
Appeal Decision

Site visit made on 20 January 2021

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Appeal Ref: APP/V2635/W/20/3261014

Church Road, Emneth, Kings Lynn, Norfolk PE14 8AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs A Cox against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00522/O, dated 23 March 2020, was refused by notice dated 2 June 2020.
 - The development proposed is the construction of three dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the principle of the proposed development with specific regard to the character and appearance of the area.

Reasons

3. The appeal site is outside of the defined development area for the settlement. The evidence suggests it is part of a parcel of land that abuts the extent of the development area as it is shown on the relevant inset map for Emneth. The settlement is defined in the Local Plan¹ as a Key Rural Service Centre and thus a focus for some new development. The appeal site is the front and road facing section of an open and undeveloped field. It directly abuts the back edge of Church Road and offers clear views north into the wider countryside. Trees line its boundary with Bambers Lane. Two detached dwellings have been erected on the wider site, fronting the road. The evidence suggests these were outside of the development area when they were granted planning permission. Residential development lines the south side of Church Road and both sides further east and west. There is also some fronting Bambers Lane. Whilst I shall address this again later, the appellant does not contest that the Council are currently able to demonstrate a supply of housing sites in excess of the five years required by the Framework².
4. The proposed development of three dwellings would not be in the settlement as it is defined by the Local Plan. Policy DM2 sets out that development should be directed to within settlement boundaries and in the countryside (outside of

¹ Kings Lynn and West Norfolk Site Allocations and Development Management Policies Plan 2016

² The National Planning Policy Framework 2019

settlement boundaries) it will be limited to expressed types identified as suitable for rural areas. Open market housing is not one of those types and as such there would be conflict with this policy.

5. Policy DM2 refers to development being directed to within development boundaries in accordance with other policies of the development plan. In the case of the proposed development this would be to ensure sustainable patterns (access to services) through the spatial strategy of Policy CS01 and the settlement hierarchy of Policy CS02, both of the Core Strategy³. Whilst outside of the settlement, future occupiers of the dwellings on the appeal site would be no less able to access the services in Emneth via sustainable means than those of dwellings much further east and west. In actual fact, the appeal site is closer to services than a lot of other dwellings that are within the settlement.
6. Be this as it may, the same could be said of other undeveloped green field sites immediately adjacent to the settlement boundary. The cumulative effect of the development of which, if this argument were to be followed to its logical conclusion, could undermine the spread of development as envisaged by the aforementioned policies. It remains, as I have alluded to above, that the Council has an uncontested healthy supply of housing sites and as such there is nothing sufficient in the appeal scheme to approach a decision on it otherwise than in accordance with the development plan.
7. Moving on, the development plan's policies on the location of new development also exist to direct new development to within settlements in order to protect the countryside from urban sprawl. In addition, Policies CS06 and CS08 of the Core Strategy seek to maintain local character, respond to context and be of a high quality design generally. I am also mindful of the stance of paragraph 170 of the Framework which sets out, amongst other things, that decisions should recognise the intrinsic character and beauty of the countryside.
8. As I have alluded to above, the appeal site is part of an open and undeveloped field that sits on the edge of the village. It offers views across it to the wider countryside beyond and thus a clear appreciation of the settlement's rural context. It is one of a number of such sites that are on the edge of the settlement that fulfil this role. The development of the appeal site would all but erase the open gap and sense of rural setting that it provides. It would result in a continuous line of built form along the road, accordingly increasing the density of development which, whilst of limited harm in and of itself, would add to further erosion of the open feel of the site and how it contributes to the setting of the settlement in the wider countryside.
9. With the above factors in mind, the appeal scheme would give rise to harm in terms of it being located outside of the settlement boundary and to the character and appearance of the area in the terms I have described it. This would be contrary to Policies CS06 and CS08 of the Core Strategy, DM2 of the Local Plan and paragraph 170 of the Framework. I have set out the aims of these policies above.

Other Matters

10. The appellant has drawn my attention to the requirement for an early review of the Local Plan and specifically Policy DM2A. Since this has not been concluded,

³ Kings Lynn and West Norfolk Local Development Framework Core Strategy 2011

the appellant is of the view that the Local Plan is out of date, referring accordingly to paragraph 11 of the Framework. I have not been able to see a copy of Policy DM2A, it hasn't been provided in the evidence. However, the cases of the main parties suggests that the early review was required to update allocated sites. The Council's case sets out that they have commenced work on the review and consultation thereon was underway in 2019.

11. As far as I can see from the evidence, and as I set out above, the Council's supply of housing sites is above the five years required by the Framework. In addition, the most important policies largely accord with the aims and direction of the Framework in regard to directing development to those areas that have access to services and sustainable transport modes, reducing the need to travel, recognising the character of the countryside and ensuring good quality, contextually appropriate design. I cannot see a situation therefore that I should apply the so called tilted balance set out by paragraph 11
12. As part of the Local Plan review, the appeal site was suggested for residential allocation. There is evidence to suggest that the site was looked upon favourably and may come forward in a future iteration of the Local Plan. Be this as it may, the appeal site is not allocated in the adopted development plan and, under its policies, currently sits outside of the settlement where the principle of its development would be unacceptable and give rise to harm to the character and appearance of the area. This matter does not therefore change my conclusions on the main issues of the case.
13. The appellant has drawn my attention to an appeal that was allowed for residential development in Docking, reference APP/V2635/W/20/3253880. I note my colleague's findings in this regard and indeed have recognised in my decision how the proposed development would provide dwellings within reach of services. However, I have explained how using this argument alone could have future implications for other such sites. In addition, I have found harm to the character and appearance of the area wherein my colleague did not in the Docking case. I am not therefore minded to allow the appeal in light of this decision.
14. There would be some benefits to the proposed development. It would add to housing choice and mix locally, facilitate investment into the local economy through construction and expenditure of occupiers going forwards. There is also a suggestion that the proposed development would add to biodiversity, enhancing local habitat through bird and bat boxes and native hedges. I would attach some weight to these benefits although that would be tempered by the contextually small scale of the proposed development. In addition, I have no details before me as to whether the biodiversity enhancement measures would be appropriate for the site or the local area. Indeed, no habitat surveys have been undertaken to my knowledge. Setting these benefits against the harms and conflicts with the development plan that I have found, to which I ascribe substantial weight, my conclusions on the appeal scheme would not change.
15. Paragraph 78 of the Framework sets out, amongst other things, that housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that, where there are groups of smaller settlements, development in one village may support services in a village nearby. The proposed development may well enhance the vitality of the community through use of the settlement's services although it seems they are

already well served by the incumbent population. There is nothing to suggest that they are in any danger of not being so, such that three new dwellings would make a significant difference. Also, I am not aware of any group of settlements to which Emneth belongs such that there is any form of inter reliance on shared services of any kind. It is unclear therefore as to whether development in or around Emneth would necessarily support services in other villages nearby.

Conclusion

16. For the reasons I have set out above, the appeal is dismissed.

John Morrison

INSPECTOR