

Appeal Decision

Site visit made on 7 June 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2022

Appeal Ref: APP/F2605/W/21/3283992

Chanticleer, Dereham Road, Ovington, THETFORD, IP25 6SA

- 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 June Desborough against the decision of Breckland Council.
 - The application Ref 3PL/2021/0241/F, dated 10 February 2021, was refused by notice dated 10 May 2021.
 - The development proposed is change of use of annex building and land to separate dwellinghouse with garden.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of annex building and land to separate dwellinghouse with garden at Chanticleer, Dereham Road, Ovington, Thetford, IP25 6SA in accordance with the terms of the application, Ref 3PL/2021/0241/F, dated 10 February 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issues

3. The main issues are:
 - whether the appeal site represents an appropriate location for the proposed development, having regard to the spatial strategy in the development plan; and
 - the effect of the proposed access arrangements.

Reasons

4. The site comprises a detached outbuilding and garage, which is within the curtilage of the existing dwelling Chanticleer. The appeal relates to the detached outbuilding, excluding the garage which would remain to be used by the host dwelling.
5. The site is located outside of the defined settlement boundary within a small group of dwellings which is clearly separate from the nearby village of Ovington and is therefore within the countryside for planning purposes.

6. The Council have relied upon Policy HOU 05 of the Breckland Local Plan 2019 (LP) in their reason for refusal which permits limited development in smaller villages and hamlets outside of defined settlement boundaries, but excludes sporadic small scale groups of dwellings which are not classed as small villages and hamlets.
7. However, the appellant has directed me to policy HOU 12 of the LP which sets out the Council's approach to the conversion of buildings in the countryside. I do not accept the Council's reasoning that the policy only relates to the conversion of redundant farm buildings. Paragraph 3.91 states that to sustain an active rural economy and support rural living, conversions of redundant buildings should be supported where possible. The policy sets out that the reuse of existing buildings in the countryside for residential purposes will be considered, with no requirement for these to be formerly in agricultural use. Therefore I consider the policy to be relevant to the consideration of the appeal.
8. Whilst the policy seeks to ensure economic development is considered in the first instance, in this case the building has only ever been in ancillary domestic use, in connection with the occupation of Chanticleer and therefore there is no loss of a commercial use. Furthermore, having regard to the close relationship it has with that dwelling and the nature of surrounding residential uses, I am satisfied that in this instance it would not be necessary to explore commercial uses for the building.
9. The policy sets out that the building to be converted should be substantially intact and capable of conversion without significant extension or rebuilding, and the plans submitted with the appeal demonstrate that the layout of the existing building would be compatible with its use as a separate dwelling.
10. The building proposed to be converted, is of modest proportions and its use of render and pan tiled roof ensure that its design and appearance, does contribute positively to the rural character of the area and therefore is of some architectural merit. Minimal alterations are proposed to the building in order to facilitate the conversion and therefore its appearance would be broadly unaffected.
11. The policy also requires buildings to have access to the highway and that the highway network has the ability to accommodate the demands resulting from the proposed development. I will come on to discuss more detailed highway matters later in my decision; however, the building currently has access to the highway and there is nothing to indicate that the highway network has insufficient capacity to accommodate traffic flows from the proposed development.
12. The third criteria entails consideration of potential conservation and biodiversity issues, I am not aware that there are any conservation and biodiversity matters arising from the proposed conversion and the Council have confirmed that the site is outside of the Nutrient Neutrality Catchment Area.
13. In conclusion, the development would accord with policy HOU12 of the LP.

Access

14. The site gains access from the A1075 Dereham Road, which is designated as a Principal Highway, in Norfolk County Council's adopted Road Hierarchy and is defined as a corridor of movement. As such it carries high volumes of traffic and its main function is to convey traffic freely and safely between major centres of population.
15. The Local Highway Authority have submitted evidence which indicates that the average traffic speeds within the vicinity of the site are below that of the 50mph speed restriction present on the road. There is no dispute between the parties that the development can not achieve the required visibility splay of 131m, with the current access having only visibility of 30m, which is below the government safety standards.
16. The access already exists and currently serves Chanticleer and the existing annexe. The Council consider that the development would lead to an intensification of the use of the access, with at least an additional 6 vehicle movements a day entering and exiting the site. Whilst the nature of ancillary accommodation is such that it would be expected that occupants would share the facilities provided by the main dwelling and be dependent upon it, the building could currently be occupied by two adults. There is nothing in the evidence before me to demonstrate that the occupiers of the annexe would not have a car of their own and in particular the site has adequate space to provide parking for multiple vehicles. This leads me to conclude that there will be no substantive increase in vehicle movements and therefore no material change in access risk along Dereham Road.
17. Concerns have been raised about the future potential of the annexe to be extended enabling a greater level of occupation, however this is not the scheme before me and therefore I am basing the vehicular movements on the footprint of the annexe which is not being increased as part of this appeal. Likewise, there is nothing before me to suggest that the dwelling would result in an increase in deliveries as suggested by the LHA, as the number of people residing on the site is unlikely to increase as a result of the proposals.
18. The appellant has put forward a proposal to widen the existing access to enable two vehicles to pass on the access simultaneously to prevent vehicles having to wait on the highway. These improvements can be secured by condition.
19. Paragraph 111 of the Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety and the guidance within Manual for Streets 2 advises that unless there is local evidence to the contrary, a reduction in visibility below the recommended levels will not necessarily be a problem.
20. Therefore, in respect of visibility I am satisfied that having regard to the scale of development proposed and the negligible increase in the traffic movements generated, there will be no material change in risks to highway safety along Dereham Road. In addition, the improvements to the existing access would improve the safety of highway users and would provide a wider benefit to both Chanticleer and the proposed dwelling.

21. I therefore conclude that the proposed access arrangements are acceptable and would comply with policies COM01 (m), TR01 and TR02 of the LP which together seek to ensure that highway safety is not compromised.

Conditions

22. In addition to the standard implementation condition, it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. I consider that a condition to agree a scheme of hard landscaping, would also be necessary in this case given the lack of detail on the submitted plans.
23. In order to ensure the safety of highway users, I have imposed a condition requiring the existing access to be widened and improved due to its existing standard which would be insufficient to serve the development. I have not found it necessary to impose a condition requiring the existing access to be surfaced due to its existing standard which would be sufficient to serve the development.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR

Conditions Schedule

- 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: Location Plan; 02-001 Existing Floor Plan; 00-002 Block Plan; Proposed Floor Plan.
- 3) The dwelling hereby approved shall not be occupied until the existing vehicular access serving the site has been upgraded/widened in accordance with a detailed scheme, including arrangements to prevent surface water discharge from or onto the highway, submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use and shall be retained.
- 4) The dwelling hereby approved shall not be occupied until a 2.4 metre wide parallel visibility splay, as measured back from the near edge of the adjacent highway carriageway, has been provided across the whole of the sites roadside frontage to the south-west side of the access. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 5) No development shall commence until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include a plan indicating the position, design, materials and type of boundary treatment to be erected. These works shall be carried out in accordance with the approved details before any part of the development is first occupied and shall thereafter be maintained.

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