

Appeal Decision

Site visit made on 23 August 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2024

Appeal Ref: APP/V2635/W/23/3333351

Waxwings, Thornham Road, Holme Next The Sea, Norfolk PE36 6LR

- 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 and Mrs Cooke against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/00422/F.
 - The development proposed is dwelling on subdivided plot of an existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal upon the character and appearance of the area, including the Norfolk Coast National Landscape; and,
 - whether the appeal site is a suitable location for residential development with regard to the local development strategy and access to services and facilities.

Reasons

Character and appearance

3. The appeal site relates to an area of land adjacent to a bungalow situated between Thornham and Holme, which currently contains a wooden storage structure and partially forms parking provision for the existing dwelling. The site addresses the A149 road, although a substantial hedge screens the existing dwelling from the road.
4. It is located within the Norfolk Coast National Landscape ('the NL'), The Framework sets out that such areas have the highest status of protection in relation to landscape and scenic beauty, and that great weight is to be afforded to the conservation and enhancement of the landscape and scenic beauty of these areas. The special qualities of the NL include landscape views and scenic beauty, a sense of remoteness, peace and tranquillity, and dark night skies.

5. The supporting text to NP Policy HNTS11 identifies that the character of the area is defined, in part, by properties having a relatively low plot coverage and space between dwellings, and that this also helps to define the relationship between the village and its NL setting.
6. The proposal would comprise a single-storey detached dwelling, with a flat grass roof and of contemporary design. It would also include the creation of an additional access from the A149, with around 3 metres of the substantial hedgerow at the site frontage being removed in order to facilitate this.
7. The proposal would be larger than the existing shed building which it would replace. It would be situated within a narrow plot with little separation between the side elevations and the plot boundaries. Although a degree of separation would be maintained as a result of an area of garden which would be retained at Waxwings, it would nevertheless appear constrained within its own boundaries, in contrast to the generally more open nature of existing development in the area. This would be harmful to the character of the area.
8. The appeal site is currently well screened from the A149 by a hedgerow of significant height. The removal of part of this hedgerow would open up the appeal site to a greater extent, and while the increase in openness would better reflect the wide open and broadly flat landscape of this part of the NL, it would also result in the proposal and the existing dwelling presenting a more urban frontage to the road than currently exists, with the cramped relationship between the proposal and Waxwings being clearly evident. This visual urbanisation would be harmful to the sense of remoteness that forms part of the special quality of the NL.
9. The contemporary design approach, although a contrast to other buildings nearby, would not, in itself, be harmful, with the dwelling representing a sympathetic modern intervention using appropriate materials. However, for the reasons set out above, it would nevertheless be harmful in terms of its size in relation to the plot, relationship with other buildings and the increase in urbanisation that would occur.
10. The proposal would be harmful to the character and appearance of the area and would fail to conserve or enhance the special qualities of the NL. It would conflict with CS Policies CS06, CS07, CS08, SADMP Policy DM15 and NP Policies HNTS10, HNTS11, and HNTS20 which together and amongst other factors, state that development should enhance the distinctive local character, have regard for the relationship between building size and plot size, provide a positive contribution to the streetscene and avoid a cramped or urbanised appearance with gaps not relying on borrowed space from neighbouring gardens.

Location

11. It is not disputed between the main parties that the appeal site lies within the countryside zone as defined in the Holme-next-the-Sea Neighbourhood Plan ('NP'). There is development, including other dwellings along the A149, and these are located sporadically as either single dwellings or small groups, with significant gaps between clusters.

12. Policy CS02 of the King's Lynn and West Norfolk Local Development Framework Core Strategy ('CS') seeks to direct development to sustainable locations. It sets out a settlement hierarchy for the area, along with a strategy to focus new development into those settlements best placed to support it. CS Policy CS06 sets out a strategy for development in rural areas to promote sustainable communities and patterns of development. This includes, beyond villages and in the countryside, that the strategy will be to protect the countryside for its intrinsic character and beauty, and the diversity of its landscapes, heritage and wildlife. It also sets out that employment, housing, services and other facilities should be provided in close proximity.
13. NP Policy HNTS5 states that development in the countryside zone should demonstrate a need that is clearly related to agricultural activities and linked to a specific location that satisfies that particular need.
14. Adjoining the appeal site to the east is a dwelling. Further to the west is another dwelling with an area of land between. The function of this adjoining land was unclear at the time of my visit, however its visual character from public viewpoints was verdant. I also saw that there are a number of buildings located to the northeast of the appeal site, set back from the A149. Together, these elements, including the appeal site, form one of the clusters of development that exist between the settlements of Holme next the Sea and Thornham.
15. Given its proximity to other development, the appeal site is not isolated. However, nor is it located within a settlement. On this basis, the proposal would not comprise infill development for the purposes of King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan ('SADMP') Policy DM3, or development within a Rural Village, Smaller Village or Hamlet for the purposes of CS Policies CS02 and CS06. As the proposal is not promoted as being related to agricultural activities, for the purposes of NP Policy HNTS5, the provision of a new dwelling in this location has not been justified. The fact that the appeal site would be located within a group of buildings does not reduce the conflict with these policies.
16. While local services and facilities exist within the wider area, the evidence indicates that none are closer than 0.4 miles from the appeal site. Although only a snapshot in time, I saw that the A149 is well used by traffic. It has no footway or streetlighting in the vicinity of the appeal site, and I have not been made aware of any alternative walking routes between the appeal site and local amenities. It is likely that any pedestrian travelling to or from the appeal site along the road would be required to either walk on the carriageway or the narrow, raised verge.
17. The evidence indicates that a local bus service exists, however I have not been made aware of the location of the closest bus stop, other than reference to it being located around 0.4 miles away. Given my findings above, I consider that it is unlikely to be located such that it could be easily accessed by pedestrian means.
18. Therefore, while accessing some services by means of bicycle could be an option for some future occupants of the proposal, the circumstances would

not represent an attractive walking environment, particularly at night or in inclement weather, nor would there be convenient access to public transport.

19. Overall, I conclude that most journeys to and from the proposed dwelling would require the use of a private car. I am mindful that Paragraph 109 of the National Planning Policy Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, there would be a lack of meaningful opportunities to access the site by means other than by private vehicle, and as a result the site would not be accessible by sustainable means of travel.
20. My attention has been drawn to an appeal decision issued in 2018 in relation to the issue of access to services. However, I have been provided with only very limited details in relation to this case. Although the appellant has highlighted key points, the information before me is limited such that the specific circumstances of that case are unclear. I cannot, therefore, be certain that the cited case was wholly reflective of the circumstances of the case which is before me, particularly as it appears to relate a case from outside of the area and which was considered in the context of a previous version of the Framework. I therefore afford limited weight to the relevance of this decision in determining the appeal.
21. I have also been made aware that a commercial enterprise known as Drove Orchard exists to the east of the appeal site, that it has been subject to recent growth, generates traffic, is not accessible via a footway and is visible in views across the landscape. Be this as it may, there is no detailed evidence before me in relation to the history of this site and the circumstances of its development. As a commercial enterprise, it is a development of different character and function to that which is before me. It is not, therefore, wholly comparable, and does not justify the harm that I have identified would result from the appeal proposal.
22. I conclude that the appeal site would not be an appropriate location for the proposal having regard to the local development strategy, and would have poor access to services and facilities. It would therefore be contrary to CS Policies CS02 and CS06 and NP Policy HNTS5, the content of which I have set out above. There would also be additional conflict with the Framework which states that new development should be planned in ways that can help to reduce greenhouse gas emissions.
23. CS Policy CS07 seeks to balance the sensitive nature of the NL with the need for economic and social development. As set out above, the proposal would fail to enhance the distinctive local character of the area. Therefore, although I acknowledge that the proposal could help to support and enhance local services and facilities, it would nevertheless conflict with this policy when considered in the round.
24. The Council also found conflict with NP Policy HNTS2, however this policy relates only to development within the Development Envelope and Flood Risk Areas of the defined Holme Village Zone. As the appeal site is stated as falling outside of these areas, the policy is not applicable to this specific case.

25. Furthermore, the Council has cited conflict with CS Policy CS07 in relation to this issue. This policy seeks to balance the sensitive nature of the area with the need for economic and social development.

Other Matters

26. Even if the proposal would be unlikely to significantly increase the level of traffic using the A149, the absence of any harm in this respect would not weigh in favour of the proposal.
27. Reference is made to the proposal being a self-build dwelling, and in being so, that it would contribute towards addressing a shortfall of such sites in the area. I have had regard to the appeal decisions¹ put before me in relation to self-build housing. However, there is no mechanism before me which would secure the proposed dwelling as a self-build project. I therefore afford only very limited weight to the contribution that the proposal would make to addressing any such shortfall, should it exist.
28. I understand that the appeal site lies within the zone of influence of one or more European designated sites. The Conservation of Species and Habitat Regulations 2017 require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
29. Natural England has indicated that certain types of new development in this area are likely to have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure.
30. Therefore, had I been minded to allow the appeal, it would have been necessary to carry out an appropriate assessment in order to establish whether or not the proposal would be likely to affect the protected sites. I address this matter further within the planning balance.

Planning Balance

31. I have found that the proposal would conflict with the local development strategy. It has been put to me that the relevant development plan policies are out-of-date, although only limited evidence has been provided in relation to this assertion. It is also specifically stated that NP Policy HNTS5, which was adopted in 2021 is overly restrictive.
32. While the CS and SADMP are now of some age, they should not be considered to be out-of-date solely due to the fact that they predate the current version of the Framework. Due weight should be afforded to them according to their consistency with the Framework.
33. It is the case that CS Policies CS02 and NP Policy HNTS5 restrict housing development outside of settlements. When considered individually, these policies are not wholly consistent with the Framework, which advocates a more flexible approach. However, the overall strategy within the development plan as a whole, which is to direct new development to locations best able to support it, is generally consistent with the thrust of the

¹ APP/V2635/W/23/3320506 and APP/W3520/W/23/3316136

Framework. I therefore afford moderate weight to the conflict of the proposal with these policies.

34. I have also found that the proposal would harm the character and appearance of the area, and would fail to conserve or enhance the NL. Having regard to Paragraph 182 of the Framework, I afford great weight to the harm to the NL that would result from the proposal, as well to conflict with development plan policies in this regard.
35. The proposal would contribute towards the supply of housing more generally, in line with the government's aspirations set out at Paragraph 60 of the Framework. It would also provide a boost to the local economy, on a temporary basis during construction, and thereafter following occupation, including providing support to the local rural economy. These are factors which weigh in favour of the proposal. Given the modest scale of the proposal, I afford these benefits moderate weight, but taken in the round, they do not outweigh the harm that I have found.
36. If I were to find that the Council could not demonstrate the required 5-year supply of housing sites, or that the most relevant policies were out of date, Paragraph 11(d) of the Framework states that permission should be granted, unless the application of policies in the Framework that protect areas or assets of importance provide a clear reason for the refusal of the development proposed (Paragraph 11(d)(i)), or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed the policies in the Framework as a whole (Paragraph 11(d)(ii)).
37. Footnote 7 of the Framework identifies National Landscapes as one of the areas that Paragraph 11(d)(i) relates to. Therefore, even if I were to agree that the most important policies are out-of-date, or that the Council cannot demonstrate an adequate supply of housing sites, policies in the Framework that protect areas of importance provide clear reasons for refusing the development. Therefore, the presumption in favour of the development does not apply, in any event.
38. Had I come to a different conclusion, I would have sought additional information in order to undertake the appropriate assessment, and be satisfied that the integrity of the European Site would not be adversely affected. However, as I have found that the presumption does not apply in this case, this has not been necessary.

Conclusion

39. The proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that the development should be determined other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR