
Appeal Decision

Site visit made on 1 September 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/V2635/W/20/3253880

Land off Sandy Lane, Docking PE31 8NF

- 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 & Mrs A Jones against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00141/F, dated 28 January 2020, was refused by notice dated 30 March 2020.
 - The development proposed is erection of a self-build single storey dwelling, vehicular access and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a self-build single storey dwelling, vehicular access and associated works at Land off Sandy Lane, Docking PE31 8NF in accordance with the terms of the application, Ref 20/00141/F, dated 28 January 2020 subject to the conditions set out in the Schedule to this decision.

Procedural Matters

2. The Council is in the process of reviewing its Local Plan. This review is at a very early stage and although the draft policies could be viewed as giving an indication of the direction in which the Council is heading, it is too early to be clear the extent of any objections or which of its policies are consistent with the National Planning Policy Framework (the Framework). I therefore give it very limited weight and it does not alter my conclusions.

Main Issues

3. The main issues are whether the appeal site would be in a suitable location for a dwelling having regard to the development strategy for the area and the effect of the proposed development on the character and appearance of the area.

Reasons

4. Policies CS01 and CS02 of the King's Lynn and West Norfolk Local Development Framework Core Strategy 2011 (CS) set out the overarching approach to the location of development in the District. Together they seek to direct development to the most accessible locations while preventing the encroachment of development into the countryside. There is no dispute between the parties that the appeal site lies outside of a defined development boundary identified within the Council's Site Allocations and Development

Management Policies Plan 2016 (DM) and therefore lies within the open countryside for planning policy purposes.

5. New development within the open countryside is restricted by Policy CS06 of the CS and DM Policy DM2. Policy DM2 lists a number of exceptional circumstances where development within the open countryside may be supported. The proposal does not fit within any of the defined exceptions. As such the proposal is contrary to Policy CS06 and Policy DM2.
6. Policy CS06 also states, amongst other matters, that the strategy for rural areas is to promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity and to maintain local character and a high quality environment. Beyond the villages and in the countryside the strategy will be to protect the countryside for its intrinsic character and beauty.
7. The appeal site forms part of a larger field which at the time of my site visit had the appearance of an overgrown paddock. It comprises a gap between continuous built form along Sandy Lane to the north and a single two storey property (The Old Observatory) to its south. Its frontage to Sandy Lane comprises mature trees and hedgerow which continue along the frontage of The Old Observatory, save for the gap afforded by the access to that dwelling. The southern boundary of the site comprises mature hedgerow and the boundary with the property to the north is a close boarded fence. Agricultural land lies opposite the site and to the south of The Old Observatory.
8. Although it is accepted that the site is located within the designated countryside, it is, nevertheless, immediately adjacent the defined development boundary which runs along the site's northern boundary. It is not therefore situated within the open countryside away from dwellings. However, the Council considers that the site represents the end of built form of any scale heading southwards towards the village, and the start of a clear change in character from semi-rural to rural. It considers the site to be an important transitional gap between more dense residential development and that of a slow reduction in the number of dwellings heading into the open countryside.
9. However, whilst the site is clearly a gap between properties and I agree that it is not an eyesore, because The Old Observatory is the last dwelling along this part of Sandy Lane, it marks the end of residential development rather than being part of a more sporadic pattern or slow reduction in built form. Despite the gap provided by the appeal site, The Old Observatory is viewed along with the dwellings to the north of the site, and within a backdrop of properties situated along the north and western parts of Sandy Lane. Development of the site would fill this gap, consolidating residential development on this part of the lane.
10. However, the design of the proposed dwelling would retain a good amount of space around the building which would be set back from the road frontage in conformity with the general building line. It would be largely screened from views from the east by the retention of the existing mature frontage boundary treatment, much as is the case with The Old Observatory. A new native hedge is proposed to form the rear boundary which would also be in keeping with that of the neighbouring property. This could be secured by way of condition should the appeal be allowed. The proposed development would not bring about a

change to the overall character of the area in such a way that would detract from Sandy Lane or its rural surroundings.

11. Although the dwelling would be single storey, in between sizeable two storey dwellings, there are other single storey properties within Sandy Lane and therefore the design would not be out of keeping with the surrounding development. The proposed dwelling would be viewed in amongst other development and the infilling of the gap would not erode a significant countryside vista given that views are restricted by the existing boundary trees and vegetation. The effect of the proposed development would be limited and localised. The development would protect the character of this part of the countryside and result in a small infill between the existing built development.
12. Docking is identified as a Key Rural Service Centre under CS Policy CS02 where local scale development is to be concentrated. Such centres help to sustain the wider rural community and provide a range of services that can meet basic day to day needs and a level of public transport that can enable access to and from the settlement. The site is located adjacent to an established area of built development at Docking within reasonably close proximity to services and facilities. Accordingly, despite the site being situated within the countryside for planning policy purposes, I consider that it represents a suitable location for development in terms of access to services and facilities.
13. I acknowledge that Docking is already exceeding its requirement for housing provision, and that there is no dispute that the Council has a 5 year supply of deliverable housing land. I further acknowledge that the Council is meeting its requirements in regard to the provision of self-build plots. In this respect, I therefore attribute very modest weight to the appellant's contention that the proposal would be for self-build, noting that I have not been provided with any specific mechanism by which to secure this type of development.
14. However, the Framework does not restrict the provision of housing in excess of identified targets and it provides support for the boosting of the supply of homes. Moreover, paragraph 78 of the Framework advises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities and, in this regard, it is likely that future occupiers would use the services and facilities at Docking and within other nearby settlements.
15. The appellant considers that the effects of recent coronavirus (Covid 19) events add weight to the economic benefits of the development. The effect of recent events is still to be established and therefore I do not have enough evidence to factor such matters in to my planning balance in this case. However, the proposal would make a modest but positive contribution to the area's economy and I attach moderate weight to these benefits.
16. Whilst the proposal to erect a dwelling in the countryside would conflict with DM Policy DM2 and CS Policies CS01 and CS06, and be contrary to the development plan in that respect, the absence of harm to the intrinsic character and beauty of the countryside and access to services and facilities, leads me to conclude that the proposal does not undermine the overall intention of these policies. I afford significant weight to the absence of harms in these respects, and in accordance with the Framework, I attribute great weight to the provision of housing on a small site in an accessible location. This leads me to conclude that the conflict with the development plan is outweighed by other considerations in this case.

17. Accordingly, for the reasons set out above, the site is a suitable location for a dwelling having regard to the development strategy for the area and the effect of the proposed development on the character and appearance of the area. In this regard the proposal accords with DM Policy DM15 and CS Policy CS12 which together and amongst other matters require development to protect landscape setting and be designed to respond sensitively and sympathetically to the local setting.
18. The proposal would also accord with those parts of the Framework which, in addition to the aims set out above, requires development to be sympathetic to local character.

Conditions

19. The Council recommended a number of conditions and the appellant suggested conditions which accord with the list provided by the Council and those suggested by the Highway Authority. I have considered these against the advice in the Framework and the Planning Practice Guidance. Where necessary, and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.
20. In addition to the standard time limit for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of ensuring a satisfactory standard of external appearance, I have included a condition requiring the approval of materials to be used on the exterior surfaces of the development. For reasons of highway safety, it is necessary to ensure the provision of the new access, parking and turning areas, the provision and maintenance of the visibility splays and to prevent a gate or other means of obstruction being put across the new access.
21. I have also included a condition requiring the approval of details of hard and soft landscaping in the interests of the character and appearance of the area. The condition relating to landscaping needs to be pre-commencement as it is likely to affect the early stages of construction.

Conclusion

22. For the reasons given above the appeal is allowed.

S Tudhope

Inspector

Schedule of 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: Site Location Plan Drawing No PL100 Rev B; Proposed Site Plan Drawing No PL101 Rev C; Proposed Floor Plan Drawing No PL102 Rev A; Proposed Elevations Drawing No PL103 Rev A; Proposed Streetscape Elevation Drawing No PL104 and Proposed Internal Elevations Drawing No PL105.
3. Prior to their first use on site, samples of the facing materials to be used for the external walls and roofs shall be submitted to and approved by the Local Planning Authority in writing. The development shall then be constructed in accordance with the approved details.
4. No development shall take place until a detailed (soft and hard) landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The details shall include: plans identifying all proposed planting; written specifications (including cultivation and other operations associated with plant establishment); schedule of plants (noting species, plant sizes and proposed numbers/densities where appropriate); and an implementation programme. The works shall be implemented as approved. If within a period of 5 years of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, another tree or plant of the same species and size as that originally shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.
5. Prior to the first occupation of the development hereby permitted the vehicular access over the verge shall be constructed in accordance with the highways specification (TRAD 4) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
6. Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
7. Prior to the first occupation of the development hereby permitted the proposed on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
8. No gates or other means of obstruction shall be placed across the vehicular access formed as part of this development.

End of Schedule