



Appeal Decision

Site visit made on 8 July 2019

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/V2635/W/19/3226832

Wyndfield, Stanhoe Road, Bircham Newton, PE31 6RQ

- 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 M Cooke and Miss T Gray against the decision of the Borough Council of Kings Lynn and West Norfolk.
 - The application Ref 18/01757/O, dated 17 September 2018, was refused by notice dated 13 December 2018.
 - The proposal is the residential development of 4 dwellings.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is an appropriate location for new housing, having regard to the provisions of the Development Plan and other material considerations.

Reasons

3. The appeal site is a relatively large, irregularly shaped and closely mown 'paddock', which is situated adjacent to the appellants' dwelling. A small estate of former RAF dwellings is situated to the north-east of the site and a woodland area is on its southern side. This woodland area screens and separates the appeal site from buildings associated with the nearby Construction Industry Training Board complex.
4. The proposed development, which is in outline with all matters reserved, is to erect 4 detached dwellings on the site. The proposal is supported by an indicative site layout plan, which illustrates how 4 dwellings could be accommodated on the land. Vehicular and pedestrian access would be obtained via the existing private drive that currently serves the appellants' dwelling and adjoining land. The appellants state that the proposed development would provide 4 single storey dwellings.
5. Planning permission for the residential development of 3 detached dwellings has been granted by the Council on land situated to the other side of the appellants' property. The appellants consider that this permission together with other permissions granted locally, weigh in favour of the appeal proposal. The Council argues that the permission for 3 houses is not comparable to the appeal proposal, as that site is considered to be 'previously developed' and it already had the benefit of planning permission to convert the original building

- (now demolished) into residential use. Nevertheless, I consider that permission to be a consideration in my assessment of the appeal proposal.
6. My attention has also been drawn to a nearby area of land (west of Monks Close) where Council officers recommended approval to a proposed development of 18 houses. The application was subsequently refused by the Council's Planning Committee. The Council has stated that the recommendation was made at a time when the Council did not have a 5 year supply of deliverable housing land. Consequently, I consider the circumstances in relation to the current appeal are materially different.
 7. I have also taken into account a recent appeal (APP/V2635/W/18/3215836) concerning a proposal for a detached bungalow and garage on land off Stanhoe Road, which was dismissed. This site is adjacent to the site that already has permission for 3 dwellings. I note that the Inspector did not consider that appeal site to be a sustainable location for new housing. However, in some respects, that proposal differs from the current appeal development because of the site's more prominent location and the visual impact of the proposed dwelling.
 8. Bircham Newton is listed as a 'Smaller Village and Hamlet' in the settlement hierarchy contained in the Council's adopted Core Strategy (CS), because it has little or no services. Policy CS02 of the CS states that development in these areas will be limited to specific identified needs only, in accordance with Policy CS06. Policy CS06 seeks to protect the intrinsic character of the countryside and to resist the development of green field sites in rural areas, unless it is required for agriculture or forestry. In addition, Policy DM2 of the adopted Site Allocation and Development Management Plan (SADMP) states that sites outside of 'development boundaries' will be treated as countryside.
 9. Furthermore Policy CS08 of the CS promotes sustainable development, which (amongst other things) requires good access links for walking and cycling. The Council refers to the preamble to Policy CS08, which states that "the choice of location has a long term bearing on the sustainability of any proposed development". In reaching my decision, I have also taken into account the provisions of paragraph 103 of the National Planning Policy Framework (the Framework), which states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
 10. Although the site is not isolated, because of the presence of other dwellings nearby, the absence of footways coupled with the distance to services, places of employment and other facilities, means that the occupants of the proposed dwellings are highly likely to be dependent on the use of the private car for their normal daily activities. For this reason, notwithstanding paragraph 103 of the Framework, I consider that the appeal site is not a sustainable location for new housing development. Therefore, the proposal would conflict with Policy CS08.
 11. However, in 'Smaller Villages and Hamlets' Policy DM3 of the SADMP allows for the sensitive infilling of small gaps in an otherwise built-up frontage, provided the development is appropriate in scale and character to the area and the gap does not make a positive contribution to the streetscene. In addition, the policy also allows (in exceptional circumstances) for the development of small groups of dwellings, where the development is of particularly high quality and it would provide significant benefits to the local community.

12. The appellants consider that the site can be considered as an infill and that there would be no harm to the character or appearance of the countryside resulting from the development. Furthermore, should the proposal not be considered as infill, the appellants argue that the proposal would be of high quality and it would significantly benefit the community.
13. There is no universally accepted definition of 'infill' and, in that regard, it is a matter for the decision maker. It is also a statutory requirement that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, Policy DM3 of the SADMP is quite specific in stating that infill applies to small gaps within a continuously built up frontage, provided the development is acceptable in terms of its scale and character and the gap does not make a positive contribution to the streetscene. I see no reason as to why this definition should not be applied to the appeal site.
14. The appeal site is not highly visible from the public highway and I consider that the proposal would not be harmful to the countryside or to the character and appearance of the area. However, I am not persuaded that the site can be regarded as infill in the manner specified in the SADMP, principally because of its size and because it does not appear as part of a built up frontage.
15. Furthermore, whilst there would be some community benefits arising from the provision of 4 bungalows, I am not persuaded that the appellants have demonstrated that the proposal is exceptional or is of particularly high quality. Consequently, I consider that the proposal would also conflict with Policy DM3 of the SADMP.
16. I have taken into account the provisions of paragraph 68 of the Framework, which states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, particularly as the dwellings can often be delivered quickly. However, this does not outweigh my findings above in relation to the location of the site and the matter of infill.

Conclusion

17. For the reasons given above, it is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR