



Appeal Decision

Site visit made on 30 November 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20/12/2021

Appeal Ref: APP/V2635/W/21/3274691

Zenon House, 62 East Winch Road, Ashwicken PE32 1LZ

Easting (x) 569068, Northing (y) 318560

- 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 Anthony Crane against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/01586/F, dated 13 October 2020, was refused by notice dated 17 December 2020.
 - The development proposed is described as 'Change of use of purchased land to south of property to garden area and replacement of existing 1.2m high boundary fence with 1.2m high slatted timber fence.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already been carried out. Therefore, I have considered the appeal on the basis that planning permission is sought retrospectively.
3. In the period since the appeal was submitted the Government has published the revised National Planning Policy Framework (the Framework) July 2021 which is being brought into immediate effect for the purposes of decision-making. The appellant has made it clear that they are aware of this in their final comments. I have taken the updated Framework into account as part of my assessment.
4. Norfolk Wildlife Trust (NWT) did not provide written comments on the development during the planning application process. However, NWT has commented on the appeal and has raised objections to the development on grounds of the permanent loss of part of the '100 and 10 Acre Plantation' County Wildlife Site (CWS). No substantive ecological information has been provided with the appeal submission to allow me to consider the impact of the development on habitats. However, given that I am dismissing the appeal, it has not been necessary to consider this matter in any further detail.

Main Issue

5. The main issue is whether the appeal site would be a suitable location for the development, having regard to the development plan and national policy and the effect of the development on the character and appearance of the area.

Reasons

6. There is an extensive line of ribbon development consisting of mainly detached dwellings set within generous plots to the eastern side of East Winch Road from its junction with the B1145. Development on the western side of the road is more sparse and woodland dominates the roadside frontage giving it at prevailing natural rural character. Zenon House is a large detached two-storey dwelling of contemporary design positioned at one end of a small group of dwellings surrounded by this woodland. There is no dispute that the land for which a change of use to garden is sought is located outside of any development boundary defined in the development plan.
7. Policy DM2 (Development Boundaries) of the King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016) confirms amongst other things that new development outside development boundaries will be treated as countryside where new development will be more restricted. The policy includes a list of the types of development identified as suitable in rural areas. The list does not include extensions to residential curtilages. However, I acknowledge that the list is not exhaustive. Similarly, the Framework does not include a closed list of development types suitable for the countryside.
8. Policy CS06 (Development in Rural Areas) of the King's Lynn & West Norfolk Borough Council Core Strategy (2011) and the Framework both mention the intrinsic character and beauty of the countryside. Whether this is to be 'protected' in accordance with Policy CS06 or 'recognised' as per the Framework, I agree with the Inspector that dealt with the appeal case at Goldcrest House in South Creake¹ that the requirement in Policy CS06 for development to maintain local character and a high quality environment is entirely consistent with the Framework. This is pertinent to my assessment as to whether the proposed development is suitable in the rural area.
9. The evidence before me indicates that ground vegetation and some trees have been stripped out to facilitate the change of use. The site has been substantively laid to grass and this merges into the lawns that lie within the previously approved curtilage of Zenon House. As a result, the change of use has altered the appearance of this land from wild woodland to a managed part of the garden serving this dwelling. The distinctly residential use of this land is visible from the roadside in views over the front boundary fence and through gaps between the retained trees.
10. Even if no healthy trees have been felled and the site only represented a small percentage of the overall woodland, the proportions of the site together with the landscaping works undertaken have markedly broadened the domestic setting of Zenon House and eroded the natural woodland surroundings. This change will have been particularly noticeable to those familiar with the site and its surroundings and has resulted in significant harm to the prevailing natural characteristics to this side of East Winch Road.
11. Due to the contemporary and overtly residential design of the grey painted slatted timber fence, its continuation across the front of the extended garden further emphasises the encroachment of residential development into the countryside. This compounds the harm already identified. A condition to restrict

¹ APP/V2635/W/183209943

the erection of domestic buildings within the site would not overcome the harm that has already been caused to the countryside setting.

12. I conclude that the development results in significant harm to the character and appearance of the area. In that regard, the development conflicts with the requirements for development to be suitable in the rural areas and to maintain local character and a high quality environment in Policy CS06 of the CS and Policy DM2 of the SADMPP. The development would also be contrary to the requirements in Framework for development to add to the overall quality of the area, to be sympathetic to local character and to recognise the intrinsic character and beauty of the countryside.

Other Matters

13. The appellant suggests that woodland near to the site is often the subject of fly-tipping. Whether or not this is the case, this does not persuade me that the harm to local character as a result of the development is justified.

Conclusion

14. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR