



Appeal Decision

Site visit made on 16 June 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/V2635/W/19/3230527

Future Farm, Burdock Lane, Hockwold cum Wilton, Norfolk IP26 4JN

- 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 Mrs Eileen Goddard against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 18/02036/F, dated 6 November 2018, was refused by notice dated 2 April 2019.
 - The development proposed is a small log cabin-style single storey dwelling to replace the current caravan.
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Decision

1. The appeal is allowed and planning permission is granted for a small log cabin-style single storey dwelling to replace the current caravan at Future Farm, Burdock Lane, Hockwold cum Wilton, Norfolk IP26 4JN in accordance with the terms of the application, Ref 18/02036/F, dated 6 November 2018, subject to the following 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 Nos. 01 Existing and Proposed Site Location Plans, 02 Proposed Block Plan, 03 Proposed Plans and Elevations, 04 Proposed Sections and 05 Existing and Proposed Site Levels
 - 3) Prior to the first occupation of the dwelling hereby permitted, the existing mobile home outlined in red on drawing No. 01 Existing and Proposed Site Location Plans shall be removed from the site.

Main Issue

2. Whether the proposal would be appropriate in the context of local and national planning policy over the location of residential development.

Reasons

3. This appeal relates to a site within the open countryside some distance outside the nearest settlement of Hockwold cum Wilton. The existing caravan is located towards the end of a large, elongated land holding nearest Burdock Lane, from where access is taken via a farm track serving just one other nearby dwelling. The location is entirely rural and the site, which appears to be no longer

actively farmed, comprises much naturalised vegetation and boundary screening within a mainly intensively cultivated fenland landscape.

4. The proposal is to replace the caravan with a two-bedroom bungalow on the same site. The bungalow would not be quite as long as the caravan but, having a deeper plan, would extend further at the rear. The accommodation is for the appellant, the elderly occupier of the caravan, who seeks more suitable accommodation within an area where she has local ties and can be provided some care by her grandson.
5. The entire site is covered by an enforcement notice served on 9 February 1988 addressing the unauthorised change of use from agriculture to agriculture and the standing of a residential caravan. There is some evidence that this was subsequently complied with in November 1990, albeit temporarily. There is also evidence to the effect that the Council does not intend to pursue enforcement whilst the appellant resides in the caravan. The Council had apparently withdrawn an enforcement notice against the caravan in 2019, having discovered that served in 1988 and which was considered to remain valid.
6. The appellant refers to evidence of the current caravan having been in place since 2006 and occupied thereafter for a period in excess of 10 years. However, this appeal relates to the refusal of planning permission for the replacement dwelling and any decisions over the lawfulness of the existing caravan or the validity of the enforcement notice against it fall outside the scope of this decision.
7. The appeal site is separated from the nearest village of Hockwold cum Wilton by a large swathe of farmland. This settlement, along with its larger partner of Feltwell, jointly comprise a Key Rural Service Centre (KRSC) as defined in the settlement hierarchy in Policy CS02 of the Council's Core Strategy¹ (CS). The policies of the latter, along with those of the Site Allocations and Development Management Policies Plan² (DM), comprise the development plan.
8. The spatial strategy in Policy CS01 is to direct nearly all new residential development to the places identified for such growth within the settlement hierarchy. One reason for this is to ensure new residential occupiers have reasonable access to services that satisfy basic day to day needs. In the rural context, locally appropriate levels of growth are to take place in KRSCs, such as Hockwold/Feltwell, as well as in other villages.
9. Policy CS06 establishes that, beyond these villages, the strategy in the countryside will be to protect its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.
10. Policy DM1 commits the Council to taking a positive approach that reflects the presumption in favour of sustainable development as contained in the National Planning Policy Framework (the Framework). Policy DM2 treats areas outside defined development boundaries as countryside where new development will be more restricted and limited to that identified as suitable in rural areas by other policies of the development plan.

¹ King's Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy Adopted July 2011

² King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan Adopted September 2016

11. The appeal site falls some distance outside the settlement boundary for Hockwold and thus is in the countryside for development plan policy purposes. Here new development is subject to greater restriction. The Council's development plan predates the most recent Framework of 2019. However, in paragraph 213, the Framework makes it clear that existing development plan policies should not be considered out-of-date simply because they were adopted prior to its publication. It continues by stating that due weight should be given to development plan policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
12. Within the context of delivering enough homes, paragraph 61 of the Framework seeks that development plan policies meet differing needs, including for affordable housing, older people and people wishing to commission or build their own homes. In rural areas, paragraph 77 of the Framework requires that planning policies and decisions be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 79 goes on to state that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more specified circumstances apply.
13. The proposal is for a self-build replacement dwelling. However, in the absence of any binding undertaking that covenants that the appeal dwelling be constructed as such, and that it would continue to be lived in by the appellant or successors for a reasonable period after first occupation, I give this factor limited weight. Whilst the proposal would meet a local need, this would not be for affordable housing as defined in the glossary in Annex 2 of the Framework and nor is there any mechanism for the dwelling to be kept available as such.
14. The proposed dwelling would be physically separate and remote from the nearest village of Hockwold. As I consider none of the circumstances set out in paragraph 79 apply, including those referred to by the appellant for the dwelling meeting the essential need for a rural worker or being of exceptional design quality, the proposal would be the development of an isolated home in the countryside that the Framework recommends planning decisions avoid.
15. The Council's policies which focus most housing within larger settlements and restrict that in the countryside, other than for certain reasons, remain consistent with the Framework's objectives for achieving sustainable development. This includes through securing at least a five year supply of deliverable housing sites and focusing this in locations in order to both promote sustainable transport and protect the intrinsic character and beauty of the countryside. For these reasons, I do not find evidence of the Council's development plan policies being out-of-date and so may afford them full weight.
16. As the proposal would also not meet any of the exceptional criteria referred to in Policy DM2, including in respect of farm diversification under Policy CS06, rural workers' housing under Policy DM6 and affordable housing under Policy CS09, none weigh in favour of this proposal. However, the policies specified in Policy DM2 do not comprise a closed list. In addition to these, Policy DM5 deals with when replacement of dwellings might be permitted in the countryside; a matter upon which the Framework is silent other than in respect of the Green Belt. Policy DM2 states that 'proposals for replacement dwellings...will be

approved where the design is of a high quality and will preserve the character or appearance of the street scene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused’.

17. In occupying the site of the caravan where the appellant resides, I consider the proposal to be a replacement dwelling and for Policy DM5 to be particularly relevant. The Council’s decision notice makes no reference to conflict with this particular policy, nor does it relate to harm to the character and appearance of the area, only touched on briefly in the officer’s delegated report. The small log cabin style bungalow would not be of a particularly high design quality but would nonetheless be of a satisfactory appearance in its isolated context, an improvement on that of the caravan, and well screened by boundary vegetation from views outside the site. Policy DM5 does not explicitly resist replacement dwellings where the existing use of the land is for the siting of a residential caravan nor require the present housing situation to be lawful. As this small-sized proposal would reflect the scale and character of its surroundings and not adversely affect the amenity of the area or neighbouring properties, I find on balance that it satisfies Policy DM5.

Other Matters

18. Consideration has been given to the further matters raised by interested parties at the application stage. My decision is made in respect of the factors pertaining to this case and therefore should not set a general precedent for developments outside of settlement boundaries. The proposal occupies the small site of an existing caravan, within a site that appears not to have been recently farmed. Therefore, a refusal based on the loss of agricultural land would not be justified in this case. Issues of land ownership are not in this instance shown to be a material planning consideration.
19. Regarding the effect on protected bird species, given the site’s close proximity to Breckland Special Protection Area (SPA), I have had regard to the advice provided by Natural England. On this basis, due to its small-scale replacement nature, I conclude that this proposal, either alone and in combination with other plans or projects, would have no likely significant effect on the SPA.

Conclusion

20. The Council’s development plan policies are broadly consistent with those of the Framework and are afforded full weight in this decision. Policy DM2 restricts development outside of defined development boundaries unless for specific categories allowed for by other development plan policies, none of which I found applicable in this case. However, this is not a closed list and Policy DM5 also relates to development in the countryside.
21. Regardless of the issue of lawfulness, the appellant resides on a site where there has been a change of use involving the stationing of one residential caravan. The evidence is that this has been in place for a number of years and is not a recent change of use. The log cabin style bungalow would occupy the present site of this caravan and on this basis would comprise a replacement dwelling. As I have found no harm to the character and appearance of the area, or the amenity it provides, the proposal complies with Policy DM5. As this policy provides one exemption to wider policies generally resistant to housing

in the countryside, I am satisfied the proposal accords with the development plan when considered as a whole. Therefore, I conclude that the proposal would be appropriate in the context of local and national planning policy over the location of residential development.

22. In line with the Council's recommendations, planning conditions are necessary in the interest of certainty which establish the standard three year period for commencement, the drawings approved and the requirement to remove the existing caravan prior to occupation of the replacement dwelling. Subject to these conditions, and having taken into account all other matters put forward in evidence, I conclude that the appeal is allowed.

Jonathan Price

INSPECTOR