



Appeal Decision

Site visit made on 25 January 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/V2635/W/23/3323501

Little Haven, Ling Common Road, North Wootton, Norfolk PE30 3RE

- 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 Steve Smith against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 22/01942/F, dated 1 November 2022, was refused by notice dated 8 February 2023.
 - The development proposed is change of use of agricultural land and erection of a timber framed cart shed suitable for two vehicles.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the appeal form and the Council's decision notice as it more accurately reflects the proposal before me. I have not included within it, the reference to where it is located as this is not an act of development.
3. During the appeal, the Government published an updated version of the National Planning Policy Framework (the Framework). However, as the Framework's policy content insofar as it relates to the main issue has not been significantly changed, albeit that the numbering of paragraphs has changed, there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

5. The appeal site is located outside of the settlement boundary of North Wootton in a location which is treated as countryside for the purposes of the development plan. The appeal site previously formed part of the wider agricultural field located to the north and east but at the time of my site visit had been separated from it by a post and rail fence. To the south is the residential property, Little Haven and to the west is an agricultural field.
6. Policy CS06 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy Adopted Version July 2011 (CS)

states that beyond the villages and in the countryside, development of greenfield sites will be resisted unless essential for agricultural or forestry needs, farm diversification or it consists of the conversion of existing buildings.

7. Policy DM2 of the Site Allocations and Development Management Policies Plan Adopted September 2016 (SADMPP) states that areas outside of development boundaries will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies in the local plan. These other policies are listed as including farm diversification, small scale employment, tourism facilities, community facilities, renewable energy generation, rural workers' housing and affordable housing.
8. The proposal does not meet any of the criteria set out under Policy CS06 of the CS or Policy DM2 of the SADMPP and therefore would be contrary to them.
9. The majority of the wider agricultural field would be retained. However, the proposal would result in the encroachment of a residential use further north into open countryside. I understand that the appellant has already purchased the land and that it is therefore unlikely to be returned back to the wider agricultural field. Nevertheless, it still currently retains an open and undeveloped rural character which is different to that of garden land which has a more formal appearance and could incorporate domestic paraphernalia such as garden sheds, garden furniture or children's play equipment.
10. Direct views of the proposal would be limited from within the public realm given the private nature of the road that the land lies adjacent to. Whilst I note that they would be limited, more distant glimpsed views of the appeal site from Ling Common Road and the Public Right of Way located to the east, would be possible towards the proposed extended rear boundary of the appeal site, through breaks in vegetation.
11. I accept that in isolation the design and materials proposed for the outbuilding would be sympathetic to the host dwelling and that it would be sited in close proximity to the dwelling that it would serve. By virtue of its scale, design and proposed siting, it would not be visually prominent in the landscape.
12. I note the intention is to use the land to the rear of the proposed outbuilding, for the growing of fruits and vegetables. However, this could change over time and could not be ensured. The appellant refers to a covenant on the land restricting any further buildings from being constructed. I do not have that before me. In any case, this would not resolve the issue of the change of use of the appeal site and the potential for domestic paraphernalia to be added to it in the future.
13. The establishment of a hedgerow boundary could be required by condition and I recognise that this would help to screen the domestication of the site. Although this would help to limit the visual impact, it would not completely mitigate the harm to the character and appearance of the wider countryside.
14. Therefore, taking the proposal as a whole, it would harm the character and appearance of the countryside. The proposal would be contrary to Policy CS06 of the CS and Policy DM2 of the SADMPP. These policies seek, amongst other things, that the countryside is protected for its intrinsic character and beauty.

Other Matters

15. The Planning Officer's Report does acknowledge that the land is classed as Grade 4 and therefore is poor quality agricultural land. Nevertheless, this does not override the stance taken by the policies set out above.
16. I recognise that the proposal would be of benefit to the appellant with the provision of additional garage space and a dedicated home office and gym. However, this is largely a private benefit. It is also stated that the proposal would improve existing parking arrangements and allow for the provision of electric vehicle charging points. Whilst I understand the additional space may be beneficial, the appeal site already benefits from off street parking, and it would be possible to provide vehicle charging points within the existing space.
17. The appellant asserts that there would be no harmful effects on the living conditions of neighbouring occupants or highway safety. Even if I were to agree, a lack of harm would be a neutral consideration and would weigh neither for nor against the proposal.
18. Two letters of support have been provided by Interested Parties due to the limited amount of land included in the proposal compared with the wider agricultural field and due to the area previously being uncultivated and therefore untidy. Based on my observations and the evidence before me, I have reached a different view on the impact of the proposal on the character and appearance of the countryside.
19. I have been referred to Policy DM5 of the SADMPP which relates to the enlargement or replacement of dwellings in the countryside. I have not been provided with the full text of this policy. Nevertheless, the proposal relates to the change of use of land rather than works within an existing residential plot.
20. I have been referred to an appeal decision at land at Townsend Farm where a change of use of agricultural land to garden land was allowed in 2017. I do not have all of the details before me, but on reading the appeal decision, it is clear that the site in that case had a different relationship to the wider agricultural landscape, with more limited accessibility. It also appears that the proposal related to a number of properties in terms of the provision of additional garden land and therefore represented a wider benefit.
21. A number of other planning applications determined by the Council for similar types of development have been provided. I do not have the specific details of those cases in order to make a full comparison. From the limited information before me, there does appear to be some differences to the appeal proposal including the surrounding context, historical alterations to boundaries, the presence of natural boundary features and the previous use of the land.
22. I do note that from the Planning Officer Reports provided that in most cases the proposals were found to be contrary to Policy CS06 of the CS but that the Council found there to be other material considerations that outweighed the conflict with the policy. I have not found any other material considerations have been justified in this case to override the requirements of Policy CS06 of the CS or DM2 of the SADMPP.

Conclusion

23. The proposal would not accord with the development plan as a whole. There are no material considerations, which would indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal is dismissed.

G Dring
INSPECTOR