



Appeal Decision

Site visit made on 20 May 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2020

Appeal Ref: APP/V2635/W/19/3243783

Willow Lodge, 80 Small Lode, Upwell PE14 9BG

- 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 and Mrs Taggart against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/01716/F, dated 1 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is the construction of a new detached 4 bed bungalow to land behind 80 Small Lode, Upwell.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the Council's statement of case, it has stated that in the reason for refusal on the Decision Notice there was a typographical error. Where reference was made to the development boundary of Outwell, it should have stated Upwell. Therefore, I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the site is a suitable location for housing.

Reasons

4. The appeal site is located on land to the rear of 80 Small Lode, in an area located between Small Lode and Lister's Road. The development proposed is for a detached bungalow. The access to the site runs along the side of No 80. The site is a green garden area surrounded by mature trees and landscaping and it has a verdant character. The site sits between residential properties and their respective gardens, to the rear is a large grassed area with roofs of houses visible in the distance.
5. Policy CS06 of the Core Strategy (CS) (2011) and Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016) state that land outside development boundaries will be treated as countryside. It also states that new development will be restricted to the uses identified as suitable in rural areas, and that in the countryside will be protected for its intrinsic character and beauty.
6. The site lies outside the development boundary for Upwell and is not allocated for development in the SADMPP. Therefore, for the purposes of the policies, the

site is located within the countryside and is limited to the uses identified as being suitable in rural areas. None of the exceptions set out in Policy DM2 have been put forward. The proposal would introduce a dwelling into an area which is currently open and free from development. This would erode the verdant character which currently exists on the site.

7. The appellants have suggested that there is a large development site nearby, which is outside the development boundary, and was determined when the Council did not have a 5 year supply of housing land. However, the Council has stated that this site was allocated for residential development in the SADMPP. The Council has also confirmed that it has a 7.37 year supply of housing, which the appellants have not disputed.
8. The appellants have made reference to other planning applications which are located outside the development boundary. However, these have not yet been determined, and I have not been provided with full documentation, therefore it is not clear if they are directly comparable. In any case, each proposal must be determined on its own planning merits and within its own context.
9. Consequently, the proposed development would not be in a suitable location for housing. Therefore, it would be contrary to Policies CS06 and CS08 of the CS and Policy DM2 of the SADMPP. These policies, amongst other things, seek to ensure that new development follows a sustainable pattern within defined settlements, unless it is a use identified as being suitable in rural areas.

Other Matters

10. I acknowledge that the proposal would not have a harmful effect on the living conditions of the occupiers of the nearby properties and is well screened from the road. I note that the site could attract small builders and be suitable for older people and would be in walking distance of local services. However, these factors do not overcome the conflict that I have identified above. The appellants have stated the proposal has not received negative comments or objections from neighbours, however, this is neutral consideration in the determination of the proposal.
11. The appellants have raised concerns around the way the application was handled by the Council and the advice that they received, however, this is not a determinative matter for the appeal.

Conclusion

12. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR