
Appeal Decision

Site visit made on 4 February 2022

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 25 February 2022

Appeal Ref: APP/Y2620/W/21/3279687

Pine Cottage, Felbrigg Road, Roughton, Norfolk NR11 8PA

- 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 & Mrs Miles-Jones against the decision of North Norfolk District Council.
 - The application Ref PO/21/0149, dated 17 January 2021, was refused by notice dated 5 July 2021.
 - The development proposed is erection of a self build dwelling within surplus garden amenity land serving Pine Cottage, Felbrigg Road, Roughton.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - (i) Whether the appeal site would represent a sustainable location for the type of housing proposed; and
 - (ii) The effect of the proposed access on highway safety and local character, with particular reference to the junction of Hillside with Felbrigg Road.

Reasons

Location

3. The development plan comprises the North Norfolk Local Development Framework Core Strategy 2008 (the CS). Policy SS1 of the CS is a strategic policy setting out the spatial strategy for North Norfolk. The strategy seeks to secure social, environmental and economic objectives appropriate to North Norfolk by focussing the majority of development to those locations where there is employment, services and public transport connectivity. The rationale of the strategy, including the distribution of new housing through an identified settlement hierarchy, is to support the function and vitality of the towns and larger villages as local centres providing a range of services to meet not only the needs of these settlements but a wider hinterland in what is a rural district. Importantly, the strategy also seeks to strike an appropriate balance between maintaining rural communities and the necessity to reduce the need to travel.
4. Consequently, beyond the named settlements, Policy SS1 designates rest of the district as countryside, where development will be carefully managed to protect the rural character and ensure that development which needs a rural location can be facilitated. Policy SS2 of the CS identifies a logical and

relatively long list of the types of development requiring a rural location and specifies that proposals that do not accord with the list will not be permitted. New build market housing is not identified in Policy SS2 with paragraph 2.4.13 of the CS cogently explaining that such housing in the countryside is restricted to ensure a more sustainable pattern of development. In accordance with the National Planning Policy Framework (NPPF), Policy SS2 does not impose a blanket restriction on new housing in the countryside, including affordable housing for local needs, the conversion and re-use of suitable rural buildings and replacement dwellings.

5. The CS is of some age, predating the NPPF, but that does not render it out of date¹. In overarching terms CS Policies SS1 and SS2 are consistent with paragraph 11a) of the NPPF in that all plans should promote a sustainable pattern of development. The policies are also consistent with NPPF paragraph 79 in terms of linking the distribution of housing development to enhancing and maintaining the vitality of rural communities, including supporting local services in villages. Policies SS1 and SS2 are also consistent with NPPF paragraph 105 in terms of managing patterns of growth to support the wider objective of promoting sustainable transport. I see little in the NPPF, including at paragraphs 78-80 on rural housing, that support an approach in either plan-making or decision-taking whereby home working and/or electric cars justify dispersed patterns of new housing development in rural areas. Overall, I find Policies SS1 and SS2 to be consistent with the NPPF.
6. Roughton is identified in Policy SS1 as a service village where a small amount of development will be focused to support rural sustainability. The main settlement of Roughton, which contains the village services, is approximately 1 mile to the south of the appeal site. Whilst there is a modest cluster of housing at the appeal location, including those on Old Mill Road, it does not form part of the main village of Roughton. The scattering of houses in this part of the parish at the appeal location is appropriately identified as countryside for the purposes of applying development plan policy.
7. In terms of connectivity and access to services, those in both Roughton and in the town of Cromer are beyond a reasonable regular walking distance from the appeal site, along roads where there is predominantly no footway or street lighting and intermittent stretches with little or no natural surveillance. The relatively short distance to bus stops on Old Mill Road involves an uncomfortable walk directly on the highway of the locally busy B1436 road with relatively few places to safely step off. In my view this would significantly deter occupants of the proposed dwelling from using local bus services. Whilst the North Norfolk Business Centre is geographically close, the rural public footpath from Hillside across the fields to the A140 is out-of-the-way and unlikely to be used on a regular basis, particularly in winter.
8. Roughton and Cromer are within a reasonable cycling distance, but both would involve using the B1436 Felbrigg Road. I observed that the B1436, whilst restricted to 40mph, is a busy road, including HGV traffic. Accordingly, only a confident cyclist would contemplate negotiating the B1436, particularly the sinuous alignment of the road as it passes generally through countryside between the appeal location and the main settlement in Roughton. Whilst cycling north to Cromer and across to the North Norfolk Business Centre at

¹ NPPF paragraph 219

Crossdale Street (via Carr Lane) would involve only a short section of the busy B1436 it would nonetheless require using an unprotected right hand turn into Old Mill Road at a point shortly after a long sweeping bend, where there is limited forward visibility on approaching this junction (as emphasised by the various warning signs). In my view, this would be an inherently unsafe manoeuvre for cyclists to regularly make. Accordingly, I do not find that future occupants of the appeal proposal would regularly cycle to access services and facilities.

9. As set out above I have reservations about the quality and safety of the walking route to nearby bus stops. In any event, there is relatively little bus infrastructure in this part of Roughton including clearly marked bus stops or waiting facilities. There is also significantly contrasting evidence between the appellant and the Local Highway Authority on the frequency of bus services from the nearest stops as opposed to those services using the A140. Overall, bus services would not provide an attractive alternative to using the car at the appeal location.
10. In terms of supporting rural services in Roughton the proposed dwelling would make only a minor positive impact given the circumstances described above. Given the relative proximity of Cromer and the strong likelihood that future occupants of the proposed dwelling would be likely to use the car, there is little certainty that once in a car, services in Roughton would be preferred over the wider variety of services in the town of Cromer. An additional dwelling at the appeal location would make a negligible impact on the sustainability of services and facilities in Cromer.
11. I therefore conclude that the appeal site would not represent a sustainable location for the type of housing proposed. Future occupiers of the proposed dwelling would be reliant on the use of the car to access basic services. Due to its location, the proposal would be contrary to CS Policies SS1 and SS2. The location of the proposed dwelling would also not accord with the objectives of NPPF paragraphs 11a), 79 and 105 which cumulatively seek to secure sustainable patterns of growth.

Highway Safety

12. The appeal site would be accessed from Hillside, a single lane track serving a small number of residential properties. The appeal site is located close to the junction of Hillside with Felbrigg Road such that I am not concerned about the safety of vehicular or pedestrian movements associated with the appeal proposal along the very short length of Hillside that would be affected.
13. In terms of the junction of Hillside with B1436 Felbrigg Road due to a combination of the position, character and height of adjoining property boundaries and the alignment of Felbrigg Road, the required visibility for vehicles when exiting Hillside is inadequate in both directions. The left-hand visibility (southbound) is particularly deficient, such that making a right hand turn out of Hillside (the direction to access the nearest towns of Cromer and Sheringham) is currently precarious. Matters are compounded in that right-hand visibility (northbound) is also diminished by the boundary planting to the front of 'Ketel Hill'. I observed the mirror erected opposite the Hillside junction which is angled to assist visibility of oncoming traffic from the south, but its existence only serves to highlight in my mind the acute shortcomings with the existing arrangements at the Hillside junction.

14. The turn for Hillside is announced by recognised advance warning signs in both directions on the B1436. However, it is not a prominent junction due to the informal nature of the carriageway on Hillside and the degree to which is obscured by the boundaries of Pine Cottage and Ketel Hill. The B1436 has no street lighting at this point, making the junction inconspicuous at night. Local accident data provided by the Local Highway Authority (LHA) on this stretch of the B1436 shows a small number of incidents in the vicinity including one at the Hillside junction. This confirms in my mind the risks of increased vehicle turnings in this locality. Accordingly, any intensified use of the existing Hillside junction without improvement to the visibility would result in an unacceptable impact on highway safety. In coming to this view, I have taken account of the function and character of the B1436 which serves as a busy local link between the A140 and A148 and the 40mph speed restriction.
15. In assessing the required visibility at the Hillside junction, the Local Highway Authority (LHA) has applied DMRB² standards whereas the appellant invites use of the Manual for Streets 2 (MfS2). Notwithstanding the busy character and function of the B1436 described above I consider the use of the DMRB to be inappropriate given that they are primarily intended for the highest hierarchies of the road network, rather than the local 'inter-primary link' nature of the B1436. As such I find the use of the MfS2 standards is to be preferred in this instance.
16. On the appellant's assessment this would require 60 metre (m) splays in each direction. Whilst all matters of detail, including access, are reserved for future consideration, I am referred to the appellant's drawing 0695 05 as to how visibility could be potentially secured. In addressing the acute deficiency in the southbound visibility at the Hillside junction, this would require extensive removal of established boundary hedging to the front of Pine Cottage and the likely remodelling of the roadside bank on which the current hedging sits. The required visibility splay would also cut across the existing side access and vehicle parking area to Pine Cottage.
17. Technically, the required visibility splay to meet the MfS2 standard in this direction may be achievable but it would profoundly alter the rural character at this location by removing what is clearly a long-established hedge line between Pine Cottage and Felbrigg Road. The resultant degree of remodelling and need to maintain an open frontage at this location would be harmful to the rural character on this part of Felbrigg Road, which is generally characterised by hedging and other traditional boundaries close to the highway edge. Extensive, splayed entrances are not characteristic of the street scene in this rural part of Felbrigg Road. Any replacement boundary treatment would take some time to become established such that the harmful impact from opening up the roadside frontage to Pine Cottage would be evident over a considerable period of time.
18. In respect of the visibility to the north, drawing 0695 05 indicates a visibility of 62.5m in this direction could be secured. From my observations, I do not consider this to be the case given the position and width of the leylandii hedge to the front of 'Ketel Hill'. As such I find the LHA evidence of visibility in this direction to be approximately 35m to better reflect conditions on the ground. There is little before me to demonstrate how the appellants could remedy this deficiency, given it involves land outside of their control. Overall, I find

² Design Manual for Roads and Bridges

visibility in this direction to be inadequate given the speed and volume of oncoming traffic and the low prominence of the Hillside junction in the wider street scene.

19. As set out above, any pedestrian access to the appeal site would require walking on the highway of the B1436. There is no footway and relatively few places to safely step off. Whilst I have determined that DMRB standards would not be justified for the purposes of assessing visibility splays that should not detract from the evidence that the B1436 is a busy local road. Whilst my site visit can only represent a snapshot, I walked from the indicated bus stops on Old Mill Road to the appeal site (and back) and found it to be a particularly uncomfortable and perilous pedestrian experience given the speed and proximity of passing traffic (including HGVs). Consequently, safe and suitable access for pedestrians cannot be achieved.
20. To sum up on highway matters. Due to its unsustainable location, occupation of the appeal proposal would be reliant on the use of the private car. The existing highway arrangements at the Hillside / Felbrigg Road junction are wholly inadequate and unsafe to accommodate the additional vehicle movements associated with the appeal proposal and thus require improvement. Whilst it may be technically feasible to address the particularly deficient visibility to the south to meet MfS2 standards this would require a significant and harmful remodelling of the rural highway boundary to the frontage of Pine Cottage. Visibility to the north would not meet the required standards, when considered against MfS2. There is no clear solution to address this deficiency. In this context, given the function, traffic volume and recent safety record of the B1436 at the appeal location, I find the additional vehicle movements at this junction would have an unacceptable impact on highway safety. Additionally, safe and suitable access cannot be achieved to the site for pedestrians. Consequently, the appeal proposal would be contrary to CS Policy CT5 in that it would not involve safe access to the highway for all users. The proposal would also conflict with paragraphs 110 and 111 of the NPPF in this regard. Additionally, the extensive work necessary to achieve acceptable visibility to the south would be contrary to CS Policies CT5 and EN4 which respectively require that safe access to the highway network should be capable without detriment to the character of the locality and that existing important landscaping and natural features are retained.

Other Matters

21. The appellant asserts that a required five-year supply of deliverable housing land is at best marginal and likely to have fallen below the Local Planning Authority's figure of 5.16 years, taking into account circumstances such as the recent Covid pandemic. Notwithstanding this, the figure of 5.16 years has been endorsed in a recent appeal decision³. Moreover, I am unclear as to why the pandemic, which by-and-large, did not inhibit construction activities after the easing of initial restrictions in 2020 would have materially affected housing delivery in North Norfolk. As such, the figure of 5.16 years' worth of deliverable housing land supply remains valid on the evidence before me. I accept the five-year requirement is a floor not a ceiling, but that does not validate boosting the supply of housing where it would be contrary to securing a sustainable pattern of development.

³ APP/Y2620/W/21/3276085 Issued 17 January 2022

22. I am also invited to find the CS is out of date in terms of the extent to which it deals with self-build, having regard to both paragraph 61 of the NPPF and the Act⁴. There is little before me to purposefully distinguish the appeal proposal as 'self-build' from the various other single dwelling proposals and permissions in North Norfolk that can generally be deemed as contributing towards 'self-build' and 'custom-build' needs. There is little evidence that the demand for 'self-build' is not being met in North Norfolk by the existing development plan policy framework. As such I do not consider the CS to be out-of-date on this aspect of delivering a sufficient supply of homes.
23. The appellant has referred to a number of appeal decisions in Suffolk and Cambridgeshire⁵ where housing has been approved outside of settlement boundaries. I have relatively limited information about the context for those appeals in terms of whether they are comparable to the particular circumstances before me. From reading the decisions (notably in Woolpit and Fulbourne) there appear to be some material differences. As such I give negligible weight to these appeal decisions as material considerations to indicate a decision other than in accordance with the development plan.

Conclusion

24. The appeal proposal would be contrary to the relevant development plan policies on both the main issues in this appeal. These policies are generally consistent with the NPPF and therefore up-to-date and so have full weight in the decision-making process. Decisions are required to be made in accordance with the development plan unless material considerations indicate otherwise. As set out above under 'other matters', the tilted balance at NPPF paragraph 11(d) is not engaged. Whilst the appeal proposal would make a very modest contribution to overall housing delivery, including self-build credentials, and would generate some economic benefits from its construction and potential to modestly support facilities in Roughton and Cromer these are not sufficient material considerations to make a decision other than in accordance with the development plan, including the spatial strategy for securing a sustainable pattern of housing development. I note that the appeal proposal would provide an opportunity for the appellants to "future proof old age", but this personal benefit would not outweigh the conflict with the development plan.
25. I have taken into account all other considerations, including the potential energy efficiency of the proposed dwelling, the installation of electric vehicle charging points and the general lack of community objection, but there is nothing that leads me to conclude other than the appeal should be dismissed for the reasons given.

David Spencer

Inspector.

⁴ Self Build and Custom Housebuilding Act 2015

⁵ 3194926, 3217448 and 3152824