
Appeal Decision

Site visit made on 14 March 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 30 March 2017

Appeal Ref: APP/V2635/W/16/3166044

Land at The Priory, Nursery Lane, North Wootton, King's Lynn, Norfolk PE30 3QB

- 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 Stephen Evans against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00376/O, dated 23 February 2016, was refused by notice dated 11 July 2016.
 - The development proposed is 3 new dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Stephen Evans against King's Lynn and West Norfolk Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is for outline permission with all detailed matters reserved. An indicative layout plan has been submitted and I shall consider that plan on the basis that it shows a possible layout.
4. When the Council made its decision the King's Lynn and West Norfolk Local Plan (1998) formed part of the development plan but this has been superseded by the adoption of the Site Allocations and Development Management Policies Plan (SADMP).¹

Main Issues

5. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area including its effect on the setting of The Priory; and
 - ii) the implications for surface water drainage and localised flooding.

¹ King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (2016)

Reasons

6. The Priory is a grade II listed building which fronts onto Nursery Lane, dating from the early 18th century. It is of two storeys with attic accommodation and the land associated with it adjoins Nursery Lane and slopes down from the house towards the south. The garden is divided into two parts by a central pond and the appeal site occupies much of the southern part of that land. It is forward of a number of detached houses which are set back from the road. On the opposite side of the road is open farmland. The nearby detached houses on Nursery Lane have a spacious character. The site is on the edge of the built up area of the settlement and the character of the area derives both from the built up area and the adjacent open countryside.
7. The site is within the development boundary of North Wootton as defined on the policies map of the SADMP. Policy DM2 of the SADMP allows for development to take place within development boundaries provided it accords with other policies in the Local Plan. Policy DM15 requires development proposals to be assessed in terms of heritage impact and policies CS08 and CS12 of the Core Strategy² require protection and enhancement of the historic environment.
8. I was able to see on my visit that the full extent of the land to the south of The Priory, including the appeal site has the visual character of garden land. It is grassed, contains trees including ornamental species and the central pond. The land is enclosed by hedges and trees along the Nursery Lane frontage and there is a wooded embankment along part of the eastern boundary which is in front of the adjacent houses. Both parties state that the part of the garden immediately adjacent to The Priory is more formal than the part to the south of the pond. However I saw that the entire space has the appearance of a single garden and that it is associated with the listed building. The trees adjacent to the pond provide some visual screening between the two parts of the garden but nonetheless there is inter-visibility between the two areas.
9. The sloping topography increases the prominence of the listed building from the south and allows views of the garden from the higher level. For the reasons given the garden as a whole forms a key part of the setting of the listed building. The proposed development would reduce the significance of the listed building by eroding a prominent part of its garden. Furthermore the development would obscure views of the building from the south although I appreciate that such views are already screened to some extent by the trees. I understand that much of the original grounds of the building have already been lost and that the adjacent former farm buildings have been converted. This underlines the importance of the remaining part of its setting.
10. The Council's Conservation Officer considered that the site could be split from the rest of the grounds without harm to the setting of the building but recommended that the height of the dwellings be restricted to 1.5 storeys. I take those comments into account as well as the distance that the site is away from the building but for the reasons given above I find that the impact on the heritage asset would be harmful. That harm would be less than substantial because the development would affect part of the garden. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework) it is

² King's Lynn and West Norfolk Core Strategy (2011)

necessary for me to weigh that less than substantial harm against the public benefits of the proposal.

11. The Council says that it has a five year housing land supply and has provided an appeal decision³ and subsequent High Court decision which support this position. The appellant has not disputed this. Although the Council has a five year supply the Framework requires that it boosts significantly the supply of housing. The site is in a generally accessible location with good access by sustainable means to services and facilities. The proposal would be beneficial both socially and economically in terms of providing new units of housing that would be supportive of the community and local businesses. These matters are public benefits to which I give weight but that weight is limited in terms of the number of dwellings proposed and is not sufficient to outweigh the great weight that I give to conservation of the heritage asset. The proposal would not accord with policy DM15 of the SADMP or policies CS08 and CS12 of the Core Strategy for the reasons given.
12. The site is prominent as it adjoins the road frontage at a point where the open rural character becomes predominant. The indicative layout plan demonstrates that three dwellings could be accommodated with reasonably sized gardens. The dwellings would not necessarily be out of character with the existing pattern of built development but they would have a significant impact on the openness of the site which is seen in conjunction with other open land. The extension of the built up area would alter the existing open character of this part of Nursery Lane and given that the site provides a transition between the built up area and the countryside this effect would be harmful.
13. Policy DM22 of the SADMP requires that careful regard is given to the value of any open space, including in terms of local distinctiveness, landscape character and historic character. While the site does not have public access or recreational value it is nonetheless of value in terms of landscape and historic character. For these reasons the proposal would not accord with policy DM22. Neither would the proposal accord with the requirements of policy DM15 of the SADMP and policies CS08 and CS12 of the Core Strategy which are that development responds sensitively to the local setting and context and that matters including landscape setting are taken into account.
14. The Council's decision refers to policy CS06 of the Core Strategy which concerns development in rural areas outside development boundaries and so is not relevant to my decision. Although matters of layout and appearance do not form part of the application I acknowledge that the form of the dwellings could be designed to reflect the existing adjacent houses and that additional landscape planting could be provided to separate the site from the remaining grounds of The Priory. However these matters do not alter my conclusion on this main issue which is that the proposal would unacceptably harm the character and appearance of the area.

Surface Water Drainage

15. The Council's third reason for refusal concerns the implications of the proposed development for surface water drainage and potential flooding. The Council has supplied the Environment Agency's flood warnings map which indicates a medium risk of localised flooding from surface water in the northern part of the

³ APP/V2635/W/14/2221650

site. However the Council says that the site is within Flood Zone 1 on the Environment Agency's mapping and as such it is at low risk of flooding from tidal or fluvial sources.

16. The appellant has not demonstrated that the development would not increase flood risk. However, conditions could be imposed if the appeal were to be allowed requiring mitigation and sustainable drainage measures to be carried out. Given that the only identified flood risk from surface waters is localised and covers only a limited part of the site such conditions would in my view be sufficient to ensure that there would be no adverse impact in terms of localised flooding and that a sustainable drainage system is provided as required by policy CS08 of the Core Strategy. Accordingly I find no harm regarding this issue but this does not alter my overall conclusions for the reasons given.

Conclusion

17. I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR