



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: 25 November 2020

Appeal Ref: APP/V2635/W/20/3254001

Apple Tree Cottage, 62 Docking Road, Ringstead, PE36 5LA

- 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 Messrs Rupert and Jonathan Crowfoot against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00140/F, dated 28 January 2020, was refused by notice dated 13 March 2020.
 - The development proposed is described as "full planning application for the provision of a new single storey dwelling in existing rear garden (re-submission)".
-

Decision

1. The appeal is dismissed.

Main Issues

2. 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

Location

3. 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. Ringstead is designated as a 'smaller village or hamlet' under Policy CS02 where development is to be limited to specific identified needs only, in line with CS 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 Ringstead, to meet local needs and to maintain the vitality of the community.
4. Policy DM3 of the Council's Site Allocations and Development Management Policies Plan 2016 (DMP) allows, in smaller villages and hamlets, for the sensitive infilling of small gaps in otherwise built-up frontages. Whilst the policies pre-date the National Planning Policy Framework (the Framework), Paragraph 213 of the Framework clarifies that they should not be considered out of date simply because of when they were adopted. I afford them significant weight in the determination of this appeal because they are broadly

consistent with the Framework aims of promoting sustainable development in rural areas by requiring housing to be located where it will enhance or maintain the vitality of rural communities.

5. The appellants accept that the appeal scheme does not constitute infilling as allowed for under Policy DM3. However, Policy DM3 also allows in exceptional circumstances, for the development of small groups of dwellings, where the development is of particularly high quality and it would provide significant benefits to the local community.
6. I consider, as did an Inspector in an appeal decision¹ to which I have been referred, that what comprises a small group of dwellings is a matter of judgement. The proposal is for a single dwelling, and although it would be situated close to other dwellings and therefore become part of a small group, it would not be 'the development of a small group of dwellings' that may be considered appropriate by Policy DM3. I reach this conclusion because of the further requirement within this part of the policy for these types of developments to provide 'significant' benefits to the local community.
7. I consider that the provision of significant benefits could only likely be met by the provision of more than a single dwelling. The proposal would have little impact on the maintenance of the vitality of Ringstead due to the modest contributions it would make to the local community by virtue of its nature as a single dwelling. Furthermore, no substantive evidence has been submitted to demonstrate what the local needs are that the proposal would respond to.
8. In addition, I do not consider that the proposal has demonstrated any 'exceptional circumstances' needed to qualify for consideration under Policy DM3. I acknowledge that the Council granted permission in 2017 for a dwelling (Eden House (EH)), situated to the rear of No 60 Docking Road (No 60). No 60 is itself set back from the road frontage between No 58 and Apple Tree Cottage. These dwellings appear as 'backland' development and are situated close to the north boundary of the appeal site. In that case, the Council made reference to what was then the emerging Policy DM3 and determined that the scheme complied with the policy because it was 'high quality' and would not be detrimental to the character of the area.
9. I have not been directed to any specific reference made by the Council as to how this amounted to 'exceptional circumstances', nor how that proposal was of 'particularly' high quality or how it provided 'significant benefits' to the community, such that would satisfy all of the requirements of Policy DM3. In any event, I am not bound by the Council's approval of this adjacent development, and I am not persuaded that its presence and the effect it may have had on the surrounding pattern of development amounts to 'exceptional circumstances' that would justify the principle of the appeal proposal.
10. Accordingly, I conclude that the proposed development is not in a suitable location for a dwelling having regard to the development strategy for the area. Thus, it would conflict with CS Policies CS01, CS02, CS06 and DMP Policies DM2 and DM3 which together and amongst other matters seek to ensure sustainable patterns of development which meet specific identified needs in rural areas.

¹ APP/V2635/W/17/3180020

11. The proposal would also conflict with the Framework which advises that, in rural areas, planning decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Character and appearance

12. The appeal site comprises part of the rear garden of the donor property, Apple Tree Cottage. This property is a large detached dwelling set within spacious grounds and forms part of a predominantly linear pattern of development along Docking Road. The site backs the rear of properties situated along Peddars Way. No 60 and EH interrupt the general pattern of development and appear randomly located within a backland position alongside the north boundary of the donor property and the appeal site. Mature trees and vegetation form the boundary of Apple Tree Cottage with Docking Road. Notwithstanding the presence of ancillary domestic outbuildings and structures within the garden of Apple Tree Cottage, the appeal site is verdant and free from built form. Although part of a private garden, the site positively contributes to the spacious, green and tranquil environment.
13. The proposed dwelling would be of single storey, flat roof form. However, it would not be of modest proportions, providing three bedrooms, one en-suite, a study, separate dining and sitting rooms, a generous sized kitchen, a utility room and a boot room, as well as a bathroom, a separate WC and an integral garage. Although careful attention has been given to creating a high quality, contemporary design that could be accommodated within the site boundaries, the proposal would nevertheless result in the introduction of a dwelling of significant size in a backland position.
14. Notwithstanding the presence of EH and No 60, backland development of this type is not an established or prevalent feature of this part of the village. These dwellings serve to demonstrate the jarring and adverse effect of situating properties in backland positions. They are not examples that should be followed and do not justify the proposed development.
15. The position of the development, remote from the highway, would result in a particularly long driveway running inside of the western boundary of the retained garden area of Apple Tree Cottage. The front elevations of the proposed dwelling would be oriented towards the rear gardens of the neighbouring properties situated on Peddars Way. In combination, this would result in an awkward and somewhat contrived relationship and appearance. The proposed dwelling along with the inevitable increase in domestic paraphernalia and activity, would appear invasive to the tranquil and verdant character of the site. Regardless of whether or not it would be seen from any public viewpoint, the development would, nonetheless, due to its siting, be at odds with the character of the area and would be apparent from nearby properties.
16. Consequently, I consider that the proposal would introduce an inappropriate feature to the site that would fail to integrate effectively with the spatial pattern and character of the area. I have had regard to the high quality contemporary design of the building and the energy efficiency measures proposed. Nevertheless, the development would still result in an uncharacteristic form of siting which would unacceptably harm the character and appearance of the area. Thus, it would conflict with CS Policy CS08 which

requires development to respond to the context and character of places. It would also conflict with the Framework in this regard.

Other Matters

17. I have had full regard to the personal circumstances that have given rise to the proposal. Whilst I am sympathetic to the needs of the appellants and their families, and to the support for the proposal by the Parish Council, and other interested parties, I do not consider that these matters are sufficient to outweigh the harm that I have identified.
18. The site lies within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). The Council has not raised objection on the basis of the effect of the proposal on the AONB and from the evidence before me I see no reason to disagree.
19. The application site is located within the zone of influence of The Wash Special Protection Area and Ramsar and The Wash and North Norfolk Coast Special Area of Conservation. In this instance the Council has raised no objection to the scheme's impact in this regard. DMP Policy DM19 sets out that a financial contribution is required from new housing development to cover monitoring and small scale mitigation at the European sites. I have not been advised whether or not such a contribution has been made in this case. However, as the appeal is being dismissed on other grounds, this is not a matter which needs to be considered further here. Should I have found no harm with regard to the main issues, it would have been necessary for me to give further consideration to the impact upon the protected sites in accordance with the Habitats Regulations.

Planning Balance

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. In this case, I have found that the proposal would be contrary to policies of the development plan as cited above. I attribute significant weight to this conflict.
21. There is no dispute that the Council can demonstrate a five year supply of deliverable housing sites. I have set out above that the policies of the development plan most important for determining the appeal are not out of date and I therefore, as previously stated, afford them significant weight. Consequently, Paragraph 11 d) of the Framework is not engaged.
22. I acknowledge the proposal would have economic benefits in terms of support for services and facilities by future occupiers. There would also be a financial contribution to the Parish Council funds by way of payment of the Community Infrastructure Levy. However, as it is for only one dwelling the economic benefits would be modest. The proposal would comply with the Framework policy to boost the supply of housing, but the contribution would be limited and would not contribute to any evidenced shortfall.
23. I am also mindful that the Framework acknowledges at Paragraph 68 that small sites can make an important contribution to meeting the housing requirements of an area and that the proposed development could be built out quickly.

24. The proposed building is of high quality design and would incorporate a range of environmental measures, including a 'green roof'. This carries some weight in favour of the scheme, but I do not consider that the overall design meets the requirements of Paragraph 131 of the Framework such that great weight should be given to it. Other issues where no material harm has been identified, would be neutral in the planning balance.
25. When considered as a whole, I find that the modest benefits of the development are insufficient to outweigh the clear conflict that exists with the development plan strategy and the harm to character and appearance. Accordingly, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.

Conclusion

26. For the reasons above the appeal is dismissed.

S Tudhope
Inspector