



Appeal Decision

Site visit made on 3 February 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 12th May 2020

Appeal Ref: APP/V2635/W/19/3238651

Goldcrest House, Avondale Road, South Creake NR21 9PH

- 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 C Yarham against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/00806/CU, dated 30 April 2019, was refused by notice dated 12 July 2019.
 - The development proposed is extension of residential curtilage for use as garden area.
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Decision

1. The appeal is dismissed.

Procedural and preliminary matters

2. The revised version of the National Planning Policy Framework (the Framework) was updated in February 2019 and replaced the versions published in 2012 and 2018. I noticed that the Local Planning Authority report refers to sections and paragraphs of the 2012 version. For clarity I refer to the 2019 version.
3. The appeal site has a planning history which includes a number of planning applications for either dwellings or change of use of its land. An appeal¹ for a change of use from redundant agricultural land to residential garden was dismissed because the scale of the proposal was considered not in keeping with the scale of existing gardens in the neighbourhood and therefore with the character and appearance of the area. The planning application before me is again for the change of use from redundant agricultural land to residential garden but for a land plot smaller than the previous proposal (0.05ha instead of 0.25ha).

Application for costs

4. An application for costs was made by Mr C Yarham against King's Lynn and West Norfolk Borough Council. This application is the subject of a separate Decision.

Main Issues

5. The main issue is the effect of the development upon the character and appearance of the area, including the effect on the setting of the South Creake Conservation Area (SCCA).

¹ APP/V2635/W/18/3209943

Reasons

6. The appeal site is within the plot of land belonging to the appellant designated as agricultural land to the west of the current curtilage of Goldcrest House. The appeal site is about a fifth of the whole plot and is adjacent to the current house curtilage. The land is currently unkempt and mostly covered by grass. To the north and the east, the land is surrounded by other fields, whilst to the south there are the residential gardens of the other properties facing Avondale Road.
7. In the previous appeal, the proposal of a residential garden extension was not deemed contrary to Policies DM2 and DM3 of the Site Allocations and Development Management Policies Plan (SADMP) (2016) as the lists of examples of developments that might be considered suitable (by the two policies) in rural areas, outside of development boundaries, or that might be acceptable in smaller villages and hamlets, respectively, was considered by the Inspector not exhaustive. The Inspector added that the two policies do not consider extensions of houses or gardens "which are usually covered by separate more specific policies".
8. As the appeal site is currently outside of a development boundary, according to point C.2.1 of the supporting text to Policy DM2 of the SADMP, the proposal "will be subject to policies for development in the countryside, except in Smaller Villages and Hamlets, where Policy DM3 of the SADMP will also apply". Policy DM02 lists examples of developments that might be considered suitable in rural areas. Policy DM3 indicates the types of development considered appropriate in Smaller Villages and Hamlets. South Creak falls in the category of settlements covered by DM3. The proposed development does not fall in any of the types of development listed by the two policies.
9. According to point C.2.5 of the supporting text to Policy DM2, development boundaries were introduced, amongst other reasons, to reduce the extent of rear gardens and other backland included within the boundary at settlement edges and to limit the unrealistic expectations about the development potential of such land. According to the text, the Borough Council "considers that such backland development on the edge of settlements is rarely successful in its relation to the existing frontage properties, to the wider character of the area, and to the form of the settlement and its relationship to the surrounding countryside. The development boundaries therefore presume against this type of development on the edge of settlements". Therefore, to my mind the development of rear gardens and other backland are restricted both at settlement edges and outside of development boundaries.
10. Furthermore, the proposal cannot be considered infill development as an option considered by Policy DM2. Further specific policies pertaining to or supporting the proposals of garden extensions were not presented to me, this means that this type of use is not covered by more specific policies. Having regard to the aims of the policy as set out in the supporting text, these matters lead me to conclude differently to the previous Inspector, that the appeal proposal is contrary to Policies DM02 and DM03 of the SADMP.
11. According to point C.2.2 of the supporting text to Policy DM02, development boundaries help "avoid development encroaching on the countryside and limit urban and village sprawl". Point C.2.10 states that development outside these boundaries "will be limited to that identified as suitable for open countryside in

- various local plan policies". The appeal site has the character of unkempt grassland limited by hedgerows, similar to the character of the surrounding fields to the northern and western side of the property, rather than similar to the mown lawns of adjacent residential gardens to the south of the property.
12. The property already benefits from an amenity garden with adequate size; although the appellant argues that the ratio between the existing garden and built space is less than surrounding development, during the site visit, the existing dwelling did not appear as a cramped form of development. Although the scale of the proposed development has been significantly reduced compared to the previous application, the proposed garden would still be much larger than the residential gardens of the neighbouring properties along Avondale Road and would be out of keeping with the prevailing development pattern and the character and appearance of the surrounding area.
 13. Furthermore, the proposal of a residential garden, especially of the proposed size, would introduce domestic elements into a countryside location in the form of ornamental plantings, garden structures, patios and other domestic paraphernalia that would represent an unsuitable development for the countryside and would result in a detrimental effect on the open character and appearance of the surrounding rural landscape.
 14. Therefore, the appeal proposal is found to be contrary not only to Policies DM02 and DM03 of the SADMP but also in terms of their general legislative context, approach and objectives. The proposal is also in conflict with Policy CS06 of the King's Lynn and West Norfolk Borough Council Core Strategy (2011), which seeks to regulate development in rural areas and to protect the countryside for its intrinsic character and beauty. Policy CS06 also states that the "development of greenfield sites will be resisted unless essential for agricultural or forestry needs".
 15. I believe that points (a) and (b) of paragraph 170 of the Framework have the same objective of conserving the natural environment, whether is 'protecting' a landscape or equally 'considering' the intrinsic beauty of the countryside. Therefore, I conclude that the local policies mentioned in this decision are in agreement with paragraph 170 and the general objectives of the Framework and that the proposal is not compliant with the policies of the Framework.
 16. The site is adjacent to the South Creake Conservation Area (SCCA), a designated heritage asset, and in close proximity to Avondale Farm, a statutory building. One of the conservation objectives within the SCCA draft Statement 1992 is to protect "the setting of the conservation area from development which adversely affects views into and out of the area".
 17. The proposed garden would change the rural character of the appeal site and would result in a detrimental effect on the open character and appearance of the surrounding rural landscape, which consequently would adversely affect views into the area and from the appeal site towards the countryside. Therefore, the proposed development would not preserve the setting of the conservation area and would be contrary to Policy DM15 of the SADMP, which seeks to protect the amenity of the wider environment including its heritage and cultural value.

Conclusion

18. For the above reasons, I conclude that the appeal is dismissed.

S A Schinaia

INSPECTOR