



Appeal Decision

Site Visit made on 17 May 2021

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

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/V2635/W/20/3264416

Land on Vong Lane, East of Church Close, Grimston

Easting 571962, Northing 321938

- 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 F K Coe & Sons Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref: 20/00433/OM, dated 19 March 2020, was refused by notice dated 17 July 2020.
 - The development proposed is outline application for up to 26 dwellings, with all matters reserved except access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development to that given above as it more accurately describes the development sought.
3. The application is made in outline form, with all matters reserved apart from access. I have been provided with a detailed plan showing the layout of the appeal site, however, I am advised that this is indicative only and I have therefore determined the appeal on this basis.
4. The third reason for refusal within the Council's decision notice concerned the provision of affordable housing. However, since the application was determined by the Council, a s.106 planning obligation has been provided as part of this appeal. It has been duly completed by the appellant and the Council. Among other things, the planning obligation secures the provision of affordable housing in line with the Council's policy requirements. Consequently, it is the Council's case that the third reason for refusal is no longer a contested issue and I see no reason to take a different view.
5. The Council's decision notice makes reference to 'Pott Row' within the first and second reasons for refusal. It is accepted between the parties that the appeal site forms part of Grimston rather than Pott Row. Both of these settlements are considered to fall within the Joint Key Rural Service Centre for Grimston, Pott Row and Gayton and therefore the status of the appeal site within the settlement hierarchy is unaltered. I have dealt with the appeal on this basis.
6. An emerging local plan and a neighbourhood plan are both in the process of being prepared. However, the emerging policies are yet to be found sound and adopted. I have therefore attributed limited weight to these emerging plans in my overall consideration of the appeal.

7. A revised National Planning Policy Framework (the Framework) was published on the 20 July 2021 and the parties have been provided an opportunity to comment on the implications of this for their case.

Main Issues

8. The main issues are:-

- i) whether the appeal site is an appropriate location for the proposed development having regard to the settlement strategy of the development plan; and
- i) the effect of the proposed development on the character and appearance of the area.

Reasons

Settlement strategy

9. The development plan for the area is comprised of 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.
10. CS Policy CS01 sets out the Council's spatial strategy for the Borough. It seeks to focus development to the most sustainable locations in accordance with the settlement hierarchy as defined by CS Policy CS02. Grimston together with Pott Row and Gayton are classified together as a Joint Key Rural Service Centre where limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be accommodated within the development limits.
11. By reason of the appeal site's location outside of the development limits for Grimston, in policy terms, the appeal site is considered to be located within the countryside.
12. Policy CS06 of the CS relates to development in rural areas. It sets out a strategy for the protection of the countryside, in order to promote sustainable communities and maintain local character. The development of greenfield sites will be resisted unless for agricultural or forestry uses. Development proposals which will be supported are those for farm diversification, the conversion of existing buildings for business and conversion to residential use in particular circumstances.
13. The proposed dwellings would not be for agricultural or forestry uses and therefore compliance with this part of the policy is not demonstrated. The scheme does not propose farm diversification or the conversion of buildings and therefore does not meet any of the criteria in Policy CS06.
14. Policy DM2 of the SADMP sets out the types of development that may be suitable in the countryside including, affordable housing. The proposal would provide 5 units of affordable housing which would meet the 20% requirement of CS Policy CS09 for a proposal of its size and in this location. CS Policy CS09 is relied on in part for refusing planning permission. This housing policy concerns allocations across particular settlements and the type and mix of housing which will be necessary therein. Insofar as the proposal satisfies the

minimum requirement for affordable housing, I attribute no conflict to this policy. Moreover, since the proposed development satisfies the requirement of CS Policy CS09 and in the absence of any additional requirements being put to me for a proposed development to satisfy the requirements of a rural affordable housing exception site, I find no conflict with SADMP Policy DM2.

15. Nevertheless, taking everything into consideration, the appeal proposal does not comply with the Council's spatial strategy and as a result the appeal site is not a location to which new housing should be directed. To do so would conflict with CS Policies CS01, CS02 and CS06, the requirements of which are set out above. This conflict weighs against the proposal in the overall planning balance.
16. In refusing permission, the Council cite a conflict with SADMP Policies DM1 and DM2A. The first of these policies simply sets out the background for the determination of all planning applications and reiterates the Framework's stance on the presumption in favour of sustainable development. The latter references the Council's commitment to an early review of the Local Plan, however, no explanation of the proposed conflict with this policy has been provided. Given the above, I find no conflict with these policies in my overall consideration of matters.

Character and appearance

17. The settlement of Grimston is largely in two parts. To the north is a compact nucleus of closely knit dwellings which principally extend along Lynn Road and Low Road. It is separated from the appeal site by open agricultural fields. To the east of the appeal site lies the historic core consisting of a church and a number of dwellings that are set within a wooded setting. Dwellings typically occupy large spacious plots with some occurrences of large gaps between the built form which is broadly arranged in a dispersed pattern. Consequently, the spacious and open character of the historic part of the village possesses a separate and distinct character from that of the densely contained village to the north. Given that the appeal site forms an open and undeveloped gap at the edge of the historic core, I consider that it makes a substantial positive contribution to the rural character of the village.
18. The introduction of some 26 dwellings would broaden and consolidate development along this part of Vong Lane thus leading to a more solid ribbon of built form, in contrast to the open fields beyond and to the detriment of this part of the village and the distinctive rural character and beauty of the countryside. Notwithstanding the presence of the development at Church Close, an isolated pocket of development which is inconsistent with the prevailing character of this part of the village, the proposal would appear at odds with the locally distinctive pattern of limited development.
19. Despite the appeal site being located with dwellings to its side boundaries, the development would span almost the entire width of the appeal site, which is not in my view a small gap, and it would reduce the open and rural character of the historic part of the settlement, thus severing the connection with the agricultural land to the north and eroding the local distinctiveness of this part of Grimston.
20. The existing dwellings and belt of trees and vegetation towards the appeal site's rear boundary would limit the impact of the proposal to the immediate locality. Nevertheless, the proposed dwellings would remain readily visible in

public views from the local highway network and nearby footpaths together with views from neighbouring dwellings and their gardens. The presence of housing at the appeal site could be softened through a comprehensive landscaping scheme, however, the proposed dwellings would inevitably remain partially visible in views through and over vegetation. Moreover, even if the vegetation were to become established over time, this would not overcome the impact on the setting of the village and the harmful erosion of the connectivity between the historic core of the village and with the rural landscape beyond. In my view, the appeal scheme would cause significant harm to the character and appearance of the area.

21. Accordingly, the proposal would conflict with CS Policies CS01, CS06, CS08, CS12 and SADMP Policy DM15 insofar as these policies seek high quality development that maintains local character and a high quality environment. In addition, it would conflict with the aims of the Framework (paragraph 119, formerly paragraph 117) to safeguard and improve the environment.

Other Matters

22. No adverse concerns have been identified with regards to flood risk, drainage, contamination, highway safety, parking and the living conditions of neighbouring occupants. In these circumstances, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
23. My attention has been drawn to an appeal decision at Gayton¹. However, on the basis of the limited evidence before me, the particular circumstances of that development do not appear to be directly comparable to the appeal scheme. As such, a comparison is of limited relevance and I have therefore considered the appeal before me on its individual planning merits.
24. Reference has been made to the provisions of emerging policy LP26. Whilst this policy is permissive of development that infills or rounds off the existing development boundary, for the reasons given above, the appeal scheme would fill a gap which provides a positive contribution to views in and out of the locality and in this sense fails to amount to 'sensitive infilling' as required by this policy.

Planning Balance

25. The CS and SADMP both predate the publication of the Framework. Nonetheless, the Framework makes it clear that existing policies should not be considered out of date simply because they were adopted or made prior to the Framework. Instead, due weight should be given to them according to their degree of consistency with the Framework. The Framework simultaneously seeks to deliver a sufficient supply of housing, directs development to locations where new housing will enhance and maintain the vitality of rural communities, where sustainable transport will be promoted whilst at the same time recognising the intrinsic character and beauty of the countryside.
26. The Framework does not include a blanket protection of the countryside for its own sake, rather it advocates a flexible and balanced approach implicit in the aims of the Framework. CS Policy CS06 and SADMP Policy DM2 seek to restrict development outside of settlement boundaries. However, rather than imposing a blanket ban on all development in countryside areas they require an

¹ APP/V2635/W/16/3166074

assessment to be undertaken of the proposed development against the background where open countryside is to be recognised for its intrinsic character and beauty. As such, I do not find these policies to be out of date for reason of their incompatibility with the Framework.

27. Overall, CS Policy CS06 and SADMP Policy DM2 are intended to be read together with CS Policies CS01, CS02, CS09 and SADMP Policy DM15 and taken together these policies balance the competing objectives of environmental protection and the need to provide new housing which is supported by local services and facilities. Accordingly, I attribute these policies full weight.
28. The benefits of the proposal would include a contribution of up to 26 dwellings including five units of affordable housing, towards the objective of boosting the supply of housing. The provision of housing, particularly where there is an element of affordable housing is an important planning consideration, however, the benefit of such is moderated in this case by the relatively modest number of dwellings in the context of an adequate five-year housing land supply.
29. It is not in dispute that the appeal site is reasonably accessible to the services and facilities of the joint Key Rural Service Centre. Future occupants would provide support to these and in doing so they would provide a boost the vitality of those settlements. In addition, the appeal scheme would support the construction industry, but this would be modest and a short-term benefit of the appeal scheme. As the application is in outline form there is little detailed information before me regarding the provision of a green corridor and biodiversity improvements and as such this reduces the weight that I apply to this particular benefit of the scheme. Overall, I afford the benefits of the appeal proposal moderate weight in the overall planning balance.
30. In accordance with s.38(6) of the Planning and Compulsory Purchase Act, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a proposal conflicts with an up to date development plan, planning permission should not usually be granted. The proposed development would be contrary to CS Policies CS01, CS02, CS06, CS08, CS12 and SADMP Policy DM1. The benefits of the proposed scheme would carry moderate weight, however, they would not be sufficient to outweigh the significant harm to the character and appearance of the area and the conflict with the settlement strategy for new housing.

Conclusion

31. Accordingly, for the reasons given, the appeal is dismissed.

E Brownless

INSPECTOR