
Appeal Decision

Site visit made on 4 May 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/V2635/W/21/3284815

Land S 51 and NE of Road Junction with Sandy Lane Burrettgate Road, Walsoken, Wisbech, Norfolk, PE14 7BN

- 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 Mr W Cotteril against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/00715/O, dated 12 May 2021, was refused by notice dated 6 August 2021.
 - The development proposed is a residential development of up to 7 dwellings involving the demolition of existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been made in outline form with all matters reserved. An indicative layout has been provided to accompany the proposal and I have had regard to this in my decision.

Main Issue

3. The main issue is whether the proposal is in a suitable location for a new dwelling having regard to local and national policy.

Reasons

4. The appeal site is a generally flat area of land which is currently laid to grass and bounded along its frontage with mature trees and hedging with a timber fence located behind this. To the eastern side of the site, there is a low boundary treatment, and as a result, longer views are possible into and out of the site.
5. Policy CS02 of the King's Lynn and West Norfolk Core Strategy (2011) (CS) identifies Walsoken as a settlement adjacent to Wisbech whilst Policy CS06 seeks to focus development in key service centres in the settlement hierarchy. Policy CS02 indicates that land allocations in relevant settlements in the settlement hierarchy will be in accordance with the principles of Policy CS09 of the CS. Policy CS09 identifies that provision will be made for the development of 550 dwellings in the Wisbech fringe including in Walsoken. However, the appeal proposal does not form part of that wider allocation. As a result, the proposal would be located within the countryside contrary to the CS which seeks to direct new growth to locations in accordance with the settlement hierarchy and their subsequent housing allocations.

6. Policy DM2 of the King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (2016) (SADMPP) indicates that areas outside of settlement boundaries will be treated as countryside where new development will be restricted. There is no dispute between the parties that the proposed development would be located outside of the designated settlement boundary of Walsoken. There is no evidence before me to indicate that the proposed development would fulfil any of the exceptional provisions in Policy DM2 for development outside of the designated settlement boundary, such as for farm diversification, small-scale employment, tourism, community facilities or affordable housing or housing for rural workers. As a result, it would fail to accord with Policy DM2 of the SADMPP.
7. The area of Burrettgate Road in the vicinity of the appeal site comprises a number of dwellings in a linear groups along the road, interspersed with undeveloped gaps. Looking beyond the site to the west, dwellings on the edge of Walsoken can be viewed and as a result, the area has a distinct sense of transition between existing development and the open countryside. Notwithstanding the nearby site allocation for the Wisbech fringe, the proposed development would result in the coalescence of development in this part of Burrettgate Road. By infilling a key gap in the built form, the proposal would increase the urbanisation of the area and erode the sense of transition between the edge of Wisbech and the surrounding countryside.
8. The proposed development would be located within walking distance of Walsoken where there are a range of services and facilities as well as bus services to higher order centres. However, Burrettgate Road has no footpath nor any streetlighting in the vicinity of the appeal site. As such, this would reduce the attractiveness for pedestrians wishing to use the road to access services and facilities, particularly outside daylight hours. As a result, future residents would be reliant on private vehicles in order to access day-to-day services in Walsoken or elsewhere in Wisbech. Over time, the cumulative number of vehicle trips for such purposes would be significant resulting in a level of vehicle movements that the plan seeks to address by supporting improved accessibility to services.
9. The proposed development would infill a significant gap between areas of existing linear residential development. In light of the presence of adjacent development, the proposal would not result in isolated development that paragraph 80 of the National Planning Policy Framework (the Framework) seeks to avoid. In respect of the immediate effect of the proposal on the character of the area, as the proposed development has been made in outline form, matters such as siting, design and layout would be considered at a subsequent stage. Notwithstanding this, the indicative layout indicates that the site would be capable of accommodating a linear layout to reflect the existing pattern of development in the vicinity of the site.
10. In light of the above, I conclude that the proposed development would not be in a suitable location for new residential development having regard to local and national policy. As a result, it would fail to accord with Policies CS01, CS02, CS06 and CS08 of the CS and Policies DM1 and DM2 of the SADMPP which collectively seek to identify the scale and location of new residential development, to restrict residential development outside settlement boundaries unless for specific forms of development and set out the approach to sustainable development in the Borough.

11. The proposal would also fail to accord with paragraphs 79 and 174 of the Framework which states that planning policies should identify opportunities for villages to grow and thrive and that policies and decisions should contribute to and enhance the natural environment.

Other Matters

12. The Council has identified that the proposed development is of a scale which would require a contribution to affordable housing and that there is a lack of mechanism to secure the required level of affordable housing. The appellant has indicated that affordable housing could be secured via heads of terms for a planning obligations, albeit the proposal does not include any other detail on how any qualifying contribution might be secured or an appropriately signed planning obligation. However, as I am dismissing the appeal for other reasons, it is not necessary to consider this matter further.
13. The proposed development would result in a number of benefits. The proposal would result in economic benefits through job creation and in the supply of materials, albeit these would be temporary during the construction period. Social benefits would arise as a result of future residents utilising local services and facilities and engaging in community activities. Environmental benefits could be secured through future reserved matters albeit these would potentially be offset due to the likely loss of some element of the verdant frontage of the site for access. The proposal would also make a moderate contribution to local housing need through the provision of up to 7 dwellings.

Conclusion and planning balance

14. The Council's policies in relation to the location of development are contained within the CS which predates the first iteration of the Framework. However, their content seeks to provide a strategic approach to scale and location of development in the Borough. As a result, they would accord with the principles of the Framework. Further, the Council can demonstrate 6.97 years land supply, and as a result, the tilted balance set out in paragraph 11(d) of the Framework would not be engaged.
15. The proposed development would fail to accord with the policies in the adopted CS and SADMPP in relation to the location of the proposed development. Whilst I have identified a number of benefits as set out above, as the proposed development would only provide for up to 7 dwellings, the extent of these benefits would be modest. As such, I consider that the harm to the overall strategy for development in the area would outweigh the modest benefits arising.
16. In light of the above, I find that other considerations do not outweigh the conflict with adopted policies, and therefore a decision in accordance with the development plan is justified.
17. For the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR