

BINHAM - PF/19/0456 - Demolish old reading room building and erection of one and a half storey detached dwelling and detached garage with storage above, including part retrospective alterations to existing section of front boundary wall; Land east of no.5 (former Reading Room), Langham Road, Binham, NR21 0DW for Mr Bircham

Minor Development

- Target Date: 21 May 2019

Case Officer: Caroline Dodden

Full Planning Permission

CONSTRAINTS

- LDF - Countryside
- Area of Outstanding Natural Beauty
- Conservation Area
- C Road

RELEVANT PLANNING HISTORY

CL/17/1433 CL

The Reading Room, Langham Road, Binham, Fakenham, NR21 0DN

Certificate of lawful use of building as B8 storage and use of existing access gate

Was Not Lawful 01/12/2017 Appeal Withdrawn 09/10/2018

PF/17/1581 PF

Land at Langham Road, Binham, Fakenham, NR21 0DN

Creation of vehicular access

Withdrawn by Applicant 20/02/2018

INTRODUCTION

This application was deferred at the meeting of the Development Committee on 9 January 2020 in order for a site inspection to be carried out prior to determination.

For clarification purposes, below are responses to some of the comments raised at the Committee meeting on 9 January:

Comment: The Agent referred to the dwelling as being 'social housing' for a local family.

Response: The tenure of the proposed dwelling is for private market housing. It is not possible to secure and control the occupation of a dwelling to a particular family by condition and consequently, the property could be built and sold immediately on the open market.

Comment: The Agent commented that Binham has been identified as a Small Growth Village within the emerging local plan and that the principle of the dwelling should therefore be accepted.

Response: Binham has been identified as a Small Growth Village under Policy SD 3 of the Draft Local Plan. Such settlements would be defined by a development boundary (allowing for infill) and the Council would look to identify small sites suitable for between 0-20 dwellings. As the Draft Plan is at Regulation 18 consultation stage and the Council has not reached any formal decisions in relation to which settlements might eventually be identified as suitable

locations for development, it is considered too early to attribute any weight to the emerging policies. The Policy Manager has also commented that should Binham be chosen as a Small Growth Village, the settlement boundary would be drawn quite tightly around the core of the village and would not extend out to include where the application site is located.

Comment: Councillor Kershaw commented that he understood that Council officers had accepted the loss of the flint wall on the basis of the submission of revised drawings.

Response: Neither the existing nor future loss of the flint wall has been accepted by Officers. This matter forms part of the second reason for refusal.

Comment: Councillor Kershaw referred to Policy HO 8, which relates to house extensions and replacement dwellings in the Countryside.

Response: This proposal is for a new dwelling in the Countryside and does not involve either a house extension nor is it a replacement dwelling. As such, Policy HO8 is not relevant to the assessment of the proposal.

THE APPLICATION

Demolition of old reading room building and erection of one and a half storey detached dwelling and detached garage with storage above, including part retrospective alterations to existing section of front boundary wall.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Kershaw, who states that the Application should be brought before the Development Committee to decide whether there are substantive objections to approval. Having visited the site Councillor Richard Kershaw is unclear why the Highway Authority is objecting to the wall and splay and considers that even if there was less than perfect sight of the road from the entrance, a traffic mirror opposite would solve this. He comments that this is a dwelling for a local family with connections in the village and is a self-build project.

PARISH/TOWN COUNCIL

Binham Parish Council: supports the development of this long-neglected site. However, there are concerns over traffic movements during the demolition and construction phase on this narrow road close to a sharp corner. Because of the road layout, they request a condition to the effect that all contractor's vehicles are parked on site, and not on the highway and also, request that delivery vehicles either unload on site or that traffic management be put in place during delivery unloading.

REPRESENTATIONS

One neighbour comment received with regard to the original proposal, stating:

- to preserve the privacy of the garden and property, a condition is requested that windows facing onto their property be in obscure glass and that they fully support the suggestion that a fence or wall be erected between the two properties as outlined in Paragraph 6 of the Design Access Statement.

- it is hoped that the existing mature trees on the property would be protected as they support a great variety of wildlife contributing to the biodiversity and the visual amenity of the area.
- given the location of the proposed dwelling at the lower end of the village and close to the river (which occasionally floods), and a history of sewage drains overflowing, it is hoped that investigations have taken place to confirm that the sewerage and drainage system will be able to cope with the pressure of an extra building.

CONSULTATIONS

Conservation and Design Officer: The site lies within the Binham Conservation Area. The plot lies on a prominent approach route to the village and is characterised by its verdant qualities and close connection to 1-5 Langham Road; a grouping of cohesive vernacular cottages. The site's front boundary was altered in 2016 with the notable clearance of all vegetation and the erection of a prominent close boarded fence, which currently forms an unattractive gateway to the conservation area.

In terms of form and design, revised drawings have addressed concerns with the proposal as originally submitted. The cartshed style garage is considered to be largely acceptable, being read as a traditional outbuilding.

The treatment and enclosure of the southern boundary is a primary concern. Given the precedent for traditional flint and brick enclosures as seen further along Langham Road, this would be a much more sympathetic design solution. The existing flint wall on the western side of the front boundary was lowered in October 2019, but this existing wall would need to be lowered for at least another 3.5 metres westwards, in order to achieve the appropriate visibility for the new vehicular access in that direction, as requested by the Highway Authority. This additional section of flint wall forms part of the front boundary curtilage of No. 5 Langham Road, the applicant states that this section of the wall is in their ownership.

The cumulative impact of lowering a significant section of the existing flint wall, approximately 7 metres in total, would harm the significance of the Binham Conservation Area, contrary to Policies EN 4 and EN 8 and the statutory duties as set out within Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Landscape Officer: No objection subject to conditions. The mature trees on and adjacent to the site have amenity value and are important to the landscape of the area and would be worthy of protection by a Tree Preservation Order (TPO). The proposed development will have an impact on the trees, however if it is carried out sympathetically with the guidance of an arborist then the health of the trees will be retained.

The application is supported by an ecological report. The report details suitable mitigation and enhancements which should be a condition of any planning approval.

Environmental Health: Informative notes are requested regarding the demolition of the existing building, asbestos removal and connection to mains sewer.

County Council (Highway): In summary, recommend refusal on highway safety grounds, failure to deliver suitable provision for pedestrians and inability to deliver adequate visibility for vehicular access. Given the pivotal nature of these matters then those considerations, as relayed by the Highway Officer, are provided in detail below:

- *This site has been the subject of an application for a certificate of lawful use (CL/17/1433), which was refused on 01 December 2017, establishing that the site has no current lawful use. On this basis, it is considered that the proposed development, which would generate 6 daily movements (TRiCS database), would need to be safely catered for by a new vehicle access to the site. This view has previously been reflected in comments submitted with respect to application no. PF/17/1581. As such, the proposed development would need to accord with current highway requirements.*
- *The site is located on the C598 Langham Road, Classified as 3B3 Access route within the NCC route Hierarchy and has the function of carrying traffic between destinations. The proposed development would engender an increase in vehicle movements along the classified C598 Langham Road, which is unlit and subject to a 30mph speed limit, together with associated pedestrian footfall which needs to be safely accommodated. The narrow rural nature of Langham Road, in the vicinity of the site is noted, which is generally only suitable for single file traffic and has no formal pedestrian facilities along its length. This results in pedestrians sharing the narrow carriageway with all traffic and accordingly, any increase in vehicular use of this road would be resisted by the Highway Authority.*

Vehicular Access

- *As outlined above, the road network is narrow in the vicinity of the site, as such, emerging visibility is critical to the safe function of the site access. My previous assessment of the scheme noted that "the Richard Jackson plan" 49016/PP/001 details acceptable visibility distances however these distances cannot be achieved as the splay runs over third party land to the east, which would require the agreement of that landowner through a binding legal agreement (s106), which the applicants do not currently have. In order to remedy the situation, if the access were moved west by a short distance and the wall reduced in height for a greater distance to the west, then an acceptable visibility splay within the applicants control could be formed, which would mitigate the need for any agreements with third parties.*
- *If the access were repositioned as suggested, providing acceptable levels of visibility, it would then be feasible, if desired to serve both the new and donor dwelling and close off the existing gated access, but this is not an essential element in this proposal.*
- *Visibility requirements set out in MfS (see P91 7.6.1 to 7.6.3) requires checking the visibility splays in both the vertical and horizontal planes. Unfortunately, at this particular location visibility is restricted by the vertical height of the retained wall/building to the west preventing an acceptable visibility envelope from being provided. Visibility from the access, as seen on site, remains restricted to the west by the height of the frontage features, permitting only a limited window of visibility from a 2.4m setback which is significantly below the required standard and does not enable a view of any road users (PTW, Cycle, Peds) on the nearside of the carriageway.*
- *A residential dwelling would be expected to typically generate some 6 vehicular trips per weekday according to TRiCS (Trip Rate Computer Information Services) through the substandard access. I believe that this would result in conditions to the detriment of highway safety as the proposed level of visibility is clearly not suitable for the proposed use. This is not in accordance with the NPPF which also states that decisions should take account of whether safe and suitable access to the site can be achieved for all.*

Transport Accessibility

- *The National Planning Policy Framework sets out 12 core principles which underpin future decision making. The common theme of the principles is for the provision of sustainable development including the management of development to make full use of public*

transport, walking and cycling. The siting of the proposed dwellings is such that the development is unlikely to meet the terms of any of the 12 core principles and particularly does not meet with the transportation aims.

- Sustainable transport policies are also provided at a local level through Norfolk's 3rd local transport plan Connecting Norfolk – Norfolk's Transport Plan for 2026. Policy 5 of this document (see Appendix D) states "New development should be well located and connected to existing facilities so as to minimise the need to travel and reduce reliance on the private car or the need for new infrastructure". It is clear that this development does not meet this aim and you may want to consider this point in your assessment.*
- It is reasonable to assume that the residents of the new dwelling would need to access services such as shops, high school and employment on a daily basis. The LHA considers the Application Site to be poorly located in terms of accessibility and transport sustainability.*

Given the reasons above, refusal is recommended for the following reasons:

- The proposed development does not adequately provide off-site facilities for pedestrians /people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and / or local services. Contrary to Core Strategy Policy CT5*
- The classified road serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width / lack of passing places and pedestrian provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Contrary to Core Strategy Policy CT5*
- As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety. Contrary to Core Strategy Policy CT5.*

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 3 - Housing

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 10 – Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

MAIN ISSUES FOR CONSIDERATION

- 1) Principle
- 2) Design and Heritage
- 3) Residential Amenity
- 4) Highways
- 5) Landscape
- 6) Environmental considerations
- 7) Other matters

APPRAISAL

Background

A Certificate of Lawful Use for the Reading Room building and use of a centrally located access on the site ref: CL/17/1433 was refused by the Council in December 2017. This was because it had not been proved, on the balance of probabilities, that the building and central access point has been used continuously for the asserted Class B8 storage for at least ten years preceding the date of the application. Evidence submitted suggested that the building and access had been used until 1995 in connection with a haulage business for the purpose of the servicing of lorries and other vehicles, storage and general repairs, but since that time, no evidence demonstrated the continuous use for at least 10 years of the building and access for the claimed storage use (Class B8). The claimed former use remains unproven and as such can carry very limited weight in decision making on any planning application.

A two metre high close boarded fence and an associated gate (for vehicular access) was erected adjacent to the highway after the removal of hedging at the site in 2016. Since this time, a planning application PF/17/1581, for the creation of a vehicular access from the site was submitted to the Council in January 2018. The proposal sought to replace the alleged existing vehicular access with one that met the Highway Authority's standards. However, the application was withdrawn in February 2018 on the basis that a full site topographical survey was required in order to produce drawings to show the original and proposed new access with levels. No subsequent application has been submitted.

With regard to the current application, a number of revised plans have been submitted to overcome concerns raised regarding the proposed design of the dwelling and the issues set out by the Highway Authority relating to the proposed vehicular access and visibility splays. In October 2019, the agent informed the Council that emergency maintenance had been carried out on the existing flint front boundary wall, because the combination of ivy that had grown through it and lack of foundations, meant the wall had become unstable to the degree that it would fall in to the road. The agent confirmed that the alterations involved its reduction in height to just below one metre, to improve the stability of the wall. Given the Conservation Area designation then this demolition would require planning permission.

1. Principle

The site is located on the north side of Langham Road in the village of Binham and falls within the Binham Conservation Area. The proposal seeks to demolish the existing building, known as the Reading Room, which is positioned close to the south eastern (front) boundary of the site and to erect a one and a half storey detached dwelling and a detached garage with storage

above. The proposal also includes alteration of the front boundary flint wall, some of which has already been carried out.

There is no overriding objection to the demolition of the former Reading Rooms building, given that it is a derelict tin shed, which detracts from the character and appearance of the area.

The site is located within an area identified as Countryside under Policy SS 1 of the Core Strategy. Policy SS2 builds on this by defining the types of development which can take place within the Countryside Policy Area. Policy SS2 states that development in areas designated as Countryside will be limited to that which requires a rural location or for 18 specified exceptions, and that proposals will not otherwise be permitted. Policy SS2 specifically allows for housing in the Countryside Policy Area in the form of "affordable housing in accordance with the Council's 'rural exception site policy'", as well as housing from conversion of existing buildings and specialist forms of accommodation to meet very particular needs such as agricultural worker's dwellings.

The agent considers that the Council's statement of housing land supply is out of date and as such, that the proposal should be considered on the basis that there is no five year supply of housing land. Despite the agent's views to the contrary, the Council is able to demonstrate a Five Year Housing Land Supply, with a housing land supply of 5.73 years, which confirms that the policies relating to the supply of homes can be treated as up to date and therefore, para.11 of the NPPF does not apply. Consequently, the policies of the adopted local plan can be applied with full weight. As such the proposal is contrary to Policy SS 2.

The National Planning Policy Framework (NPPF) 2019 post-dates the adoption of the Core Strategy and is a material consideration. It includes policies relating to rural housing. In para. 78 developments in rural areas should be located where it will enhance or maintain the vitality of rural communities and the framework also recognises that services in one community might be supported by development in another. This paragraph also requires that planning policies should identify opportunities for villages to grow and thrive. However, this is very much based on the wider proviso of promoting and delivering sustainable development in rural areas.

In para 79 authorities are required to avoid 'isolated' homes in the countryside other than in very limited, defined circumstances. The Court of Appeal, upholding the decision of the High Court, has clarified in the Braintree judgement that 'isolated' means "*a dwelling that is physically separate or remote from a settlement*"; it is not related to 'access to services' but proximity to other dwellings. It also confirmed that access to services by sustainable means is to be taken in the context of other policy considerations such as supporting the rural economy.

Although it is considered that the site can be described as the edge of Binham, where the number of existing houses is sparse, there are, nevertheless, dwellings on either side of the site and so, it is not considered to be physically isolated. As such, paragraph 79 of the Framework does not apply. In consideration of whether the application site is remote from services, it is acknowledged that the village of Binham has some limited services and facilities in the form of a village hall, church, public house, dairy shop and petrol station with convenience store, which are located in and around the village core, approximately 300 metres to the south. It is noted that the former Butchers shop at 32 Front Street, Binham has recently been granted planning permission (ref: PF/19/1382) to incorporate the shop area into the existing residential dwelling.

There appears to be a number of clubs including a youth club operating, and there is also a number of businesses in the Binham area. However, the nearest schools are at Langham 2 miles away and Hindringham 2.7 miles away. In terms of transport links Binham is served by very limited bus services to Holt, Wells and Fakenham and local villages in between.

On balance, whilst it is acknowledged there are some limited facilities in the village, they are dispersed and their distance from the site in combination with other constraints such as the lack of street lighting and footways, means that occupiers of the dwelling would be largely reliant on the use of the car to reach them, as well as other basic services such as a doctor's surgery, that do not exist in the village. The proposal is, therefore, considered to be unacceptable in principle, being an unsustainable form of development, contrary to Policies SS 1 and SS 2.

Members may be aware that the Draft Local Plan includes Binham as a potential location for growth within the Plan; suggesting that a new category of Small Growth Village is created. Such settlements would then be defined by a development boundary (allowing for infill) and the Council would look to identify small sites suitable for between 0-20 dwellings. As the Draft Plan has only reached Regulation 18 consultation stage, and the Council has not reached any formal decisions in relation to which settlements might eventually be identified as suitable locations for development, it is considered too early to attribute any weight to the emerging policies.

The application has been put forward on the basis that the proposed dwelling would be occupied by the Applicant and that it should be treated as a self-build proposal and that the absence of serviced self-build plots in the face of an expression of need for such plots via the self-build register, is a material consideration to which sufficient weight should be attached to justify the policy departure. This issue is material to the assessment of the proposal, however, it is not considered to be sufficient reason to justify the erection of a new dwelling in an otherwise unsustainable location. The fact that the dwelling might be self-build does not render the location sustainable.

The agent has cited a number of appeal decisions that have allowed dwellings within the Countryside. It should be noted that every planning application is assessed on its individual merits and it is considered that the applications and appeals referred to do not form any meaningful comparison or precedent. Of those referenced within the North Norfolk District, the Trunch planning consent cited (ref: PO/18/2135) and the Hindolveston appeal (ref: APP/Y2620/W/19/3222639), are not considered to create binding precedent. Those decisions should be viewed within the wider context, for example other more numerous appeal cases both subsequent and prior to these decisions which run in compliance with the Council's position and contrary to the position established by the Inspector. For example, appeal Ref: APP/Y2620/W/19/3227252, White Gables, Dove House Farm, Potter Heigham, for a new dwelling within the Countryside, which was dismissed at Appeal on 23 July 2019.

2. Design and Heritage

Policy EN 4 of the Core Strategy and Section 12 of the revised NPPF requires that all development is designed to a high quality, has regard to the local context and preserves or enhances the character or quality of the area in which the development would be located. Policy EN 8 also requires that the character and appearance of conservation areas to be preserved and where possible, enhanced by new development.

The site lies within the designated Binham Conservation Area. The plot lies on a prominent approach route to the village and is characterised by its verdant qualities and close connection

to 1-5 Langham Road; a grouping of cohesive vernacular cottages. The sites front boundary was altered in 2016 with the notable clearance of all vegetation and the erection of a rather incongruous close boarded fence, which currently forms a rather unfortunate and unattractive gateway to the Conservation Area.

he dwelling would provide a 4 bed one and a half storey dwelling, using traditional finishes. Revised drawings have been submitted for the proposed dwelling (drawing no. 1867-001 Rev.G), which have addressed all of the former design concerns. The cartshed style garage is considered to be largely acceptable, being read as a traditional outbuilding.

As it stands, the existing boundary close boarded fence detracts from the character and appearance of the Conservation Area and this enclosure does not have the benefit of planning permission. The revised proposal shows a flint wall along the front boundary. Given the precedent for traditional flint and brick enclosures as seen further along Langham Road, this would be a much more sympathetic design solution. As mentioned in the Background above, the existing flint wall on the western side of the front boundary was lowered in October 2019, but this existing wall would need to be lowered for at least another 3.5 metres westwards, in order to achieve the appropriate visibility for the new vehicular access in that direction. This additional section of flint wall forms part of the front boundary curtilage of No. 5 Langham Road, which it is understood, is in the ownership of the Applicant. However, it is considered that the cumulative impact of lowering a significant section of the existing flint wall (approximately 7 metres), would harm the significance of the Binham Conservation Area, contrary to Local Plan Policies EN4 and EN8 and the statutory duties as set out within Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In conclusion, it is considered that the existing and further removal of the historic wall would not preserve or enhance the character and appearance of the area, contrary to policies EN 4 and EN 8. The proposal would also, therefore, not accord with the guidance contained within paragraphs 194 and 196 of the NPPF.

3. Residential Amenity

The proposed dwelling would be positioned on the east side of the site. The occupier of the neighbouring property to this side has commented that any windows facing their property should be obscure glazed to preserve privacy to their garden and dwelling. The new dwelling would have one first floor obscure glazed window facing towards the neighbour, serving an en-suite bathroom. Given the nature of the proposed window and a distance between the existing and proposed dwellings of over 40 metres (where the neighbours garage is also located between the properties), it is considered that there would be no detrimental impact to the residential amenity of this neighbouring property by way of overlooking or loss of privacy. Therefore, the proposal would accord with policy EN 4, in this regard.

4. Highways

The Highways advice received is informed by the refusal of a certificate of lawful use CL/17/1433 (01 December 2017). On this basis, it must be considered that the proposed development would generate a need for 6 new daily movements (TRiCS database) to be safely managed to and from the site to meet the satisfaction of the Highway Authority.

The site is located on the C598 Langham Road, classified as 3B3 Access route within the NCC route Hierarchy. The road network is narrow in the vicinity of the site, close to a sharp bend and as such, emerging visibility is critical to the safe function of the proposed site access. The position of the proposed vehicular access has been amended and a section of the existing flint wall on the south-western side of the site has already been reduced in height. In order to

achieve the appropriate visibility for all road users, including cyclists and pedestrians, the wall would need to be lowered for a greater distance to the west (by approximately a further 7 metres and potentially require alterations to the existing outbuilding).

Visibility requirements set out in Department for Transport's Manual for Streets (see P91 7.6.1 to 7.6.3) requires checking the visibility splays in both the vertical and horizontal planes. Visibility from the access, remains restricted to the west by the height of the frontage features, including an existing outbuilding, permitting only a limited window of visibility from a 2.4m setback which is significantly below the required standard and does not enable a view of all potential road users (including cyclists and pedestrians) on the nearside of the carriageway. A residential dwelling would be expected to typically generate some 6 vehicular trips per weekday according to TRICS (Trip Rate Computer Information Services) through the substandard access. Consequently, it is considered that that this would result in conditions to the detriment of highway safety as the proposed level of visibility is not suitable for the proposed use and is therefore, contrary to Policy CT 5 of the Core Strategy and the NPPF, which also states that decisions should take account of whether safe and suitable access to the site can be achieved for all.

In response to the Councillor's suggestion regarding the use of a traffic mirror, the Highways Officer has subsequently referred to Norfolk County Council's Safe, Sustainable Development Guidance (Revised November 2015, which states at G2.4 that '*The use of a mirror to overcome visibility problems is not acceptable. The Local Highway Authority will not permit them to be erected in the public highway. If installed, mirrors can dazzle drivers, make it difficult to judge speed and distance and as a result lead to a higher risk of accidents. They are also often the targets for vandalism.*' Therefore, it is confirmed that the use of a traffic mirror to assist with access visibility would not be acceptable.

5. Landscape

The mature trees on and adjacent to the site have amenity value and are important to the landscape of the area. They are considered to be worthy of protection by a Tree Preservation Order (TPO). The proposed development will have an impact on the trees, however, if the proposed development is carried out sympathetically with the guidance of an arborist then the health of the trees will be retained. This could be the subject of a planning condition, if necessary.

The ecological report submitted with the report details mitigation and enhancements which, again, could be the subject of a planning condition. As such, the proposal would comply with Policies EN 4 and EN 9, in this regard.

6. Environmental Considerations

It is noted that the demolition of the existing reading room building would require reference to the Environmental Health department and include details submitted regarding the removal of any potential asbestos. Mitigation of asbestos removal and remediation of any contamination may be controlled by the use of suitable conditions.

7. Other matters

It is the Council's opinion that the recent lowering of the existing front boundary flint wall required planning permission. As such, if the Members are minded to refuse planning permission officers will also consider the expediency of further enforcement action in order to secure the re-instatement of the wall to its original height

Conclusion

The proposed dwelling is within an area designated as Countryside where a general presumption against residential development and in a location with poor access to a full range of basic services prevails. The future occupiers would therefore be dependent on the car to be able to reach such services. The proposal would therefore not be sustainable development. In the opinion of the Local Planning Authority there is no justification to permit the erection of an additional dwelling in the Countryside contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy and paragraphs 78 and 79 of the NPPF.

The current revised drawings fail to provide an adequate vehicular access, with the appropriate visibility splays to the west. In addition to improve highways safety to an acceptable level that lowering of an existing flint wall is required, the facilitating work will neither preserve or enhance the character of the Binham Conservation Area. As such, the proposal, if permitted, would also likely give rise to conditions detrimental to highway safety and be contrary to both Core Strategy policies EN 8 and CT 5.

RECOMMENDATION: Refuse for the following reasons:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS1 – Spatial Strategy for North Norfolk
SS2 – Development in the Countryside
EN 4 - Design
EN 8 - Protecting and enhancing the historic environment
CT5 - Transport Impact of New Development

1. In the opinion of the Local Planning Authority, the proposal comprises residential development on a site which is located outside of the established settlement hierarchy and on land designated as Countryside under Policy SS 1 of the adopted Core Strategy. Policy SS 2 prevents new housing development in the countryside apart from certain limited exceptions which do not apply in this case. In the opinion of the Local Planning Authority there are no material considerations which would justify the erection of an additional dwelling in the Countryside contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy

2. The proposed access would provide an inadequate visibility splay to the west. To achieve suitable visibility in this direction requires the cumulative lowering of approximately 7 metres of the existing front boundary flint wall. This lowering would cause detrimental harm to the significance of the Binham Conservation Area, contrary to Local Plan Policies EN4 and EN8. As such the proposals are likely to result in an inadequate access that will be detrimental to highway safety and thus contrary to Core Strategy Policy CT5.

3. The proposed development does not adequately provide off-site facilities for pedestrians or people with disabilities. The proposals therefore fail to link effectively with local services. The classified road serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width / lack of passing places and pedestrian provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to Core Strategy Policy CT5.