



Appeal Decision

Site visit made on 9 December 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/V2635/W/24/3349924

East of Whitegates, Methwold Road, Methwold Hythe, Norfolk IP26 4QW

- 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 SA and SJ Rodwell against the decision of King's Lynn and West Norfolk Borough Council.
 - The application reference is 24/00458/F.
 - The development proposed is construction of one dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The King's Lynn and West Norfolk Local Plan (2021-2040) (the emerging LP) is at an advanced stage in the review process, However, the examination is yet to be completed and the emerging LP found sound and policies including those identified below may yet be subject to change. I therefore find that it attracts modest weight as a material consideration.

Main Issue

3. The main issue in this appeal is whether the site is a suitable location for a dwelling having regard to local and national policy for the delivery of housing.

Reasons

4. The appeal site is an area of open, grassed land, lying alongside Whitegates, a detached chalet-style dwelling fronting onto Methwold Road. To the east, the site is bounded by an unsurfaced access track and a mature hedge on the far side from Whitegates. Beyond this lies open, cultivated fields. Behind the site lies another open, grassed area, with dwellings visible behind that.
5. Overall, the character of the site is that of an open, grassy field at the edge of a settlement, set between the built-up area and the agrarian land surrounding the village. The proposal would introduce one new dwelling into the open land.
6. Policy CS02 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy (2011) (the CS) identifies Methwold Hythe as a Smaller Village or Hamlet. As such Methwold Hythe does not have a defined settlement boundary. Further development in such settlements is identified within the CS as being inappropriate and is therefore limited to specific identified needs in order to maintain the vitality of those communities.

7. Policy DM3 of the Borough Council of King's Lynn and West Norfolk Site Allocations and Development Management Policies Document (2016) (the SADMPD) allows for the sensitive infilling of small gaps within an otherwise continuously built up frontage in Smaller Villages and Hamlets where the development is appropriate to the scale and character of the group of buildings and its surroundings, and it will not fill a gap which provides a positive contribution to the street scene.
8. These development plan policies seek to focus development on larger settlements which can provide a full range of services to meet residents' day-to-day needs, whilst still allowing some economic growth to support the rural economy. In so doing they reduce the need to travel, protect the character of smaller settlements, and control the spread of development into the countryside, which is recognised for its intrinsic character and beauty. Thus, these policies are in broad accordance with the aims of the Framework as set out in Sections 5, 9, 12 and 15 and carry full weight in my deliberations.
9. Whilst there is no objection from the Council on the basis of the design of the proposed dwelling, and there is no suggestion before me that the space that the building would occupy provides a positive contribution to the street scene, there is dispute between the parties as to whether the proposal constitutes infilling of a small gap in an otherwise built-up frontage.
10. The site lies on the end of a row of dwellings. It does not, therefore, constitute an infill plot between buildings. To the rear, whilst there is some built form, this is a significant distance away and the site does not read as forming a gap between built form that is turning a corner. The proposed dwelling does not, therefore, constitute "infill" as set out in policy DM3 above.
11. The proposal would extend built form out into open land on the edge of the settlement. Whilst buildings extend along the opposite, southern, side of Methwold Road, the northern side is lacking in buildings on the frontage beyond Whitegates until it reaches Saltbox, a dwelling some considerable distance away from the appeal site.
12. Thus, the proposal would harmfully undermine the Council's spatial strategy, as set out in the development plan. The Government, in paragraph 15 of the Framework, supports a genuinely plan-led planning system. Therefore, in this particular case, I find significant harm would occur from the undermining of the development plan spatial strategy.
13. The appellants identify that, within the emerging Local Plan it is intended to replace policy DM3 with draft policy LP02. I note, however, that the current wording of that draft policy includes similar restrictions on development within Small Villages and Hamlets, limiting new housing to the provision of 1 or 2 infill dwellings per site. As will be seen above I do not consider that the proposal is infilling.
14. My attention has been drawn by the appellants to a recent appeal¹ decision which they consider relevant to the proposal before me. I note that, in that decision, the Inspector, in allowing the appeal and when considering the proposal before them in regard to Policy DM3, found it did not result in material harm. However, the site of that appeal is some distance away and

¹ PINS Ref: APP/V2635/W/24/3337158

does not inform the context of the proposal site in this appeal. In such cases as these the context of the site and its relation to existing built form is very important. I have, therefore, determined this appeal on its own individual merits.

15. I therefore find that the proposal is not a suitable location for a dwelling having regard to local and national policy for the delivery of housing. It is contrary to policies CS02, CS06 and CS08 of the CS and policy DM3 of the SADMPD in as much as these set out the Council's spatial strategy, seeking to maintain local settlement character whilst providing opportunities for the rural community to thrive.

Other Matters

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
17. The Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries. The appeal site is located in close proximity to existing dwellings and is not isolated and so the countryside location does not conflict with paragraph 84 of the Framework. Paragraph 83 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
18. The Framework recognises that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. The appeal site lies on the edge of a settlement identified as being suitable for limited housing growth. There are, however, few services within the village. Nonetheless the proposal would contribute to the vitality of the village.
19. I have found conflict with the development plan, when read as a whole. Notwithstanding the age of the development plan, these policies, which are the most relevant to the determination of this appeal, still carry weight in proportion to their degree of consistency with the aims of the Framework.
20. The policies (policies CS02, CS06 and CS08 of the CS and policy DM3 of the SADMPD) are closely consistent with the aims and policies set out in Sections 5, 9, 12 and 15 of the Framework and, therefore, carry full weight.
21. The development would provide benefits in terms of delivering a home to boost housing supply. Paragraph 70 of the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
22. Whilst it is not disputed that the Council is currently able to demonstrate a 7.9-year supply of housing land, the Council's identified housing need figure is not a maximum and the proposed new dwelling would provide a limited public benefit, given the Government's aim of significantly increasing the delivery of housing. There would be minor benefits to the local economy in terms of short-term employment in the construction industry and longer term support to local shops and businesses.

23. I have found that the proposal would result in harm from the undermining of the aims of the Council's spatial strategy. This is a factor weighing significantly against the scheme.
24. In conclusion the limited benefits provided by the proposal would be outweighed by the identified harm when considered against development plan policies and the Framework when read as a whole.
25. The site is located within the zone of influence of one or more European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
26. The Court of Justice of the European Union has ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the framework of an Appropriate Assessment (AA) rather than at the screening stage². This responsibility now falls to me within this appeal. Such an assessment is necessary regardless of the status of the policies of the development plan.
27. Had I been minded to allow the appeal, it would have been necessary for me to seek additional information from the parties and consult Natural England in order to undertake the AA. The AA is required on a case-by-case basis to determine whether or not the project will adversely affect the integrity of the site. It would also have required a consideration of whether or not any proposed mitigation would be adequate, effective, could be appropriately secured and delivered in a timely manner. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal is dismissed.

I A Dyer

INSPECTOR

² People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244