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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: 19<sup>th</sup> April 2017**

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**Appeal Ref: APP/V2635/W/16/3160014**

**Land North and West of Willow Farm, 15 Black Horse Road, Clenchwarton, King's Lynn, Norfolk PE34 4DN**

- 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 Clients of Swann Edwards against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 15/01510/OM, dated 23 September 2015, was refused by notice dated 19 April 2016.
  - The development proposed is residential development.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application is for outline permission with details of access submitted for approval and all other matters reserved. A layout plan has been submitted which is intended to be indicative and I shall consider it as such. The number of proposed dwellings is not specified in the description of development although 52 units are indicated on the application form and 45 units are shown on the indicative layout plan.
3. Since the Council made its decision it has adopted its Site Allocations and Development Management Policies (SADMP) Plan<sup>1</sup>. The appellant has had the opportunity to comment on the relevant policies of that Plan and I shall consider the proposal against those policies.

## Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

## Reasons

5. The site consists of about 1.8 ha of scrub and open land which is directly adjacent to the development boundary of Clenchwarton as defined in the development plan. It adjoins the rear gardens of dwellings along its northern boundary. To the south-east there is a small group of buildings associated with Willow Farm including a converted barn and two recently built houses. To the south and west there is open land. On the opposite side of Black Horse Road there is residential development.

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

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6. Policies CS01 and CS06 of the Core Strategy (CS)<sup>2</sup> require protection of the countryside beyond the villages for its intrinsic character and beauty, the latter policy specifically resisting development of green field sites. Policy DM2 of the SADMP restricts housing development outside development boundaries. Policy CS02 of the CS identifies Clenchwarton as a Key Rural Service Centre and supports limited growth within the development boundary. The proposal would not accord with those policies because of its location outside the development boundary.
7. The Council states that it has a five year supply of deliverable housing sites. In an appeal decision<sup>3</sup> concerning a site in Heacham my colleague considered detailed evidence on this matter and found that the Council could demonstrate a five year supply. That decision dates from July 2016 and was subject to an unsuccessful challenge in the High Court. No further detailed evidence has been put to me regarding housing land supply. On the basis that the Council has a five year supply its policies for the supply of housing are up-to-date and attract full weight. The appellant has accepted this position.
8. In restricting housing development in the countryside the above policies protect the countryside for its own sake similarly to one of the core planning principles of the National Planning Policy Framework (the Framework) which is to recognise the intrinsic character and beauty of the countryside. The site is clearly part of the open countryside and it provides part of the open setting to the village. The overgrown nature of much of the site does not alter its overall character in these respects. The indicative layout and Arboricultural Implications Assessment demonstrate that many of the trees within the site including those identified as being of value could be retained. However the proposal would amount to urban encroachment into the countryside and as such would clearly alter the existing open character of the site and its surroundings.
9. The indicative plan shows that houses would be closely built along the road frontages with little or no front gardens. While I appreciate that this does not form part of the application it nevertheless does not demonstrate that the development would harmonise with the openness of the area in terms of the spaciousness of the individual plots. Policy CS08 of the CS requires development to respond to the context and character of places. Policy CS12 requires protection of local distinctiveness and policy DM15 of the SADMP has a similar requirement. For the reasons given the proposal would not accord with those policies. For these reasons I conclude that the proposal would unacceptably harm the character and appearance of the area.

#### *Other Matters*

10. The Council advises in its statement that the site lies within Flood Zones 2 and 3 as depicted in its Strategic Flood Risk Assessment. The Parish Council raised concern that the site is in a high flood risk area. Flood risk did not form a reason for refusal and although this is referred to by the Council it is not a matter in contention. When it made its decision the Council found that the proposal would pass the sequential test on the basis that there are no

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<sup>2</sup> King's Lynn and West Norfolk Core Strategy (2011)

<sup>3</sup> APP/V2635/W/14/2221650

other sites in Clenchwarton that are at less risk of flooding. The adoption of the SADMP and the availability of a five year housing land supply may have implications for the area across which the sequential test should be applied but this matter does not form a main issue in the appeal and is not critical to my decision.

11. Interested parties have referred to biodiversity interest on the site and specifically to the presence of newts. The appellant's phase 1 habitat survey advises that the site provides a good habitat for Great Crested Newts and recommends that a further survey for this species be carried out. There is thus a reasonable likelihood of this species being present and in the absence of full survey information I cannot be certain as to the possible impact of the development in this respect. However as I am dismissing the appeal for other reasons there is no need for me to consider this further.
12. Clenchwarton has a number of local facilities and is served by public transport. The development would have reasonably good access to services and facilities by sustainable means and would have the potential to maintain or enhance the vitality of the community. Public open space is proposed but this would benefit the residents of the development rather than providing any wider community benefit.
13. Given that the Council has a five year housing supply and taking into account the Framework's requirement to boost the supply of housing I give moderate weight to the public benefit arising from the proposed new dwellings. The appellant has provided a Unilateral Undertaking which would secure 20% affordable housing provision with a tenure mix of 70% rented and 30% shared ownership. This would accord with the requirements of policy CS09 of the CS and I give further significant weight in favour of the proposal on this basis.
14. On the other hand I must give substantial weight to the conflict with the development plan and further significant weight to the harm to the character and appearance of the area. The moderate and significant weights that I give to the benefits of the development are not sufficient to outweigh those substantial and significant weights.
15. The proposal would accord with the social and economic dimensions of sustainable development in some respects. Construction may benefit the local economy. New homes would be provided to address local need and support local services and facilities. However the harm to the character and appearance of the area would not accord with the environmental dimension. Considered in total the proposal would not be a sustainable development.

## **Conclusion**

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

*Nick Palmer*

INSPECTOR