



Appeal Decision

Site visit made on 7 November 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/V2635/W/23/3336186

Land between Jenson's Way housing development and BK Charcoal development, between A134 and B1112 Methwold Road

Grid Reference: Easting 571864, Northing 299038

- 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 Councillor Tony White against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/00985/FM.
 - The development proposed is 11 super insulated, low-energy houses built to Passivhaus standards, with shared open green space, planted tree boundary, and access road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is a suitable location for housing having regard to the development plan;
 - whether the proposed development would have an acceptable effect on the character and appearance of the area; and
 - whether noise from nearby roads and commercial businesses could be effectively managed to ensure suitable living conditions for future occupiers while safeguarding the operations of nearby commercial businesses.

Reasons

Whether a suitable location

3. The appeal site lies to the east of Whittington, which is categorised as one of the 'smaller villages and hamlets' under Policy CS02 of the King's Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy, Adopted Version July 2011 (the CS). Policy CS06 of the CS supports modest levels of development in the smaller villages and hamlets to meet local needs and maintain the viability of communities where this can be achieved in a sustainable manner.
4. Policy DM3 of the Site Allocations and Development Management Policies Plan, adopted September 2016 (the SADMP) supports housing development in the smaller villages and hamlets through the sensitive infilling of small gaps within

an otherwise continuously built-up frontage. This is subject to the development being appropriate to the scale and character of the group of buildings and its surroundings, and where it will not fill a gap which provides a positive contribution to the street scene.

5. The supporting text to Policy DM3 clarifies that infill development can make an improvement to the street scene where a gap has been left, for example due to demolished buildings, or where it replaces lower quality development.
6. While the site is adjacent to residential land to the south and west, it comprises a substantial open expanse of undeveloped land that is highly visible from prominent public vantage points. To the north, farm buildings lie across the A134, but they are set back from the road and lack a close relationship with the appeal site. Although there are large buildings associated with a charcoal plant to the east and southeast, these are significantly separated from the appeal site. The neighbouring land directly to the east is used for commercial purposes in connection with the charcoal plant, specifically for the open storage of timber, but it contains no buildings. Given this context, I am not persuaded that the site meets the criteria for infilling, as defined by the development plan.
7. For these reasons, I conclude that the site is not a suitable location for housing. The proposed development would therefore conflict with Policies CS06 and CS08 of the CS, and Policies DM2 and DM3 of the SADMP. Together these policies seek, in relation to this issue, to focus rural development in key rural service centres, to restrict development in the countryside and in small villages and hamlets other than in specific circumstances, to resist the development of greenfield sites, and to respond to context and character.

Character and appearance

8. The site's undeveloped character reflects its countryside designation, offering an expansive area of open land that sits lower than the A134 and is highly visible from it. It currently provides a clear and definitive edge to the residential part of the settlement when viewed from the north, with the residential development further to the south screened by dense evergreen vegetation. Although the land to the east is used for commercial purposes, it contains few substantial structures near the appeal site's boundaries.
9. The proposal would introduce substantial built development to the site. Given the elevated views from the A134, the dwellings, their boundary treatments and associated residential paraphernalia would all be highly visible, creating an uncharacteristic and incongruous intrusion into the countryside.
10. The proposal would include reasonably sized private gardens for all dwellings, as well as usable public open space. While some greenery would be retained, and additional landscaping is proposed, these measures would not mitigate the cumulative adverse effect of the built form on the area's character and appearance.
11. For these reasons, I conclude that the proposed development would represent an unwelcome incursion into the countryside that would harm the character and appearance of the area. It would conflict with Policies CS01, CS02, CS06 and CS08 of the CS, and Policies DM1, DM2 and DM3 of the SADMP. Together these policies seek, in relation to this issue, for proposals to follow the spatial

strategy and resist development outside of defined boundaries, to follow the presumption in favour of sustainable development, and for proposals in smaller villages and hamlets to be limited to that suitable in rural areas.

Noise

12. Policy DM15 of the SADMP requires that proposals are assessed for their impact on neighbouring uses and their occupants, as well as the amenity of future occupiers of the proposed development. This assessment includes several factors, such as noise.
13. Paragraph 193 of the National Planning Policy Framework (the Framework) provides that where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant – or ‘agent of change’ – should be required to provide suitable mitigation before the development has been completed.
14. During my visit, the adjacent land was being used for the storage of timber in connection with the charcoal plant, with significant noise arising from the operation of heavy machinery, including its activities of moving and stacking timber. Additionally, the A134 runs close to the northern boundary of the site. This road sits on elevated land and is heavily trafficked, with a high proportion of heavy goods vehicles. Due to its proximity and elevation, traffic noise – particularly from heavy goods vehicles – was clearly audible throughout the site during my visit.
15. The appellant points to the inclusion of acoustic fencing as part of the scheme and references the conclusions of an acoustic report prepared for the adjacent development to the west, suggesting that these measures could address the issue of noise. However, I am not convinced that the same conclusions would apply to this proposal, given its different characteristics and significantly closer proximity to the commercial activities of the charcoal plant. Based on my observations, I remain unconvinced that these measures sufficiently demonstrate that the noise levels observed on site would allow for suitable living conditions for future occupiers. Furthermore, they do not provide the assurance that nearby commercial operators would be able to continue their activities without facing unreasonable restrictions due to the impact of their noise on the proposed development.
16. For the reasons given above, I conclude that the proposal fails to demonstrate that it would provide suitable living conditions for future occupiers with respect to noise. It also fails to demonstrate that it would not adversely affect the operations of nearby commercial occupiers by imposing additional restrictions on their activities. Consequently, the proposed development conflicts with Policy DM15 of the SADMP and the provisions of the Framework, as previously set out.

Other Matters

17. The recently constructed residential development to the west, known as Jenson's Way, was approved by the Council's planning committee contrary to officer recommendation. While this development provides some context for the appeal site, I have not been provided with full details of the issues or considerations leading to its approval. Regardless, my assessment of this

appeal is based solely on the specific merits of the scheme before me. Therefore, this matter does not alter my previous conclusions.

18. The appellant has also expressed concerns regarding the Council's decision to determine the appealed planning application under delegated powers, in contrast to the neighbouring development, which was determined by a committee that interpreted the policy differently. Additionally, the appellant highlights that the decision was made prior to full disclosure of statutory consultee feedback. However, my role in this appeal is to assess the scheme before me and not to review the Council's decision-making process.
19. The proposed development would provide 11 new energy-efficient dwellings, making efficient use of the land and providing a small but meaningful contribution to housing stock. This aligns with the government's objective to boost the supply of homes, as set out in the Framework. While the submission refers to the provision of social housing, I have not been provided with any planning obligation or mechanism to secure this. As such, any specific benefits of social or affordable housing provision carry limited weight. While the general provision of housing does weigh in favour of the proposal, this does not outweigh the previously identified harm arising through conflict with the development plan.
20. The proposal seeks to provide additional dwellings within the Zone of Influence of one or more European Sites falling under the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS). Had I been minded to allow the appeal, it would have been necessary to undertake an appropriate assessment to ensure the proposal would not lead to any adverse effects on the integrity of the European Sites. However, because I am dismissing the appeal for other reasons, an appropriate assessment has not been undertaken.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR