



Appeal Decision

Site visit made on 21 January 2026

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2026

Appeal Ref: APP/V2635/W/25/3372750

Land rear of Walnut Road, Walpole St Peter, Norfolk

- 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 BJ Plant Hire Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 25/00735/O.
 - The development proposed is self-build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the site address from the decision notice and appeal form, as it is more accurate than the version on the application form. The description of development is taken from the application form. I note that it is shown on the decision notice and appeal form as "Outline Application: Proposed 4 Self Build Dwellings".
3. The appeal scheme relates to an outline proposal, with access to be considered at this stage and all other matters reserved for future consideration. I have determined the appeal accordingly. Plans have been submitted as part of the appeal indicating how four dwellings could be accommodated on the site. I have taken these into account for illustrative purposes only.
4. The appellant has provided two new plans that were not part of the application¹. I recognise the Council's concerns that these may comprise an alteration requiring third party land. However, as I have set out below, that does not in fact appear to be the case. Given this, and the decision I have reached in any event, I have decided to include the new plans in the appeal.

Main Issues

5. The main issues are the effect of the proposed development on;
 - highway safety; and
 - the character and appearance of the area.

¹ Drawings 469/100 and 469/101.

Reasons

6. The appeal site is an area of largely undeveloped land in the village of Walpole St Peter. It is partly within, and partly adjoins, the development boundary for that village. As such, as set out in Policy LP02 of the King's Lynn and West Norfolk Local Plan 2021-2040 (2025) (the Local Plan), the development is acceptable in principle subject to compliance with other relevant policies in the plan, and to satisfying various criteria set out in Policy LP02. These relate, amongst other things, to highway safety and to the character and appearance of the area.

Highway safety

7. The proposed development would be accessed from Walnut Road (the road), over open land (the gap) between the dwellings "Roseway" and 1 Townsend Estate, Church Road (No1). The gap comprises simple grassland leading to a field gate, beyond which lies the main part of the site.
8. The garden of Roseway is enclosed by a fence alongside the gap, and by a tall, dense hedge alongside the road. No1 is enclosed to the front by a dense hedge. There is a bus stop shelter on the pavement immediately outside the gap, between the site and the road.
9. I have been provided with a detailed statement on behalf of the Local Highway Authority (HA). Having assessed the plans submitted with the application (the original plans), and site conditions, the HA contends that visibility splays are inadequate to ensure highway safety. Specifically; based on the 'Manual for Streets' and last recorded traffic speed survey data, visibility splays measuring 47m in length in both directions from a 2.4m setback are required. Based on the features at and around the site, visibility would be some 2.4m x 17m to the west, which is the critical traffic direction, and 2.4m x 10m to the east. The appellant does not contest any of this, and I see no reason to do so myself.
10. Instead, the appellants case is focused on two aspects. Firstly, the Inspector in a previous appeal² noted no highway safety objections to a comparable earlier scheme at the site. This earlier scheme involved other land alongside the gap, over which adequate visibility splays could be provided, as well as the agreed removal of a telephone box from within the splays area. Secondly, the appellant has supplied new plans as part of this appeal (the new plans) in which adequate visibility splays are shown, with the bus stop relocated further along the road to the west.
11. Whilst the Council and HA have asked me not to consider the new plans, both have nevertheless commented briefly on them. Neither has suggested that the new plans splays would be inadequate if they were provided and maintained as shown; the concern is that it does not appear possible to provide them. The HA contends that the visibility line on the new plans passes through the boundary fencing and hedge at Roseway, and through hedges at No1, such that the appeal proposal requires the agreement of third parties.
12. In fact, the new plans purport to show the splays as wholly within an identified highways boundary, which runs on a broadly consistent line either side of the gap. That line is behind the bus shelter, at least as far back from it as the shelter is

² Appeal Ref APP/V2635/W/16/314591

deep. On the evidence of the new plans, adequate visibility splays would not rely on land forming part of Roseway or No1.

13. To my mind, however, reasons to doubt the veracity of the new plans present themselves. The original plans suggest that the extent of the public footpath is much as it seemed when I visited the site; That is to say, it is a traditional tarmac or concrete surface with a defined back edge, including a small recess where the telephone box used to be. Beyond it are roadside boundary hedges. Given the strong correlation with what is plain to see on the ground, I have no reason to think the original plans contain an error in these respects.
14. What the new plans appear to suggest is that the highway in fact ends some notable distance back from the edge of the pavement, all but behind roadside hedges. Why this should be the case is not clear, though there are some possible indications of it on the original plans and also on the ground in the form of a low timber fence behind the front hedgerow at No1.
15. That said, the fence at No1 provides little more than a possible indication, rather than anything more reliable. Also, I saw no similar indications on the land needed for the westward splay, that being the critical traffic direction. Indeed, on both the original plans and on the ground, the extent of Roseway is indicated simply by the back edge of the footpath, the roadside hedge, and the fence. Overall, I find little in either the original plans or in what I saw on my visit to the site to convince me that the highway boundary is accurately shown on the new plans.
16. My reservations are added to by the circumstances surrounding the new plans. The plans appear to emphasise the extent of the appellant's landownership either side of the gap and are said to address concerns that they do not own land enough to provide the requisite splays. However, as set out above, the splays shown do not rely on any of the appellant's land. I find little correlation, therefore, between the appellant's explanation of the new plans and their actual content. It seems reasonable to think that if highway land could be relied upon for the splays then the appellant would explicitly say so, but they have not.
17. Further to the above, whilst the HA provided its assessment of the original plans on the presumption that the bus shelter could be relocated, it also questioned whether this had been agreed. I have nothing from the appellant to indicate that such an agreement exists or can reasonably be presumed to follow.
18. Clarity on the matters covered above is critical as parts of the hedge at or outside No1, parts of the fence and hedge at Roseway, and the bus shelter, all fall inside the new plans splays. Given their height, these elements would significantly impair driver visibility. As I cannot be certain that these items would be removed, and the splay areas kept clear thereafter, I cannot be certain that the appeal proposal would achieve adequate levels of highway safety.
19. I recognise that the HA did not object to the earlier scheme at the site following confirmation that the (then) applicant had control over land required for driver visibility, and that the new plans splays are comparable to those in the earlier scheme. However, the plans in the earlier scheme are explicit that the section of the Roseway hedge required for visibility was, at that time, under the applicant's control, rather than it being part of the highway as the new plans have it. Indeed, those earlier plans include a proposal to gift other land to Roseway, indicating some manner of swap deal.

20. Even if a swap deal was not proposed I have little explanation as to why, some ten years ago, the operative portion of hedge was under the applicant's control but is now purportedly part of the highway. Furthermore, the HA took its position on the earlier scheme following agreement that the phone box could be moved. As above, I have no such agreement before me in respect of the bus shelter. In terms of overall clarity and finer details, the proposal before me is materially different to that before the Inspector in the previous appeal, leading me to a different conclusion regarding highway safety.
21. It is not evident that adequate visibility splays could be provided. As such, the proposal is contrary to Policies LP02, LP13, LP18 and LP21 of the Local Plan where they require that development ensures highway safety.

Character and appearance

22. The Council considers the area to be characterised by housing fronting onto informally arranged roads that run through the village. Whilst matters pertaining to layout are not before me, the shape of the site is such that the proposed houses could not be arranged to front the road.
23. I see little reason to doubt that the majority of houses in Walpole St Peter are set out alongside the road. That said, the extent to which they are set back from the road varies, as does their age, design, and style. There is also little uniformity to front boundary treatments. Even within roadside houses there is, therefore, a notable mix to the village in architectural design terms.
24. Moreover, not all local housing fronts the road. I found the developments at Hill Farm Lane, Townsend Farm, Church Road, and Moat Terrace, as cited by the appellant, to be prominent examples of alternative local housing layouts. The housing on Hill Farm Lane is not only set out on what seems a purpose made access rather than a road, it is also visible in the backdrop behind the southern side of Walnut Road near the appeal site. From there it serves to illustrate that, in places, layers of housing development exist, reaching back from the roadside.
25. I also noted housing at Walnut Croft, Harwood, and Berkeley House that was set so far back from the roadside as to have little relationship to it. None of these examples seemed at odds with the rest of the village. Given their visible presence, the mix of architectural styles, designs, and layouts found side by side, and the fact the proposed development would not protrude beyond what is readily perceptible as the rear boundary to residential development on Church Road, I do not find that the proposed development would be contrary to, or harm, the character and appearance of the area.
26. I recognise that the Inspector in the previous appeal found the development of the site at odds with the character and appearance of the area, having considered a development at Townsend Farm, along with another found some distance away. I have little reason to believe, however, that all of the relevant examples listed above were in place at the time of the previous appeal, or if they were, that they had been brought to the attention of the Inspector at that time. It is not evident that the context in which the Inspector assessed the previous appeal is the same as the one I found when visiting the village, and I therefore do not feel bound to reach the same conclusion.

27. Even if some of the examples given above were approved when the Council did not have a five-year housing land supply, they nevertheless exist now. The position at the time of their approval carries little weight compared to the extent to which they now contribute to the character of the village.
28. Subject to their final design, I see no reason to find that the proposed development would harm the character and appearance of the area. The proposal does not conflict in that respect with the pertinent requirements of Policies LP02, LP06, LP18, LP19, LP21, and LP31 of the Local Plan.

Planning Balance

29. I understand that the Local Plan identifies a requirement for 13 windfall dwellings in Walpole St Peter. The appeal scheme would assist in that respect. As per the preamble to Appendix I, however, that figure represents the anticipated need over the plan period rather than a current shortfall, and I have been provided with little reason to think it could not be met without the appeal scheme. The windfall requirement therefore attracts very little weight in my determination.
30. The Self-Build and Custom Housebuilding (SBCH) Act 2015 requires local authorities to create a register of those seeking serviced plots of land for SBCH projects, and to have regard to it when carrying out planning functions. The Housing and Planning Act 2016 states that local planning authorities must give suitable planning permissions to meet the demand for SBCH. The Planning Practice Guidance states that SBCH registers are likely to be material considerations in decisions involving relevant proposals. The Council does not dispute that there is a shortfall of 162 custom and self-build plots within the Borough.
31. The proposal would deliver four SBCH plots, which could be built out quickly and contribute towards addressing the identified need for such housing, as well as towards increasing the housing stock generally. I attribute significant weight to these benefits. The site is sustainably located, with reasonable access to facilities in accordance with the Council's spatial strategy. It would make a more effective use of land by providing new homes in such a setting. I have found little reason to feel it could not be a well-designed place insofar as character and appearance is concerned. The National Planning Policy Framework (the Framework) is supportive of these features.
32. There would be temporary economic benefits associated with the construction phase. Thereafter, there would be ongoing local economic benefits relating to the occupation of the site, and local facilities would benefit from increased demand.
33. Even so, the proposal would not secure a well-designed place overall, as the Framework is clear that this also means creating places that are safe. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The onus is on the applicant to demonstrate policy compliance and, as set out above, I am not at all satisfied that they have done so.
34. The harm that could arise from an unsafe highway access arrangement significantly and demonstrably outweighs the benefits outlined above.

Conclusion

35. 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.
36. The appeal is dismissed.

A Knight

INSPECTOR