



Appeal Decision

Site Visit made on 7 April 2021

by Graham Chamberlain BA(Hons) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2021

Appeal Ref: APP/V2635/W/20/3262151

Land North West of Garden Lodge, Low Road, Roydon, Norfolk PE32 1AN

- 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 Hardy Builds Ltd against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 19/02008/O, dated 19 November 2019, was refused by notice dated 27 August 2020.
- The development proposed is described as 'erection of four dwellings and all associated works'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the erection of seven dwellings, but the proposal was amended to four during the Council's assessment of the proposal. I have considered the appeal on this basis. The application has been submitted in outline with all matters of detail reserved for future consideration save for 'access'. Thus, I have treated the layout drawings as indicating how the development could be configured rather than as a firm proposal.

Main Issues

3. The main issues in this appeal are: 1) Whether the appeal site is a suitable location for the proposed development, with reference to the spatial strategy in the development plan; and 2) The effect of the proposed development on the character and appearance of the area.

Reasons

The suitability of the appeal site for the proposed development

4. Policy CS01 of the CS¹ seeks to deliver locally appropriate levels of growth in areas that maintain the sustainability of local communities and rural services. To achieve this spatial strategy, Policy CS02 of the CS sets out a settlement hierarchy wherein Roydon is identified as one of the Smaller Villages and Hamlets (SVH). Policy CS2 explains that development in SVHs is to be limited in accordance with Policy CS06 (and by extension Policy CS09) of the CS. Policy CS06 explains that beyond the villages the strategy will be to protect the countryside for its intrinsic character and beauty.

¹ The King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy 2011

5. Policies DM2 and DM3 of the DMP² provides further guidance on how the spatial strategy for SVHs is to operate. Policy DM2 sets development boundaries and explains that the areas outside these will be treated as countryside, where new development will be more restricted and will be limited to that identified as suitable by the other policies of the local plan. Settlement boundaries have not been placed around SVHs, but Policy DM2 explains that infilling in accordance with Policy DM3 will be permitted in these settlements.
6. The supporting text to Policy DM3 explains that there are no development boundaries around SVHs to prevent the amount and type of development beyond that envisaged by the Core Strategy from occurring. However, it goes on to explain that this does not mean there is an embargo on development in SVHs. Instead, the focus will be on permitting categories of development that are appropriate for a rural area and meet specific needs. Policy DM3 clarifies these categories. The appeal scheme would be a residential development but would not be a conversion of an existing building, in support of a rural business or involve the delivery of affordable housing. This only leaves infilling as a possible form of residential development permitted in principle by Policy DM3.
7. The appeal site encompasses a paddock which provides a pleasant verdant backdrop to the houses along Low Road. The paddock is enclosed by hedging and accessed through a five-bar gate. From Low Road, and the common opposite the site, there is a narrow view of the paddock and undeveloped countryside beyond. Thus, the paddock reinforces the rural character of the settlement by providing a green backdrop and a visual and spatial connectivity to the more open landscape beyond the village. It follows that the proposal would develop a site that positively contributes to the street scene.
8. Although the appeal site is located between Garden Lodge and 27-29 Low Road, the houses would nevertheless be arranged in depth behind the frontage development of 31-35 Low Road. As a result, the appeal scheme would not infill a gap within a continuously built up frontage. The development would also span the entire width of the paddock, which is not a small gap. Being an outline scheme details of the design are not before me so therefore it has not been demonstrated that a high-quality design would be achieved. There is no substantive evidence before me to demonstrate the four dwellings proposed would provide significant benefits to the local community. Accordingly, the proposal would not be the type of infilling supported by Policy DM3 of the DMP.
9. In conclusion, the proposal would be at odds with, and thus harmfully undermine, the adopted spatial strategy for housing in the development plan and the public interest in having a planning system that is genuinely plan led. In this respect, the appeal site is not a suitable location for the proposal.

The effect on the character and appearance of the area

10. As already explained, the appeal site is an undeveloped paddock with a bucolic character that contributes positively to the rural character and setting of the village in both a spatial and visual sense. Its development for housing would harmfully erode this intrinsic quality due to the inherent urbanisation that would occur. The access road would be a particularly apparent urbanising feature that would discordantly cut through the site boundary.

² Site Allocations and Development Management Policies Plan 2016.

11. There is housing arranged in depth immediately to the west of the appeal site. It was approved at a point in time when the Council were unable to demonstrate a five-year housing land supply and therefore any harm would have to have significantly and demonstrably outweigh the benefits for permission to be refused. That said, the housing is now an established part of the character and appearance of the area and cannot be disregarded. Nevertheless, the housing is a discordant anomaly due to the overriding frontage pattern of development along Low Road. The appeal scheme would jar with this pattern of development. The harm that would occur from this would not be justified by the presence of a single isolated example of in-depth housing, which itself is out of character with the grain of development.
12. The presence of housing at the appeal site could be softened through a comprehensive landscaping scheme, which could include an area of dense planting to the side of 35 Low Road. Moreover, the appellant's have suggested that the houses could be designed to appear as a cluster of agricultural type buildings converted to homes. This could be quite successful if there is authenticity to the form, scale, materials, boundary treatment and detailing. Keeping the height of the development low, and the size of the houses modest, would also lessen the impact on the surrounding area and street scene.
13. Depending on the quality of the design, the above points could reduce the impact on the character and appearance of the area. However, the view out to open countryside through the site would still be harmed. Developing the site would also have an inherent impact on the setting of the village in a spatial sense, by eroding the connectivity between Low Road and the common with the landscape beyond. Overall, the development of the paddock would result in a harmful residual impact on the character and appearance of the area.
14. The appeal scheme would involve off site highway works comprised of a footpath, passing bays and junction widening at Lynn Road. These hard engineering works would harmfully erode the softer rural qualities of the common. However, Low Road is a rural lane that is lightly trafficked by slow moving vehicles and is wide enough for a pedestrian to pass a vehicle, as I observed several times. Failing this a pedestrian could step off the carriageway onto the common in ample time to avoid an approaching vehicle. As a result, the proposed footpath is unnecessary.
15. Similarly, there are already several properties along Low Road. There is no substantive evidence before me to suggest the width of the carriageway has proven to be unsafe for these residents. There is nothing to demonstrate the very modest increase in trips caused by the proposal would cross a tipping point necessitating the widening of the Lynn Road junction and two passing bays being constructed. Thus, the highway works would be unnecessary. As a result, these aspects of the proposal could be refused due to the harm that would be caused to the character and appearance of the area without it effecting the acceptability of the four houses.
16. Nevertheless, for the reasons already given the residential component of the scheme alone would harm the character and appearance of the area. This would be contrary to Policies CS01, CS06, CS08 and CS12 of the CS and Policy DM15 of the DMP, which seek to secure development that maintains and protects local character and distinctiveness by responding sensitively to the local setting and pattern of the area, including spaces between buildings.

Other Matters

17. The development plan policies referred to predate The National Planning Policy Framework, and this engages Paragraph 213 therein. This states that the weight to be afforded to development plan policies depends on their degree of consistency with the Framework. The Framework simultaneously requires the delivery of housing, recognition to be given to the intrinsic character and beauty of the countryside, for villages to grow and for sustainable transport to be promoted. The use of infilling policies and settlement hierarchies and boundaries can address these aims and therefore Policies CS01, CS02, CS06, CS08, CS09, DM2 and DM3 are broadly consistent with the Framework. These policies, as well as Policy CS12 and DM15, are also consistent with the aim in the Framework of securing development that is sympathetic to local character. Thus, the conflict with them that I have identified carries significant weight.
18. The appellant speculates that the Council may not be able to demonstrate a five-year housing land supply, but substantive evidence and alternative figures have not been provided to support this proposition or demonstrate that the Council's assertion it has a healthy supply of 7.96 years is inaccurate. As a result, Paragraph 11d) of the Framework is not relevant in this instance.
19. The appeal scheme would be a small development that could quickly deliver four houses near a bus stop, on the edge of a settlement and close to the Joint Key Rural Service Centre (JKRSC) comprised of Pott Row, Gayton and Grimston. There are services and facilities available in these villages that future residents could provide modest support to, which would boost village vitality. However, there is nothing to suggest these services are failing for lack of patronage, which qualifies the benefit a little.
20. The appeal scheme would support the construction industry, but this would be modest and short lived. The proposal would also slightly boost the supply of housing. This needs to be considered in the context of what appears to currently be a local spatial strategy that is delivering a healthy land supply and is therefore significantly boosting the supply of housing. The highway works could benefit highway safety, but they are unnecessary to make the development acceptable. Thus, the benefits accrue modest weight and would not outweigh the conflict with the development plan.
21. The Council has referred to the need to secure a 'habitat mitigation fee' at the reserved matters. However, any financial contributions would need to be secured at the outline stage, which is when the principle of development is considered. Only those matters reserved can be assessed later. However, given my overall conclusion there is no need to consider this further.

Conclusion

22. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR