
Appeal Decision

Site visit made on 18 November 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/V2635/W/25/3367918

Land south-east of Sandstone House, Bishops Close, Blackborough End, Kings Lynn, PE32 1FP

- 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 Robert Bishop against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 25/00329/O.
 - The development proposed is single storey, self-build dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal with all matters, except for the means of access, reserved for future consideration. I have dealt with the appeal on that basis.
3. A plan has been submitted which indicates how residential development could be accommodated on the site. This is annotated as preliminary, and I have taken it into account for illustrative purposes only.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposal;
 - the effect of the proposal on the character and form of the area; and
 - the effect of the proposal on trees and protected species.

Reasons

Suitable location

5. The appeal site comprises open grassland to the rear of dwellings fronting Wormegay Road and to the south-east of Bishops Close. It lies outside of the defined settlement boundary for Blackborough End, in the open countryside as defined by Policy Map 12, in the King's Lynn and West Norfolk Local Plan 2021-2040 (LP).
6. A strategic approach to development is set out in LP Policy LP01. This focuses the majority of development towards the settlement of King's Lynn, a Sub Regional

Centre, which sits at the top of the borough's 6 tier settlement hierarchy and has the infrastructure necessary to support growth. At the bottom of the hierarchy, in tier 6, are 'Smaller Villages and Hamlets', which have little to no services. Smaller Villages and Hamlets are not required to deliver any growth via allocations due to their small size, rural character and limited opportunities to deliver sustainable development. Blackborough End falls into this bottom tier.

7. LP Policy LP02 sets out that residential development on windfall sites outside of settlement boundaries in tiers 5 and 6 of the settlement hierarchy will not normally be supported, unless they are sites allocated through the Local Plan or Neighbourhood Plan. The site is not allocated, bringing the scheme into conflict with this policy.
8. Whilst the site is not isolated, its position outside of the settlement boundary and its considerable distance from the day-to-day services and facilities upon which future occupants would rely, brings the scheme into conflict with the Council's spatial strategy. It follows that it does not contribute to the importance of the challenges of climate change and to support the transition towards meeting the Government target of becoming a net zero economy by 2050, by locating new development in areas to minimise the need to travel, and maximise journeys via sustainable modes of travel, as required by LP Policy LP06.
9. Therefore, I find that the appeal site is not a suitable location for the proposal, in conflict with LP policies LP01, LP02 and LP06 for the reasons I have outlined above. It has been cited that the proposal conflicts with LP Policy LP03. However, as this relates to Neighbourhood Plans, in an area where there is no such plan in place, I do not find conflict with it.

Character and form

10. While there are some exceptions including Bishops Close, Blackborough End typically comprises ribbon development that forms a continuous flow of dwellings that front a highway. By contrast, the appeal site is set well apart from the built form, in a back land position and would introduce a dwelling into an open green space currently devoid of development. The appeal site boundaries do not follow any features on the ground, and it would have an illogical relationship with the village and surrounding open space, resulting in a sporadic dwelling which goes against the grain of the established form and character of the locality.
11. Due to the elevated nature of the site, established screening and its positioning behind existing development, the proposal would unlikely be prominent from the public realm. As details are reserved in respect of the appearance of the dwelling, I find no harm in respect of this matter. However, the presence of a dwelling in a position away from the continuous form and pattern of development elsewhere, would jar with the character and grain of the area. This could not be resolved at reserved matters stage as it goes to the heart of this main issue.
12. For these reasons I find the effect of the proposal on the character and form of the area to be unacceptable and in conflict with LP policies LP18, LP19, LP20 and LP31. Amongst other things, these policies expect proposals to respect local character and respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings.

Trees and protected species

13. Amongst other things, LP policies LP18 and LP21 seek to conserve and enhance the natural environment. Further, LP Policy LP19 expects that development should, in line with the mitigation hierarchy, seek to avoid, and where this is not possible, with justification, mitigate or compensate for any adverse impacts on biodiversity.
14. At present, access to the site is via an informal track passing between two properties, beyond which is grassland. The proposed vehicular access that would serve the appeal dwelling would run alongside and close to a mature woodland group that the Council refer to as National Forestry Conifer Woodland. Due to its separation from the existing built development, the access would extend for a considerable length and would need to be formalised from the existing grassland.
15. No arboricultural survey or associated impact assessment has been submitted in support of the proposal, despite the site being immediately adjacent to established trees which make a positive contribution to the locality. The proposed access passes immediately adjacent to mature woodland and it is reasonable to expect, that in places, it will be within the root protection areas of some of the trees. Insufficient information is presented to enable a proper assessment of the effects, and it is not clear that the scheme could be constructed without having a detrimental effect on the health of the adjacent trees through root damage.
16. As access is a matter being considered at outline stage, it is not possible to require that the access is moved away from the trees by condition. Without sufficient information upfront, it is not possible to consider the full impact of the proposal on trees. Consequently, it is not a matter that can be adequately left to condition.
17. Table 1 of Government guidance 'Protected species and development: advice for local planning authorities' provides advice on where to expect protected species. Habitat including woodland has the potential to accommodate species including bats. Therefore, it is possible that they could be present in the woodland.
18. Any adverse effect on the adjacent woodland risks the health, and ultimately the loss of trees that could support protected species such as bats. As the appeal scheme is not accompanied by any ecological assessment, it is not possible to ascertain whether the effects of the development can be minimised or adequately mitigated, or indeed whether there would be an enhancement.
19. Based on the evidence before me, I am not satisfied that the scheme would have an acceptable effect on adjacent trees or protected species. Rather, it risks undue harm to the health of the trees, which could in turn have further detrimental, consequential effects on any protected species that may be reliant on those trees. For these reasons, the proposal conflicts with the expectations of LP Policies 18, 19 and 21, the objectives of which I have outlined above.
20. I note that Policy LP23 has been cited in the reason for refusal. However, as it relates to green infrastructure and designated sites of nature conservation, which this site does not appear to constitute, I do not find this to be especially relevant, and I find no conflict with it.

Other Matters

21. Within the appeal documentation, reference is made to the personal need of the appellant for a single storey dwelling, to enable them to remain in the village. Limited evidence on this is provided and neither has it been shown that this would be the only means of meeting that need. As such I give this limited weight.
22. The proposal is presented as a self-build/custom build¹ (SBCB) dwelling. The Council acknowledge that it is currently unable to fulfil its duty to demonstrate a sufficient supply of SBCB housing in the Borough. The provision of a SBCB dwelling therefore would be of considerable benefit, weighing in favour of the scheme. I am mindful that LP Policy LP31 is supportive of SBCB housing in principle, and sets out it will be secured by planning condition or Section 106 agreement.
23. The Council has drafted a condition in an attempt to secure the dwelling as a SBCB. Had I been minded to allow the appeal, further representations would have been necessary from both parties on the enforceability of this condition. However, as I am dismissing the appeal for other reasons, I have not done so. Even if I had been satisfied that the SBCB requirement was adequately secured, as a scheme for just one dwelling, the benefits would be limited and would not have outweighed the totality of the harm I have identified.
24. The appeal site falls within the zone of influence of a number of designated European habitat sites. The evidence indicates that, without mitigation, there could be potential significant effects on these sites from additional recreational pressure. Given my other concerns with the scheme and that this matter is not in dispute, I do not consider this further. Had I been minded to allow the appeal, further representations would have been required on this matter.

Conclusion

25. For the reasons set out above, the proposal is contrary to the development plan. Material considerations, including the National Planning Policy Framework, do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

C Walker

INSPECTOR

¹ As per the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)