
Appeal Decision

Site visit made on 6 February 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 7th March 2017

Appeal Ref: APP/V2635/W/16/3162499

Victoria Barn, Basin Road, Outwell, Norfolk PE14 8TH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Chris Dawson (Hereward Services) against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00434/O, dated 5 February 2016, was refused by notice dated 25 May 2016.
 - The development proposed is the removal of storage building and 2 residential mobile homes and replacement with 4 detached 2 storey dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted using full application forms. However, the Council has clarified that the proposal was modified during the determination period to an outline application with all matters reserved for future consideration. I have dealt with the appeal on that basis treating the site plan as illustrative and taking the description of development from the Appeal Form.
3. Since determination of the application the Council has adopted the "*Site Allocations and Development Management Policies Plan 2016*" (the SADMP). It follows that full weight should be attached to the relevant policies therein.

Main Issue

4. I consider the main issue is whether the development would be appropriate in light of local and national policy concerning new housing in the countryside.

Reasons

5. The appeal site comprises a brownfield plot of land to the rear of Victoria and Horseshoe Cottages containing a large sheeted agricultural barn and 2 residential caravans. It has a narrow frontage to Basin Road and is located at the end of a long ribbon of development that extends northwards away from Outwell. The surrounding area is lightly settled and rural in nature. It is characterised by sporadic residential development arranged along the southern side of Basin Road which backs onto a wider tract of agricultural land. Whilst a wide variety of house types are evident, these tend to be of modest proportions and address the road.
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6. The appeal scheme seeks the removal of the existing structures from the land and their replacement with 4 detached dwellings which would probably be arranged around and served from a new shared driveway. According to the Council, the site is some 250 metres outside the settlement boundary of Outwell as defined in the SADMP. Policy DM2 states that those areas outside settlement boundaries will be treated as countryside where new development will be restricted and limited to that falling within other policies of the development plan.
7. The appellant does not dispute that the erection of 4 market dwellings falls outside the categories identified in Policy DM2. On that basis, there would be prima facie conflict with the policy, the underlying aim of which is to avoid urban sprawl and encroachment into the countryside. However, in my view, it is not sufficient simply for a development proposal to be in conflict with a development plan policy for it to be necessarily objectionable. For example if there was no actual manifestation of harm then there would be no sensible purpose served by rejecting it. In this instance the Council has failed to identify what actual harm would be caused by the development beyond pointing to conflict with the development plan and the "*National Planning Policy Framework*" (the Framework).
8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 explains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The appellant makes the case that the removal of the unsightly barn and caravans and their replacement with 4 dwellings would significantly improve the visual appearance of the site whilst making efficient use of a sustainably located brownfield site. In these circumstances it is argued that there would be no material harm to the character and appearance of the countryside and the development would be '*sustainable*' in the terms set out in the Framework.
9. The Council do not dispute that the land is brownfield or that the proposal would make efficient use of the land and I see no reason to take a contrary view on these matters.
10. In locational terms, I saw when I conducted my site visit that there are bus stops on Wisbech Road within walking distance of the site. However as no timetables have been submitted I have no information before me as to the frequency and timing of bus services which might run from these stops. Shops and community facilities in the centre of the village are some distance away and in all likelihood access to these would be reliant on car borne trips, particularly so given the lack of street lighting and pedestrian footways along some of the route. Therefore based on the evidence before me I do not consider the appellant has adequately made the case for the site being sustainably located.
11. Based on my observations the appeal site marks a transition from the urban fringes of the village to the open countryside to the south. Despite the existing barn and caravans, much of the site is undeveloped and open and in that regard it makes a positive contribution to the low density and semi-rural character of its immediate surroundings. Due to their two-storey nature the houses would be clearly visible above the boundary hedge when viewed from Back Lane and beyond. From these vantage points the overall scale of

development as well as the probable close-knit suburban layout would be readily apparent and unlike anything else in the vicinity.

12. I accept the existing barn is already visible in long distance views. However, it is agricultural in scale rather than industrial and compatible with its setting on the edge of the countryside. Consequently, its removal would not result in a level of visual enhancement necessary to justify 4 dwellings in this location.
13. The scheme would undoubtedly provide benefits in terms of fulfilling the *social* dimensions of sustainable development through a contribution towards the Council's housing stock. I also accept the appellant's point that the development would support the *economic* role through the purchase of materials and services in connection with the construction of the dwellings and a subsequent increase in local household expenditure.
14. However, in *environmental* terms, the scheme would incur loss of a field in the countryside. It would impose a considerable extent of discordant built development upon a largely rural landscape contrary to the Framework's aspirations for planning to recognise the intrinsic character and beauty of the countryside, and to promote local distinctiveness and high quality design.

Other Matters

15. The appellant has referred to other developments in the vicinity. However, few details are before me of these schemes and as such, I cannot be sure they are comparable to the scheme before me. That being the case, I have assessed the appeal scheme purely on its own merits in light of the particular circumstances that apply in this case.

Overall Conclusions and Planning Balance

16. The starting point in weighing the various factors is that the proposal would not conform with a recently adopted development plan. As to whether material considerations indicate that the permission should be allowed, I have identified that the development would deliver social and economic benefits consistent with the Framework and the development plan. Nevertheless, either on their own or in combination, these considerations do not outweigh the significant *environmental* harm I have identified to the character and appearance of the area arising from the scale and form of development and the conflict with Policy DM2 of the SADMP in that regard.
17. Accordingly, I find that the development would not be appropriate in light of local and national policy concerning new housing in the countryside. For the reasons given above and taking into account of all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector