

Appeal Decision

Site visit made on 2 November 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 21 November 2016

Appeal Ref: APP/V2635/W/16/3153633

Plot N of the Bungalow, Bellamys Lane, West Walton, Norfolk PE14 7EY

- 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 S McKenna against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00513/F, dated 11 March 2016, was refused by notice dated 17 May 2016.
 - The development proposed was originally described as "re-submission of planning application reference 15/01144/F for proposed two no three bed chalet bungalows".
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Decision

1. The appeal is allowed and planning permission is granted for the construction of two chalet bungalows at Plot N of the Bungalow, Bellamys Lane, West Walton, Norfolk PE14 7EY in accordance with the terms of the application, Ref 16/00513/F, dated 11 March 2016, subject to the conditions set out at the end of this decision.

Procedural Matter

2. For clarity and conciseness, the formal decision above uses the description of development contained in the decision notice and appeal form, rather than the original description on the application form.
3. Following the determination of the planning application, the Council adopted the Site Allocations and Development Management Policies Plan (SADMP) in September 2016. I have taken into account relevant policies from this plan as highlighted by the main parties.

Main Issue

4. The main issue is whether the proposed development would provide a suitable site for housing having regard to its effect on the character and appearance of the area.

Reasons

5. The appeal site is located on the north-western edge of West Walton, a Key Rural Service Centre as identified by Policy CS02 of the King's Lynn and West Norfolk Core Strategy July 2011 ('the Core Strategy'). There is no dispute between the Council and the appellant that the site is outside of the development boundary and is considered to be within the countryside. Policy CS06 of the Core Strategy indicates that the countryside will be protected for its intrinsic character and beauty amongst other things. Policy DM2 of the SADMP states that new development in the countryside will be more restricted
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to a number of specific categories, none of which relate to market housing. The supporting text to Policy DM2 states in paragraph C.2.2 that development boundaries help avoid urban and village sprawl and the encroachment of development into the countryside.

6. The appeal site consists of a redundant nursery, with overgrown planting and dilapidated structures in the eastern half of the site and an area of grass in the western half of the site. To the south of the site are single and two storey residential properties along Bellamys Lane. To the west is a bungalow, and to the east and north-east is a haulage and storage depot. To the north-west is an agricultural field which widens to extensive open countryside beyond the northern edge of the depot. There is mature and tall boundary planting around the site, which largely screens the interior from view in every direction. The site is thus seen as part of the edge of the settlement located between the bungalow and the depot, rather than as part of the countryside.
7. The proposed development would have a similar scale, footprint and appearance to the residential properties to the south and west. The plans indicate that the boundary planting would be retained along every side apart from the southern edge where some of the existing vegetation would be removed to provide access points and front gardens for both properties. The effect of the proposed development on the character and appearance of the countryside to the north-west would be limited by the retained planting. The development would be more visible to the south as a consequence of the vegetation reduction, but would be seen as part of the Bellamys Lane street scene including the bungalow to the west and the depot to the east. Thus, the development would not encroach into, or harm the character and appearance of, the countryside beyond.
8. I have also had regard to the proximity of the site to West Walton which contains a number of key services including primary and secondary schools and a regular bus service. The development could thus feasibly access a range of day to day services by a variety of transport modes and help to maintain the vitality of the local community.
9. Concluding on the main issue, the proposed development would provide a suitable site for housing having regard to its effect on the character and appearance of the area. It would therefore accord with Policies CS01 and CS06 of the Core Strategy as the intrinsic character and beauty of the countryside would be protected. Policies CS02 and CS09 of the Core Strategy, which are cited by the Council in their appeal statement, do not explicitly address the issue of development in the countryside, so are not directly relevant in the context of this appeal.
10. The proposal would conflict with Policy DM2 of the SADMP in that it would not fall into the categories listed in the policy and is not in a Smaller Villages and Hamlets location where infill development is possible. However, the conflict with Policy DM2 would not result in any encroachment or harm to the character and appearance of the countryside, mindful of paragraph C.2.2, and so does not lead me to a different overall conclusion. The development would also meet the aims of paragraph 55 of the NPPF which promotes sustainable development in rural areas in locations that enhance or maintain the vitality of rural communities.

Conditions

11. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. A condition requiring materials to match those indicated on the application form is necessary to ensure a satisfactory appearance. A condition regarding contamination is necessary and relevant given the concerns of the Council's environmental health officer and the previous use of the site, although I have condensed the Council's suggested conditions into one condition given the limited scale of development.
12. A condition requiring the implementation of the Flood Risk Assessment is necessary given the site's location in an area of flood risk and the recommendation of the Environment Agency. Similarly, a condition requiring a flood evacuation plan is necessary. Conditions requiring the implementation and retention of visibility splays, parking and turning areas are necessary in the interests of highway safety.

Conclusion

13. For the above reasons, and having had regard to all matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: H3913/01E, H3919/02C and H3913/03B.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials indicated on the application form.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of

the site shall incorporate all of the approved measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.

- 5) The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Geoff Beel Consultancy dated July 2015 and the following mitigation measures within the FRA:
 - (a) Floor levels will be raised to a minimum of 500mm above the existing land level.
 - (b) Flood resilient measures shall be incorporated up to 300mm into the construction.
 - (c) No ground floor sleeping accommodation.The development shall not be occupied until the mitigation measures have been implemented and the measures shall be retained thereafter.
- 6) Prior to the first occupation of the development a flood evacuation plan shall be submitted to and approved in writing by the local planning authority. The plan should include:
 - (a) actions to take on receipt of different warning levels;
 - (b) evacuation procedures; and
 - (c) evacuation routes.
- 7) Prior to the first occupation of the development visibility splays shall be provided in accordance with the details indicated on the approved plans. The splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 8) Prior to the first occupation of the development the proposed accesses, on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.