



## Appeal Decision

Site visit made on 7 July 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21<sup>st</sup> July 2025

### Appeal Ref: APP/V2635/W/25/3361414

### School House, Church Road, West Dereham, Norfolk, PE33 9UP

- 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 Kevin Starr against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref is 24/01814/0.
- The development proposed is outline planning permission for 9 houses on old school site, including demolition of existing School House, all matters reserved.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was submitted in outline form with matters of scale, design, layout, access and landscaping reserved for subsequent approval. I have therefore treated the submitted drawings as being indicative only.
3. Since the application was determined, the Council has adopted the King's Lynn and West Norfolk Local Plan 2021-2040 (2025) (the local plan). This replaces the former Core Strategy (2011) and the Site Allocations and Development Management Policies Plan (2016). I must determine this appeal based upon the policies that are in place at the time of my decision. As copies of the most relevant new local plan policies were submitted with the Council's appeal documents and were referred to in the Council's Statement of Case, the appellant has had the opportunity to view and address these at the final comments stage.

### Main Issues

4. The main issues are i) whether the site is a suitable location for a residential development of the scale proposed; ii) the effect of the development on trees and the character and appearance of the area; and iii) whether the proposal would secure the provision of a 10% Biodiversity Net Gain (BNG).

### Reasons

#### *Location*

5. I am advised that the existing dwelling to the front of the site is within the development limit for West Dereham, which is defined as a Tier 6 smaller village or hamlet, in the new local plan. The remainder of the site, which lies behind the existing and neighbouring dwelling, continues to be designated as open countryside. Smaller villages and hamlets are those settlements which have little

to no services. Growth in these areas is restricted to existing commitments, windfall development and neighbourhood plan allocations.

6. Whilst Policy LP02 of the local plan is supportive of some development outside, but adjoining, the development boundaries of the most sustainable settlements (Tiers 1-4), it states that residential development will not normally be supported outside the development boundaries of tier 5 and 6 settlements.
7. Except for the neighbouring dwelling on the corner of Church Road and Wereham Road, the site is surrounded by open fields. There is a narrow footpath which starts opposite the site and runs approximately 700 metres up to the village hall. The roads are relatively quiet, and I accept that it would be safe to walk or cycle into the village. However, I saw no other footpaths or street lighting in the area and there are very few services or facilities within the village for future occupiers to access or support, other than a church and a village hall.
8. I am advised that the nearest train station, schools, shops and amenities are over 4 miles away in Downham Market. This would be too far to walk or cycle and there is no evidence before me of any regular public transport, which is unlikely to exist in this rural area. Whilst I acknowledge that walking or cycling in the area may be safe and suitable for leisure purposes, in daylight and suitable weather conditions, it would be unrealistic to expect future occupiers of the proposed development, of all ages and ability, to cycle regularly to meet their day to day needs, such as shopping or accessing schools, employment and healthcare. Consequently, occupiers of the development would be heavily reliant upon private car use.
9. I therefore conclude that the site is not an appropriate location for a residential development of the scale proposed and would fail to accord with Policies LP02, LP06 and LP13 of the local plan and paragraph 83 of the National Planning Policy Framework (the Framework). These policies seek to direct most new development to the most sustainable locations, where future occupiers would have access to services and facilities, minimising carbon emissions and climate change impacts by reducing the need to travel by private transport.

#### *Character and appearance*

10. The part of the site fronting onto Church Road comprises a former school building, which I understand was subsequently used as a village hall before being converted to a dwelling. This building is of no historic or architectural merit and no objections have been raised in principle to its demolition and replacement.
11. Apart from the walls and timber fences on the shared boundaries with the neighbouring dwelling, the site is enclosed by wire mesh fencing, and established trees and hedges, which make a positive contribution to the rural character and appearance of the area. The site frontages onto both Church Road and Wereham Road are set behind grass verges and drainage ditches. The area beyond the existing dwelling on the site is an undeveloped grass field, formerly the school playing field. Due to the low rise nature of the building, the open undeveloped land behind it and the boundary trees and hedges, the site blends into the surrounding countryside.
12. The existing dwelling on the appeal site and its only neighbour are in large spacious plots. Where built development does exist within the wider surrounding

area, this generally comprises frontage dwellings with long rear gardens and sporadic farmsteads. Cul-de-sacs and estate roads are not typical of the area.

13. The proposal before me is submitted in outline form only. However, indicative drawings have been submitted to demonstrate how the appellant considers the proposed nine houses could be accommodated within the site.
14. The submitted plans indicate that it is proposed to utilise the existing wide vehicular access crossing from Church Road. An option to create a further access onto Wereham Road, adjacent to the boundary of the neighbouring dwelling is also shown. Rather than fronting onto existing roads, the indicative plans show nine houses fronting a new internal access road. Five of these, which according to the Design and Access Statement are envisaged as being chalet style, would be on small plots, roughly in the position of the existing building, and four houses would be located on larger plots to the rear. An area of onsite open space is also proposed to provide native shrubs, trees, hedging, drainage ditch and nature pond. This in-depth form and density of development would not be in keeping with the existing development on and adjoining the site, or the frontage ribbon development that is characteristic of the area.
15. A basic plan showing the approximate location of trees and hedges on the site, and a basic report listing their species, approximate height and category has been submitted together with basic protection measures. Whilst it is unclear whether the trees have been inspected and categorised by an appropriately qualified person, given their boundary locations and the outline nature of the proposal, the root protection areas could be shown on accurate surveyed drawings together with detailed plans at the reserved matters stage to demonstrate the layout of the site and its access would not result in harm to any trees and that these would not unacceptably overshadow windows and garden areas, which would result in pressure for them to be removed in the future. However, I am not convinced by the evidence before me that nine houses, together with the associated access, hardstanding and onsite biodiversity / open space area, could be provided on the site without causing harm to the long-term future of the mature trees or to the rural character and appearance of the area.
16. I therefore conclude that the development of nine houses served by a new internal access road, which would encroach into open undeveloped land in the countryside, would fail to preserve the open character of the countryside or to reflect the linear pattern of development that is prevalent in the village. Consequently, it would not accord with Policies LP02, LP18 and LP21 of the local plan, or Paragraph 135 of the Framework, which require new residential development to respect and enhance local character, the natural environment, landscape features, and to reinforce local distinctiveness.

#### *Biodiversity Net Gain (BNG)*

17. BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under this framework every grant of planning permission (with a few exceptions) is deemed to have been granted subject to the condition that the biodiversity objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or

statutory biodiversity credits. The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan (BGP) must be submitted and approved by the planning authority before commencement of the development.

18. In addition to completing the biodiversity questions on the application form, a brief BNG Statement, the headline results of the statutory biodiversity metric calculation spreadsheet and a very basic biodiversity plan were submitted, which the Council accepted were sufficient to validate the application. I have not been advised that the Council requested any further information relating to BNG during the application process, albeit I acknowledge that this may have been due to its other concerns regarding the proposal.
19. The Council has raised concerns about the accuracy of the pre-development biodiversity value of the site, which is a mandatory requirement for planning applications. It is also a mandatory requirement to provide a scale plan showing existing onsite habitat. As the submitted plan and statement do not appear to identify all of the buildings, trees, hedgerows and watercourses present on the site, it is unclear how the baseline units have been calculated. Consequently, I cannot be certain that the pre-development biodiversity value is an accurate figure on which to base an assessment at the discharge of conditions stage.
20. Whilst I am mindful of the difficulty in calculating post development habitat units for an outline scheme, where matters such as access, layout and landscaping are reserved, this would be covered by the BGP that must be submitted to discharge the deemed BNG condition. Development cannot commence until the BGP is approved. On this basis, the Planning Practice Guidance (the PPG) indicates it would generally be inappropriate to refuse an application on grounds the biodiversity gain objective will not be met. However, the PPG also states that decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged.
21. The Council also raise concerns about how BNG would be secured. If the 10% net gain could not be achieved onsite, the purchase of credits, or an agreement with a relevant off-site provider, would need to be secured through a planning obligation. Such an obligation could form part of the BGP required by the deemed condition. Therefore, granting planning permission without a formal mechanism in place, to secure off-site gains or credits, would not affect the Council's ability to ensure that the BNG objective is achieved at a later stage.
22. However, as there is insufficient information before me to be certain that the BNG calculations accurately reflect the baseline position, the proposal would fail to accord with the statutory BNG requirements, the Framework and Policy LP19 of the local plan, which states that all developments covered by the 10% Biodiversity Net Gain requirements will need to be supported by an ecological assessment that identifies how this can be delivered.

### **Other Matters**

23. I acknowledge that planning permission has been granted to sub-divide the existing dwelling on the site frontage into two dwellings. However, this has little bearing on the proposal currently before me, which is significantly different.

24. Policy LP28 of the new local plan requires 20% of homes on developments of 5 or more dwellings in rural areas to be affordable housing. Had I been minded to allow the appeal a legal agreement would have been necessary to secure this, which is not a reserved matter.

### **Conclusion**

25. The proposal would conflict with the development plan as a whole and there are no other material considerations before me that indicate a decision should be made other than in accordance with the development plan. Accordingly, for the reasons given above, the appeal is dismissed.

*R Bartlett*

INSPECTOR