



Appeal Decision

Site visit made on 22 March 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Friday, 14 May 2021

Appeal Ref: APP/V2635/W/20/3251741

**Stow Corner Farm, Stow Corner, Stowbridge, King's Lynn, Norfolk
PE34 3PS**

- 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 Client of Ian J M Cable Architectural Design against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref: 20/00089/O, dated 15 January 2020, was refused by notice dated 13 March 2020.
 - The development proposed is two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for future determination. Plans have been provided showing the proposed siting of the dwellings and the proposed north-east elevation. I am advised that these are indicative only, and I have considered the appeal on this basis.
3. The results of the 2020 Housing Delivery Test (HDT) were published on the 19 January 2021. The results show that King's Lynn and West Norfolk Council delivered 94% of its housing requirement over the preceding 3 years. The main parties have been afforded the opportunity to comment on the implications of these results for this appeal. I have had regard to their comments in my decision.

Main Issue

4. The main issue is whether the appeal site is an appropriate location for residential development having regard to the development plan and national policy.

Reasons

5. The appeal site is an area of maintained garden with vegetation and trees extending to the junction of Stow Bridge Road and West Way. As a result, the appeal site has a frontage to both of these roads. The appeal site's side and rear boundaries adjoin neighbouring dwellings with areas of open countryside and woodland beyond its front and opposite side boundaries.
6. The development plan comprises the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy (CS) which was adopted in 2011 and the Borough Council of King's Lynn and West Norfolk Site

- Allocations and Development Management Policies Plan (SADMP) which was adopted in 2016. CS Policy CS01 sets out the Council's spatial strategy for the borough in order to focus development towards the most sustainable locations in accordance with the settlement hierarchy as defined by CS Policy CS02.
7. Within CS Policy CS02, Stowbridge falls within the classification of 'smaller villages and hamlets' where development will be limited to specific identified needs only in accordance with CS Policy CS06. This Policy sets out the strategy for development within rural areas with the aims to promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity and to maintain local character and a high-quality environment.
 8. For the purposes of applying planning policy, the village has no development boundary and the appeal site is thus regarded as being located within the countryside. However, given the proximity of other dwellings, I do not consider that the appeal site would be 'isolated' for the purposes of the National Planning Policy Framework (the Framework), since it cannot be said that it would be far away from other places, buildings or people, albeit the location is rural. At such locations, SADMP Policy DM3 is permissive of certain categories of development (small scale employment use or tourism facilities, community facilities, conversion of an existing building, affordable housing or to meet a specific identified local need). However, it has not been put to me that the proposal would satisfy any of the listed categories.
 9. However, SADMP Policy DM3 goes on to provide for '*the sensitive infilling of small gaps within an otherwise continuously built up frontage*' within Smaller Villages and Hamlets. Whilst the location of Stow Corner Farm and Chilton Foliat are acknowledged and even if I were minded to accept the view that the site is 'small' for the purposes of this policy, the proposed development cannot be said to fill a gap between existing buildings.
 10. In any event, there is a relatively large gap between the appeal site and Stow Corner Farm and given its position on the junction corner this results in it not being set within a continuous built-up frontage. I am not satisfied that the proposal sits within a continuously built-up frontage nor that it would comprise a form of infill development in the context of SADMP Policy DM3. Thus, there is no need to give any further consideration to the limbs of SADMP Policy DM3 concerning the appropriateness of scale, character and the appeal scheme's contribution to the streetscene.
 11. Reference has been made to Stow Bridge being elevated to a 'rural village with a development boundary' within the emerging Draft Local Plan together with draft Policy 26 which is stated to be supportive of residential development adjacent to settlement boundaries. However, on the basis of the evidence before me it is not clear that the appeal site would be adjacent to any such defined settlement boundary, nor would it amount to 'sensitive infilling', for the reasons given above. Furthermore, as an emerging policy it is yet to be found sound and adopted and I therefore attach only very limited weight to it.
 12. The appeal scheme would contribute two additional dwellings towards the supply of housing within the borough and the future occupants would provide support to local services and facilities including a village hall, public house, hairdresser, church, butcher, tearoom, farm shop, clothing and equestrian store, bus service and a nearby primary school and shop at Wimbotsham.

Whilst this would contribute to the vitality of rural communities as is advocated by paragraph 78 of the Framework and support the general aims of CS Policy CS06 insofar as it seeks to maintain the vitality of communities, the site is an area defined as countryside within the CS, and there are no exceptions contained within relevant policies which justify this form of development. The appeal proposal would comprise two new dwellings and a form of urban encroachment into an area of land defined as countryside and it would be contrary to the aforementioned policies which seek to protect areas in the open countryside from unjustified development.

13. Overall, the appeal proposal does not amount to infill development for the purposes of SADMP Policy DM3 and therefore I conclude that the appeal site is not a suitable location for residential development. It would conflict with CS Policy CS06, the requirements of which are set out above.

Other Matters

14. The Council are presently able to demonstrate a five-year supply of deliverable housing sites. The 2020 Housing Delivery Test for King's Lynn and West Norfolk Council indicates that it achieved 94% of housing delivery measured against its housing target over the last 3 years. This is considerably more than the 75% benchmark used to define substantial under delivery in the Framework.
15. Consequently, as the Council is able to demonstrate a 5 year housing land supply, and as the latest Housing Delivery Test result is greater than 75%, neither of these considerations results in policies which are the most important for determining the application being considered out-of-date in the context of paragraph 11 of the Framework.
16. Although the appeal scheme is in outline form with matters of appearance, scale and layout reserved for future consideration, I am satisfied that the appeal scheme would be capable of achieving a design that would not adversely compromise the living conditions of neighbouring occupiers or the future occupants of the appeal dwellings. I accept that the appeal scheme could be designed to take account of local form and character of dwellings within the village. No significant adverse impact as a result of flooding, contamination or highway safety has been identified. There was little objection to the scheme from third parties and statutory consultees. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
17. The appeal scheme would utilise previously developed land, sustainable construction and contribute two additional dwellings towards housing supply. However, the benefits associated with the provision of two additional dwellings would be modest. The proposal would be contrary to the development plan with no material considerations of sufficient weight, including the Framework, to indicate that planning permission should be granted.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is dismissed.

E Brownless - INSPECTOR