



Appeal Decision

Site visit made on 15 January 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 14.02.2024

Appeal Ref: APP/V2635/W/23/3322244

Land between 30 to 36 School Road, Marshland St James PE14 8EY

- 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 J Lawrence of Fountain Construction (Anglia) Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 22/01784/F, dated 17 August 2022, was refused by notice dated 5 December 2022.
 - The development proposed is the construction of five detached dwellings, with detached garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) on 19 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues of this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.

Main Issue

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - whether the proposal makes adequate provision for affordable housing.

Reasons

Character and appearance

4. Marshland St James is a linear settlement, with predominantly road fronting development. The appeal site forms part of the rural approach to the village, comprising a prominent open, agricultural field outside but adjacent to the village boundary. Despite its proximity to the village and the adjacent development¹, the appeal site visually relates most to the open countryside.

¹ Application References: 18/00242/RMM, 19/019070/O and 20/01666/RM

Whilst the site has most recently been used as a temporary site compound, it contributes significantly to the open rural character of the area.

5. Although the proposal would maintain the linear, road fronting, pattern of development seen in the area, the subdivision of the field and its development with five dwellings and associated features, including large areas of hardstanding and brick boundary walls would urbanise the plot. As such, the proposal would significantly diminish the contribution that the site makes to the villages rural setting.
6. Whilst the proposal would not be isolated it would consolidate the existing sporadic development apparent on approach to the village. Although the individual design of the dwellings would be in keeping with the surrounding properties, the construction of a significant built form in this position would visually intrude into the open countryside and would greatly reduce the sense of openness on approach to the village.
7. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with policies CS01, CS02, CS06 and CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (July 2011)(LDFCS) as well as policies DM1 and DM2 of the Site Allocations and Development Management Policies Plan (September 2016) (SADMPP) where collectively they seek to ensure development is of high-quality design, responds to the context of the area including density and layout and protects the character and beauty of the countryside. Similarly, there is conflict with the Framework where it requires development to be sympathetic to local character and maintain a strong sense of place.

Affordable housing

8. Policy CS09 of the LDFCS requires that new residential development contributes to the provision of affordable housing as a percentage of development on qualifying sites. Policy DM8 of the SADMPP states that affordable housing contributions will be sought on windfall sites if it forms part of a larger site and hence exceeds the qualifying threshold. Three criteria are provided for when a windfall site will be considered to be part of a larger site, including an extension to an existing consented development.
9. For the purposes of Policy DM8, a site is considered an extension to an existing consented development if it is being built out on the date the application is made. Whilst I note the timeline provided by the appellant, based on the evidence submitted, the adjacent site for 17 dwellings was still being built out by the appellant when the application for the scheme before me was submitted.
10. As such, I consider the appeal site to constitute an extension to an existing consented scheme and a contribution would be required towards the provision of affordable housing in accordance with Policy CS09. The appellant has indicated that the proposal would not provide an affordable housing contribution.
11. Consequently, I conclude that the proposal would not make adequate provision for affordable housing. This would be contrary to the relevant requirements of

Policy CS09 of the LDFCS and Policy DM8 of the SADMPP, as summarised above.

Other Matters

12. My attention has been drawn to elements of the local plan review, including the change of status of Marshland St James from Rural Village to Key Rural Service Centre, the proposed housing allocation sites within the village as well as the overall spatial strategy. The appellant asserts that there is a significant unmet demand for housing locally that the existing and emerging plan do not cater for. However, I have not been provided with any conclusive evidence on this matter and the Council are currently able to demonstrate an adequate 5-Year Housing Land Supply.
13. The proposal would provide five additional dwellings in an accessible location, located close to services and facilities, contributing to the local housing stock. The proposed development would also be served by suitable access and parking arrangements with no impact on highway safety. Short term employment would be provided during the construction and in the long term the future occupiers would benefit the local economy and community by helping to sustain the vitality and viability of the existing settlement.
14. However, whilst the Framework seeks to boost the supply of housing, the social and economic benefits of five dwellings would be modest, and I have no substantive evidence before me to suggest that local services are under threat. Overall, the benefits would not outweigh the harm identified to the character and appearance of the area nor the harm associated with the lack of provision for affordable housing in accordance with the development plan.

Conclusion

15. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the benefits of the scheme and the Framework that outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR