



Appeal Decision

Site visit made on 2 June 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/V2635/W/25/3362252

Longridge, 37 Elm High Road, Emneth, Norfolk PE14 0DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Rout against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 24/01466/O.
 - The development proposed is residential development (up to 8 dwellings) involving demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the Council adopted the Kings Lynn and West Norfolk Local Plan 2021-2040 (LP) on 27 March 2025. This replaced the Site Allocations and Development Management Policies Plan (2016) and Core Strategy (2011). In light of this, the main parties have been given the opportunity to provide comments on the new LP in relation to their cases. I have had regard to the comments received and have considered the proposal against the relevant policies in the LP.
3. The application seeks outline planning permission with all matters reserved, except for access. I have considered the appeal on this basis and have treated any details in relation to the reserved matters as indicative.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area, and whether the proposal secures affordable housing.

Reasons

Character and appearance

5. The appeal site relates to a large, detached bungalow at 37 Elm High Road set in a large spacious plot within the defined settlement boundary. Bungalows to the north of the site are set back from the road in generous plots, with large gardens. To the south of the site is a retail park which has an extensive open area close to the highway. Collectively, these factors contribute positively to the open and spacious character of this part of Elm High Road.

6. Whilst properties on the opposite side of the road are set closer to the highway, they nevertheless have generous sized plots, glimpsed from between the buildings. The lower density of plots is also a key characteristic of this part of Elm High Road from which the development would be predominantly viewed. Whilst a new residential estate, located further east of the appeal site, has been constructed at a higher density, given the location of the appeal site and the four new dwellings constructed immediately east, the proposed development would not be primarily seen in the context of that estate.
7. The indicative plan proposes eight detached dwellings. Four dwellings would be set back from, and front the highway, behind generous sized front gardens. Their front elevations would be aligned with the building line of the dwellings sited immediately north and the grassed area south, with the front boundary hedge removed. In this regard, the sense of openness of this part of the road would be retained when viewed from the front of the appeal site.
8. However, the location of the access road to the south, the four recently built dwellings immediately to the east of the site, and the setback of any proposed dwellings from the road frontage to retain the sense of openness at the front of the site, constrains the site in terms of potential layout. The indicative plan shows a private driveway serving four dwellings to the rear of the four frontage properties. This results in a notable reduction in the overall plot sizes, particularly plots 5 to 8, with the dwellings having noticeably small rear gardens, giving the proposed scheme a cramped appearance. This would appear at odds with the overall density of development in this part of Elm High Road, and also with the newly constructed bungalows immediately east of the site which predominantly have noticeably wider frontages and larger gardens due to the width of that parcel of land.
9. I accept that the layout is a reserved matter, the layout plan is indicative and that less than 8 dwellings could be agreed at later reserved matters stages, as well as the type of properties proposed. Nevertheless, the description of development states 'up to 8 dwellings' and the granting of outline planning permission would permit up to 8 dwellings as set out in the description of development.
10. The purpose of an indicative plan is to demonstrate that a potentially acceptable scheme could result. Based on the information before me, and accepting that there are no policy requirements on garden size, I am not persuaded that the present plan satisfactorily demonstrates that the site could accommodate up to 8 dwellings without resulting in an over-intensive quantum of development. As a whole the proposal would appear as a cramped form of development, with dwellings more tightly confined and out of keeping with those in the immediate vicinity.
11. For the above reasons, I conclude that the proposal would lead to significant adverse impact on the character and appearance of the area. It would therefore conflict with Policy LP18 and LP21 of the LP which together, amongst other matters, seeks new development to respond to the context and character of places, responding sensitively and sympathetically to the local setting.

Affordable housing

12. During the appeal a signed and dated unilateral undertaking (UU) under s106 of the Act was submitted by the appellant to secure affordable housing provision. The Council have commented on the UU and have raised a number of concerns. I

have reviewed the submitted UU and concur with the deficiencies the Council have raised, in particular, as a windfall site it fails to link the appeal site to the existing consented development (Ref: 20/02137/O) as per the requirements of Policy LP28 of the LP.

13. Given the shortcomings in the submitted UU, the proposal does not secure affordable housing provision sufficiently to meet the requirements of Policy LP28 which seeks to secure affordable housing provision.
14. The appellant in their final statement of case acknowledged the Council's concerns and agreed to submit an amended UU. At the time of my decision, an amended UU was not before me. As the decision has not turned solely on this issue I have not pursued this further.

Other Matters

15. The appeal site is located within the proximity of the North Norfolk Coast Special Area of Conservation (SAC), the Wash Special Protection Area (SPA) and the Wash Ramsar Site and the Wash Site of Special Scientific interest (SSSI). The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on (a) European site(s) (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment (AA) of the project's implications in view of the relevant conservation objectives. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an AA, or consider this matter further.
16. I also note no objections from highway safety, drainage and community safety. However, an absence of harm on these matters weighs neither for nor against the proposal.
17. There is no disagreement between the parties on the principle of development on this windfall site, with Policy LP02 of the LP seeking to utilise such windfall sites in the delivery of houses. However, this Policy also requires compliance with other relevant Policies in the development plan, including LP18 and LP21, of which I have found conflict.
18. The proposal would deliver up to 8 new dwellings which would help boost housing provision, in an accessible location with good access to services and facilities, within flood zone 1. Some economic benefits would arise during construction and from future occupiers spending in the local economy. Collectively these benefits carry moderate weight in favour of the scheme, but do not outweigh the conflict I have identified in respect of the harm the proposed development would have upon the character and appearance of the area.

Conclusion

19. 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. The appeal is therefore dismissed.

T Bennett

INSPECTOR