



Appeal Decision

Site visit made on 24 September 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/V2635/W/19/3231612

Land adjoining Manor Farm House, Broad Lane, Brancaster PE31 8AU

- 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 Langton Homes Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/00538/F, dated 21 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is the erection of two detached dwellings with associated parking and turning space, with access from Broad Lane.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dwellings with associated parking and turning space, with access from Broad Lane at land adjoining Manor Farm House, Broad Lane, Brancaster PE31 8AU in accordance with the terms of the application, Ref 19/00538/F, dated 21 March 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Brancaster Conservation Area, the non-designated heritage asset, the Area of Outstanding Natural Beauty and Heritage Coast.

Reasons

3. The appeal site comprises an extended area of garden for Manor Farm House. It is accessed alongside the house through a small archway and is laid to grass and somewhat overgrown in parts. The site is occupied by a number of mature trees and is screened by heavy tree and vegetation cover along the front boundary. The appeal site is separated from Broad Lane by a ditch and a reasonably wide grass verge. It is located within the Brancaster Conservation Area and is also within an area designated as an Area of Outstanding Natural Beauty (AONB) and part of the Heritage Coast.
4. The proposed development would introduce two detached dwellings into the appeal site. Access would be provided via a new vehicular driveway from Broad Lane. The dwellings would be set back from Broad Lane in a slightly staggered arrangement. Each property would have parking and turning areas and private gardens to the sides and rear. They would have a reasonably simple and

- traditional appearance and utilise materials which reflect the local vernacular. Detailing would be in the form of red brick accents and chimney stacks.
5. The appeal site is located in a transitional area which comprises of denser development on the opposite side of the road, the main settlement to the south and larger, more spacious plots further along Broad Lane towards the coast. This part of Broad Lane comprises dense vegetation and a wide grassed verge adjacent to the road, which gives a rural feel and contributes to the character and appearance of the Conservation Area. Overall, the area has an attractive quality, occupied by a mix of large sites, smaller properties and areas of undeveloped land.
 6. The appeal site is currently visually restricted as a result of the dense tree line and vegetation to the site frontage. It is located adjacent to Manor Farm House and sits between the host property and larger, more spacious plots further along Broad Lane. The introduction of two dwellings into the appeal site would consolidate the character of development along this part of Broad Lane, however I find that the development would read as part of the wider Manor Farm grouping as a result of its positioning, design and use of traditional materials. As such, I consider that the development of the site would not result in a harmful level of erosion of the rural character.
 7. Furthermore, the proposal would allow for the retention and addition of ample areas of landscaping. Whilst any new planting would take some time to mature, the retention of a number of the frontage trees and those around the site would serve to retain a suitable degree of rural character and the additional planting would ensure that the appeal site remained in keeping with the verdant nature of this part of Broad Lane. The dwellings themselves would read as part of the wider Manor Farm development whilst retaining the transitional character that it has at present.
 8. The proposed development would include the provision of vehicular and pedestrian access off Broad Lane. This would utilise an existing gateway, and whilst this would formalise the access and result in a gap in the frontage vegetation, allowing some views of the proposed dwellings, I have had regard to the other accesses along Broad Lane. I find that the addition of one vehicular access would not be unduly harmful to the character or appearance of the Conservation Area given the existing driveways along both sides of Broad Lane and the level of landscaping that would be retained in proximity to the proposed access.
 9. Manor Farm House itself has had permission to be converted to flats and other properties have been converted within the grounds. A new dwelling has been constructed on the corner alongside the junction with Broad Lane and the A149. Manor Farm House is identified within the Brancaster Conservation Area Map as an Important Unlisted Building and is therefore a non-designated heritage asset.
 10. Whilst the proposed development would result in some erosion and separation of the extended area of garden for Manor Farm House, the Appellant has demonstrated that the appeal site did not originally form part of the curtilage of the existing property and comprised part of a wider area of agricultural land. I find that the existing property, although adjacent to the appeal site does not have a particularly strong visual relationship with it and its orientation facing

away from the appeal site results in a diminished relationship with this area of land.

11. Consequently, I find that the development of the appeal site would not harm the setting of Manor Farm House as a non-designated heritage asset and the retention of much of the existing vegetation and landscaping would ensure that the appeal site would still contribute visually to the wider site of Manor Farm House and retain the transitional character, ranging from the buildings closer to the junction to the rural, spacious appearance further along Broad Lane.
12. The appeal site is in proximity to the Grade I Listed Church of St Mary and the Grade II Listed war memorial. The Council have raised no concerns over the impact on the setting of these buildings and given the location of the site in relation to these I conclude that the appeal site makes little contribution to their setting and the proposed development would therefore not result in harm in this regard.
13. I note that the other developments around Manor Farm House consist of the conversion of a range of farm buildings, the conversion of Manor Farm House itself and a new dwelling on the corner close to the junction with the A149. Whilst the majority of these involved converting existing buildings within the complex, they nevertheless have consolidated the level of residential development in proximity to the appeal site. I find that the appeal proposal would appear well related to the overall Manor Farm development and accordingly would be in keeping with the prevailing form and character of this part of Broad Lane.
14. Accordingly, I find that, for the above reasons, the proposed development would not result in harm to Manor Farm House and would preserve the character or appearance of the Brancaster Conservation Area. The integrity of the AONB and the Heritage Coast would also be preserved as a result of the layout of the site and retained and proposed landscaping.
15. The development would therefore comply with Policies CS08 and CS12, of the Kings Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy (2011), and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016). Collectively these seek to ensure that new development is of high quality design, protects and enhances the historic environment, and responds to the context and character of the area, amongst other things. It would also comply with Policies NPBR8 and NPBR9 of the Brancaster Parish Neighbourhood Plan for 2015 – 2026 (2015) which require developments to preserve or enhance the character, appearance and views of the Brancaster Conservation Area and protect, conserve and where possible enhance the natural environment, local landscape and wildlife and ensure that new development should not adversely affect the statutory purposes of the AONB. The proposal would also comply with Section 16 of the National Planning Policy Framework (2019).

Other Matters

16. The Appellant has provided details of payment to the Council in relation to their Habitats Regulations Monitoring and Mitigation Payments. I note that Natural England have raised no objection to the proposed development on the basis that they consider that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites.

Conditions

17. In addition to the standard time limit condition I have imposed a condition listing the approved plans as this provides certainty. The Council have requested a number of conditions which I have considered against the advice in the Planning Practice Guidance and amended or omitted where necessary.
18. Conditions for the protection of retained trees, implementation of landscaping and replacement trees and shrubs, and details of external materials are necessary in the interests of the visual integrity of the proposed development and the surroundings. Conditions for the construction of the access, provision of visibility splays and the provision of on-site parking and turning areas are necessary in the interests of highways safety.
19. The Appellant has challenged the inclusion of a condition restricting permitted development rights for gates across the access. Permitted development rights should only be imposed in exceptional circumstances and the Council have not provided sufficient justification as to why this condition is necessary. As such I have not included this condition.
20. Condition 3 is required to be pre-commencement as it is fundamental to have these measures put in place on site prior to any works commencing on the site. The Appellant has had the opportunity to consider the suggested conditions and has not raised any objection to this.

Conclusion

21. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: L315 P400 Rev A; L315 P401; L315 P402 Rev D; L315 P403 Rev A; L315 P410 Rev C; L315 P411 Rev C; L315 P412 Rev C; 18.1395.001 Rev A and 18.1395.002 Rev A.
- 3) No development or other operations shall commence on site until the existing trees to be retained have been protected in accordance with Tree Protection Plan 18.1395.001 Rev A. The proposed fencing shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development or other operations in relation to the development. The fencing shall be retained intact for the full duration of the development until all equipment and materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the local planning authority.
- 4) If any retained trees, shrubs or hedging are cut down, uprooted or destroyed or die within 5 years of the completion of the development hereby permitted a replacement shall be planted at the same place and shall be of such size and species and shall be planted in the next available planting season unless otherwise agreed in writing by the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 5) All hard and soft landscape works shall be carried out in accordance with Detailed Planting Plan 18.1395.002 Rev A and shall be provided prior to the first occupation of the development hereby permitted. If any of the new trees or plants provided in accordance with the approved details are cut down, uprooted or destroyed or die within 5 years of the completion of the development hereby permitted a replacement shall be planted at the same place and shall be of such size and species and shall be planted in the next available planting season unless otherwise agreed in writing by the local planning authority.
- 6) Prior to the first occupation of the development hereby permitted the vehicular/pedestrian access over the verge/ditch shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification (TRAD 2) and shall thereafter be retained at the position shown on the approved plan. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 7) Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the highway. The splays shall

thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

- 8) Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter for that specific use.
- 9) No development shall commence on any external surface of the development hereby permitted until a sample panel of the materials to be used for the external surfaces of the buildings hereby permitted have been erected on site for the inspection and written approval of the local planning authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be carried out in accordance with the approved details.
- 10) Notwithstanding the approved plans, no developments over or above the foundations shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.