



Appeal Decision

Site visit made on 3 December 2020

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2021

Appeal Ref: APP/V2635/W/20/3254813

Land adjacent to The Russetts, Water Lane, Blackborough End, King's Lynn PE32 1SD

- 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 Peter Jackson against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00232/F, dated 10 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is erection of 4 detached houses and garages and associated site works including vehicular accesses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area, including consideration of heritage assets; and
 - ii) the effect of the proposal on highway safety.

Reasons

Character and Appearance

3. Blackborough End is identified in the development plan as a smaller village and does not have a development boundary. For planning policy purposes, the village is in the countryside. It is characterised mainly by linear development along the road frontages. Water Lane has some houses at its southern end and extends into open countryside. The site fronts onto that road immediately adjacent to the existing built development.
4. Policy DM3 of the Development Management Policies¹ (DMP) allows for sensitive infilling of small gaps within an otherwise continuously built up frontage in smaller villages, subject to consideration of the scale and character of the development and any positive contribution to the street scene made by the gap. The policy also allows for small groups of dwellings in smaller villages in exceptional circumstances where the development is of high quality and would provide significant benefits to the local community.

¹ King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016)

5. Policies CS01 and CS06 of the Core Strategy² (CS) and Policy DM2 of the DMP require protection of the countryside while providing for modest levels of development in smaller villages, limiting this to infilling in smaller villages and hamlets.
6. The nearest buildings to the north of the site are those of Home Farm, which are some distance away. Thus, the site does not form a gap in an otherwise continuously built up frontage. The proposed dwellings would not be exceptional in terms of their design quality or community benefits. For these reasons the proposal would not accord with Policy DM3 of the DMP. Neither would it accord with Policies CS01 or CS06 of the CS or Policy DM2 of the DMP.
7. The proposal would extend the existing built up part of the village into the open countryside. It would alter the rural character of Water Lane, which is narrow and has trees and vegetation along both sides. It would not accord with Policy CS08 of the CS which requires development to respond to context and character and to enhance the quality of the environment.
8. There are the remains of a medieval moated site to the east of the appeal site and in close proximity to it. This is not a designated heritage asset, however Norfolk County Council's Historic Environment Service (HES) states that most medieval moated sites are scheduled monuments. The HES considers that the moated remains are of equivalent significance to scheduled monuments.
9. The existence of these remains has been confirmed by the Historic Environment Record, the Norfolk Museums Service and the National Mapping Programme, and is evident from aerial photography. I noted the changes in level adjacent to the site on my visit. In the field to the west, on the opposite side of Water Lane, there are also earthworks which have been interpreted by the HES as medieval enclosures.
10. The development would affect the setting of the moated remains as it would be adjacent to them. There would also be potential for the development to affect any below ground deposits and any historic relationship between the moat and the earthworks to the west.
11. On the basis of the evidence before me, the moated remains have considerable significance and I concur with the HES's view that they are of equivalent significance to scheduled monuments. Footnote 63 of the National Planning Policy Framework (the Framework) provides that such heritage assets should be considered subject to the policies for designated heritage assets.
12. For the reasons given above the development would harm the significance of the moated remains. The harm would be less than substantial because it would relate to the setting rather than directly affecting the asset.
13. The Council can demonstrate a five year supply of deliverable housing sites and the proposal would not be needed to address any housing shortfall. It would be of some social benefit in providing new housing for families. It would also be of economic benefit in terms of the employment generated by construction and the occupiers' expenditure. However, such benefits would be limited and not enough to outweigh the considerable weight that I give to conservation of the heritage asset.

² King's Lynn & West Norfolk Borough Council Core Strategy (2011)

14. For these reasons the proposal would not accord with Policies CS08 and CS12 of the CS or Policy DM15 of the DMP which require preservation and enhancement of the historic environment.
15. I have taken into account the filling works that have previously taken place. This does not mean that the site is previously developed land, however. Because the site does not include any building or permanent structure it does not fall within the definition of such land contained in the Framework.
16. For the reasons given, the proposal would unacceptably harm the character and appearance of the area.

Highway Safety

17. While the northern and southern parts of Water Lane are two-way roads, the middle part of the road past the site is very narrow and is limited to one-way traffic flow. The width of this part of the road varies between 2.4m and 2.7m. The road is subject to a 30 mph speed limit. Immediately to the south of the site there is a bend in the road, the inside of which is enclosed by a hedge.
18. The proposed dwellings would each have an access onto Water Lane in close proximity to the bend. The stopping sight distance for a vehicle travelling at 30 mph as set out in Manual for Streets is 40m. The available visibility from the southernmost of the four proposed access drives would only be 15m. It is likely that the second drive would also have sub-standard visibility. Visibility between drivers travelling north along the road and those emerging from the proposed drives would not meet the required standard, giving rise to a risk of collision.
19. Furthermore, there are no footpaths or streetlighting along Water Lane, and its restricted width would make it hazardous for pedestrians to share with vehicles.
20. For these reasons the proposal would be unacceptably prejudicial to highway safety. Policy CS11 of the CS requires development to promote sustainable forms of transport including walking, cycling and public transport and provision of safe and convenient access for all modes. Policy DM15 of the DMP also requires provision of safe access. The development would not accord with those policies.

Other Matters

21. The appellant has referred to the proximity of the village to Middleton and King's Lynn and the accessibility of services and facilities in those locations. This does not however form the basis of a reason for refusal and does not alter my views on the main issues.

Conclusion

22. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

