential development in locations which have a good access to services and facilities.
9. The area surrounding the appeal site comprises a predominantly rural character and there are only a few sporadically located dwellings nearby. Nonetheless, there are several neighbouring dwellings on this part of Kerdiston Road and as such, the site is not isolated within the terms of Framework Paragraph 80. However, the fact that a site is not isolated in this regard does not mean that it provides good access to services and facilities.
10. Reepham has a good range of services and facilities. These include, but are not limited to, various shops, a library, schools, several churches, a post office, and various community facilities. However, in order to access these services and facilities, future occupiers of the proposed development would be predominantly reliant on the motor vehicle. This is because the vast majority of the route between the appeal site and Reepham is devoid of any footways. Furthermore, the routes along the carriageway towards the settlement are predominantly narrow, unlit and subject to a 60mph speed limit. These factors are such that future occupiers would be very unlikely to regularly travel 1 mile on foot to Reepham. For the same reasons, more vulnerable persons may also be discouraged from cycling along this route.
11. Whilst there is evidence to demonstrate that Reepham has good sustainable transport links to other settlements, there is no compelling evidence before me to suggest that any of these links are readily accessible within the immediate vicinity of the appeal site.

¹ Broadland District Council - Development Management DPD (2015)

² Greater Norwich Development Partnership – Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted 2011 and amended 2014)

12. As such, the site would not be a suitable location for residential development, having regard to the lack of access to services and facilities to meet day-to-day needs of future occupiers. As a result, there would inevitably be an overreliance on the motor vehicle to access them. Therefore, the proposed development would conflict with Development Management DPD Policy GC2 and JCS Policy 1, which seek to focus new development within existing settlements (except in certain circumstances) and ensure that new development minimises the need to travel, respectively.
13. The Council's representations also refer to Development Management DPD Policy H1. However, this policy was not included within the reasons for refusal and the Council has not provided a copy of this policy. As such, I have not identified any conflict with it.

Character and appearance

14. Kerdiston Road is a narrow country lane which is predominantly bound on either side by mature trees and hedgerows. This results in a verdant countryside character. The appeal site is an area of grassland and the site is currently visible through glimpsed views between the mature poplar trees which separate it from the highway. There is a stable building in close proximity to the site but this is barely visible from the highway given the existing visual screening effect of the aforementioned trees. In any case, a stable building is relatively synonymous with the prevailing rural character of the surrounding area. Whilst there are some residential properties located along Kerdiston Road, these tend to be set back from the highway and visually obscured from it by mature trees and vegetation. As such, they do not create any significant urbanising impact.
15. The appeal relates to an application for outline planning permission, with layout, scale appearance and landscaping all reserved matters. Notwithstanding this, the site location plan shows that the dwelling would be located in very close proximity to the site access. Furthermore, there would need to be several trees removed in order to provide the required visibility splays for the re-positioned access (discussed below in relation to highway safety). The removal of the trees would increase the amount of the site which is visible from Kerdiston Road.
16. As a result, there would be pronounced views of the proposed dwelling over the proposed access and the area of land required for the visibility splays. Whilst the design of the development is yet to be determined, the physical presence of a dwelling in this location would inevitably have a harmful urbanising impact, which would not be sympathetic to the prevailing rural character of the appeal site and wider surrounding area. In addition, given their contribution to the verdant character of Kerdiston Road, the removal of the trees themselves would also harm the character of the area.
17. Landscaping is a reserved matter, but proposals to mitigate the aforementioned impacts would not overcome this harm. This is because the views into the site would be over the new access and the area of land required for its visibility splays, neither of which would be suitable for tree or hedgerow planting.
18. For these reasons, the proposed development would have a harmful impact upon the character and appearance of the appeal site and surrounding area. It

would therefore be contrary to Development Management Policies DPD Policy GC4 and JCS Policy 2, which both seek in part to ensure that new development respects the character and appearance of the surrounding area.

19. JCS Policy 1, cited in the Council's appeal representations, does not specifically relate to this main issue.
20. The proposed development would also conflict with Framework Paragraph 130 which seeks in part to ensure that new development is sympathetic to local character.

Highway Safety

21. The proposed development includes the re-positioning of the existing access off Kerdiston Road. Norfolk County Council (The Highway Authority or HA) objected to the proposed development on the basis that they alleged that the appellant had failed to demonstrate sufficient vehicle visibility splays. As a result, the HA suggests that the proposed development would result in an adverse impact on highway safety.
22. The stretch of highway (Kerdiston Road) leading to the appeal site (in either direction) is winding, narrow and subject to a 60mph speed limit. However, these road conditions are such that motorists are likely to be travelling at substantially lower speeds. Indeed, the appellant has provided survey data demonstrating traffic speeds³ in the vicinity of the site of 21.2mph (northbound) and 20.7mph (southbound). This survey was undertaken by PCC Traffic Information Consultancy Ltd during week commencing 10 December 2020. Vehicle speeds were measured over a 24-hour period each day during that week. I consider that these survey results are therefore based on a sufficiently broad period of time, such that they provide an accurate indication of actual vehicle speeds on Kerdiston Road. For these reasons, these survey results can be attributed significant weight.
23. The HA and Appellant both agree that, based on the speeds identified above, the Design Manual for Roads and Bridges (DMRB) requires visibility splays of 37m to the south and 36m to the north to be provided (although the appellant asserts that there should be a 'one step deduction'). The appellant has provided a diagram illustrating that the re-positioned access could achieve visibility splays in excess of this requirement (37m north and 52m south) and there is no compelling evidence to indicate that these splays cross land which is not in the ownership of either the appellant or otherwise that it does not comprise part of the adopted highway. Furthermore, based on my observations during the site visit and an assessment of the submitted plans, the visibility splays would not be obstructed by any existing trees or vegetation adjacent to the carriageway.
24. Taking all of this into account, the proposed development would provide adequate visibility splays, giving sufficient visibility from the proposed access in both directions. As such, it would not result in an adverse impact on highway safety and would therefore comply with Development Management DPD Policy TS3, which outlines that development will not be permitted where it would result in a 'significant adverse impact' on highway safety.

³ 85th Percentile Traffic Speeds based on Automatic Traffic Count data (Week of 10 December 2020)

25. The development would also comply with the provisions of Framework Paragraph 111, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
26. Both parties mention the existing stable use (close to the site) and the potential for the proposed development to lead to a reduction in vehicle movements to and from the stable building. However, given my conclusions in relation to the visibility splays, it is not necessary for me to consider this matter.

Other Matters

27. The appellant has provided various examples where planning permission has been granted for residential development in the district (and other districts) in locations which are defined as 'countryside'. However, the precise circumstances of these cases are not before me in detail and every case should be considered on its own merits. For example, each case varies in terms of the proximity of the relevant site to services and facilities, sustainable transport options, the quantum of development proposed, the development plan context and the housing land supply position. As such, none of these examples provide a justification for the location of the proposed development.
28. The appellant asserts that Development Management DPD Policy GC2 is inconsistent with the less restrictive approach advocated within the Framework, with regard to development in the countryside. However, Policy GC2 does not represent a blanket-ban on residential development beyond the settlement boundaries. This is because it allows for such development where other development plan policies provide support. In addition, and for the purposes of this appeal, one of the aims of Policy GC2 is to focus development in locations which have good access to services and facilities. This strategic aim underpins other development plan policies and is also consistent with the focus of JCS Policy 1 on minimising the need to travel. The development plan should be read as a whole.
29. Paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, a recognition of such variation does not justify locating development where access to services and facilities is particularly poor, such as the appeal site. Indeed, Paragraph 105 also states that 'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'. This is consistent with the strategy which underpins Policy GC2. Policy GC2 is therefore broadly consistent with the approach of the Framework.
30. The appellant has cited an appeal decision where the Inspector considered that Policy GC2 was 'not wholly consistent' with the Framework. However, she did not conclude that Policy GC2 was out-of-date in this regard and neither did she express that Framework Paragraph 11d ii was engaged as a result. Indeed, Framework Paragraph 219 outlines that due weight should be given to development plan policies according to their degree of consistency with the Framework. I have found that Policy GC2 is broadly consistent with the Framework insofar as it relates to this appeal (for the reasons outlined above) and as such, it can be attributed significant weight. In any event, the 'Planning

Balance' section of this decision sets out the relevant considerations in an instance where Framework Paragraph 11dii is engaged.

31. Under the Self-build and Custom Housebuilding Act 2015 (as amended) relevant authorities are required to keep a register of individuals seeking self-build plots within the authority's area. Relevant authorities are also required to grant sufficient permissions to meet the demand for self-build and custom housebuilding in their area.
32. The Council has provided evidence to indicate that it is granting sufficient permissions to meet the need for self-build dwellings within the district. The appellant has not provided any evidence to the contrary. Furthermore, there is no sufficiently robust mechanism before me to ensure that the dwelling would be a self-build unit. Even if there were, the benefit of a self-build dwelling would only be attributed limited weight given the aforementioned context of self-build development in the district.
33. The information before me also indicates that the appellant is local and has a connection with the adjacent stable. The appeal documentation indicates that the appellant discussed with the HA the proposition of a planning condition tying the proposed dwelling to the stables. However, such a proposal has not been advanced by the appellant in support of this appeal. In any case, there is no compelling evidence before me to indicate the need for a dwelling to be located in close proximity to the stable. Neither has any compelling evidence been advanced to indicate that the dwelling needs to be located on the appeal site to support family members of the appellant.

Planning Balance

34. The appellant's analysis of the Council's housing land supply (HLS) concludes that the HLS position is just over four years. This is short of the five-year HLS required by the Framework. Notwithstanding the Council's contention to the contrary, and if I were to take the appellant's position, I would have regard to paragraph 11 d ii of the Framework. Which is to say that - the most important policies would be out of date and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
35. As per my earlier findings on the main issues, the appeal scheme would give rise to harm in respect of the poor access of the site to services and facilities, as well as the harmful impact on the character and appearance of the area. I ascribe substantial weight to these matters since they relate to the principle of the proposed development and how its environmental effect would be wide ranging and long lasting. As a result, there would be conflict with the relevant sections of the Framework as I have identified them above.
36. In terms of the benefits of the proposed development, one dwelling would be provided, which would contribute towards the housing stock. Its construction would result in some minor and temporary support for construction jobs. Its occupation would also result in a small increase in the local population to support services and facilities in surrounding settlements. There would be social and economic benefits associated with this. In addition, the proposed development could incorporate renewable energy technology such that it would

be zero-carbon. There would be a small environmental benefit associated with this.

37. However, the small scale of the proposed development would be such that the wider benefits associated therewith, including a slight reduction to the alleged HLS shortfall (should there be one), would be very limited. With this in mind, and if I were to consider the proposed development in a shortfall situation, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

38. The proposed development would not result in an adverse impact on highway safety and would comply with the development plan in that regard. However, since this would be a lack of harm it would be neutral in any balance. The proposed development would be harmful in terms of the poor access it would have to services and facilities and the impact on the character and appearance of the area. This would lead to conflict with the development plan. I have considered other relevant material considerations above, including the approach of the Framework, and there are none worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

Luke Simpson

INSPECTOR