



Appeal Decision

Site visit made on 21 June 2023

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

Appeal Ref: APP/V2635/W/22/3306660

**Land on Vong Lane, to the East of Church Close, Grimston, King's Lynn
PE32 1GJ**

- 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 and Sons Ltd against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 22/00493/OM, dated 28 April 2022, was refused by notice dated 28 July 2022.
- The development proposed is Outline planning application for up to 19 dwellings, including 5 affordable dwellings and 6 self-build dwellings, with all matters reserved except access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal concerns an outline proposal for development with all matters reserved. Although the appellant has submitted an indicative plan, I have given this limited weight in my reasoning.
3. The Council has not raised any concerns in relation to the setting of designated heritage assets. As the decision maker I have a statutory duty to have special regard to the desirability of preserving heritage assets, including their setting. Consequently, I have concluded that the effect of the development on nearby heritage assets should be taken into consideration. During the appeal I invited the parties to submit further representations in that regard and the appellant submitted a heritage statement which accompanied the previous application¹.

Main Issues

4. The main issues are:
 - Whether the development accords with local policies and national guidance with regard to location;
 - The effect of the development on the character and appearance of the area;
 - The effects of the development on the setting of the Grade I listed St Botolph's church, and the Grade II listed Church Farm House and barns; and;

¹ Ref: 20/00433/OM

- Whether the development accords with local policies and national guidance with regard to affordable housing.

Reasons

Location

5. Policy CS01 of the Core Strategy (CS) sets out development priorities, using a settlement hierarchy set out in CS Policy CS02. This identifies Grimston, along with Pott Row with Gayton, as a Key Rural Service Centre. Key Rural Service Centres are identified as centres that sustain the wider rural community and have a range of services that can meet basic day to day needs, where there is significant emphasis on brownfield redevelopment, and where limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported within settlement boundaries.
6. In rural areas, CS Policy CS06 will also be applied. This states that the strategy for rural areas is to promote sustainable communities and patterns of development, to maintain local character and a high quality environment, and to focus most development in key rural service centres. It also states that the development of greenfield sites will be resisted unless essential for agricultural and forestry needs, and that the strategy will be to protect the countryside for its intrinsic character and beauty.
7. There is no dispute between the parties that the site lies outside the settlement boundaries, and would result in the development of a greenfield site. The development would not therefore accord with local policies and national guidance with regard to location, leading to conflict with CS Policies CS01, CS02 and CS06, as set out above. There would also be conflict with Paragraph 119 of the National Planning Policy Framework (the Framework) which requires development to safeguard and improve the environment.

Character and appearance

8. Grimston and the nearby Pott Row with Gayton are adjacent and rather sprawling settlements with clusters of development around crossroads, and ribbon development along the connecting roads. The appeal site is a field that fronts Vong Lane between the regimented housing development of Church Close, which appears rather marooned in its agricultural setting, and what appears to be the historic core of Grimston. This comprises a small cluster of largely period buildings within a predominantly rural landscape, arranged loosely around the church and graveyard, and separated and screened from the appeal site by a meandering chalk stream and mature vegetation.
9. For the most part, Vong Lane runs through an open agricultural landscape with long views across flat fields, particularly opposite the site and the adjacent Church Close. Notwithstanding the Church Close development, the appeal site provides a clear edge and containment to the western side of Grimston's historic core, which is particularly apparent when viewing from Gayton Road to the north of the Vong Lane junction. As such, the appeal site makes a highly positive contribution to Grimston's semi-rural and historic character. This conclusion is in line with that reached by the Inspector for the previous appeal².

² Ref: APP/V2635/W/20/3264416

10. I acknowledge that the plan before me is indicative only, but it seems highly likely that there would be a built-up frontage along Vong Lane between the mature vegetation forming Grimston's western edge, and Church Close. This is shown on the plan as six modest dwellings with plots that are significantly smaller than the adjoining building pattern at Church Close. Although I acknowledge that the spread of development across the site could have a different configuration, part of the argument advanced in relation to this appeal is that there would be significant open space included to the rear of the site. A reduction of frontage development would necessitate a denser spread of development to the rear of the frontage line. However arranged, this would be visible from the road and appear more tightly spaced than the building pattern on either side.
11. The plans also show the creation of an access track along the site's eastern hedge boundary in order to retain access to the field behind. However there did not seem to be any field access along this frontage at my visit, and I see no reason for further urbanisation through the creation of another formal access point.
12. Moreover, the open space created in the south-west of the site would largely be sandwiched between the rear gardens of Church Close and plot 17. Notwithstanding that the layout could be changed at detailed design stage, there appears to be little logic behind the indicative layout submitted.
13. The argument is advanced by the appellant that the appeal site is the incongruity in the building pattern. However, Church Close has agricultural land on all sides and is the anomaly within a highly rural setting. Its presence does not warrant the significant urbanisation of a greenfield site next to a historic village core resulting in ribbon development along Vong Lane. I appreciate that there is a pattern of one-sided ribbon development between Vong Lane and the larger village extension to the north. However, when viewing and turning into Vong Lane, there are very long views and a distinct sense of open countryside, despite the presence of Church Close.
14. I conclude that the development would fill in a distinctive gap in the development pattern, with development of a density and scale that would be highly incongruous in this context. There would be an adverse impact on the character and appearance of the area.
15. The development would therefore be contrary to Policy CS06 of the Core Strategy (CS) which requires development to maintain local character and a high-quality environment, and which protects greenfield sites from development, as well as with CS Policy CS08. This requires development to respond the character and character of places in West Norfolk, and the character and form of existing development. There would also be conflict with Paragraph 130 of the Framework which requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting, and to establish or maintain a strong sense of place.
16. Finally, there would also be conflict with CS Policy CS12 insofar as this is concerned with green infrastructure and the creation of a high-quality environment, and the design aims of DM15 of the Site Allocations and Development Management Plan (SADMP) with regard to visual impact on the wider environment.

Heritage assets

St Botolph's church

17. St Botolph's church (the church), with its distinctive square tower, dates from the 13th century and stands on elevated ground at a bend in the road. It is the focal point of a very attractive composition of brick and whitewashed dwellings and other period structures in its immediate vicinity. I see no reason to disagree with the heritage statement that the church has architectural, artistic and historic interest arising from the age and the quality of its intact fabric, and the aesthetic qualities of its design. It also has communal and associative value arising from its longstanding social and ecclesiastical functions within the local community.
18. The heritage statement shows that there has been a near continuous history of activity in the area from Roman times, with archaeological finds being recorded from the Roman occupation of Britain through early and post medieval periods. The map regressions indicates a reasonably consistent development pattern stretching north from the church along Gayton Road from the late 18th century to modern times. Throughout that period the land to the west, including the appeal site, has remained open.
19. I conclude that the significance of the church arises from its historic design and fabric, and from its position within the social fabric of the community over a long period. Its local importance is reinforced by its visibility over the flat open landscape, which contributes to its wider setting particularly to the west.

Church Farm House and barns

20. The 17th century farmhouse is located on the eastern side of Gayton Road, beyond the junction of Vong Lane. It is a 1.5 storey construction constructed of Carstone with brick dressing. The associated barns are slightly later and are also built of Carstone and clunch.
21. The farmhouse and barns have historic and architectural interest and also provide an insight into the vernacular building style of this rural economy. The significance of the buildings arises from their intact historic form, fabric and spatial arrangement.
22. The visibility of the church tower in a predominantly open rural landscape is a visual reminder of its presence, through views which have probably changed little over the centuries. Although the tower drops in and out of view along Vong Lane when approaching from the west, there is a particularly attractive view across the appeal site from where the tower can be seen emerging above a small group of trees and roof lines. This is well illustrated in Plate 1 of the heritage statement. Consequently, I conclude that the appeal site makes a minor positive contribution to the setting of the church.

Proposals and effects

23. The development would intrude into that setting, diminishing the church's significance. This would amount to less than substantial harm, albeit at the lower end of that category of harm.

24. I see no reason to disagree with the heritage statement with regard to the neutral contribution the site makes to the setting of the farm, and conclude that this would be unaffected by the development.
25. Nonetheless, the development would fail to preserve the setting of the church and would therefore be in conflict with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act).
26. Paragraph 202 of the Framework sets out that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of that proposal.
27. The development would provide 19 new dwellings. Given the magnitude of the harm identified I conclude that the adverse effect on the church's setting from the development of the appeal site, would be outweighed by the public benefits of additional housing.

Affordable housing

28. When the application was determined the appellant had not submitted a mechanism to ensure that the development provided affordable housing in line with CS Policy CS09. Although no mechanism had been submitted to the Council at the time that it submitted its appeal statement, there has subsequently been correspondence from the Council which has highlighted amendments that would need to be made to the wording of the Unilateral Undertaking (UU) if the appeal was allowed.
29. On the basis of what is before me I am satisfied that the UU could be amended to the Council's satisfaction. As such I conclude that the development would accord with CS Policy CS09 and national guidance in this regard.
30. The proposals include one more affordable home than required by local policies. The appeal statement sets out that the housing officer considered the overprovision of one dwelling to be a substantial benefit weighing in favour of the development, but I have been unable to find this comment.

Biodiversity Gain

31. The ecology survey³ notes that the development could result in a biodiversity net gain of over 15 per cent for habitats and over 500 per cent for hedgerows. However, although I recognise that there could be biodiversity gains, there is limited information before me in this regard. Moreover, the proximity of dwellings and the road to the native hedgerow in particular, suggests that the actual biodiversity value of those habitats would be influenced by future management and could change from that intended, or anticipated in this report. In any case, even if I concluded that there would be a biodiversity gain in excess of 10 per cent, this would be insufficient to outweigh the harm identified above.

Protected Nature Conservation Sites

32. The Council has not raised a concern in relation to protected nature conservation sites in its reasons for refusal. Nonetheless, as the appeal site lies within 15 kilometres of a number of protected RAMSAR and Special Areas of Conservation, a shadow Habitat Regulations Assessment (HRA) has been

³ Hopkins Ecology, March 2022

submitted with the evidence⁴ by the appellant in line with the requirements of the Habitat Regulations. The Regulations require the competent authority to make an Appropriate Assessment of the implications of a plan or project for the integrity of any European site in view of the site's conservation objectives.

33. The HRA concludes that most pathways of potential impact can be screened out as there would be a low likelihood that they would be relevant to this scheme. However, the HRA states that there could be a risk to the integrity of protected sites from in combination recreational disturbance. As such, further details and possible mitigation would be considered through an Appropriate Assessment stage. However, as I have found harm with regard to the main issues it is not necessary for me to consider this further.

Other considerations

34. The Self-Build and Custom Housebuilding Act 2015 has placed a statutory duty on 'relevant authorities', including district councils, to keep a self-build and custom register. The Framework also supports the delivery of a wide variety of land coming forward to meet the needs of groups with specific housing requirement including for those people wishing to commission or build their own homes.
35. The appellant has advanced the argument that the Council has not met its obligations in this regard. However, no further detail is given. The Council's statement includes details of the custom build register and the number of permissions granted. This indicates that in every base period save one, since 2016, the Council has granted more permissions than the number of applicants on the register. In fact since the register was introduced, there have been around double the total permissions compared to the total number of applicants. As such, I conclude that there is nothing before me to indicate that the Council has failed to accommodate the needs of self-build and custom housing.

Planning Obligation

36. The appellant has submitted a signed Unilateral Undertaking (UU) with regard to the provision of affordable housing, and contributions towards a habitat mitigation strategy. The Council raised concerns in relation to non-compliance with current policy with regard to the wording of the UU and that the proposed payment for habitat mitigation would fall short of that required. However, in the event that the appeal was allowed I am satisfied that these matters could be resolved. Nonetheless, as I have found harm in relation to other matters it is not necessary for me to consider this further.

Other Matters

37. The main argument advanced by the appellant appears to be that this application has fewer houses than the previous application. However, this does not mean that the application necessarily addresses the concerns raised by the Council or at the previous appeal.
38. Interested parties have mentioned the emerging Neighbouring Plan. However, its policies may yet change and in any case, the draft has not been submitted as evidence.

⁴ Hopkins Ecology, March 2022

39. Other concerns have also been raised by interested parties, but as I have found harm in relation to the main issues it is not necessary for me to consider these further.
40. A further appeal decision which gave permission for one dwelling⁵ has been brought to my attention. However, although the Inspector allowed the appeal even though there was conflict with the Council's spatial strategy, character and appearance was not a main issue. In this case I have found harm in relation to character and appearance in addition to the conflict with the spatial strategy. As such the appeals are not comparable. In any case, the conflict arising from one dwelling in terms of accessibility would be far less than the conflict arising from 19 dwellings.
41. I also note that there is support for the scheme from young people, but there is nothing before me to indicate that there is a general unmet demand for affordable housing.

Planning Balance and Conclusion

42. There does not appear to be a dispute between the parties that the site lies outwith the settlement boundaries set out in the 2016 SADMP. In addition, there is no dispute between the parties with regard to housing land supply.
43. However, there is nothing before me to indicate that the housing supply figures have been updated since 2016. The existing local plan is now of some age and although the emerging local plan has been submitted, it is yet to be tested through examination. This limits the weight I give to the arguments concerning development outside the settlement boundary. Furthermore, Framework does not set an upper limit on housing supply.
44. Consequently, although CS Policies CS01 and CS02 restrict development outside the settlement boundaries they are based on strategic plans which are now of some age. In the absence of more recent housing supply and demand information, I conclude that these policies may be out of date. As such the conflict with these policies carries less than full weight.
45. Moreover, the development would be close to an established building pattern to the west of Grimston and would have ready access to local services. It would therefore be in a sustainable location. It would also make a moderate contribution to local housing supply, including the provision of self-build and affordable housing, and could have minor positive effects on local biodiversity, depending on a final agreed scheme.
46. However, although I am satisfied that on the basis of access to services the site is a sustainable location, the harm to the character and appearance of the area and the attendant conflict with CS Policies CS06, CS08 and CS12 remains. These policies are consistent with the Framework and there is nothing before me to suggest that they should not carry full weight in the planning balance. Consequently, even if the tilted balance as set out in the Framework applies in this case, the adverse effects of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

⁵ Ref: APP/V2635/W/21/3275687

47. I conclude that the development would conflict with the local development plan and the Framework, and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR