



Appeal Decision

Site Visit made on 16 February 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Appeal Ref: APP/V2635/W/20/3263436

Cedar View, Walnut Road, Walpole St. Peter, PE14 7PE

- 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 Darren Boyle against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/01164/F, dated 5 August 2020, was refused by notice dated 4 November 2020.
 - The development proposed is the erection of detached machine store (with storage above) and erection of external bar and associated change of use.
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Decision

1. The appeal is dismissed insofar as it related to the erection of a detached machine store (with storage above). The appeal is allowed insofar as it related to the erection of an external bar with an associated change of use and planning permission is granted for the erection of an external bar with an associated change of use at Cedar View Walnut Road, Walpole St. Peter, PE14 7PE in accordance with the terms of the application, Ref 20/01164/F, dated 5 August 2020, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: SE-1459-100 Rev C.
 - 2) Within four weeks of the date of this decision the 1.2m post and rail fencing shown on drawing SE-1459-100 Rev C, which separates the area of garden land hereby approved and the agricultural/paddock land to the north, shall be erected and maintained in perpetuity. The laurel hedging shown on this boundary shall be planted in the next available planting seasons and any that die or become severely damaged or seriously diseased within 5 years from the date of this permission shall be replaced with plants of a similar size and species in the next available planting seasons, unless the Local Planning Authority gives written approval for any variation.

Applications for costs

2. An application for costs was made by Mr Darren Boyle against King's Lynn and West Norfolk Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The external bar has already been constructed and is in situ on site. I therefore determine the appeal on that basis. The appellant advises that they are proceeding with the alternative detached machine store which was approved

under reference 19/00143/F and I observed that construction was substantially underway at the time of my site visit. Nonetheless, the description of development and the plans before me include reference to the detached machine store in what would have been its revised position, and I have accordingly considered it as part of this appeal.

4. For the reasons that follow, I find the external bar with an associated change of use to be acceptable and these elements are clearly severable both physically and functionally from the detached machine store. Therefore, I intend to issue a split decision in this case and grant planning permission for the external bar with an associated change of use.

Main Issues

5. The main issues are (i) the effect of the external bar and associated change of use with regard to encroachment into the countryside and (ii) the impact of the detached machine store on the living conditions of the occupiers of Cranny Hill, with particular reference to an overbearing impact.

Reasons

External bar and associated change of use

6. The bar as constructed is located partially inside and partially outside of the defined residential curtilage of the dwelling. The plans submitted show that a relatively modestly sized area of existing agricultural/paddock land is proposed to be incorporated into the residential curtilage as garden land, in addition to the area on which part of the bar has been constructed.
7. The bar is a building of a limited footprint and limited height. It is also of an appropriate visual appearance. The extent of the change of use that is proposed would extend the residential curtilage to approximately the same line as the gravelled driveway that has been permitted to serve the machine store allowed by permission reference 19/00413/F.
8. Policy CS06 of the Core Strategy 2011 (CS) allows for development on greenfield land in the countryside that is essential for agricultural or forestry needs and Policy DM2 of the Site Allocations and Development Management Policies Plan 2016 (DMP) seeks to restrict development outside of development boundaries. Whilst the bar (in so far as it is outside of the existing curtilage) and the proposed change of use do not accord with either policy, there is neither a significant visual impact nor a significant encroachment into the countryside, for the reasons I have outlined.
9. In this instance therefore, these circumstances represent a material planning consideration which outweighs what would be only a very limited conflict with these development plan policies. There would also be no conflict with the National Planning Policy Framework (The Framework) where it seeks to protect the intrinsic character and beauty of the countryside.

Machine store

10. The proposed machine store subject to this appeal would be a building of substantial height and bulk which the plans show would be located immediately adjacent to the common boundary with Cranny Hill. This adjacent dwelling is a

bungalow with a number of windows facing towards the site of the proposed machine store, and it also has a rear garden in the area in-between.

11. The proposed siting on the common boundary would mean that the proposal would have a dominant and overbearing impact on both the dwelling at Cranny Hill and its rear garden area, resulting in harm to the living conditions of the occupiers of this dwelling through a loss of outlook.
12. With respect to the fallback position of the approved machine store, this would be located further away from the boundary and accordingly its impact upon Cranny Hill would not be the same. Therefore, the fact that the fallback position exists does not justify the machine store which is proposed on the plan submitted with this appeal.
13. For these reasons, I conclude that the proposed machine store would fail to accord with Policies CS08 of the CS and DM15 of the DMP, where they seek to protect the living conditions of the occupiers of nearby dwellings. There would also be a conflict with The Framework where it seeks to achieve well-designed places.

Conditions

14. A condition confirming the approved plan is required, as this clearly denotes both the bar building and the area of land which is subject to the approved change of use. It is also necessary to impose a condition requiring that the fencing and laurel hedging shown on the approved plans is put in place, so that the respective extents of the residential curtilage and the agricultural/paddock land are defined
15. I acknowledge the comments from the Community Safety & Neighbourhood Nuisance team with respect to the external bar and the potential provision of additional fencing adjacent to it to reduce noise. However, the proposal is for a domestic use and therefore it is not reasonable or necessary to impose such a condition.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

Graham Wraight

INSPECTOR