



Appeal Decision

Site visit made on 11 June 2019

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 18th October 2019

Appeal Ref: APP/V2635/W/18/3219510

Homefields, Peddars Way, Holme next the Sea, PE36 6LD

- 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 Mr Stephen Lucas on behalf of A.R.& V. Investments against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 17/02359/F, dated 13 December 2017, was refused by notice dated 20 August 2018.
 - The development proposed is the demolition of an existing dwelling and outbuildings and the erection of a replacement dwelling and garages with revised highway access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the effect on an Area of Outstanding Natural Beauty.

Reasons

3. The appeal site lies within the Norfolk Coast Area of Outstanding Natural Beauty ("AONB"). The National Planning Policy Framework ("the Framework") sets out that such areas have the highest status of protection in relation to landscape and scenic beauty, and that great weight is to be afforded to the conservation of these matters.
4. The site lies on ground which rises gently from the coast towards the Peddars Way long-distance path ("the path"), which passes between fields in the vicinity. Relatively dense mature hedgerow lies to one side of the path where it leaves the lane and passes in an east-west direction along a field edge. The most significant views from the path are consequently those which are available over the open countryside to the other side, towards the coast and the appeal site.
5. A column next to the path is the last of several such features along it, and carries an inscription relating to landscape. It serves as a point of interest from which to view the surrounding attractive panoramic views of open countryside and the coast, within which the appeal site is centrally located and highly visible.

6. The AONB at this point has a highly rural and tranquil appearance due to the lack of any significant visible development. Development in the village of Holme is unobtrusive within the limited available views of it from the path and lane due to its distance, position on lower lying land and the screening provided by intervening trees. The village consequently does not interrupt views of the substantial tract of open countryside within which the appeal site lies.
7. The King's Lynn and West Norfolk Borough Landscape Character Assessment ("LCA") of 2007 designates the area of the site and its surroundings as "Coastal Slopes". Landscape Planning Guidelines within the LCA seek to conserve characteristic panoramic, open views across the slopes towards the coast, and to ensure that any new development avoids prominent skyline locations upon the slopes.
8. The site lies adjacent to a group of farm buildings, which includes a barn of an approximately two-storey height and a considerable length. Despite the site's location within the open countryside between the path and Holme, its bungalow and outbuildings are unobtrusive within views from the path and the lane. This is due to their single storey scale, the presence of the larger adjacent barn, the density and height of mature roadside hedgerow to the front of the site and the relatively narrow drive to the property. The limited elements of built form at the site that are visible from the highway appear in reasonable repair and the materials used in the current buildings are relatively muted and do not give rise to any significant incongruity within their setting.
9. The proposed replacement dwelling would be significantly larger than the existing building. The use of a linear design of building which would lie parallel to the barn and farther back within its site seeks to minimise the impact of the dwelling on the landscape. Nevertheless, views of the shorter roadside elevation of the building alone would be limited to those possible from a directly opposite point on the path and the lane. The length of the building and its roof would give rise to an impression of substantial built form within most other views. The building's two-storey scale would also remain apparent in all views.
10. The development would be an incongruous feature within the landscape due to its scale, the lack of surrounding development and the site's location within a large area of open and tranquil countryside. The proposal would therefore give rise to a development of undue prominence within long-range views across the AONB. It would consequently fail to conserve the area's panoramic views across the AONB, and would cause material harm to the attractive view to which the inscribed column draws attention.
11. The dwelling's design incorporates elements in respect of materials, layout and orientation which are intended to echo that of the adjacent barn. However, the barn is not prominent or incongruous within views of the site due to its lack of glazing, historic appearance and clear intended use for agriculture. The new dwelling would have a contemporary and domestic appearance which would differ from that of the barn due to the use of significant levels of glazing, metal joinery, garaging, a domestic driveway access and gardens. The dwelling and barns would not appear as a harmonious agricultural complex due to these differences. The new dwelling would consequently draw the eye within views of the AONB. The design of the dwelling therefore fails to overcome the

incongruity and undue prominence within a protected landscape which I have identified above.

12. The appeal scheme fails to conserve panoramic views across the slopes, as identified above. Whilst the site does not form a prominent skyline location in views towards the coast due to the land's sloping topography, it does have a skyline location within views looking inland and uphill from the lane near Holme. The proposed development would be more prominent than that existing at the site, and the scheme consequently does not avoid a prominent skyline location, contrary to the guidance within the LCA.
13. The appellant submits that two properties in the vicinity, a former windmill and "The Crow's Nest", have a more prominent location than the appeal site and that those dwellings breach the skyline in a way that the proposed dwelling would not. However, these dwellings have no significant presence within the panoramic views towards the coast which are available from the path due to the location of the Crow's Nest at the edge of these views and the windmill dwelling outside them.
14. Furthermore, the Crow's Nest and the former windmill lie close to a small area of other residential development, and some screening is provided by surrounding trees. Both of these matters are highlighted within the case officer report for the Crow's Nest development¹. The Crow's Nest proposal was also determined against a different policy background. I therefore consider that there are material differences between those dwellings and the appeal scheme. However, even if there were more similarities between the developments, the two dwellings referred to would not necessarily provide an example which should inevitably be followed even if harm were to result. I therefore attach only limited weight to the relevance of the two other developments referred to in determining the appeal.
15. Thus, the appeal scheme would cause harm to the character and appearance of the area, with particular regard to the effect on the AONB. This harm would be moderate because the proposal relates to only one dwelling and garaging, and hence development would be of a limited scale. However, AONBs have the highest status of protection in relation to landscape and scenic beauty, and great weight is to be afforded to the conservation of these matters. I therefore attach great weight to the moderate harm which the proposal would cause to the panoramic and rural appearance of the AONB.
16. Accordingly, the proposal conflicts with Policies CS06, CS08 and CS12 of the King's Lynn and West Norfolk Borough Council Local Development Framework - Core Strategy (July 2011) ("the CS"), and Policies DM5 and DM15 of the Site Allocations and Development Management Policies Plan (September 2016) ("the SADMP"). Together these policies set out that development in rural areas should maintain local character and that the scale of development should respond to its setting. Additional conflict exists with the natural environment provisions of the Framework.

Other Matters

17. Policy DM5 of the SADMP concerns the enlargement or replacement of dwellings in the countryside. Whilst the policy does not explicitly seek to

¹ Case No. 11/00713/F

restrict the scale of replacement dwellings, it requires them to preserve the character or appearance of the area in which they lie, and to reflect the scale of their surroundings. I have identified above that the proposal fails to preserve the character and appearance of its surroundings, which is in part due to its scale. Therefore, as set out above, I do not concur with the contention that the proposal complies with this policy.

18. Whilst the Framework has no specific provisions in respect of replacement dwellings in rural areas, paragraph 130 sets out that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area. Although officer recommendations were to grant permission in this case, planning authorities are not bound to accept the recommendations of their officers and therefore councillors were entitled to reach an alternative view to officers on the effect of the proposal on the character of the area. Thus, I do not find any inconsistency with the provisions of the Framework in this aspect of the Council's decision on the matter. As such, I attach only minimal weight to this matter in determining the appeal.
19. The appellant contends that policies within the CS (2011) are out-of-date due to their age, and considers that they may be inconsistent with the Framework, although only a limited explanation of why this view is held is provided. However, paragraph 213 of the Framework provides that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to them, according to their degree of consistency with the Framework. I have identified no significant inconsistency between Policies CS06, CS08 and CS12 and the aims of the Framework. Accordingly, I do not concur with the submission that these policies should be considered to be out-of-date.
20. The lack of objection of Council departments and other consultees, and submissions that the proposal carries a low flood and contamination risk and that occupiers would have acceptable living conditions, are neutral matters which do not weigh in favour of the proposal. Accordingly, they do not attract any particular weight in my determination of the appeal.
21. The appellant submits that the proposal would enhance highway safety by the provision of a new access. However, minimal evidence is before me to suggest that the current access gives rise to any highway safety issues, and I did not note any apparent significant improvements which would be brought about by the proposed access at my site visit. Thus, there is no substantive evidence that highway safety improvements represent a particular benefit of the proposal and this is consequently a matter to which I attach only minimal weight.
22. An improvement to the security of adjacent agricultural storage is also advanced as a benefit of the proposal. Nevertheless, the evidence before me suggests that the current dwelling at the site remains habitable, and therefore I do not concur with the submission that additional informal surveillance is likely to be a significant benefit of its replacement. Furthermore, the evidence does not indicate that there are problems with security at the agricultural buildings. I therefore attach only minimal weight to this matter.
23. Interested parties have raised concern that the proposed new dwelling would not be affordable for local people. However, these representations provide only

limited evidence on the matter. The appellant provides some evidence in support of his contention that the current dwelling at the site is not affordable, including details of a decision relating to two other appeals² in another area. The policy considered in the other decision restricts extensions to dwellings in rural areas by volume, and the proposal considered concerns extensions to a dwelling. My attention has not been drawn to any relevant restrictions by volume within the King's Lynn and West Norfolk development plan. Accordingly, I consider that the other appeal decision was determined against a different proposal and policy background, such that it has only minimal relevance to the issues in this case.

24. Furthermore, my attention has not been drawn to any development plan policies on the matter of affordable housing. I have, therefore, been unable to ascertain the proposal's compliance or otherwise with any such policy. Thus, I attach only minimal weight to this matter in determining the appeal.
25. Whilst no substantive evidence on the sustainability of the proposed dwelling is before me, even if the scheme included significant sustainable elements this is a matter to which I would attach only limited weight, as the proposal relates to only one dwelling.
26. I have had regard to other matters raised, including the effect of the proposal on light pollution and traffic congestion. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR

² APP/T3535/D/14/2229136 and APP/T3535/D/15/3005581