



Appeal Decision

Site visit made on 17 January 2023

by C Harding BA(Hons) PGDipTRP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/K2610/W/22/3298300

Land adjacent Brooklyn House, Broad Lane Great Plumstead, NR13 5DA

- 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 Mr Paul Parker against the decision of Broadland District Council.
 - The application Ref 20220170, dated 11 January 2022, was refused by notice dated 28 February 2022.
 - The development proposed is one new dwelling and new access
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, Examination Hearings relating to the emerging Greater Norwich Local Plan took place in 2022, however the evidence indicates that the plan has not yet reached adoption stage, and that relevant policies within it will require modification. Therefore, these policies cannot, at this stage, be afforded substantial weight as material considerations.

Main Issues

3. The main issues are:
 - whether the proposal would be consistent with local and national policies relating to the location of new housing development and access to facilities and services;
 - the effect of the proposal upon highway safety.

Reasons

Location of housing development

4. The appeal site is situated between existing residential properties in a small group arranged along Broad Lane. It is not disputed between the main parties that the appeal site is located outside of any identified settlement limit, and I have not been presented with any evidence that the proposal would relate to a specific allocation or policy within the development plan. Accordingly, although the proposal would comprise a windfall infill development, it would nevertheless be in conflict with Policy GC2 of the Broadlands District Council Development Management DPD 2015 ('DPD').

5. DPD Policy GC4 requires proposals to pay adequate regard to being accessible to all via sustainable means including public transport, and Joint Core Strategy¹ ('JCS') Policies 1 and 6 require development to minimise the need to travel, and seek to concentrate development close to existing services and facilities, in order to encourage walking and cycling as a primary means of travel.
6. Great and Little Plumstead are located some distance to the southeast of the appeal site, whilst Rackheath is located to the north. I understand that between them, these settlements provide a range of services and facilities. There is no footway or street lighting along Broad Lane at the point at which it passes the appeal site, and the speed limit in this location is 40 miles per hour (mph). The evidence of the Local Highway Authority indicates that in 2020, the measured 85th percentile vehicles speeds as they passed the appeal site was around 44mph, and that on average around 400 vehicles passed the site in each direction on a daily basis.
7. A direct route to Rackheath exists along Broad Lane and part of this route, between Norwich Road and the level crossing, is not open to through-traffic. Consequently, accessing services in Rackheath from the appeal site by bicycle would be a potentially attractive option for some potential future residents, albeit not necessarily in all conditions.
8. However, the distance involved, along with the immediate locational circumstances of the appeal site, where pedestrians would be required to walk along the unlit carriageway as traffic passes with regularity and at around 40mph, means that it is unlikely that accessing services in Rackheath on foot would be equally as attractive, particularly at night or in poor weather.
9. Journeys to Great and Little Plumstead would be longer, and predominantly undertaken along unlit roads subject to the national speed limit and with no footways. Again, whilst these settlements could be reasonably accessible by bicycle, I consider that it is unlikely that accessing them on foot on day-to-day basis would be an attractive option for future occupiers.
10. The appellant has stated that the appeal site is close to a bus stop, however I have not been made aware of its specific location or provided with details of the services that might operate and which settlements they would serve. Accordingly, I cannot be satisfied that the use of public transport would represent a feasible and attractive means of accessing local services or facilities.
11. Overall, based on the evidence before me, I consider that the site is poorly located with regards to access to services and facilities, and it is likely that future residents would have a significant level of reliance on the private car.
12. I am aware that three sites are identified within the Great and Little Plumstead Neighbourhood Plan 2014 – 2034 as being suitable for new development, however only one of these sites (Site 1) is identified as being suitable for new residential development, and it is specified that the allocation is made on the basis that it meets an identified need for Affordable Housing. The location and nature of this allocation is materially different to that of the appeal site and proposal. Accordingly, it does not weigh in favour of the appeal proposal.

¹ Joint Core Strategy for Broadland, Norwich and South Norfolk

13. I have been referred to a previous appeal decision² for new residential development on a site elsewhere on Broad Lane. However, that appeal proposal related to the replacement of an existing workshop building, in a location closer to facilities and services in Rackheath than the current appeal site. Whilst I have had regard to the findings of that Inspector, the circumstances of that proposal are not wholly comparable with the appeal scheme before me.
14. Further planning permissions for new dwellings are referred to by the appellant as being located on the northern section of Broad Lane. Although I have been provided with only very limited details of these approvals, their reported location on the northern section of Broad Lane which is not a through-road, means that the circumstances of these developments in terms of access to facilities and services is unlikely to be directly comparable to the appeal proposal before me.
15. Reference is also made to the approval of 75 dwellings on a former hospital site at Little Plumstead. The scale of the development in that instance is clearly not comparable with the appeal proposal before me, and furthermore I am not aware of the specific circumstances of this approval.
16. Taken together, these cited examples are not determinative in my consideration of this main issue.
17. I conclude that the appeal site would not be a suitable location for the proposed development and would have poor access to service and facilities. It would therefore fail to be consistent with local and national policies relating to the location of new housing development, contrary to DPD Policies 2 and 4, and CS Policies 1 and 6, having which together, and amongst other criteria, seek to direct new residential development towards site within settlements that are able to support, minimise the need to travel, and encourage walking and cycling.

Highway Safety

18. The appeal site is currently served by a gated field access. At the time of my site visit, the site was not in any identifiable use and accordingly, I consider it likely that any current access to it is likely to be infrequent.
19. The proposed development would result in a new access being formed, which would be used at a higher intensity than the current access, in a location where traffic passes at around 40mph. In this context, the requirement of the Local Highway Authority to ensure that adequate visibility from the access is achievable in accordance with the specification of 120m in length from a 2.4m setback, as set out in the Design Manual for Roads and Bridges (DMRB), is a reasonable one.
20. The proposed plans indicate that a 65m visibility splay would be provided in each direction which is substantially below the recommended specification. Furthermore, the Local Highway Authorities has raised concerns with regards to the visibility splay measurements methodology, resulting in uncertainty as to whether this would be achievable.

² APP/K2610/W/20/3264372

21. Whilst there is flexibility with regards to applying the visibility standards set out in DMRB, I have been provided with no compelling evidence to suggest that it would be appropriate to do so in this case, particularly as the indicated visibility splays would provide levels of visibility significantly below the stated standard.
22. Whilst I acknowledge that there are other existing accesses on to Broad Lane from a number of residential properties and agricultural fields, the topography and curvature of the road means that the precise visibility circumstances in each case are likely to differ. In any event, the existence of a potentially substandard access elsewhere would not justify the arrangements proposed as part of the appeal scheme.
23. Furthermore, it appears likely that in order to achieve visibility splays of the required standard that land adjacent to the appeal site and potentially within the ownership of third parties would need to be maintained and kept free of obstruction. I have not been provided with any mechanism that would achieve this, and it would not be possible to secure this by means of planning condition as it would unreasonably impose limitations on third parties and would therefore fail the relevant tests set out in Planning Practice Guidance.
24. Overall, the proposal would have an adverse effect on highway safety, as I cannot be certain that the required visibility splays, and therefore a safe access to the site could be achieved or maintained. It would therefore be contrary to DPD Policy TS3 and Policy 4 of the Great Plumstead, Little Plumstead and Thorpe End Garden Village Neighbourhood Plan 2014, which together state development will not be permitted where it would result in any significant adverse impact upon the functioning or safety of the highway network, and should provide measures to mitigate any negative impacts.

Other Matters

25. I am aware that the site lies within the Zone of Influence of the Broads Special Area of Conservation which is a European designated site. The Conservation of Species and Habitat Regulations 2017 require the Competent Authority to consider whether the proposal could adversely affect the integrity of the protected site, either alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
26. Had I been minded to allow the appeal, it would have been necessary to carry out an appropriate assessment in order to establish whether the proposal, on its own, or in combination with other projects would be likely to have significant effects on the integrity of the European designated site. However, as I have concluded that the proposed development would be otherwise unacceptable, it is not necessary for me to pursue this issue further, as a finding that the proposal would not have an adverse effect on the integrity of European designated sites, with or without any mitigation, would be a neutral matter in the planning balance.
27. At the point at which it made its decision on the application, the Council considered that it could demonstrate an appropriate supply of deliverable housing land. However, it now advises that there is a significant degree of uncertainty with regards to the progress of a number of permitted and allocated development sites, as a result of advice from Natural England with regards to achieving 'nutrient neutrality' in order to prevent harm to European designated sites. For the purposes of this appeal, and having regards to the

Council's evidence, I have assumed a 'worst-case scenario' in relation to the housing land supply position. I return to this matter in my 'Conclusion and Planning Balance', below.

28. My attention has been drawn to the recent construction of a new dual carriageway. However, this is a materially different development which is not comparable to the proposal before me. I therefore cannot afford substantial weight to this in my considerations.
29. The effect of the proposed development on the character and appearance of the area, biodiversity and flood risk are not matters in dispute between the parties. Even if I were to agree that the proposal was acceptable in these respects, they would only be neutral factors that would not weigh in favour of the proposal.

Conclusion and Planning Balance

30. As set out above, I have found that the development would not be appropriately located and would lead to harm to highway safety. It would conflict with the development plan in these respects, and I attach substantial weight to this.
31. Set against this, the development would make a modest contribution towards the supply of housing as a windfall site. It would also result in some economic benefits during the construction phase and through local expenditure by future occupiers. In view of the current shortfall in housing delivery, I give these considerations moderate weight.
32. On balance, and taking all matters into consideration, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
33. For the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR