



Appeal Decision

Site visit made on 12 September 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal Ref: APP/Y2620/W/23/3317906

Land to the rear of The Knoll, Chapel Lane, Hempstead NR25 6TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant part outline and part full planning permission.
 - The appeal is made by Ms Trudi Seaman against the decision of North Norfolk District Council.
 - The application Ref PO/22/1673, dated 11 July 2022, was refused by notice dated 20 January 2023.
 - The development proposed as described on the application form is two detached self-build bungalows. One for applicant's family. Half of the site to be gifted to the village hall to be used as a car park for the village hall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The confirmed name of the appellant is set out in the banner heading above.
3. The post code given on the appeal form does not appear to relate to The Knoll. Although the whole of the appeal site does not appear to fall directly into any specific post code area, the one used above relates to the surrounding dwellings also served by The Knoll.
4. The application was originally submitted in outline form, with means of access, appearance, landscaping, layout, and scale, reserved for subsequent approval. However, this was subsequently amended as outline planning permission cannot be granted for a change of use. Accordingly, on the Council's decision notice and on the appeal form, the proposal is described as *"Hybrid application for change of use of land to car park for village hall (full planning) and demolition of stables and erection of 2no. detached self-build bungalows (outline planning with all matters reserved)."*
5. I have therefore dealt with the appeal on this basis, although I noted when visiting the site that the stables referred to in the description have already been demolished.
6. Notwithstanding the fact that the application description was amended to full planning permission for the change of use of land to car park, all of the plans are labelled indicative, and fail to identify the separate areas for which outline and full planning permission are sought. The indicative plans show that approximately half of the site is proposed to be used as car parking to the adjacent village hall and that the remaining half would accommodate two self-build plots. In the absence of any other drawings, I have dealt with the appeal on the basis that the area identified as car parking on the indicative site/block

plan is the area for which change of use is sought and that outline planning permission is sought on the area labelled as plots 1 and 2.

7. At the time of submitting the appeal, the appellant advised that an alternative outline planning application, with the car parking element omitted, was being submitted to the Council. That application is now the subject of a separate appeal and will be the subject of a separate decision. The appellant requested that plan be considered as part of this appeal. However, although amended plans can be accepted in some instances, in this case the change between the original and amended proposals would be so substantial that I judged it more appropriate to determine the appeal based upon the same plans on which the Council made its decision.
8. The decision notice refers to a revised Policy HO9 of the North Norfolk Core Strategy (2011). This policy relates to dwellings created through the conversion of existing buildings, the removal of holiday use restrictions and the reuse of listed buildings. As such it is not relevant to the appeal proposal.

Main Issues

9. The main issues are:-
 - i) whether the site would be a suitable location for dwellings having regard to national and local planning policies;
 - ii) the effect of the development on highway safety;
 - iii) the effect of the proposed car park on the living conditions of occupiers of adjacent dwellings with regard to noise and disturbance; and
 - iv) the effect of the development on existing trees, protected species and on European designated habitat sites.

Reasons

Location

10. The spatial strategy set out in Policy SS 1 of the North Norfolk Local Development Framework Core Strategy (September 2008) (the CS) states that the majority of new development will take place in towns and larger villages, with a small amount of new development being permitted in designated service villages and coastal service villages to support rural sustainability. Hempstead does not fall within any of these categories and as such is defined as countryside for planning purposes. Policy SS 2 limits development in the countryside to that which requires a rural location or falls within a limited list of exceptions. Self-build dwellings do not fall within any of the listed exceptions and there is no evidence before me to suggest that the proposed dwellings would fall within the definition of affordable housing. Policy SS 4 of the CS requires, amongst other things, that all development proposals contribute to the delivery of sustainable development and are located so as to reduce carbon emissions and to mitigate and adapt to future climate change. These policies are broadly consistent with the National Planning Policy Framework (the Framework).
11. Hempstead is a small village settlement that has a Church, a village hall and a children's play area. There are no shops or other facilities, and I am advised that bus services are limited to a school bus and a once per week return

service to the nearest principal settlement of Holt. The centre of Holt is approximately 2.4 miles from the site, which is a 7 minute drive or a 12 minute cycle ride along narrow unlit country roads with no footpaths and which are, for much of the way, isolated and subject to the national speed limit.

12. Given the lack of services within the village, the extremely limited public transport availability and the unattractive walking and cycling route to the nearest large settlement, it is inevitable that future occupiers of the proposed new dwellings would be heavily reliant upon private cars to access services and facilities and to meet their day to day needs. Whilst car journeys to Holt would be relatively short, they are also likely to be frequent. It is also likely that regular car trips would be made to the larger settlements of Sheringham and Cromer, which are approximately 20 minutes drive away and are where the nearest train stations and larger supermarkets are located.
13. I therefore conclude that the site is not a suitable location for new dwellings having regard to the spatial strategy and access to services and facilities. As such, the proposal would not accord with Policies SS 1, SS 2 and SS 4 of the CS, which seek to direct new residential development to sustainable locations.

Highway safety

14. Access to the site is via an existing unadopted private road off Chapel Lane, known as The Knoll. This private road currently provides access, parking and turning to the rear of 8 dwellings, in addition to providing access to the appeal site, which is currently vacant but was previously occupied by stables and a smallholding. The initial section of the access road has a tarmac surface. However, to the rear of the existing dwellings and to the front of the appeal site, it comprises a loose, crushed stone surface.
15. Visibility for drivers of vehicles exiting The Knoll, onto Chapel Lane, is significantly restricted to the west by the raised grass embankment. Whilst I acknowledge that Chapel Lane is subject to a 30mph speed limit and is a very lightly trafficked rural road with no accident records, the risk of conflict between vehicles, cyclists and pedestrians is further increased by the limited road width of only 2.8 metres, the lack of passing places and the absence of a footway or even a low level verge for pedestrians to step onto when walking along the narrow unlit road, which is bound by a high hedge on one side and a raised embankment on the other.
16. Whilst it is reasonable to assume that there would have been some traffic movement associated with the previous use of the site, I am advised that the stables were restricted, by a condition of a previous planning permission, to personal use only.
17. Although the traffic generated by two bungalows would make a negligible difference to the existing and previous use of the access road, based upon the indicative layout plan before me, the area of land proposed to be changed to car parking for the village hall, could easily accommodate spaces for up to 23 cars. This potential level of use would significantly increase vehicle movements on both The Knoll and Chapel Lane, which would in my view be detrimental to highway safety.
18. At the time of my visit there were cars parked on the grass verges in front of the village hall and on the corner of Chapel Lane and The Street. However, I

have not been provided with any evidence that the existing lack of parking for the village hall is causing any particular problems or complaints. I also note the comments from the Village Hall Committee that state they have no need for or intention of providing such a large parking area.

19. Whilst I recognise that there may well be some benefits from the proposal to gift part of the appeal site to the village hall to enable the provision of parking to the rear of it, this must be balanced against the harm that would result from the increased use of a substandard access with restricted visibility. Moreover, this proposal is not supported by any adopted policy or supplementary planning document. Nor is there a mechanism before me to secure the delivery of such a benefit or to demonstrate the tests for planning conditions or obligations would be met. As such I afford the suggested parking benefit very limited weight.
20. I therefore conclude that the combined increase in traffic generated by the proposed dwellings and car park would be detrimental to highway safety and contrary to Policy CT 5 of the CS. This policy requires amongst other things that proposals are capable of being served by safe access to the highway network and that the expected nature and volume of traffic generated by proposals can be accommodated by the existing road network, without detriment to highway safety.

Living conditions

21. The proposed car park would be in close proximity to the existing and proposed dwellings surrounding it. The indicative layout submitted shows that the car park could accommodate up to 23 spaces, leaving limited space for landscaping surrounding it, particularly along the northern and eastern boundaries. Based upon the potential number of vehicles, the proposed car park could generate an unacceptable level of noise and disturbance to occupiers of the existing and proposed dwellings due to cars coming and going over the unsurfaced loose stone access, car doors slamming, headlights shining, car park lighting and people leaving and returning to cars at various times of day and night, including at weekends. As one of the reasons put forward in support of the car park is to improve safety for users of the village hall on an evening, who currently have to park and walk along unlit roads, it is reasonable to expect that the car park would be lit.
22. There is no evidence before me to suggest that the previous use of the land caused any particular disturbance to adjacent residents or to suggest that the former use is likely to re-commence in the future, given that all of the former buildings have been cleared from the site.
23. Moreover, the hire of the village hall for larger events requiring car parking for people travelling from outside of the village, would be likely to be on evenings and weekends. The effects of a large busy car park on evenings and weekends, on the residential amenity of local residents, is likely to be very different to that of a small holding and stables in terms of noise and disturbance associated with vehicle movements and people coming and going.
24. I therefore conclude that based upon the indicative drawings and limited information available, it is likely that a village hall car park would result in undue noise and disturbance to occupiers of existing and proposed surrounding dwellings. This would be contrary to Policies EN 4 and EN 13 of the CS, which

seek amongst other things to protect the living conditions of nearby residents and to minimise light and noise pollution.

Trees, protected species and European designated habitat sites

25. There are no landscaping features within the site that would be affected by the proposals. I have not been advised that there are any protected trees within the vicinity of the site. There are no existing buildings or ponds on the site and my attention has not been drawn to any nearby ponds. There is no evidence before me to suggest that there is any likelihood of any protected species being present on the site or in the immediate area that would potentially be affected by the development.
26. Layout and landscaping matters, in respect of the proposed dwellings, are reserved for subsequent approval. At the reserved matters stage the Council would be able to ensure that no buildings are located within the root protection areas of any trees or hedges on neighbouring third-party land.
27. The car parking area is shown to be inset from the hedges on the southern and western boundaries of the site. Conditions could be imposed to retain any important boundary trees or hedges and to protect them during the construction phase. Landscaping of the proposed car park could also be secured by conditions.
28. The site is located within the Zone of Influence for multiple designated habitat sites including the Norfolk Valley Fens, the North Norfolk Coast and the Wash & North Norfolk Coast Special Areas of Conservation, the North Norfolk Coast and The Wash RAMSAR sites, and the North Norfolk Coast and the Wash Special Protection Areas. The proposal, in combination with other development, has the potential to affect these European protected sites due to an increase in recreational disturbance.
29. I am advised that the Council has recently agreed a Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy (GIRAMS), which aims to deliver the strategic mitigation necessary to avoid likely significant effects on the protected habitat sites from new residential and tourism growth.
30. The appellant has made a GIRAMS contribution to the Council to mitigate the recreational impacts of the proposed development on local designated habitat sites. Since that payment was made, it appears that the GIRAMS rate has been slightly increased. The Council is satisfied that subject to securing the appropriate GIRAMS financial contribution, the proposal would not have an adverse effect on the integrity of the designated sites. Had my conclusions on the other main issues been different, I would have sought more information on this point. However, as I am dismissing the appeal on other matters, there is no need for me to undertake an appropriate assessment in accordance with the Habitat Regulations or to consider this matter further.
31. I therefore conclude that the proposal would not be detrimental to existing trees or protected species within or adjoining the site, and that subject to the above, the proposals would not have an unacceptable effect on designated habitat sites. Consequently, there would be no significant conflict with Policy EN 9 of the CS, which seeks to protect nature conservation interests.

Other Matters

32. My attention has been drawn to an appeal in which residential use was considered acceptable in the countryside. However, that site was in a location served by a good range of services and facilities that could be safely accessed by means other than car. As such it is not comparable to the scheme before me.
33. I have also been referred to a planning permission and an appeal decision that were subject to highway concerns. These decisions related to a single dwelling and to the variation of a condition relating to an equestrian development. As these decisions relate to different proposals in different locations, they do not lead me to any different conclusions in respect of this appeal.
34. My attention has been drawn to house prices and rents in North Norfolk. Reference is also made to the Council's Strategic Housing Market Assessment (SHMAA) which identifies a preponderance of larger detached dwellings and a shortage of smaller starter homes, affordable housing, and a need for homes suitable for the elderly and infirm. Based upon the evidence before me the proposed detached bungalows would not meet any of these identified needs.
35. Hempstead Conservation Area (CA) lies to the west and partially to the north of the appeal site, which comprises a parcel of land that was in part previously occupied by stables. The site is surrounded by buildings and gardens and forms an integral part of the settlement. I see no reason why a suitable design and layout could not be achieved at reserved matters stage to ensure no harm to the character or appearance of the CA or the surroundings in which it is experienced.
36. Given the small scale of the site and its previous mix of equine and agricultural use, any nitrate reduction benefit resulting from the proposal would be minimal.

Planning Balance and Conclusion

37. The Council cannot demonstrate a five-year supply of deliverable housing land for the purposes of this appeal.
38. I have found conflict with the spatial strategy, and that future occupiers of the proposed bungalows would be heavily reliant upon private vehicle use to access services and facilities. The combined proposal has the potential to result in a significant increase in traffic using an access with restricted visibility, which would be detrimental to highway safety. The proposal also has the potential to result in noise and disturbance to existing and future residents of dwellings surrounding the proposed car park. I afford these adverse effects significant weight.
39. I am aware of the Government support for self-build plots, and I note that the appellant has registered her interest in acquiring such a plot with the Council. I have not been provided with clear evidence of demand for any other self-build plots in this location or with evidence that the Council is failing to meet its duties under the Self Build and Custom Housebuilding Act 2015. Nor has my attention been drawn to any policy or guidance that suggests that self-build dwellings should be permitted contrary to, or as an exception to, other development plan policies that direct new residential development to suitable locations. As such I afford this little weight.

40. The proposal would, in part, be on previously developed land and its re-development could potentially improve its appearance and make more efficient use of it, by providing off-road parking space for users of the village hall and by contributing to the supply of new housing, which would form part of a small existing community. I afford these benefits modest weight.
41. However, the adverse effects of the proposed development would significantly and demonstrably outweigh the modest benefits, when assessed against the policies in the Framework taken as a whole.
42. I therefore conclude that the proposal would conflict with the development plan and that there are insufficient material considerations, including the provisions of the Framework, to indicate that a decision should be made other than in accordance with the development plan. Accordingly, the appeal is dismissed.

R Bartlett

INSPECTOR