



Appeal Decisions

Site visit made on 7 June 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal A Ref: APP/V2635/W/22/3304789

**Plot 1 at Northwold Hall, 3 Little London Road, Northwold, IP26 5NQ
Easting (x) 576244, Northing (y) 296670**

- 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 Malcolm Grief against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 21/01984/F, dated 10 June 2021, was refused by notice dated 10 February 2022.
- The development proposed is the construction of a dwelling.

Appeal B Ref: APP/V2635/W/22/3304791

**Plot 2 at Northwold Hall, Northwold, King's Lynn IP26 5NQ
Easting (x) 575911, Northing (y) 296902**

- 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 Jody Grief against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 21/01981/F, dated 10 June 2021, was refused by notice dated 10 February 2022.
- The development proposed is a new two storey dwelling with rendered walls and high insulation with efficient heating.

Appeal C Ref: APP/V2635/W/22/3304795

**Plot 3 Northwold Hall, Northwold, King's Lynn IP26 5NQ
Easting (x) 575851, Northing (y) 296903**

- 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 Ms Natasha Milne against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 21/01983/F, dated 10 June 2021, was refused by notice dated 10 February 2022.
- The development proposed is construction of a new dwelling.

Preliminary Matters

1. As set out above, there are three appeals which are similarly located and would be served by the same vehicular access point off Little London Road. The supporting details in each case suggest that the applications were made from members of the same family. The respective decision notices also cite the same reasons for refusal. I have considered each appeal on its own individual merits. However, to avoid duplication I have dealt with the three appeals together, except where otherwise indicated.
2. For the purposes of my banner headings, I have used the more concise description of development set out in the Council's decision notices. However, I have had regard to the detailed descriptions set out in the respective application forms as part of my assessment of each appeal.

Decisions

3. **Appeal A** is dismissed.
4. **Appeal B** is dismissed.
5. **Appeal C** is dismissed.

Main Issues

6. The main issues for Appeals **A**, **B** and **C** are:
 - (i) whether the appeal site in each instance is a suitable location for the respective proposal having regard to the development plan and national policy; and
 - (ii) the effect of the proposal in each instance on the character and appearance of the area, including whether it would preserve or enhance the settings of the Northwold Conservation Area (CA), the Grade II Listed Waterloo House and the non-designated heritage asset Northwold Hall.

Reasons

Location

7. The appeal sites for Appeals **A**, **B** and **C** are all located outside the defined Development Limits for Northwold. Therefore, for the purposes of national policy and the development plan, the site in each case is to be regarded as being in the countryside.
8. The policies of the development plan referred to in the Council's decision notice seek to deliver the Council's spatial strategy. In this regard, a settlement hierarchy is utilised to ensure sustainable development. Methwold with Northwold is identified as a 'Key Rural Service Centre'. In such locations limited growth of a scale and nature appropriate to secure the sustainability of each settlement, will be supported within the Development Limits.
9. Policy CS06 (Development in rural areas) of the King's Lynn & West Norfolk Borough Council Core Strategy (2011) indicates that provision will be made for a total of at least 2,880 new homes within or adjacent to selected Key Rural Service Centres. I accept that the site for each of the appeals is close to the village. The dwelling proposed in each case would therefore not be isolated and from what I have seen occupants of the respective dwellings would have good accessibility to the services and facilities the area has to offer including those in Methwold and Northwold as well as access to larger settlements further afield due to the bus services available.
10. However, accessibility is not the only factor in achieving sustainable development. Policy CS06 also confirms that beyond the villages and in the countryside, the development of greenfield sites will be resisted unless essential for agricultural or forestry needs. Similarly, Policy DM2 (Development Boundaries) of the King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016) confirms that the areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be restricted to that identified as suitable in rural areas.

11. There is no evidence before me to suggest the proposed dwelling in each of the Appeals **A**, **B** and **C** would meet any of the exceptions for development in the countryside in the development plan. Therefore, the dwelling in each instance would conflict with the overall objectives of the development plan to focus development in the 'Development Limits' and to resist the development of greenfield sites in the countryside other than in the circumstances specified.
12. In respect of Appeals **A**, **B** and **C** I conclude, the countryside is not a suitable location for the development proposed. The proposal in each case would undermine the strategic and sustainable objectives of Policies CS01 (Spatial Strategy), CS02 (The Settlement Hierarchy), CS06 (Development in Rural Areas) and CS08 (Sustainable Development) of the CS and Policies DM1 (Presumption in favour of sustainable development) and DM2 (Development Boundaries) of the SADMPP. The proposal in each of the cases would also conflict with the sustainable development principles and plan-led approach endorsed by the National Planning Policy Framework (the Framework).

Character and appearance of the area including settings of designated and non-designated heritage assets

13. The Northwold Conservation Area Draft Character Statement (1992) (CADCS) notes that the form of the settlement is very much linear with its historic core, centred around a 'magnificent Parish Church'. It identifies that the built environment either side of the main village thoroughfare and the spaces and the mature historic landscape of trees, grass verges, rough tracks, hedgerows and paddocks which are located between and behind the buildings contribute to the quality and character of the CA. The CADCS notes the strong sense of unity of architectural character through the repeated use of local vernacular materials, which together with the range, disposition and variety of building plots within the wider mature landscape. From what I saw on my site visit, this remains the case today and these factors combine to form the CA's significance.
14. The CADCS confirms that it is the association of buildings and landscape both within the village and also when seen from outside which gives the CA its essential quality and references the 'very attractive' focal point where Hovells Lane, the High Street, Riverside and Little London Road join. The individual sites for Appeals **A**, **B** and **C** sit close to, but outside, the boundary of the CA and are situated in the vicinity of this focal point. The appeal sites also notably form part of a prevailing undeveloped, mature treed landscape to the north east of the CA. The CADCS identifies this area as providing a definite visual 'stop' to the conservation area'. Indeed, from what I saw on my site visit the appeal sites form part of a verdant soft and overriding rural character on Little London Road which provides for an attractive frame to the CA and adds to its significance.
15. Waterloo House is situated towards the edge of the CA and also forms part of the focal point identified above. The CADCS describes it as a 'delightful listed building with gabled walls to Hovells Lane'. It dates to 1736 'with an earlier core' and is a two-storey building with whitewashed brick facades and a flint and pantiled roof. It's listing details amongst other things its irregular bay system, a portico porch with four fluted columns, sash windows with glazing bars and a dentil eaves course, as well as the ramped walls and railings which enclose its forecourt. The setting of this distinctive building has long been

experienced as having a close relationship with the entrance to the village and its rural hinterland. In addition, the upper floor windows of its front elevation offer oblique views towards the openness of the countryside beyond the village and the respective sites for Appeals **A**, **B** and **C** sit within this vista.

16. The appeal sites are currently occupied by paddocks which are situated within the wider parkland associated with Northwold Hall. The parkland is enclosed by a belt of mature vegetation to the boundaries with Riverside and Little London Road and there are also some large specimen trees within the grounds, including in the vicinity of the respective appeal sites. This land has long been associated with Northwold Hall as can be seen with reference to the Ordnance Survey Map of 1884. From my own observations, the parkland forms part of the grandeur of this property and gives it a sense of isolation.
17. The Council has confirmed Northwold Hall is considered a non-designated heritage asset and is included within the Norfolk Historic Environment Record. The 'Overall Site Design and Access Statement – June 2021' provided with each of the appeals observes that 'it seems likely that the house was located to overlook a picturesque parkland setting'. From what I have seen, the heritage interest of Northwold Hall including its associated parkland setting warrant non-designated heritage status.
18. There would be a perceptible change to the rural character at the fringe of the CA through the introduction of each one of the substantial dwellings proposed. This is because, the substantial massing of each dwelling would be discernible in filtered views through the vegetation to the external boundaries of the wider parkland both along Little London Road and Riverside. More particularly, the substantial form and mass of the upper sections of the respective dwellings including their roofscapes, would be appreciable in gaps between and above the vegetation in the vicinity of the 'very attractive' focal point identified in the CADCS. This also includes private views from within the CA including from the upper floor windows of both the dwelling at the corner of High Street and Riverside, and Waterloo House.
19. Therefore, in each case the proposals under Appeals **A**, **B** and **C**, would erode the verdant and undeveloped character, which provides a visual stop to the CA and which positively contributes to the settings of the CA and Waterloo House. There is the potential that during winter months when some of the vegetation is not in leaf this impact would be even more pronounced.
20. In addition, the change to a more residential character would also be evident to those walking along the public footpath where it passes the site entrance. The evidence before me suggests only limited vegetation removal would be required to maintain the necessary visibility splays. Even so, the respective dwellings for Appeals **A**, **B** and **C** would be visible to varying degrees through the access point. The dwelling proposed under Appeal **A** would have an imposing presence at this point as its position, almost parallel with the access point would provided for a largely uninterrupted view towards it. The dwellings proposed in Appeals **B** and **C** would be more offset from the access point meaning they would be more peripheral in this view. Even so, as these dwellings would also be substantial in form, they would still be appreciable in angled views through gaps in the intervening vegetation.
21. Moreover, an extensive hard surfaced access drive is proposed in all 3 of Appeals **A**, **B** and **C**. This would intrude upon the soft landscaped appearance of

the parkland visible through the access point from the footpath. Taken together, in each case the dwelling and associated driveway proposed in Appeals **A**, **B** and **C** would introduce a domestic character which would detract from the intrinsic character and beauty of the countryside beyond the settlement boundary of Northwold.

22. All the appeal sites are located towards the western end of the parkland associated with Northwold Hall. Clearly the dwelling proposed in Appeal **A**, would be most noticeable from the rear aspect of Northwold Hall and its more immediate grounds given its considerable mass and its position furthest east towards Northwold Hall. However, given the prevailing open and undeveloped characteristics of the parkland the large dwellings proposed in Appeals **B** and **C** would also be discernible. Again, on a collective basis, clearly a group of 3 dwellings would be more detracting to the spacious parkland setting. However, even considered on an individual basis, any one of the proposed dwellings would unacceptably erode this well-preserved parkland setting and the sense of isolation to the rear aspect of Northwold Hall.
23. Overall, any one of the proposals under appeals **A**, **B** and **C** would cause harm. There would obviously be more harm from 3 dwellings, but even one would result in harm to the character and appearance of the area and would not preserve the settings of the CA, Waterloo House and Northwold Hall.
24. Having regard to the requirements of the Framework, the proposals under Appeals **A**, **B** and **C** would result in less than substantial harm to the settings of the CA and Waterloo House whether I consider them individually or cumulatively. The Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
25. With regards to the parkland setting of Northwold Hall, the Framework confirms that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
26. The Framework recognises the need to provide housing for different groups including for people wishing to commission or build their own homes. The Council suggests that it is meeting the required need but no detailed evidence has been provided. The respective submissions for each appeal suggest that there are at least 297 individuals on the Council's Custom and Self-Build register and that the Council has granted planning permission for approximately 71 such plots meaning that there is a significant undersupply.
27. Applying the evidence provided with each appeal as a worst-case scenario, the provision of a single self-build unit in each case would make a modest contribution towards the provision of self-build housing plots in the Borough. When considered cumulatively, three self-build dwellings would still only make a limited contribution particularly when considered against the extent of the shortfall suggested by the appellants.
28. Each of the proposals would make an affordable housing contribution. There would also be some limited social and economic benefits associated with the development of the dwelling in each case and through the future occupation of each dwelling in terms of occupiers using local services and facilities.

29. However, I attach considerable importance and weight to the desirability of preserving the setting of the heritage assets. I therefore find that there would not be public benefits sufficient to outweigh the less than substantial harm to the identified heritage assets whether that be on individual basis for Appeals **A**, **B** and **C** or on the basis of a group of 3 dwellings.
30. For the same reasons, in my judgment the identified benefits of the proposals would not outweigh the identified harm to the parkland setting of Northwold Hall.
31. In respect of the Appeals **A**, **B** and **C**, I conclude that the development in each case would be harmful to the character and appearance of the countryside and would not preserve or enhance the settings of the CA, Waterloo House or Northwold Hall. In that regard, the proposals under Appeals **A**, **B** and **C** would all conflict with the design and conservation requirements of Policy CS12 (Environmental Assets) of the CS and Policy DM15 (Environment, Design and Amenity) of the SADMPP and the Framework.

Other Matters

32. Paragraph 80 of the Framework confirms that planning decisions should avoid the development of isolated homes in the countryside unless they meet one or more of specific exceptions. However, I have identified under the first main issue that the dwelling in each appeal would not be isolated. Therefore the appeals do not fall to be considered under this part of the Framework.
33. Paragraph 134 of the Framework confirms that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.
34. The evidence before me indicates that the dwellings would be highly insulated and would incorporate renewable energy systems such as ground source heating or air source heat pumps and photovoltaic panels. Rainwater would be stored in an underground reservoir to be used for example for washing or watering plants. However, these are widely used renewable energy and water efficiency techniques. The dwelling in each of the appeals would have a traditional aesthetic and would incorporate commonly used architectural elements including a Georgian influence.
35. Taking the above factors into account, the dwelling proposed in each of the Appeals **A**, **B** and **C** would not be truly outstanding or innovative and given my findings on the second main issue they would not fit in with the overall form and layout of their surroundings. Therefore, the design and sustainability credentials of each proposal whether taken individually or cumulatively, only attract limited weight.
36. The proposals in each case indicate that flora and fauna is a principal consideration and the individual submissions indicate that the proposals would facilitate stewardship of the land including new tree planting and the incorporation of provisions for wildlife. The respective submissions for each appeal suggest that there would be a landscaping scheme including new native species-rich hedgerows, a new pond, wildflower meadows and the installation of bat, owl and bird boxes.

37. However, the main premise of each proposal is for residential development. There is no detailed evidence to suggest that management of the parkland setting of Northwold Hall or improvements to habitats could only be delivered as part of the proposed developments. Furthermore, while no landscape and environmental masterplans have been provided, I understand that some of the measures envisaged would sit outside the boundaries of the appeal sites and within the wider parkland. No legal mechanism is before me to ensure such measures would be managed in the long term in the event that the appeal sites were in separate ownership. In any case, given the mainly natural attributes of the appeal sites and their surroundings, it is unlikely that the development would result in improvements to biodiversity of a substantial magnitude.
38. The Council can demonstrate a housing land supply in excess of 5 years. There is no detailed evidence before me to suggest that the Coronavirus pandemic has had a significant impact on the Council's ability to meet its housing requirements.
39. My attention has been drawn to a residential development granted planning permission¹ outside the defined settlement boundary at Whittington which is designated as a 'Smaller Village and Hamlet' within the settlement hierarchy in the development plan. I am not aware of the full circumstances of that particular case. In any case, development elsewhere does not persuade me that the developments proposed in the appeals before me would accord with the development plan having regard to the site-specific considerations in each instance and my conclusions under the main issues.
40. From my own observations, the individual appeal sites have very limited built structures, comprise mainly of open land with post and rail fencing. There are no significant areas of hardstanding. I agree with the Council that the Appeal sites do not have characteristics which meet the definition of previously developed land in Annex 2 of the Framework.

Conclusions for Appeals A, B and C

41. In each case, a single dwelling would make a modest but positive contribution towards the area's housing numbers and mix. If all three dwellings were built, it would enable the occupants to live within close proximity to family members. There would also be further social and economic benefits resulting from jobs associated with the construction of each of the proposals and the use of services and facilities in the area by future occupants of each dwelling.
42. Each of the dwellings would be secured as a self-build dwelling as defined in the unilateral undertakings provided and therefore have the potential to address need on the Council's Custom and self-build housing register. For the purposes of the appeals before me, I have applied a worst-case scenario in the context of the large numbers on the register put forward by the respective appellants. In that context, neither the single self-build dwelling proposed in each case nor 3 dwellings when considered cumulatively, would make a substantial contribution towards addressing such need.
43. The unilateral undertaking provided with each appeal also makes provision for a commuted payment towards the provision of affordable housing in the Borough in line with the requirements of the development plan.

¹ LPA Ref 21/02103/FM

44. On an individual basis, the above benefits of the proposal only attract limited weight. Even when considered cumulatively, the benefit of the proposals would not be substantial. Such benefits also need to be considered in the context that the Council can demonstrate a 6.24 year supply of deliverable housing land based on the worst-case scenario put forward by the appellants in each of the appeal cases. Therefore, there does not appear to be an urgent need to release land outside defined 'Development Limits', in the countryside, to meet the Borough's housing requirements.
45. The development of a single dwelling in each case, or a total of three dwellings if taken together, in the countryside would conflict with the clear spatial objectives of the development plan. Paragraph 12 of the Framework confirms that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
46. Furthermore, the proposal in each case would also result in significant harm to the character and appearance of the area and would not preserve the settings of the CA, the Grade II Listed Waterloo House or the parkland setting of the non-designated heritage asset Northwold Hall.
47. The other material considerations that have been advanced for each case are not of a sufficient weight to justify decisions other than in accordance with the development plan which, in terms of my conclusions under the main issues, the scheme for each appeal would clearly conflict.
48. For the reasons set out, Appeals **A**, **B** and **C** are all dismissed.

M Russell

INSPECTOR