



Appeal Decision

Site visit made on 7 October 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/V2635/W/19/3234466

The Retreat, Lynn Road, West Rudham, PE31 8RN

- 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 Simon Henson against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/00846/O, dated 9 May 2019, was refused by notice dated 2 July 2019.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application submitted was for outline planning permission with all matters except for access reserved for future consideration. However, drawings showing the site layout and the scale of the proposed development were submitted with the application. Regard has been had to these plans in this recommendation, which is considered as being indicative only.

Main Issue

4. These are as follows: (i) is whether the proposed development would provide a suitable location for housing, having regard to the relevant national and local policies; and (ii) the effect of the proposed development on the character and appearance of the surrounding area.

Reasons for the Recommendation - Suitable location

5. The proposal is for the erection of a single dwelling in the rear garden of 'The Retreat', a detached two storey dwelling. The Council has stated that the appeal site falls outside the development boundary. This has not been disputed by the appellant. Policy DM2 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan, adopted in September 2016 (the DMP) states that areas falling outside of the development boundary will be treated as countryside, where new development will be limited to that identified as suitable in rural areas by other policies of the local plan.

6. Policy CS02 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy, adopted in July 2011 (the LDF) defines the settlement hierarchy. West Rudham is identified in this hierarchy as a smaller village and hamlet, where development is to be limited to specific identified needs only in line with Policy CS06. Policy CS06 seeks to ensure that most new development is focused in key rural service centres, but states that more modest levels of development are permitted in smaller villages and hamlets such as West Rudham, to meet local needs and maintain the vitality of the community.
7. The proposal would have little impact on the maintenance of the vitality of West Rudham due to the limited contributions it would make to the local community by its nature as a single dwelling. Furthermore, no evidence has been submitted to demonstrate that the proposal would respond to local needs. Accordingly, the proposed development is not of a type that would be permitted in smaller villages and hamlets such as West Rudham under of Policy CS06.
8. By virtue of Policy DM3 of the DMP, new development in smaller villages and hamlets is limited to a set of specific examples deemed suitable in rural areas. This includes affordable housing and housing to support the operation of rural businesses. On the evidence available, the proposed development would not represent either affordable housing or housing to support a rural business. As such the proposal is not deemed suitable in the proposed location under Policy DM3.
9. However, Policy DM3 further states that sensitive infilling of small gaps within an otherwise continuously built up frontage will also be permitted in smaller villages and hamlets where the development is appropriate to the scale and character of the group of buildings and its surroundings, and where it would not fill a gap which provides a positive contribution to the street scene. Having regard to the nature and size of the development, the location of the appeal site, and the relationship of the proposal to other existing development adjoining and adjacent to the site, it is clear that the proposal represents backland development rather than infill development. The dwelling would not be situated in a small gap among an otherwise continuously built up frontage, but rather would be located in the rear yard of The Retreat where it would be experienced as a standalone building. Accordingly, the proposal would not be permitted by virtue of Policy DM3.
10. The National Planning Policy Framework (the Framework) states at paragraph 77 that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. It continues that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. The policies of the DMP and the LDF are in accordance with paragraph 77. As the proposal would not relate to affordable housing, this appeal should not be viewed as an opportunity to bring forward the development as a rural exception site in accordance with the Framework.
11. Furthermore, paragraph 79 of the Framework states that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. It is not considered that the proposal would be deemed an 'isolated home' under the Framework due to its location and, in any event, none of the circumstances listed at paragraph 79 are applicable to this appeal.
12. Accordingly, the proposed development would not provide a suitable location for housing, having regard to the relevant national and local policies regarding development in the countryside, and would be contrary to Policies CS06 and CS08 of the LDF and Policies DM3 and DM15 of the DMP.

Character and appearance

13. The appeal site is located in the rear garden of the residential dwelling The Retreat. The immediate surrounds are decidedly rural in nature, with large areas of open, green space in the nearby vicinity. The Retreat forms part of a row of residential buildings which vary in style and design but retain a consistency in terms of character befitting of the rural surrounds.
14. While the plans submitted are for indicative purposes only, the principle of the development of a dwelling in this location would be unacceptable. Such development would result in a cramped appearance at both the appeal site and The Retreat, where the resulting limited amenity space in conjunction with the proximity between the proposal and the surrounding dwellings would be at odds with the rural nature of the surrounding area.
15. Policy CS08 of the LDF states that new development in the borough should protect and enhance the historic environment and should respond to local context and character by ensuring that the scale, density, layout and access will enhance the quality of the environment. Due to the outline nature of the application, matters relating to scale and layout are reserved. Similarly, while the appellant states that the property will be constructed to enhance the historic past and match the positioning of the neighbouring dwelling, limited information is provided in this respect at this stage.
16. Nonetheless, on the basis of the evidence submitted it is not considered that the density of the proposal will enhance the quality of the environment such that it would respond to local context and character, due to the resulting cramped appearance.
17. For the reasons outlined above the proposed development would cause harm to character and appearance of the local area, and would be contrary to Policies CS06 and CS08 of the LDF and Policy DM15 of the DMP.

Other considerations

18. While the appellant makes reference to other backland development in the surrounding area, it is not considered that such development is a defining characteristic of the locality. Rather, the area is defined by its rural nature and for the reasons given above the principle of the proposed development in this location would not respond to this context. Furthermore, this appeal is to be decided on its own site-specific circumstances.

Conclusion and Recommendation

19. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR