

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: 22 November 2016

Appeal Ref: APP/V2635/W/16/3155975

Land south of Trafford House, Mill Road, Walpole St Peter, Norfolk PE14 7QW

- 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 Hereward Services against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 15/01733/F, dated 27 October 2015, was refused by notice dated 14 March 2016.
 - The development proposed is construction of 2 storey executive style home.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. 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 Council.

Main Issues

3. The main issues are:
 - (a) Whether the proposed development would provide a suitable site for housing having regard to the character and appearance of the area; and
 - (b) Whether the proposed development would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

Character and appearance

4. The Council indicates that the appeal site is located within an area designated as the countryside, something the appellant has not disputed. The site is situated on the east side of Mill Road, a long road between the settlements of Walpole St Peter and Walpole Highway. There are a number of residential properties and agricultural premises along the road, but they are sited intermittently with often large gaps between buildings. Fields extend up to the road with expansive views across the countryside. As such, the character and appearance of the area along Mill Road is predominantly rural, open and agricultural that reflects its countryside location.
-

5. The appeal site consists of a small plot of grassland adjacent to agricultural fields to the east and south, with fields also to the west on the opposite side of Mill Road. To the north is Trafford House Farm, screened from the appeal site by tall mature hedging that surrounds the farm with a number of barns to the rear that are north-east of the appeal site. To the south-west of the site on the other side of the road is a small group of residential properties.
6. The appeal site is very open to the adjacent fields, notwithstanding young and recently planted trees along every boundary apart from the road frontage. In contrast, Trafford House Farm is very secluded due to the hedging, while the barns are positioned a considerable distance back from the road. The residential properties to the south-west are separated from the buildings and barns at Trafford House Farm by the appeal site and fields. The site therefore makes a positive contribution to the character and appearance of the area as a rural, open and undeveloped plot of land.
7. The proposed development would seek to replicate the appearance of an agricultural barn and would be surrounded by boundary planting. Given the intermittent pattern of development along Mill Road, including the adjoining properties, it would not be isolated in relation to those properties. However, it would be seen as a large residential property due to the scale and design of the building, and would be very prominent in the surrounding area, particularly when viewed from the south. Even with mature boundary planting, there would be an encroachment into the rural, open and agricultural character of the countryside. It would also consolidate built development along this part of Mill Road, reducing the gap between the buildings at Trafford House Farm and the properties to the south-west. As a consequence, there would be significant harm to the character and appearance of the area.
8. The appellant points to a recent appeal decision¹ in Walton Highway where the Inspector found that development of one house would not cause harm to the character and appearance of the countryside. I do not have full details of this development, but the circumstances of each case vary and I have assessed the proposed development on its own merits.
9. The Council contends that it can now demonstrate a 5 year housing land supply and has provided a recent appeal decision² that supports this position. I have not been presented with any evidence that contradicts the Council's position and leads me to take a different view. Thus, paragraph 49 of the National Planning Policy Framework (NPPF) does not apply in terms of relevant policies for the supply of housing not being considered up to date. Furthermore, the presumption in favour of granting planning permission as set out in paragraph 14 of the NPPF is not engaged.
10. Nevertheless, the appellant has highlighted the continuing local and national need for housing irrespective of housing land supply. It is evident that there would be some social and economic benefits relating to boosting housing land supply and the local investment a new house would bring. I also note the support of the Parish Council for the development. I have limited evidence about the need for larger 'executive-style' housing within the area, but a dwelling of this size would potentially be more attractive for this purpose with the option of home-working. I also note the intended sustainable construction

¹ APP/V2635/W/16/3147121

² APP/V2635/W/14/2221650 dated 14 July 2016

of the dwelling. However, these benefits are modest compared to the significant harm to the character and appearance of the surrounding area.

11. The lengthy distance of the site to services in Walpole St Peter and Walpole Highway, the lack of lighting or pavements along Mill Road and the speed limit of 50mph mean that occupants of the development are likely to be largely dependent on a private motor car to access day to day services, notwithstanding potential home working, online deliveries and planned improvements to rail services in the area. While the number of traffic movements would be small given a single house, such development would encourage unsustainable modes of travel with negative environmental effects.
12. I also note the appellant's argument about the recently adopted SADMP, the deliverability of allocated sites and an early review of the Local Plan. I do not have sufficient information to come to a definitive position on how this may or may not affect housing land supply. However, even if I were to accept that the Council could not demonstrate a 5 year housing land supply, the harm I have identified would significantly and demonstrably outweigh the cited benefits.
13. Concluding on this main issue, the proposed development would not provide a suitable site for housing having regard to its negative effects on the character and appearance of the area. Therefore, it would not accord with Policies CS01 and CS06 of the King's Lynn and West Norfolk Core Strategy July 2011 ('the Core Strategy') which, amongst other things, seek to protect the countryside for its intrinsic character and beauty, or Policy CS08 which, amongst other things, seeks development that respond to the context and character of places.
14. The proposal would also not accord with Policy DM2 of the SADMP which states that new development in the countryside will be more restricted to a number of specific categories, none of which relate to market housing. It would also not meet one of the core planning principles of the NPPF, which recognises the intrinsic character and beauty of the countryside, and paragraph 55 of the NPPF which seeks sustainable development in rural areas with housing located where it will enhance or maintain the vitality of rural communities.

Flood risk

15. The site is located in Flood Zone 3 of the Environment Agency's flood zone maps and Flood Zone 2 of the Council's Strategic Flood Risk Assessment. The Environment Agency has indicated that its initial objections to the proposed development have been resolved by a revised Flood Risk Assessment (FRA) produced by the appellant that fully considers the hazard posed by tidal flooding and identifies an appropriate finished floor level.
16. Both the Council and the appellant agree, and I concur, that the proposal passes the Sequential Test as there are no reasonably available sites within a 5km radius of the River Great Ouse defences that have a lower flood risk. However, the Council maintains that it fails the Exception Test as set out in paragraph 102 of the NPPF.
17. There are two parts to the Exception Test. The first part must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, while the second part must demonstrate through a site-specific flood risk assessment that the development will be safe for its lifetime. The NPPF requires both parts of the Exception Test to be passed.

18. The revised FRA provided by the appellant states that proposed floor levels will be 1 metre above ground level and sets out other measures to make the development safe for its lifetime. Such measures could be secured by planning condition as suggested by the Council and I am satisfied that the second part of the Exception Test is passed.
19. However, the site remains in an area of high flood risk. I have already found that accessibility to services and facilities would be limited and that occupants would be dependent on the car to a large extent. Any contribution to the local economy from the construction and maintenance of the dwelling would be modest. For this reason, it is unlikely that there would be any significant benefit in terms of supporting community or local services. Therefore, the development would not provide the wider sustainability benefits to the community that would outweigh the risk from flooding. As such, the development fails the first part of the Exception Test.
20. I note the appellant's statement that the Council do not appear to have applied the Sequential and Exception Tests consistently in planning decisions. I have limited evidence to verify this statement, but nevertheless, this does not alter the outcome of the Exception Test when applied to this proposal.
21. Concluding on this main issue, the proposed development would not comply with national planning policy which seeks to direct development away from areas at the highest risk of flooding. It would also not accord with Policy CS08 of the Core Strategy which, amongst other things, seeks to guide planned growth and future developments away from areas of high flood risk.

Other Matters

22. I note the appellant's comment about the lack of consistent engagement with Council planning officers during the planning application process. While frustrating, it does not alter my findings on the proposed development. I also note the willingness to commence the development within 90 days of gaining permission, but again, this does not alter my findings on the main issues.

Conclusion

23. I have found that any benefit from the proposed development in terms of support to local services and the local economy would be modest. Given that the Council can demonstrate a five year housing land supply, any benefit to housing supply from the provision of the dwelling would similarly be modest. I have taken into account the potential for home working, the planned improvements to rail services and the intended sustainable construction of the dwelling. All of these matters weigh in favour of the proposed development, but only to a limited extent given the scale of development. The limited weight I give to these matters are clearly outweighed by the significant weight that I give to the identified harm in terms of the character and appearance of the area and flood risk. Considered as whole, the proposal would not be a sustainable form of development. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR