



Appeal Decision

Site visit made on 31 July 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/L2630/W/25/3365424

Land between London Road and Sutton Lane, London Road, Wymondham, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Lovell Partnerships against the decision of South Norfolk District Council.
- The application Ref is 2024/3576.
- The application sought outline planning permission for up to 335 dwellings and associated infrastructure, new cemetery and 1.2ha of land for neighbourhood centre comprising A1, A2, A3, A4, A5 and/or B1 and/or D1 uses, without complying with a condition attached to planning permission Ref 2019/1022, dated 29 July 2019.
- The condition in dispute is No 9 which states that: There shall be no occupation of any phase of the development hereby approved until a scheme for the off-site highway improvement works identified on drawing reference 10210-HL-04 Rev B has been submitted to and agreed in writing by the local planning authority. No more than 250 of the dwellings hereby approved may be occupied prior to the satisfactory completion of the approved highway improvement works.
- The reason given for the condition is: In the interest of highway safety and to ensure the satisfactory implementation of the site in accordance with JCS Policy 20.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the original act of development referred to in the banner heading above, relates to outline planning permission (Council Ref 2014/2495/O) granted for up to 335 dwellings and associated infrastructure, new cemetery and 1.2ha of land for neighbourhood centre comprising A1, A2, A3, A4, A5 and/or B1 and/or D1 uses. This permission was allowed at appeal on 13 September 2016¹ (the original outline permission).
3. Outline planning permission Ref 2019/1022 subsequently varied the original outline permission. This permission was described as the 'variation of condition 13 of planning permission 2014/2495 – to allow a phased scheme for road traffic noise to protect dwellings'. The variation was approved by the Council on 29 July 2019 (the varied outline permission).
4. Following this, two reserved matters applications were approved, the first relating to Phase 1 (comprising 89 dwellings)² and the second relating to Phase 2 (comprising 246 dwellings)³. During my site visit, I observed that development has commenced.

¹ Appeal ref: APP/L2630/W/15/3136321

² Council ref: 2018/2758.

³ Council ref: 2019/1804.

Background and Main Issue

5. In determining the original outline permission, that Inspector stated that condition 9 was required to secure the delivery of specified off-site junction improvements, to mitigate the development's impact on the highway network.
6. An application seeking approval of details pursuant to condition 9 of the original outline permission was dismissed at appeal in June 2023⁴ (the dismissed appeal). In that decision, the Inspector found that the submitted drawings were insufficient to secure the delivery of the required off-site junction improvements. That Inspector was not required to assess the reasonableness or necessity of the condition itself in reaching their decision.
7. Condition 9 was re-imposed in the varied outline permission. The appellant now seeks to vary this condition, to remove the restriction on the number of dwellings that can be occupied prior to the completion of the off-site highway improvement works. The appellant contends that there has been a change of circumstances since the original outline permission was granted, such that condition 9 is no longer reasonable or necessary.
8. The main issue is the effect of varying condition 9 on the transport network, highway safety and the delivery of the off-site junction improvement works.

Reasons

9. The London Road/Station Road junction located approximately 1km to the east of the appeal site comprises a four-arm, signal-controlled crossroads (the junction).
10. In addition to the development subject of this appeal, two other residential schemes elsewhere in Wymondham by Pelham⁵ and Endurance⁶ also require improvement works to the junction. The delivery of works in relation to these developments was secured through a S106 agreement dated 6 February 2014⁷.
11. The Transport Assessment submitted with the original outline permission indicated that when considered in combination with the Pelham and Endurance schemes, the junction would exceed capacity. Junction improvements were therefore deemed necessary to cater for the additional development traffic generated by these developments. The imposition of condition 9 was examined at Inquiry and agreed by the main parties. That Inspector was also fully aware that the same junction improvements had already been planned in connection with the other committed developments.
12. The appellant has submitted a King's Council (KC) opinion with the appeal, asserting that the trigger point is no longer necessary. The KC refers to the evidence presented in the accompanying Transport Note. While the appeal site might be located further from the junction than the Pelham and Endurance sites, the 335 dwellings associated with this appeal, would nonetheless generate a

⁴ Appeal ref: APP/L2630/W/22/3309497.

⁵ Council ref: 2011/0505 - Proposed development to include up to 500 dwellings, Community facilities, site infrastructure including new access roads, public rights of way and drainage, green infrastructure including public open spaces and structural landscape planting.

⁶ Council ref: 2012/0371 - Mixed use development of up to 730 dwellings, up to 128 bed care home / homes (in one or two buildings), up to 250 square metres of retail / commercial floor space, a new primary school together with all other associated temporary and permanent infrastructure and green infrastructure, including new access arrangements, sports pitches, allotments and community orchard.

⁷ Ref: SR-SNDC/41169.

significant number of additional trips that would utilise the junction. Crucially, there is no substantive evidence, such as an updated transport assessment with detailed traffic movement/trip data to demonstrate a material change in circumstances since the original outline permission was granted. Furthermore, the Highways Authority maintains that the mitigation measures required by condition 9 remain necessary. Accordingly, not delivering the required junction improvements, in combination with trips generated by other committed developments, has the potential to adversely effect the transport network and compromise highway safety.

13. The evidence before me indicates both the Pelham and Endurance schemes are now in breach of their respective S106 trigger points. Indeed, one of the schemes had already exceeded its trigger point for delivering the junction improvements prior to the determination of the dismissed appeal in June 2023. It is also common ground between the main parties that the appeal proposal has now also exceeded the trigger point for the completion of the works required by condition 9⁸. Whilst no enforcement action has yet been taken, the Council has confirmed that it reserves the right to do so.
14. A detailed scheme for the junction improvements has been approved pursuant to condition 9⁹. It is acknowledged that the appellant sought this approval primarily to demonstrate initial compliance, rather than to signify agreement to being party to its delivery.
15. Even so, the Council has confirmed that progress is being made towards the completion of a legal agreement¹⁰ for the delivery of the junction improvements and indicates that the appellant is required to be a signatory to this agreement. The appellant disputes this requirement as they consider it to be the responsibility of the developers of the Pelham and Endurance schemes that reached their trigger points first. Nevertheless, all three developments generate traffic that uses the junction, and it is for the relevant parties to resolve how the improvements are to be delivered. Removing the trigger point from condition 9 would undermine certainty that the necessary junction works would be carried out.
16. Overall, I have not been provided with substantive evidence to demonstrate that the circumstances have materially changed or that the junction improvements are no longer required. I find that the imposition of the disputed condition remains justified and meets the six tests set out in Paragraph 57 of the National Planning Policy Framework (the Framework).
17. I therefore conclude that it has not been demonstrated that varying condition 9 would not result in an adverse effect on the transport network or highway safety. Moreover, it could fetter the delivery of the off-site junction improvement works. In these respects, it would conflict with Policy DM3.11 of the South Norfolk Local Plan Development Management Policies Document (2015) (LP) which states that development that effects the satisfactory functioning of the highway network will not be permitted.
18. The reason for condition 9 refers to Policy 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) which requires a coordinated approach to be taken to the timely provision of infrastructure to support

⁸ 294 occupations as at the 1 July 2025.

⁹ Council ref: 2022/2361.

¹⁰ Section 278 of the Highways Act 1980.

development. This policy has however been superseded. Nevertheless, the Council's decision in relation to this appeal, refers to Policy DM3.11 of the LP which forms part of the current development plan and is relevant for the reasons set out above.

19. For the same reasons, the proposal would conflict with Paragraphs 115 and 116 of the Framework which require any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety to be mitigated and for development to be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matter

20. The appellants have raised concerns regarding the Council's lack of statement in its decision explaining how it has worked with the appellant in a positive and proactive manner. However, this is not a matter for this appeal, and I have made my decision on the basis of the merits of the proposal.

Conclusion

21. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR