
Appeal Decision

Site visit made on 12 August 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/V2635/W/25/3366725

Land Behind 32 West Winch Road, West Winch, Kings Lynn PE33 0ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Wood against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 24/01692/F.
 - The development proposed is the erection of a cottage and garage on a former brown field site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The King's Lynn and West Norfolk Local Plan 2021-2040 (LP) was adopted in March 2025, after the original application was determined by the Council. The LP now forms the development plan, and as such this appeal will be determined in accordance with LP. The Kings Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy (2011) and the Sites Allocations and Development Management Policies Plan (2016), against which the original application was assessed, have been superseded by the LP. Both the Council and the appellant have had the opportunity to provide their comments on the relevant policies of the LP.

Main Issue

3. The main issue in the appeal is the effect of the proposal on highway safety.

Reasons

4. The appeal site comprises an area of land that is set behind 32 West Winch Road. The site is currently accessed by a vehicular access from the A10 that is shared with 30 and 32 West Winch Road. The appellant asserts that the area of land was previously a garden but is currently used as a builder's yard, although they acknowledge that a recent application for a Certificate of Lawful Development for this use has been refused by the Council. I therefore cannot be certain that the use of the land as a builder's yard is lawful or that the land can be classified as brownfield.
5. The A10 at this location is single-carriageway and has a 40mph speed limit. During my site visit, whilst only a snapshot in time, I observed that a high number of vehicles were travelling along the road by the appeal site. Furthermore, a Traffic Count & Speed Data Summary carried out in 2018 acknowledges that the average

speed of vehicles on the A10 a short distance from the appeal site is above the speed limit. No evidence has been provided to substantiate that the number and/or speed of vehicles is not normal, or that this would change as a result of the construction of the new roundabout on the A10 for the Hardwick Green development.

6. The Council states that the proposal would generate an additional six vehicle movements per day. Even if the site is currently used as a builder's yard, full details of the number and type of vehicles that access the site on a daily basis have not been provided. The appellant states that currently there are approximately four light-vehicle trips at the site per day, although only a partial list of commercial vehicle movements has been provided with the last entry on the list being in 2023. I therefore have no compelling evidence before me to demonstrate that vehicle movements on the shared access would not increase as a result of the appeal proposal.
7. The shared vehicular access allows drivers exiting the access a good view of oncoming traffic in both directions and is wide enough at the entrance to the road for a vehicle to turn in and wait whilst another exits the access. Furthermore, it is not disputed that the A10 does not have the capacity for the additional vehicle movements. However, the intensification of the use of the access would be likely to increase potential conflicts between vehicles on the road, such as when vehicles are slowing, waiting and turning into the access. This increase in manoeuvres would consequently pose a threat to highway safety, particularly if the vehicle is turning right into the junction or pulling out slowly into the road. This would also hinder the free flow of traffic on a strategic route.
8. I note the incidence of accidents within the vicinity of the site. Even if some or all of these accidents did not involve vehicles accessing or egressing the A10 from side roads or shared accessed, this data is based on the existing circumstances and not the proposed, and as such would not provide justification for the appeal proposal.
9. The Hardwick Green development would join the A10 at a new roundabout and thus is not comparable to the appeal scheme. My attention has also been drawn to other developments that have been granted planning permission in the vicinity of the appeal site. However, no substantive details of these permissions have been provided. Notwithstanding this, the development for 17 dwellings at Lemuel Burt Way was approved at a time when the Council could not demonstrate a five-year housing land supply, which is not the situation in this case. The developments at West Winch Service Station and East View were not for single dwellings and as such are not directly comparable to the appeal scheme. The proposal for a new Bungalow and garage south of the entrance to Lemuel Burt Way was withdrawn and it is unknown whether the Council would have approved or refused the scheme.
10. For the reasons above I conclude that the proposal would have an unacceptable impact on highway safety and would hinder the free flow of traffic on the A10. The proposal would therefore conflict with LP Policies E2.2, LP13 and LP21 insofar as they require development to provide safe and convenient access and to protect the free flow of traffic on the A10.

11. The Council also states that the proposal would not comply with LP Policy LP18, although they have not elaborated on how the proposal would not comply with the policy. Policy LP18 relates to 'Design and Sustainable Development', however it does not explicitly refer to highway safety. Moreover, no concerns have been raised by the Council regarding the design of the proposed dwelling. Consequently, the proposal would not conflict with LP18.

Planning Balance and Conclusion

12. The provision of one additional unit would make a small contribution to the existing supply. Economic advantages would also arise from the construction and occupation of a new house, although these would be limited by the scale of the scheme. The proposal would also provide a self-build dwelling, although I have no mechanism, such as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), before me to secure the new dwelling as a self-build property. For these reasons, these benefits would be modest and would not outweigh the harm to highway safety.
13. I have had regard to policies in the National Planning Policy Framework (the Framework) for directing development to sustainable locations and making effective use of land, including brownfield land, and I note the support of the North Runcion Parish Council. However, the proposal would also conflict with paragraphs 115 and 116 of the Framework which require development to provide a safe and suitable access to the site and for development to be refused if there would be an unacceptable impact on highway safety.
14. I therefore conclude that the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR