



Appeal Decision

Site visit made on 30 April 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 6 June 2024

Appeal Ref: APP/Y2620/W/23/3325494

Land to the rear of The Knoll, Chapel Lane, Hempstead

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ms Trudi Seaman against the decision of North Norfolk District Council.
 - The application Ref is PO/23/0695.
 - The development proposed is erection of two detached single storey dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name was spelt differently on the appeal form compared with the application form. The appellant has confirmed that the correct name was that provided on the application form and as such, that is the name I have identified in the banner heading above.
3. The description of development provided on the application form was 'hybrid application for a pairs of semi-detached bungalows and two parking spaces for the village hall', however on the Council's decision notice and the appeal form submitted by the appellant the description of development is described as 'erection of two detached single storey dwellings – outline with all matters reserved'. No parking spaces to serve the adjacent village hall are identified on the indicative details. The appellant has clarified that the description provided on the appeal form is the correct one. I have therefore used the revised description of development in the banner heading above, removing wording that does not form an act of development.
4. The proposal is outline with all matters reserved. I have taken any indication of any reserved matters shown on the submitted drawings to be illustrative.
5. The Government published a revised Framework in December 2023. I have consulted the main parties on the revisions and have taken any comments received into account in my consideration of this case.

Main Issues

6. The main issues are:
 - whether the site would be a suitable location for the proposal having regard to the Council's spatial strategy, the vitality of the rural community and the accessibility of services and facilities;

- the effect of the development on highway safety; and
- the effect of the development on existing trees and protected species.

Reasons

Location

7. Policy SS1 of the North Norfolk Local Development Framework Core Strategy September 2008 (CS) sets out the spatial strategy for the district and focuses development within the towns and larger villages with only a small amount of development being supported in the smaller designated Service Villages and Coastal Service Villages. Hempstead is not identified under Policy SS1 as falling under any of the categories of settlement where development would be supported and is therefore identified as countryside for the purposes of the spatial strategy.
8. Policy SS1 restricts development in the countryside outside of the identified settlements to only particular types of development which would support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS2 of the CS goes on to state that development within countryside locations will be limited to that which requires a rural location and where it complies with one or more of a list of exceptions. The proposal would not meet any of the identified exceptions under Policy SS2.
9. The proposal would therefore be contrary to Policies SS1 and SS2 of the CS and would not comply with the requirements of the spatial strategy for the district.
10. Hempstead is a small settlement, which has a Church and village hall. I have not been made aware of any other services or facilities nor did I witness any during my site visit. I did note the timber bus shelter located on The Street, however, I am advised that bus services are very limited with only school services and a public service one day per week. There is little evidence before me that suggests the proposal would have any meaningful role in enhancing or maintaining the vitality of Hempstead.
11. The appellant asserts that Hempstead is 2½ miles from Holt and that it would take 7 minutes to drive to it or 16 minutes to cycle. Holt is identified under Policy SS1 as a Principal Settlement which benefits from a range of services and facilities. It is also stated that another Principal Settlement, Cromer, is 11 miles away from the appeal site. It is likely that future occupiers of the proposed dwellings would be likely to make use of services and facilities in both these settlements. However, since only two dwellings are proposed, any associated contribution to their overall vitality, compared to the size of those settlements, would be very limited.
12. The road network from Hempstead to Holt is largely made up of narrow rural lanes that are unlit, have no separate pavements and are in the main subject to the national speed limit. Given these characteristics, and the distance to Holt, it is unlikely that walking or cycling would be an attractive option to most.
13. Therefore, given the lack of services, facilities and public transport provision in Hempstead and the nature of the road network not being conducive to walking and cycling for the majority, future occupants would be heavily reliant on the private car to access services and facilities on a day to day basis, and whilst

some journeys would not be overly far, the need to travel would be relatively frequent.

14. I find that the appeal site would not be a suitable location for the proposal having regard to the spatial strategy, the vitality of the rural community and with regard to the accessibility of services and facilities. The proposal would be contrary to Policies SS1 and SS2 as set out above, and SS4 of the CS, which seek, amongst other things, to direct development towards locations within settlements which provide access to services, facilities and public transport options, minimise the need to travel, especially by car and limit the impact on the environment through reducing carbon emissions.

Highway safety

15. The site is accessed from an existing unadopted private road, The Knoll, that provides parking and access to the rear of a number of existing properties. Chapel Lane is a narrow rural road subject to a 30mph speed limit. The road has no separate footway and is unlit. During my site visit, whilst only a snapshot in time, the number of vehicles using Chapel Lane was very limited. I also noted that whilst visibility for drivers exiting The Knoll onto Chapel Lane is reasonable to the east, it is significantly restricted to the west due to a raised grass embankment.
16. The Highway Authority state that visibility to the west achieves 24% of the required distance as set out in Manual For Streets and given the width of the road is limited to 2.8m, the risk of vehicle/pedestrian conflicts would increase as a result of the proposal. I also note the photographs provided by the Highway Authority that identify other junctions with restricted visibility in the local area.
17. The site is currently vacant but was previously used as a smallholding with stables. Whilst I noted an area of hardstanding was present, there were no buildings on the site at the time of my visit. I am advised that the stables were restricted to personal use only.
18. In my view, just because the stable building has been removed at the present time, does not mean that the use of the land for smallholding and stabling purposes could not resume in the future. In this case it would be relatively simple to resume that previous use. Therefore, I do not consider that the resuming of the previous use would be purely theoretical or unrealistic.
19. The Highways Authority suggest that the previous stables would have attracted 2 daily visits, whereas the proposal for two dwellings would be likely to attract 6 vehicle movements per weekday for each dwelling. Based on these assumptions, it would result in 4 vehicle movements per day for the previous use and 12 for the proposed.
20. In my view the increase in the amount of vehicle movements that would be associated with the proposed two dwellings compared with the previous use would be relatively small, particularly when considering the nature of the existing use of the private drive by occupants of existing dwellings. Whilst I note that it wouldn't be the case for all, it is likely that local drivers using Chapel Lane would be aware of the possibility of other drivers seeking to exit The Knoll, given the access is in use and has been for some time.

21. The Council state that the lack of any accidents recorded does not mean that they do not occur because they are not always reported. However, I have no substantive evidence before me to suggest that there have been any accidents as a result of drivers exiting The Knoll onto Chapel Lane. It is likely that the speed of vehicles is limited by the narrow characteristics of Chapel Lane, which in turn is likely to lead to less chance of an accident occurring.
22. Therefore, whilst I accept that visibility to the west is restricted, I consider that the proposal would result in a negligible difference in the use of the access road and as such the proposal would not be likely to result in an unacceptable impact on highway safety.
23. I am referred by the Council to the previous appeal decision on the appeal site where the Inspector found that the proposal in that case would be harmful to highway safety. However, that scheme was for two dwellings and a car park which would provide 23 parking spaces to serve the adjacent village hall and therefore would have generated materially more traffic than the scheme before me. The Inspector found that the combined increase in traffic generated by the proposed dwellings and car park would be detrimental to highway safety.
24. However, the Inspector found that the traffic generated by two bungalows would make a negligible difference to the existing and previous use of the access road. I concur with the previous Inspector's view in this regard.
25. Therefore, I do not find that the proposal is likely to result in harm to highway safety. The proposal would therefore comply with Policy CT 5 of the CS which seeks, amongst other things, that the expected nature and volume of traffic generated by proposals can be accommodated by the existing road network, without detriment to highway safety.

Trees and protected species

26. There are no trees within the appeal site, however, there are a number of trees within neighbouring garden areas to the east, north and west. A hedgerow is located along part of the southern boundary of the site with another located along part of the western boundary. I am satisfied, given the dimensions of the site, that two dwellings could be sited in a way that would limit any impact on neighbouring trees and the existing hedgerows.
27. I consider that ensuring the protection and retention of the neighbouring trees and boundary hedgerows could be dealt with effectively at the reserved matters stage, through the detailed layout and landscaping requirements and through planning conditions.
28. The site itself is rough grassland, other than where the hardstanding is located. The appeal site did not appear significantly overgrown at the time of my site visit. There is no evidence before me, including the identification of specific features, other than the nearby trees and boundary hedgerows, that suggests there are any protected species present on the site, or within the local area that would be potentially affected by the proposed development.
29. I therefore find that the proposal is not likely to result in a harmful effect on trees or protected species. In this regard, the proposal would comply with Policy EN9 of the CS, which seeks to conserve or enhance biodiversity.

Other considerations

30. The appellant asserts that the redevelopment of the site for housing would improve the living conditions of neighbouring residents, but no specific details of any significant issues in this regard have been identified. I have not been made aware of any complaints by neighbouring residents about the previous use of the site. I consider that any betterment to living conditions for neighbours would be limited and therefore I attribute limited weight to this consideration.
31. I note that refuse vehicles already serve the other properties with access from The Knoll and that the proposal would be able to utilise this existing service. The fact that there would be no harm in terms of refuse provision for future occupants would be a neutral consideration that would weigh neither for nor against the proposal.
32. The appellant asserts that the previous use of the site as a smallholding and stables would result in nitrates. However, given the scale of the appeal site, any reduction as a result of the proposed development would be minimal.
33. The Council has provided a plan showing the Hempstead Conservation Area (CA) boundary which identifies that a small part of the appeal site along the western boundary is included within it. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
34. The significance of the CA relates to its rural setting and character along with the presence of buildings of traditional form constructed from locally distinct materials. The proposal is outline with all matters reserved, but I am satisfied, given the size of the appeal site, that two dwellings could be located within the site that would respect the character of the CA in terms of layout, form and use of materials. I therefore consider that a scheme could be designed that would preserve the character and appearance of the CA that would not be harmful to its significance.

Planning Balance

35. The Council accepts that it cannot demonstrate a sufficient housing land supply at the present time. I have found that the proposal would not result in harm to the CA and therefore paragraph 11 d) ii) of the Framework is engaged. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
36. The provision of two houses would assist in boosting the supply of homes as supported in paragraph 60 of the Framework, and they could be small homes, for which the Council's Strategic Housing Market Assessment identifies a particular need. As stated by the appellant, as single storey dwellings, they would be well suited to older people or those with mobility difficulties as advocated in paragraph 63. As a small site, it could be developed quickly, as identified under paragraph 70. The proposal could make efficient use of a site which is in part previously developed and the appearance of the area could

potentially be improved. Given the limited scale of the proposal, these benefits would be modest.

37. There would be some benefit to the local economy during the construction phase of the development, and subsequently from its occupiers in terms of supporting services and facilities in the wider local area. This is supported by Paragraphs 83 and 85 of the Framework. However, given the modest size of the proposal and due to the appeal site being removed from those settlements where the services and facilities are provided, this benefit would be limited.
38. I acknowledge the contribution that self-build developments make to the mix of housing supply, as identified under paragraph 63. The appellant asserts that the proposal is for self-build homes, however, there is no mechanism before me that would ensure that the proposed dwellings would be such a development type, and I do not consider that this could be sufficiently secured by a condition. As such, I afford this very limited weight.
39. I have found that the proposal would not be likely to result in harm to highway safety, trees or protected species. A lack of harm in these respects are neutral considerations that weigh neither for nor against the proposal.
40. The Framework also sets out, at paragraph 109, that development should be focussed on locations that are sustainable through limiting the need to travel and offering a genuine choice of transport modes. The paragraph goes on to recognise that opportunities for sustainable transport will vary between urban and rural areas. Nonetheless, by being in a location which would mean occupants are largely reliant on their private cars, the proposal would conflict with this paragraph, and this is a matter which carries considerable weight.
41. Paragraph 83 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. Given that the appeal site is removed from the nearest settlement that would provide services and facilities, that public transport or opportunities for other sustainable modes of travel to those other settlements are very limited and the small scale of development proposed, I am not satisfied that it has been demonstrated that the proposal would enhance or maintain the vitality of the rural community. The conflict with this paragraph also carries weight.
42. Consequently, the adverse impacts on the housing strategy and of increasing travel by car would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

European designated sites

43. The site lies within the Norfolk Valley Fens Special Protection Area Zone of Influence and the North Norfolk Coast Sites Zone of Influence. The Council has confirmed that the Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is now in place. The GIRAMS aims to deliver strategic mitigation necessary to avoid likely significant effects from planned residential and tourism growth. The GIRAMS sets out a tariff for certain types of new development in order to contribute to the mitigation of any adverse effects.
44. In the Council's Officer Report, it states that the GIRAMS payment in relation to this proposal has not been paid. The appellant has provided a completed

Section 111 form which should accompany a GIRAMS payment, however this relates to a different planning application reference. It is not therefore clear if the GIRAMS payment has been made in relation to this proposal or not. However, as I am dismissing the appeal on other matters, there is no need for me to request further clarification on this matter or for me to undertake an appropriate assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

Conclusion

45. The proposal would conflict with policies SS1, SS2 and SS4 of the CS and as such the appeal site would not be a suitable location for the proposal having regard to the Council's spatial strategy, the vitality of the rural community and with regard to the accessibility of services and facilities. These policies are generally consistent with the Framework in the aim to encourage sustainable patterns of development and reduce the need to travel by private vehicles. Therefore, the conflict between the proposal and Policies SS1, SS2 and SS4 should be given significant weight in this appeal.
46. As there are no policies in the CS which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole. It would also be contrary to the approach in the Framework. The appeal is therefore dismissed.

G Dring

INSPECTOR