



Appeal Decision

Site visit made on 19 April 2022

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/F2605/W/21/3286719

Wretham Lodge, Church Road, East Wretham, IP24 1RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr G Alexander against the decision of Breckland Council.
 - The application Ref 3PL/2021/0766/F, dated 18 May 2021, was approved on 6 September 2021 and planning permission was granted subject to conditions.
 - The development permitted is conversion of outbuilding into ancillary accommodation for a live in carer.
 - The condition in dispute is No 4 which states that: Vehicular access to and egress from the adjoining highway shall be limited to the access shown on Drawing No.2220 07 only. Prior to the first occupation of the development hereby approved the access immediately to the west of the building shall be permanently closed in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.
 - The reason given for the condition is: In the interests of highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).
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Decision

1. The appeal is allowed and the planning permission Ref 3PL/2021/0766/F for 'conversion of outbuilding into ancillary accommodation for a live in carer' at Wretham Lodge, Church Road, East Wretham, IP24 1RL, granted on 6 September 2021 by Breckland Council, is varied by deleting condition 4.

Background Main Issue

2. Planning permission was granted for the conversion of an outbuilding to ancillary accommodation for a carer subject to a condition which required an existing access adjacent to it to be permanently closed before bringing the approved development into use. This condition is attached in the interests of highway safety and the appellant is seeking to implement the approved development without closing up this access.
3. The main issue is therefore whether condition 4 is necessary in the interests of highway safety.

Reasons

4. The access which would be closed up is served by a large gate set in a tall wall close to the Church Road edge. The access is wide enough for a large vehicle to pass through. The appellant states it is used by a tractor and I have no reason to doubt this.

5. I acknowledge, the Council's comment that the access does not appear to have been in regular use recently. I also note the concerns of the Highway Authority, which in summary relate to the proximity of the tall wall that the access passes through to the road edge and that the access does not benefit from the visibility splays advised by Manual for Streets 1 and 2, such that any vehicle passing through it would have limited visibility.
6. However, there are no restrictions on the use of the existing access associated with the appeal property. There is therefore nothing which would ensure that it could not be used intensively associated with the existing property which is substantial. Furthermore, a traffic report has been submitted with the appeal which shows Church Road to have very low traffic flows, where vehicles travel at low speed and there are no records of any injury accidents in the vicinity of the access over the last 10 years. Moreover, the number of vehicle movements necessary to serve the modest proposal would also be low and any driver passing through the gap in the wall, would inevitably do this cautiously, slowly inching onto Church Road.
7. Thus, for these reasons I find the condition is not necessary or reasonable in the interests of highway safety. The proposal therefore accords with Policies TR01 and TR02 of the Breckland Local Plan (2019), which taken together and among other things seek to ensure new development is served by a safe access and does not harm highway safety in the area.

Other Matters

8. Wretham Lodge is Grade II listed and within the Wretham Conservation Area. The Council have not alleged any harm associated with the appeal proposal on the significance of either of the designated heritage assets. Given my reasoning above, I find the proposal to remove the condition thus keeping the existing access in use, would have no impact on the character, appearance or significance of the CA and would preserve the listed building.
9. In reaching my overall conclusions I have also considered the appeal decisions¹ put before me. However, I have afforded them limited weight as I do not have the full details of those cases which in any event relate to sites in completely different contexts.

Conclusion

10. The National Planning Policy Framework advises that planning conditions should only be imposed where they meet the six tests outlined in paragraph 56. For the reasons given above, I conclude that condition No 4 is not reasonable, nor is it necessary to maintain highway safety. Accordingly, condition No 4 should be removed and I have therefore allowed the appeal on this basis.

L Fleming

INSPECTOR

¹ Appeal References APP/F3545/W/20/3262658, APP/D3505/W/17/3191313 & APP/Z1510/W/21/3284667