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## Appeal Decision

Site visit made on 28 March 2017

**by Nick Palmer BA (Hons) BPI MRTPI**

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

**Decision date: 12 April 2017**

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**Appeal Ref: APP/V2635/W/17/3167504**

**Land at Townsend Farm, Church Road, Walpole St Peter, Norfolk PE14 7NS**

- 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 D Edgson of Dene Homes Ltd against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 16/01784/CU, dated 7 October 2016, was refused by notice dated 11 January 2017.
  - The development proposed is change of use of agricultural land to garden land.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural land to garden land at land at Townsend Farm, Church Road, Walpole St Peter, Norfolk PE14 7NS in accordance with the terms of the application, Ref 16/01784/CU, dated 7 October 2016, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan and Site Plan Ref 4835-COU 01.

### Procedural Matters

2. I have used the site address as given on the appeal form in my decision because this would seem to be more accurate than that given on the application form.
3. I saw on my visit that the site has already been partially enclosed to form gardens to adjacent dwellings. The proposal is thus partially retrospective.
4. The two plans which were submitted to the Council differ slightly in terms of the alignment of the site boundary to the rear of the dwellings on Church Road. The plan reference 4835-COU 01 includes slightly more land than the other plan and reflects the rear boundaries of the Church Road properties. As this plan was considered by the Council in making its decision I have based my decision on that plan.

### Main Issue

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

6. The appeal site is an open unused area of land of about 0.32 ha which is to the rear of a recent development of 16 houses. These include houses which front onto Church Road and others located to the rear. As well as adjoining that development the site adjoins the rear gardens of 4 other dwellings along Church Road. The site is on the edge of the built up area of the village and is outside the development boundary as defined in the development plan. The gardens to the rear of 5 and 6 Townsend Farm have been enclosed by fencing and the gardens of the properties shown on the plan as 'Townsend Cottage' and 'New Beginnings' have also been extended into the site and fenced.
7. The site is enclosed by tree belts along its northern and eastern boundaries which are mature and substantial. The appellant says that the site will be land-locked and the only means of access to it is currently through the new development. This will be blocked when the development is completed. It is not clear if any access to the site other than from the road is realistically available and no evidence in this regard is before me. On this basis it seems to me that the site would have limited potential for agricultural use.
8. The tree belts screen the site from view across the adjacent countryside and the site is only realistically visible from the adjacent dwellings. For this reason although the land would become domestic in character it is clearly separated from the wider rural landscape and would not affect the character of the rural area.
9. The gardens which have been approved would be of modest size in comparison to others in the area and the proposed enlargement of these would not be out of keeping with the layout of development in the area. While one of the proposed gardens would be large, this would not be harmful to the character of the area taking into account the location on the edge of the village and the visually contained nature of the site. Moreover the development has not become an established part of the character of the area as it is not fully occupied and the gardens have not been completed. In this context the proposal would not be disruptive in respect of the established built form and the settlement edge.
10. The enlarged gardens would be of benefit in terms of making use of the land and improving the private amenity spaces of the adjacent houses. This would accord with the National Planning Policy Framework's core planning principle of providing a good standard of amenity for all existing and future occupants.
11. For the reasons given I find that the proposal would not harm the character and appearance of the area. Policy CS06 of the Core Strategy<sup>1</sup> requires protection of the countryside for its intrinsic character and beauty. For the reasons given the character and beauty of the wider countryside would be protected in accordance with that policy requirement.
12. Policy DM2 of the Site Allocations and Development Management Policies<sup>2</sup> restricts development outside development boundaries unless allowed for by another policy of the local plan. The proposal would not accord with that policy but for the reasons given above there are other material considerations. Given that there would appear to be little potential for any practical alternative use of

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<sup>1</sup> King's Lynn and West Norfolk Core Strategy (2011)

<sup>2</sup> King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (2016)

the site, that the proposal would be of benefit to the living conditions of the occupants of the development and that I have found no harm, these considerations are of sufficient weight to outweigh the conflict with policy DM2.

13. In reaching this conclusion I have taken into account the Council's concern that the policy should be applied consistently but the individual circumstances in this case are of particular weight and this does not mean that other proposals should be determined in a similar way because the circumstances of individual proposals vary.

### **Conditions**

14. A condition is necessary to ensure that the development takes place in accordance with the approved plan to provide certainty. I have not imposed the standard condition for commencement of development because this has already taken place.
15. I have not imposed a condition restricting use to domestic purposes in connection with the approved dwellings as requested by the Parish Council because separate planning permission would be required for any other development.

### **Conclusion**

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

*Nick Palmer*

INSPECTOR