The Planning Inspectorate

Appeal Decision

Site visit made on 18 January 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 09 February 2021

Appeal Ref: APP/V2635/W/20/3260045
Land at Lode House, Church Lane, Hockwold cum Wilton, Norfolk IP26 4ND

- 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 Mr D Rutterford against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 20/00452/O, dated 18 March 2020, was refused by notice dated 14 May 2020.
- The development proposed is one new dwelling with associated garage and parking.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved except access. A proposed site plan was included to show how the scheme might be laid out on the site, but this is only illustrative.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for a new dwelling having regard to the development plan and safe accessibility for pedestrians.

Reasons

4. The proposal is for a single dwelling on a piece of overgrown garden land including an old garage/shed building immediately to the east of Lode House on Nursery Lane. A group of buildings including two detached houses lie opposite the site and on the other side of Lode House, where Nursery Lane joins Church Lane via a dirt track, is a short row of three or four terraced houses. This grouping of well-established vernacular dwellings and associated buildings lie within a rural setting just outside Hockwold cum Wilton village.

5. The site lies outside the development boundary of Hockwold cum Wilton defined by Policy DM2 of the Site Allocations and Development Management Policies Plan (the SADMPP). As such the site lies in the countryside for planning policy purposes where Policy DM2 states new development will be restricted to certain limited categories, none of which apply in this case. The SADMPP was adopted in 2016 to define development boundaries and allocate land to deliver the requirements and strategy of the Kings Lynn and West Norfolk Core Strategy adopted in 2011 (the CS).

6. Hockwold cum Wilton with neighbouring Feltwell are designated by CS Policy CS02 as a Key Rural Service Centre where 'limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported' but only within 'development limits' and in accordance with Policy CS06. This states that provision will be made for 2,880 new homes 'within or adjacent to selected Key Rural Service Centres' beyond which the countryside will be protected for its intrinsic character and beauty. The SADMPP subsequently allocated suitable sites, including 100 dwellings at Feltwell and a small site for 5 dwellings on the edge of Hockwold cum Wilton at South Street. Thus, contrary to the appellant's claim, there is no blanket policy restricting housing development in the village and indeed suitable provision has been made in accordance with the CS. The SADMPP was found to be consistent with the National Planning Policy Framework (NPPF) through the examination process.

7. The appellant does not dispute that the Council can demonstrate five years supply of deliverable housing land[1] but nevertheless argues that both the CS and SADMPP are out of date because they predate a Court of Appeal decision regarding the definition of an isolated dwelling[2] and the latest version of the NPPF published in 2019. However, the Council do not claim the site is isolated and the current NPPF contains similar provisions to the 2012 version in relation to boosting the supply of homes and rural housing policy. No appeal decisions have been submitted which conclude the CS or SADMPP are out of date.

8. In addition, the appeal site is about 250 m away from the built-up area of the village to the north and east and the two rural lanes which provide access are narrow, unlit and have no footways. Whilst their status is complex, it would appear Nursery Lane to the east is a byway open to all traffic where vehicular use is permitted but the route is not maintained to a high standard whilst to the north Church Lane is maintained as far as the triangular green after which a dirt track of uncertain status links to the end of Nursery Lane and the site.

9. In any event, with the main services and facilities in the village including the church, school, public house, shop, recreation ground and bus stops located on Main Street to the north, Church Lane is likely to be the most frequently used pedestrian route to and from the site. Although these facilities are located within about 400 to 600 m, an easy walking distance, the route involved raises significant highway safety concerns. There is no footway until the churchyard gate is reached just before the village green and, as the highway authority observe in their objection, up to that point the carriageway is narrow so pedestrians would have to step onto the grass verge to allow vehicles to pass. Forward visibility is also poor due to a double bend along the lane, particularly alongside the churchyard wall where there is only a narrow verge on one side offering little refuge for pedestrians. The alternative route along Nursery Lane is longer, poorly maintained, and also has narrow verges with no footways.

10. As well as pedestrian movements, an extra dwelling in this location would result in additional traffic using these narrow rural lanes leading to further pedestrian-vehicle conflict and consequent risks to highway safety. The lanes provide recreational access from the village to the Little Ouse and the wider countryside.

[1] The Council's report dated April 2020 claims at least 6.97 years supply.
[2] [2018] EWCA Civ 610

11. There is no dispute that Hockwold cum Wilton is a Key Rural Service Centre with a sufficient range of services and facilities to be regarded as a sustainable location for limited development, and the site lies within reasonable walking distance of the village. However, the site lies in the rural surroundings of the village rather than the built-up area and falls outside the defined settlement boundary in the SADMPP where countryside policies restrict development. In addition, the access to the site along rural lanes would lead to increased pedestrian-vehicular conflict and highway safety concerns. Whilst car journeys from the dwelling to and from the village and its facilities would be short, some pedestrian movements would also be likely given the distance involved.

12. The appellant claims the site is previously developed land but with a previous use as residential garden the majority of the site falls outside the definition. Attention is also drawn to a series of appeal decisions to support the proposal but these relate to other districts and are not directly comparable.

13. For these reasons the appeal site is not an appropriate location for a new dwelling having regard to the development plan and safe accessibility for pedestrians. The proposal would conflict with Policies CS01, CS02, CS08 and CS11 of the CS and Policies DM2 and DM15 of the SADMPP which restrict development outside defined settlement boundaries, protect the countryside beyond the villages for its intrinsic character and beauty, and require proposals to provide good walking links and safe and convenient routes for pedestrians.

Conclusion

14. The proposal would provide an additional dwelling which would make a useful contribution towards local housing needs in a location close to a sustainable settlement and would offer social and economic benefits for the village. The scheme would be delivered quickly, make use of a disused site, include ecological enhancements and would be sited next to an existing group of dwellings. However, these material considerations do not outweigh the conflict with the development plan and the risks to pedestrian safety that would arise.

15. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR