



Appeal Decision

Site visit made on 12 February 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/V2635/W/24/3347147

6 Walsingham Road, Burnham Thorpe, Norfolk PE31 8HN

- 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 Holkham Estates Company Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/01620/F.
 - The development proposed is full planning permission for a single dwelling with associated landscaping, vehicular access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have determined the appeal based on the drawings referenced in Table 1 of the appellant's Statement of Case, against which the Council made its decision. Two additional drawings and a structural survey were submitted with the appeal to provide additional detail and context specifically regarding the boundary wall proposals. These details were not before the Council when it determined the planning application. However, having regard to the *Holborn Studios*¹ judgment, I do not find these submissions to materially alter the proposed development, as they seek only to clarify certain matters. Accordingly, I have taken them into account in my decision.
3. The appeal site is located within the Burnham Thorpe Conservation Area (the CA). As such, I have had regard to the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
4. An update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been given the opportunity to comment on the effect of the updated Framework for the appeal, and I have had regard to any comments received in my decision.

Main Issue

5. The main issue is whether the proposed development would have an acceptable effect on the character and appearance of the area, and whether it would preserve or enhance the character or appearance of the CA.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

Reasons

6. The appeal site is a vacant parcel of land located north of Walsingham Road. Its southern boundary, adjacent to the road, is defined by a traditional chalk and brick wall. Residential properties occupy the adjacent plots to the east and west fronting Walsingham Road. To the south, the site faces open meadows on the opposite side of the road, through which the River Burn runs. A publicly accessible footpath crosses this area, meeting Walsingham Road near the appeal site.
7. The CA covers the village of Burnham Thorpe, which consists of a loose knit settlement scattered along a network of country lanes. Open meadows, such as those opposite the appeal site, are dotted throughout the area and separate buildings into groups. Within these groups, the scale and spacing between buildings varies, ranging from densely packed buildings tight to the roadside, to larger gaps created by gardens and undeveloped plots enclosed by hedgerows and traditional masonry walls. Buildings in the CA are generally modest in scale and constructed from a limited palette of traditional materials including brick, chalk block and flint.
8. Insofar as is relevant to the appeal, the significance of the CA derives from its historic village character and the relationship between buildings, structures, thoroughfares, and open spaces, exemplified by a distinct palette of materials and traditional vernacular architecture.
9. The Council's concerns focus on the proposed alterations to the boundary wall along Walsingham Road. The wall, constructed from red brick and chalk, and topped with a decorative coping, varies in height between 1.37 and 1.47 metres. The proposal involves lowering the wall to approximately 0.6 metres and inserting a pedestrian gate to provide direct access from Walsingham Road to the front of the dwelling. These works were proposed following the application's original submission, in response to the comments of the local highway authority to improve visibility splays.
10. Although largely undeveloped, the appeal site is part of a broadly consistent ribbon of development along the northern side of Walsingham Road, which serves as the village's main eastern gateway. Whilst the land to the south is characterised by open meadows, development along the road's northern edge presents a broadly consistent built form tight to the roadside, a defining characteristic of this part of the CA. Despite the site's lack of significant development, the existing wall forms a strong, visually prominent boundary feature that contributes to the area's character. Additionally, due to the road's curvature, the wall is highly visible from distance when approaching from both the east and west, as well as from the public footpath across the meadow.
11. The appeal submission states that the site was formerly part of the grounds of No 6 Walsingham Road, the existing dwelling to the east. Historic imagery shows that it previously housed domestic garden paraphernalia such as greenhouses. Whilst the absence of development provides little contribution to the significance of the CA, its enclosed nature, defined by its distinctive and characteristic boundary wall, contributes to the established character of the CA.
12. The appellant's evidence states that the existing structure would be retained as far as possible, including the existing coping. The reduction in height would be achieved by removing a mid-height section along the full length of the wall.

However, the proposed reduction in height would be substantial, leaving the finished wall at less than half its current height.

13. Furthermore, the existing coping currently accounts for only a small portion of the wall's overall height. If retained in its entirety atop a much lower wall, it would appear disproportionate and unbalanced, failing to reflect the characteristic proportions of the existing structure. Additionally, whilst the submitted elevation drawings indicate the proposed wall's finished appearance, the details are limited and do not convincingly demonstrate that it would preserve the character or appearance of the CA.
14. Considering these factors, whilst the efforts to preserve the structure of the wall to meet the highway safety requirements are noted, its resulting appearance would significantly diminish its positive contribution to the CA's significance. The proposal would therefore fail to preserve or enhance the character or appearance of the CA.
15. I acknowledge that other developments in the area have included works to boundary walls along Walsingham Road. However, these cases do not appear directly comparable, nor do they involve reducing the scale of the boundary walls to the extent proposed here. Therefore, they do not alter my previous findings.
16. The Council also raised concerns regarding the lack of structural detail to ensure the wall would be capable of reduction without causing instability or total loss. In response, the appellant submitted a structural survey with the appeal, concluding that the wall is in sound structural condition and that the proposed works could be undertaken without impairing its stability, provided appropriate techniques were used. The Council has not commented on this matter in their appeal submission, and I find no substantive reason to contradict the report's findings. Therefore, I am satisfied that the works could be undertaken without harmfully destabilising the wall. However, this is a neutral factor that does not weigh in favour of the proposal.
17. Paragraph 212 of the Framework advises that, when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Based on my findings, I conclude that the proposal would harm the character and appearance of the area and the significance of the CA. While the harm is less than substantial, it is nevertheless of considerable importance and weight.

Heritage balance

18. Paragraph 215 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. Beyond the proposed changes to the wall, the Council has not identified any specific harm to the significance of the CA, nor have I been presented with any compelling evidence to suggest otherwise. Consequently, aside from the boundary wall, the remainder of the proposed development would preserve the significance of the CA. However, given the site's current contribution to the significance of the CA, this preservation is no more than a neutral factor in the overall heritage

balance. Therefore, when considering the entire proposal, and in line with the *Bohm*² judgment, the previously identified harm would not be overcome.

20. Nonetheless, the proposal would make efficient use of the land and provide an additional dwelling, contributing to housing supply and supporting the Government's objective of significantly boosting the supply of homes, as set out in the Framework. Whilst this represents a public benefit, it is limited given that the scheme delivers only a single additional unit.
21. The appellant also asserts that heritage benefits would arise from repairing and consolidating the altered wall to ensure its long-term conservation. Additionally, the proposal seeks the removal of the modern red brick dwarf wall and railings at No.6 Walsingham Road, replacing them with a boundary wall similar to that of the proposed dwelling, using salvaged materials from the partially removed wall. However, while structural improvements and the creation of a more historically sympathetic boundary at No.6 may offer some benefits, these are tempered by concerns over the reduced height and finished appearance of the retained wall. As a result, any public benefits in heritage terms would be limited.
22. Accordingly, whilst the development may provide some public benefits, I am not persuaded that these, taken together, would be sufficient to outweigh the identified harm to the significance of the CA, given the great weight that must be given to its conservation.
23. For these reasons, I conclude that the proposed development would harm the character and appearance of the area and fail to preserve or enhance the character or appearance of the CA, resulting in harm to its significance that would not be outweighed by public benefits. The proposal would therefore conflict with Policies CS01 and CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy, Adopted Version July 2011; and Policy DM15 of the Site Allocations and Development Management Policies Plan, Adopted September 2016. These policies collectively require development to be of high-quality design, and to protect and enhance heritage assets. The proposal would also conflict with the relevant provisions of the Framework, as previously outlined.

Other Matters

24. Paragraph 11.d) of the Framework directs that where there are no relevant development plan policies, or the policies which are most important for determining an application are out-of-date, permission should be granted unless certain circumstances apply.
25. Footnote 8 of the Framework directs that paragraph 11.d) is engaged if the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, or where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The latest published HDT measurement stands at 60%, which would therefore engage paragraph 11.d). The appellant also submits that the Council cannot demonstrate a five-year supply of deliverable housing sites.

² *Dorothy Bohm v SSCLG* [2017] EWHC 3217

26. Nevertheless, even if paragraph 11.d) was engaged via either the HDT or the housing land supply position, I have found the proposal would conflict with the relevant policies of the Framework relating to designated heritage assets. Under the provisions of paragraph 11.d) i. this provides a strong reason for refusing the development. Therefore, the proposal would not be supported under paragraph 11.d) of the Framework.
27. The appeal site falls within the 'Zone of Influence' (Zol) for several European Sites, including North Norfolk Coast Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar; The Wash SPA and Ramsar; and The Wash and North Norfolk Coast SAC.
28. The Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS) identifies that residential development in the Zol is likely to have a significant effect on the interest features of European Sites through increased recreational pressure, when considered either alone or in combination with other plans and projects. To mitigate these effects, the appellant has made a payment under Section 111 of the Local Government Act 1972, to be used to fund mitigation measures in accordance with the GIRAMS.
29. Where a proposal is likely to have significant effects on European Sites, the competent authority is required to carry out an appropriate assessment if minded to grant consent. However, because I am dismissing the appeal for other reasons, an appropriate assessment has not been undertaken.

Conclusion

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

P Storey

INSPECTOR