



Appeal Decision

Site visit made on 30 April 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 16th May 2024

Appeal Ref: APP/V2635/W/23/3333760

Goldcrest House, Avondale Road, South Creake NR21 9PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Craig Yarham against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/00906/F.
 - The development proposed is construction of new garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed scheme was amended during the assessment of the planning application, removing dormer windows and holiday let use at first floor and reducing the overall height. The revised proposal which the Council made its decision on comprised a single storey three bay garage. I have taken the description of development in the banner heading above from the Council's decision notice which more accurately reflects the proposal.
3. During the appeal, the Government published an updated version of the National Planning Policy Framework (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 area.

Reasons

5. The appeal site comprises Goldcrest House, a modern two storey detached dwelling and part of an area of a grass field that sits adjacent. The appeal site is located to the rear of frontage development positioned along Avondale Road. Adjacent to the northwest is a further grass field and beyond are arable fields.
6. The northwestern boundary is formed of a close boarded fence near to the existing dwelling, Goldcrest House, followed by a post and rail fence with some low level vegetation along the remainder. The close boarded fence and vegetation along the boundary with the adjacent dwelling, Avondale House,

forms the southern boundary. The southwestern boundary of the appeal site is open to the remainder of the wider grass field. At the time of my site visit the wider grass field including the area within the appeal site was mown relatively short. The evidence submitted by the appellant shows that there was a building previously located on the appeal site near to the proposed siting of the garage, but this was not present at the date of my site visit. I have no information on when it was removed or what its specific use was.

7. The proposal is for a single storey three bay garage which would be a domestic outbuilding used in association with Goldcrest House. The proposed siting of the garage would be on land outside of the existing residential plot of Goldcrest House on agricultural land and as a result the garden area serving the host dwelling would be extended as a result of the scheme.
8. I am advised that South Creake is identified through the spatial strategy as a smaller village where no development boundary is identified. Consequently, the appeal site is located outside of any development boundary and is within the countryside for the purposes of the development plan.
9. Policy DM2 of the Site Allocations and Development Management Policies Plan Adopted September 2016 (SADMPP) states that in areas identified as countryside, new development will be limited to that identified as suitable in rural areas by other policies in the local plan. The other policies are listed as including farm diversification, small scale employment, tourism facilities, community facilities, renewable energy generation, rural workers' housing and affordable housing. The context text for Policy DM2 states that identifying development boundaries, and thus areas of land outside of such boundaries, helps avoid development encroaching on the countryside and limits urban and village sprawl.
10. Policy DM3 of the SADMPP relates to development in smaller villages and hamlets. A list of types of development that will be supported in these locations include small scale employment uses, community facilities, smaller scale tourism facilities, conversions of existing buildings, rural exception affordable housing, development to meet specific identified local need and housing where it would be the sensitive infilling of small gaps within an otherwise continuously built up frontage, subject to being appropriate in terms of scale, character and appearance.
11. 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.
12. The proposal does not meet any of the criteria set out under Policies DM2 or DM3 of the SADMPP nor Policy CS06 of the CS and therefore would be contrary to them.
13. From the evidence before me, the grass field is not within the garden area of Goldcrest House and its use is agricultural. Whilst I noted that the grass field appeared maintained and not in active agricultural use at the time of my site visit, it still appeared as an open area which respected the rural character of the edge of settlement location. It therefore contributes positively to the character and appearance of the area.

14. The appellant asserts that previous applications and appeals relating to the site which were refused and dismissed were not supported by evidence on landscape and heritage impacts but that in this case, a Landscape and Visual Appraisal (LVA) and a Heritage Statement and Impact Assessment (HSIA) have been submitted.
15. I note the conclusions of the LVA which state that the proposal would result in a very low level of landscape and visual impact, that public views would be limited, that mitigation planting could be provided to further screen the proposal and that it would have little or no effect on the wider landscape setting.
16. I accept that in isolation the design proposed for the outbuilding would be sympathetic to the host dwelling. Nevertheless, the proposal would provide an outbuilding located some distance from the host dwelling, to the rear of a neighbouring dwelling, where there is no development currently. Its presence would introduce a clearly domestic feature into a countryside location and would alter the pattern of development in the locality. This would be especially evident with the provision of other domestic paraphernalia that could be provided alongside the development, within the extended garden area. It would alter the character and appearance of the rural edge of the settlement through the encroachment of built form and the domestication of land and would be harmful to it.
17. Whilst public views would be limited from Avondale Road given the backland siting proposed, this does not mean the development is not capable of causing harm. Occupants of neighbouring properties would see the new development. Whilst the use of materials in keeping with the local area and the provision of soft landscaping would soften and screen views of the appeal site, they would not mitigate the impact on the pattern of development and the loss of the more open and rural character of the area.
18. Therefore, whilst I recognise the findings set out in the LVA assessment, I am not convinced that it presents any material considerations that would alter my assessment, as set out above.
19. The appellant states that in terms of the ratio of dwelling footprint to garden area, Goldcrest House does not reflect the character of the area. Information is provided which identifies the comparative ratios for adjacent dwellings which demonstrates that Goldcrest House is disproportionate in this regard. If the appeal proposal were to be allowed the information states that it would not result in Goldcrest House having the largest garden area within the vicinity of the appeal site. Nevertheless, during my site visit, the dwelling did not appear cramped, and whilst I recognise that the garden is not extensive, it was apparent that there is sufficient external space to serve the occupiers of the dwelling.
20. I am referred to Policy DM5 of the SADMPP which relates to the enlargement or replacement of dwellings in the countryside. I am also directed to case law¹ where the ability of an outbuilding to be identified as an extension to a dwelling within the Green Belt was considered. The appeal site is not within the Green Belt however, I acknowledge that a building does not necessarily need to be

¹ Warwick District Council v Secretary of State for Levelling Up, Housing and Communities and Mr Jules Storer and Mrs Ann Lowe [2022] EWHC 2145 (Admin)

physically attached to a dwelling in order to be considered as an extension to it.

21. Nonetheless, the proposed garage would not be located within the existing residential plot but would be located on adjacent agricultural land and would result in the extension of the garden area. There is no support identified in Policy DM5 for the change of use of agricultural land to garden land in order to extend existing residential plots. So, whilst I accept that the proposed garage would result in an incidental outbuilding for use by the occupiers of Goldcrest House, it would not be located within an existing residential plot. The proposal would not therefore comply with the requirements of Policy DM5 of the SADMPP.
22. The appellant asserts that permission was granted for a three-bay garage with studio above at the time the dwelling was allowed on appeal which remains extant, given the dwelling has been constructed. It is stated that if the appeal proposal before me is allowed, the garage with extant permission would not be built. From the evidence before me, I note that the approved garage would be located in closer proximity to the existing dwelling within the approved garden area.
23. I accept that the approved garage would be a realistic fallback position. The LVA suggests that the appeal proposal would result in an improved siting compared with the extant permission because it would be further away from the rear of properties on Back Lane and would be less evident in glimpsed views at the entrance from Avondale Road.
24. However, in my view, given the siting of the approved garage would be within the approved garden area, in much closer proximity to the dwelling it would appear as a more cohesive development, with the outbuilding more clearly linked to the use of the dwelling. The fallback position would not encroach into the adjacent agricultural land and would be less harmful to the rural character and appearance of the area than the appeal proposal. I therefore attribute limited weight to the fallback position.
25. I therefore find that the proposal would be harmful to the character and appearance of the area. It would be contrary to policies DM2, DM3 and DM5 of the SADMPP and Policy CS06 of the CS as set out above. It would also be contrary to Policy DM15 of the SADMPP and Policy CS08 of the CS. These policies seek, amongst other things, that developments respond sensitively to the local setting and respond to the context and character of places. It would also be contrary to the relevant paragraphs of the Framework in this regard.

Other Matters

26. I acknowledge that previous planning decisions are capable of being a material consideration and that consistency is important. I am referred by the appellant to other examples where planning permission has been granted by the Council for outbuildings in rural locations. In the cases of Church End Cottage, Linden Cottage and Driftwood, whilst I note that the distance between the dwellings and the outbuildings proposed was significant, the proposed outbuildings appear to be located within existing garden areas. Therefore, these cases are not fully comparable to the appeal proposal before me.

27. With regard to the case at 73 St Peters Road, it appears that the proposal included the change of use of land to garden land as well as a proposed outbuilding and therefore it has similarities to the appeal proposal before me. Nevertheless, in that case the Council found that it would not harm the character and appearance of the area and therefore was appropriate. I have found that this is not the case in the appeal before me.
28. With regard to the examples identified at 3 Cranmer Cottages and Botany Farm along with those listed in the appellant's Planning Statement, they appear to relate to an existing or a proposed rural enterprise and are therefore a different type of proposal with different considerations to the appeal proposal before me.
29. Whilst the area of land where the garage is proposed is not within the South Creake Conservation Area (CA), the remainder of the appeal site is within it. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. I note that there is no dispute between the parties in respect of the effect of the proposal on the CA. The significance derives from the historic development of the settlement, the presence of cottages and farmhouses of local vernacular, the presence of open spaces and the use of traditional building materials.
30. Views towards the proposed garage from within the CA would not be overly prominent, given the set back location proposed and the intervening frontage built form. The development along Avondale Road would be seen as a backdrop in any views towards the appeal site from outside the CA. Historically, it appears as though the wider field would have included the area where frontage development along Avondale Road is now located and therefore the historical relationship of this area of agricultural land with the built form of the settlement has changed. As a result, I find that the proposal would have a neutral effect on the significance of the CA.
31. Adjacent to the appeal site is the Grade II Listed Avondale Farmhouse and situated alongside the access is a converted barn which is identified in the HSIA as being curtilage listed. In accordance with the statutory duty imposed by section 66(1) of the Act, I have had special regard to the desirability of preserving the setting of the listed buildings in the determination of this appeal. The Farmhouse and barn both derive significance from their architectural character and detailing. Due to the intervening space and built form, the intervisibility between the proposed garage and the Farmhouse would be significantly limited. I find that the proposal would not be harmful to the setting of Avondale Farmhouse.
32. The barn is viewed alongside the existing access. The access alongside the barn would not change as a result of the proposal. Whilst there would be a degree of separation between the two, it would be possible as you move towards Goldcrest House, to view the barn and proposed garage together. However, given the separation and the traditional design and materials proposed I do not consider that there would be harm to the setting of the barn.
33. The appellant asserts that the proposal would not be harmful to the living conditions of neighbouring occupiers given that the proposed use would be compatible with the neighbouring residential use, that vehicular movements would not increase as a result of the development and that it would not be at

risk of flooding. Even if I were to agree, these would be neutral considerations which would weigh neither for nor against the proposal.

Conclusion

34. The proposal conflicts with the development plan as a whole, and there are no material considerations that indicate that I should take a decision other than in accordance with it. The appeal is therefore dismissed.
35. The appeal site falls within the Zone of Influence for one or more of the European designated sites considered under the Norfolk Green Infrastructure and Recreational Disturbance Avoidance and Mitigation Strategy (GIRAMS). However, given I have dismissed the appeal on the main issue, I have not considered this matter further.

G Dring

INSPECTOR