
Appeal Decision

Site visit made on 3 January 2018

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 22nd January 2018

Appeal Ref: APP/V2635/W/17/3180071

Land to the East of Manor Cottages, Hill Road, Fair Green, Middleton PE32 1RN

- 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 A Fines against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/02142/O, dated 7 December 2016, was refused by notice dated 15 March 2017.
 - The development proposed is an outline application for two dwellings.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the principle of the proposed development with specific regard to its location.

Reasons

3. The appeal site is a roughly rectangular and mostly flat open parcel of land to the north of Hill Road. It is laid to grass and overgrowth with a mix of landscaping and fencing to its boundaries. There is a pair of semidetached cottages sited at an oblique angle relative to the appeal site's rear boundary. It is located outside of the settlement limit of Middleton as it is defined by the Local Plan¹. By definition and in planning terms therefore, it is in the countryside.
4. The Core Strategy² defines Middleton as a Rural Village. Whilst the appellant states that the appeal site is in the centre of Fair Green, according to inset map G60 it is located outside of the defined limit for Middleton. The inset map shows an area that appears to be locally known as Fair Green but for planning policy purposes, this appears to be part and parcel of Middleton. Middleton is a medium density ribbon settlement consisting mainly of houses that line and spur from either side of Station Road and Hill Road. It has a limited range of services.
5. As a Rural Village, development within Middleton is limited by policy to a modest level to meet local needs and maintain vitality. Development outside of

¹ Site Allocations and Development Management Policies Plan 2016

² Kings Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy 2011

the defined limits of the settlement is more strictly controlled and limited to certain exceptions. These principles are set out in order to achieve what appears to be two clear objectives. One to ensure that patterns of new development are spread across the district in a manner that would ensure that the majority is directed to those settlements that have good and sustainable access to a range of services that reduces the need to travel and the other is to ensure that the open and undeveloped character of the countryside (its intrinsic beauty for the purposes of the development plan and the Framework) is protected against harmful development.

6. The development of the site would be for two open market dwellings outside of a defined settlement limit and it would not sit appropriately with the development plan's exception criteria for development in the countryside. Thus it would conflict with its spatial objectives. Whilst I am content that due to the site's relative enclosure in landscape and built development terms the scheme would not be unduly harmful in respect of the character and appearance of the area³, from a principle point of view the scheme would be unacceptable.
7. Looking at the settlement limit for Middleton, the appeal site immediately abuts its boundary. In effect falling squarely the 'wrong' side of it for the purposes of whether development may be supported. I accept therefore that any future occupiers would not have to travel significantly further to access available services than those living in an immediately adjacent site, which may be within the defined limits.
8. I have concern with the use of this argument however. Firstly, any new development within the village could not be purely speculative. There certainly seems to be some suggestion in Policy CS06 that development within the village would even itself be limited to local needs or that which maintains vitality. There are no such arguments in these respects before me. Secondly, and perhaps more importantly, it is simply an argument that could be repeated too often for other single sites that may be capable of accommodating small scale development which may either directly abut or be in close proximity to the settlement limit. The cumulative effect of accepting which for would likely undermine the development plan's objectives for the spatial spread of new development.
9. With the above factors in mind, the development of the site would serve to promote unsustainable patterns thereof. Occupiers, as a result, would likely rely on the use of the private car to access services they would need for day to day living, this is the least sustainable travel option. This would be contrary to one of the key principles that underpin the Framework⁴. It would also, for the same reasons, conflict with Policies CS06 of the Core Strategy and DM2 of the Local Plan. Together, these policy approaches seek to ensure, amongst other things, that development is spread across the district in a sustainable manner with regard to where it is and to protect the open and undeveloped character of the countryside.

³ The proposed development seeks outline planning permission with all matters, including scale and design reserved for future consideration.

⁴ The National Planning Policy Framework 2012

Other Matters

10. I note that the site is overgrown and obviously the development of it would result in something of a visual improvement. This would not however be sufficient to overcome the harm that the proposed development would cause, specifically the principle thereof. The site is in very close proximity to a bus stop which offers services to larger settlements. Services are however infrequent, amounting to three per day in total running Monday to Saturday only. This does not therefore persuade me to allow the appeal. I also note that there have been no objections to the appeal scheme from consultees. Be this as it may, a lack of objections alone would not make the proposed development acceptable. Particularly given the harm that I have found.
11. The appellant has expressed some concern that should the development not go ahead then the settlement would struggle to grow and services may suffer. Whilst I can ascribe this argument some weight, it would be minimal against the harm that I have found. Principally since I have not been provided with any further evidence that the settlement is, in either social or economic terms, struggling from a vitality point of view.

Conclusion

12. Whilst having regard to all other matters raised, it is for the above reasons that the appeal is dismissed.

John Morrison

INSPECTOR