



Appeal Decision

Site visit made on 21 August 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 01 September 2017

Appeal Ref: APP/V2635/W/17/3175090

Rookery Farm, 90 Church Lane, Ashwicken, Norfolk PE38 1LN

- 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 Norbert Mersseman against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/01658/O, dated 15 September 2016, was refused by notice dated 16 November 2016.
 - The development proposed is outline application for residential development for up to 4 dwellings with all matters reserved. The outline proposal includes the partial demolition of redundant barns/stores and removal of cars stored within the courtyard.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for consideration at a later stage and I have determined the appeal on this basis. However, a plan showing how the development could be laid out has been submitted within the application documents. I have therefore had regard to this in my decision insofar as it provides illustrative material.
3. At my site visit, I observed that the stored cars referred to in the description of the development have been removed from the site and I have had regard to this in my decision.

Main Issue

4. The main issue in this appeal is whether the proposal would accord with local and national policies for the location of rural housing and the protection of the countryside.

Reasons

5. The appeal site forms part of the Rookery Farm complex which lies outside the Ashwicken settlement boundary as defined in the Site Allocations and Development Management Policies Document (2016) (SADMPD). It is therefore within the countryside where policy CS06 of the King's Lynn and West Norfolk Core Strategy (2011) (CS) seeks to promote sustainable communities; maintain local character and a high quality environment; focus most development in key rural service centres; and ensure employment, services and other facilities are provided in close proximity.

6. SADMPD policy DM2 sets out that development will be permitted within the defined development boundaries provided it accords with other development plan policies. The areas outside the defined boundaries will be treated as countryside where greater restrictions on development apply. Nevertheless, policy DM2 sets out a series of development categories that would be acceptable in such areas. These generally reflect those in Framework paragraph 55.
7. Framework paragraph 55 says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It does not impose a blanket restriction on development outside defined settlements or require the demonstration of any 'special circumstances' for all development in open countryside. The special circumstances set out only apply to development that would be isolated. Policy CS06 is therefore somewhat more restrictive than the Framework on this specific matter. However, taken as a whole, it is sufficiently consistent with the Framework's sustainable development principles, to carry very substantial weight.
8. The development would not be isolated in terms of its juxtaposition next to existing residential dwellings. However, the appellant's evidence states that the nearest shop, bus stops and local school would all be about a mile away. In my view, such distances would discourage most people from walking, and would in any case be too far for small children. Furthermore, no evidence has been provided in relation to the frequency of the bus services or that they would provide links to higher order services and facilities in larger settlements. It is therefore highly likely that most trips by the dwellings' occupants would be made by car.
9. For the above reasons, I consider that the appeal site occupies an isolated location and the proposed development would thereby run counter to the sustainable development objectives of CS policy CS06 and with the Framework. By extension, it would also conflict with SADMPD policy DM2 and would conflict further with this policy and Framework paragraph 55 because it would not meet any of the special circumstances to make otherwise isolated development in the countryside acceptable.
10. Whilst I accept that the site can be considered as brownfield land, the existing group of buildings are reflective of the character of a rural farmstead and their courtyard arrangement is typical of such development. Accordingly, whilst I accept that they are disused and of somewhat dilapidated appearance, they do not detract from the character and appearance of the rural surroundings. Moreover, there is no restriction on them being brought back into agricultural use or as part of an agricultural diversification scheme in accordance with policy DM2.
11. Although the appellant argues that the proceeds of the development would be used to renovate the existing farm house, it is not a building of any designated statutory or local heritage status. In any case, I have nothing before me such as a section 106 planning obligation, to tie the proposed development to the renovation of the farm house. I therefore give this aspect of the appellant's argument very limited weight.
12. Having said that, there is nothing particularly special about the existing buildings on the appeal site either individually or as a collective. Moreover,

there is existing residential development next to the site. I am therefore satisfied that the development could be sensitively designed to fit in with the overall character of the surroundings such that it would maintain the intrinsic beauty of the countryside. This would be a matter for consideration at reserved matters stage and the Council could therefore exert control over the final layout and design of the dwellings.

13. There is dispute between the parties over whether the proposal could be considered 'infill' development. However, policy DM2 clearly sets out that it is only Smaller Villages and Hamlets where infilling would be acceptable. Ashwicken, as a Rural Village, does not fall into this category and the proposal would not accord with policy DM2 in this respect.
14. It has been put to me that the development would accord with the provisions of the Housing White Paper *Fixing our broken housing market*. However, this has not been translated into national planning policy and has no status in the determination of planning decisions. Notwithstanding this, I have already found that the proposal would run counter to the statutory development plan and with the Framework.

Other Matter

15. I acknowledge the letters in support of the proposal from a number of interested parties. However, these do not provide any relevant planning arguments that lead me away from my overall conclusion that the development would be unacceptable for the reasons I have given.

Conclusions

16. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector