



## Appeal Decision

Site visit made on 20 May 2015

**by David Spencer BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 June 2015

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**Appeal Ref: APP/V2635/W/15/3005626**

**45 Broadway, Heacham, King's Lynn, Norfolk PE31 7JJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Neil Desborough against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 14/01398/F, dated 26 September 2014, was refused by notice dated 28 November 2014.
  - The development proposed is a new build single storey dwelling & garage – all detached.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are the effect of the appeal proposal on the character and appearance of the surrounding area and the effect of the proposed access on highway safety, with particular reference to vehicle movements on Broadway.

### Reasons

#### *Character and Appearance*

3. The appeal site comprises a grass field enclosed by a combination of post and rail fencing and boundary hedging and trees to the east and south. The site primarily sits within a patchwork of small parcels of open and gently undulating land including paddocks to the west and grazing land to the south. Land to the west contains some outbuildings, but these are visually contained by hedging and trees. Therefore the appeal site and the adjoining fields form part of the countryside edge to Heacham at this location. This countryside character to the appeal locality can be appreciated in longer views from both the A149 to the south-east and from the public bridleway at the end of School Road to the south-west.
4. The appeal proposal would be situated to the rear of the dwellings on the southern side of Broadway. The proposed dwelling would be separated from these dwellings by their long rear gardens. Further separation would result from intervening land between the rear gardens and the appeal site which is primarily laid out to grass with some modest outbuildings and external storage of materials. Consequently, the appeal proposal would have a poor relationship with the existing linear pattern of development on Broadway and

would occupy a peripheral position, incongruously extending the built form of the village into the countryside setting described above.

5. The appellant submits that the proposed dwelling would have a barn style appearance due to its single storey scale and materials, which would enable it to blend into its context. However, design details such as the proposed porch and garden room would lend an overtly domestic appearance to the building. Furthermore, given the degree of separation from any existing dwelling or sizeable structure, the appeal proposal would harmfully appear in longer views as an isolated new structure in the countryside and not as part of an established pattern of fringe development.
6. The appellant has also referred to a new dwelling to the east of the appeal proposal, which is separated by a paddock and an area containing glasshouses and ancillary buildings. I observed that this chalet style dwelling, like the appeal site, is beyond the settlement boundary for Heacham as defined in the King's Lynn & West Norfolk Local Plan 1998, to which I was referred to on the site visit. Neither party has presented me with the planning history of this dwelling, which represents a solitary incursion into the countryside edge at this part of Heacham. It has a limited relationship to the existing form and character of Heacham and as such I am not persuaded that it should set the pattern for development to the rear of The Broadway.
7. I therefore conclude that the appeal proposal would have a significantly adverse effect on the character and appearance of the surrounding area. It would also fail to respond to the local context including a poor relationship with the existing built form in this part of Heacham. It would represent a new dwelling in the countryside, outside of the defined settlement boundary, where no special circumstances have been advanced to justify a rural dwelling on an exceptional basis. Therefore, the appeal proposal would be contrary to Policies CS01, CS06 and CS08 of the King's Lynn and West Norfolk Local Development Framework – Core Strategy 2011 (the CS). It would also be contrary to emerging Policies DM2, DM6 and DM15 of pre-submission King's Lynn & West Norfolk Site Allocations and Development Management Policies document 2015. It would also fail to accord with the objectives of the National Planning Policy Framework (NPPF) to recognise the intrinsic character and beauty of the countryside and to secure high quality design, including responding to local character.

#### *Highway Safety*

8. The proposed access to the appeal proposal would involve a notable length of single width driveway between Nos 45 and 47 Broadway, which has restricted visibility at the entrance due to the position of a brick pier and electricity pole to the front of No.45. The appellant has sought to address the concerns of the Local Highway Authority by proposing a passing bay on land within the curtilage of No.45 and to widen the initial point of access where it meets the Broadway, which it is suggested could be secured by way of a condition.
9. Both of the proposed improvements to the site access involve land which is outside of the red line of the planning application. Whilst the adjoining blue line on the plans before me includes No.45 it is my understanding from the evidence before me and from the site visit that No.45 is owned by a family member. As such, whilst there may be no objection from the occupiers of No.45 there is also no guarantee of control that the appellant can undertake

the required works. I have therefore considered the content of the Planning Practice Guidance<sup>1</sup> which states that conditions that require works on land that is not controlled by the applicant often fail the tests of reasonableness and enforceability. I therefore accept the Council's submission that the appellant's suggested access solution cannot be appropriately conditioned.

10. The appeal proposal would generate vehicle movements using the narrow shared access with the existing dwelling and activities to the east of the appeal site. The appellant contests the use of TRICS estimates suggesting a much lower figure. However, it does not seem likely to me that daily vehicle movements from the appeal proposal would be restricted to just 2 movements a day and I have no compelling evidence that the appellant or future inhabitants of the proposed dwelling would not generate a scale of vehicle movements comparable with the more robust TRICS estimates.
11. Accordingly, it is reasonable to assume that there would be times when there would be a conflict of vehicle movements on the narrow length of access. This would be likely to lead to vehicles reversing out onto and stopping in the Broadway. Vehicles manoeuvring out of the proposed access would be doing so at a point where visibility is substandard. Whilst I accept the appellant's submission that junction changes at the A149 will have affected vehicle flows on Broadway, this does not apply to the unrestricted ability to turn left into Broadway when approaching from the south on the A149. As such the Broadway still functions at the appeal location as a connecting road into Heacham. As such I am concerned that the intensified use of the existing substandard access to the appeal site would be detrimental to the safety of highway users, including pedestrians on the footway, due to the likelihood of stopping and reversing vehicles.
12. I therefore conclude that the proposed access would be harmful to highway safety, with particular reference to vehicle movements on Broadway. Accordingly the proposal would be contrary to CS Policy CS11 which requires new development, amongst other things, to provide for safe and convenient access for all modes.

### **Conclusion**

13. For the above reasons, and having regard to all other matters, I conclude that the appeal should be dismissed.

*David Spencer*

INSPECTOR.

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<sup>1</sup> Planning Practice Guidance ID Ref: 21a-009-201406



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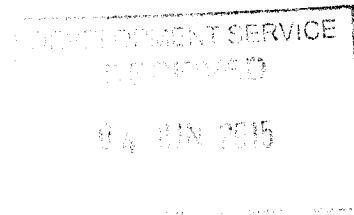
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Ruth Redding  
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PE30 1EX

Your Ref: 14/01398/F  
Our Ref: APP/V2635/W/15/3005626

03 June 2015



Dear Ruth Redding,

**Town and Country Planning Act 1990**  
**Appeal by Mr Neil Desborough**  
**Site Address: 45 Broadway, Heacham, KING'S LYNN, Norfolk, PE31 7JJ**

I enclose a copy of our Inspector's decision on the above appeal(s).

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The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

Yours sincerely,

***Natalie Dun***  
Natalie Dun

## Ruth Redding

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**Subject:** FW: Planning Inspectorate: Ref APP/V2635/W/15/3005626: 45 Broadway, Heacham, PE31 7JJ  
**Attachments:** Despatch Cover Letter - Ruth Redding - 03 Jun 2015.pdf; Appeal Decision.pdf

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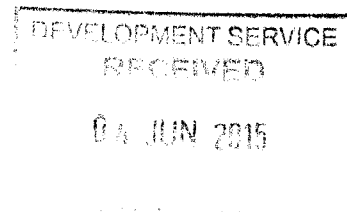
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