
Appeal Decision

Site visit made on 13 December 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 11 January 2017

Appeal Ref: APP/V2635/W/16/3158814

**The Gables, 53 Common Road, Runcton Holme, King's Lynn, Norfolk
PE33 0AA**

- 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 Mrs Marsha Parker against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/01077/CU, dated 6 June 2016, was refused by notice dated 15 July 2016.
 - The development proposed is change of use from agricultural to residential garden, area to be bounded by hedge and attached to present residential garden.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from agricultural to residential garden, area to be bounded by hedge and attached to present residential garden at The Gables, 53 Common Road, Runcton Holme, King's Lynn, Norfolk PE33 0AA in accordance with the terms of the application, Ref 16/01077/CU, dated 6 June 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with Site Plan Map A (Location Plan scale 1:1,250).

Procedural Matter

2. I noted on my visit that the site has been enclosed by post and wire fencing and that hedge planting has taken place around the boundaries. The site remained separate from the rear garden of the property which was fenced across. There was no indication of any works or planting having taken place within the site or that it was in active use as a garden. However the land appears to have been taken out of agricultural use in that it has been enclosed. On this basis I shall treat the proposal as being retrospective and I note that the Council also takes this view.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. Common Road extends into the open countryside from the village of Runcton Holme. To the south of the road the land is open farmland for the most part but with a small number of dwellings including the appeal property. On its
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northern side however the road is built up with significant residential development. The housing along the road gives a partial suburban character but overall the immediate area is clearly rural in nature.

5. The existing dwelling is set back from the road with a front garden but only a small garden to the rear. It is surrounded on three sides by an arable field. The appellant has explained that over the 30 years that she has lived in the property, farming activity has become more intense. A former track, dyke and hedge which were adjacent to the dwelling have been removed to create a larger field. The size of the farm machinery used has increased and this previously caused vibration and disturbance to the appellant because it was operated in close proximity to the dwelling. Spraying of fertiliser and pesticides also affected the rear garden. Part of the reason for the proposal is to provide a buffer between the dwelling and farming operations in order to improve the appellant's living conditions.
6. Given the small size of the existing rear garden the proposal would provide a proportionate rear garden to the property that would be consistent with the gardens of the other properties along the road. It would extend to the rear a similar distance to the garden of the nearest property to the east. In these respects the extent of the proposed garden would be in keeping with the pattern of development in the area.
7. The site is prominent relative to other dwellings in the area in that it stands alone. The hedges that would enclose the garden would be visible across the adjacent open field. They are stated by the appellant to be of native species and as such would be in keeping with traditional rural means of enclosure. For this reason the appearance of the boundary treatment would be in keeping with the rural character of the area.
8. Use of the site as residential garden would have potential for play equipment and other domestic structures to be visible above the hedges. Garden planting could also visibly domesticate the appearance of the site. However given the extent of existing residential development along the road I do not find that this would be harmful to the character and appearance of the area.
9. For these reasons I conclude that the development would not adversely affect the character and appearance of the area. The proposal would accord with policy CS06 of the King's Lynn and West Norfolk Core Strategy (2011) which requires that local character is maintained and the countryside protected for its intrinsic character and beauty.

Other Matters

10. The Council says that the agricultural land is of grade 3. This is not land of high quality and its loss would not be detrimental given the limited area of the site.

Sustainability

11. The proposal would be of benefit to the living conditions of the occupants of the property by reducing intrusion from farming activity. The larger garden would also make the property more attractive for family occupation. By improving the property it would make a positive contribution to the community in terms of ensuring its continued occupation as a family house. In as much as the occupants would support the rural community and local businesses the

proposal would accord with the social and economic dimensions of sustainable development. The loss of agricultural land would weigh against the economic dimension but only to a limited extent.

12. I have found there to be no unacceptable harm to the character and appearance of the area. The new hedging would be potentially beneficial to wildlife. These aspects would accord with the environmental dimension. For these reasons considered as a whole the proposal would be a sustainable form of development.

Conditions

13. The Council has suggested the imposition of a condition which would remove permitted development rights for the erection of outbuildings and extensions to the dwelling. Small scale garden sheds or similar outbuildings would be likely to be screened by the hedging to a large extent. The extended garden may increase the potential for extensions to the dwelling under permitted development rights but for the reasons given above this would not necessarily be harmful. The Planning Practice Guidance¹ states that conditions which remove permitted development rights should only be imposed in exceptional circumstances. For the above reasons such circumstances do not exist and the imposition of such a condition would not meet the tests of necessity or reasonableness.
14. I have imposed the suggested condition requiring the development to be in accordance with the approved plan in order to provide certainty.

Conclusion

15. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

¹ ID 21a-017-20140306