



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: 18 February 2026

Appeal Ref: APP/V2635/W/25/3371999

Land east of Sandy Lane / Burrettgate Road, Walsoken, Wisbech PE147BL

- 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 W Cotterill against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 25/00593/O.
 - The development proposed is demolition of polytunnel and creation of up to 4 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address provided on the application form in the banner heading above. I note that it was described on the decision notice as Land S 51 And NE of Road Junction with Sandy Lane Burrettgate Road. The plans are clear as to the location and extent of the site.
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. Though it was not a feature of the application, the appellant states that the proposed dwellings could be brought forward as self-build opportunities, and that a condition to that effect would be accepted. I have little before me, however, to demonstrate that such a condition would pass the tests within paragraph 56 of the National Planning Policy Framework (the Framework). No legal agreement is before me. Even if I were to accept that assessing the proposal as a self-build scheme would cause no injustice to the Council, I see no reliable means of ensuring it would be brought forward in that way. I therefore proceed on the basis that the development would provide market housing.

Main Issues

5. The main issues are (1) whether the appeal site (the site) would be a suitable location for the proposed development having regard to the development plan; and (2) the effect of the proposed development on biodiversity.

Reasons

Location

6. The site is largely open grassland save for a polytunnel. It is outside of the development boundary for Walsoken, which is defined in the King's Lynn and West Norfolk Local Plan 2021-2040 (2025) (the Local Plan) as a settlement adjacent to a main town. As such, it is in Tier 3 of the Settlement Hierarchy set out in Policy LP01.
7. It is proposed to erect up to four dwellings at the site. Local Plan Policy LP02 states that residential development outside of, but adjoining, Tier 3 development boundaries will be supported, subject to compliance with other relevant policies and with other criteria set out in Parts 1 and 2 of Policy LP02.
8. The nearest part of the Walsoken development boundary lies some 250m north of the site on the opposite side of Burrettgate Road. The appellant does not argue that the site adjoins the boundary and I see no reason, given the distance between the two, to feel that it does.
9. Land west of the site on the opposite side of Burrettgate Road is allocated for 550 dwellings, as set out in Policy F3.1 (Area F3.1). The appellant contends that the site is therefore tantamount to adjoining the development boundary, such that the proposal complies in spirit with the requirements of Policy LP02.
10. I see very little reason to support this approach. For one thing, whilst I recognise that 550 homes will substantially alter the character and appearance of Area F3.1, I have been provided with little evidence of how the parts of Area F3.1 nearest the appeal site will be developed. It may be that, depending on the arrangement of homes, open spaces, landscaping, and undeveloped areas, the site remains perceptibly detached from the built-up areas of Wisbech and Walsoken.
11. More significantly, Area F3.1 is not within the development boundary, and I see little to suggest it will become so. The operative policy requirement is that the site adjoins the development boundary, not that it adjoins an area allocated for housing.
12. The Local Plan, adopted only recently, defines both the Council's strategic policies and the areas it has allocated for housing. I have no reason to view the two as anything other than coordinated. Had it been the intention of the Council's plan-led approach to support residential development on sites adjoining areas allocated for housing then I would expect that to be reflected in its policies, but that is not the case. Given all of this, I see little reason to treat conflict with the spatial strategy as anything other than significant.
13. Both parties have set out arguments as to whether the proposal would comply with requirement 2(a) of Policy LP02 by respecting or enhancing the character of the adjoining settlement and countryside, and assimilating into the existing fabric of the adjoining built up area. That, however, only stands to be considered if the site adjoins the development boundary. As it does not, I need not address the issue.
14. I recognise that the Local Plan identifies a requirement for 53 windfall homes in Walsoken. It is set out in the preamble to Appendix I, however, that this is the anticipated need over the plan period rather than a current shortfall, that the figure presumes accordance with the spatial strategy, and that it has been subject to a

“capacity sense check”, whereby the figure is reduced appropriately if a particular settlement lacks land for development. Given the above, and the absence of compelling evidence to suggest otherwise, I find little reason to doubt that the identified windfall requirement can be met on land either within or adjoining the development boundary. The windfall requirement therefore attracts very little weight in my determination.

15. The site would not be a suitable location for the proposed development having regard to the development plan. The proposed development would fail to comply with Local Plan Policies LP02, LP13, LP18, LP19, and LP21 where they set out the circumstances in which windfall housing will be supported, and where they support the Spatial Strategy and Settlement Hierarchy.

Biodiversity

16. There is no disagreement between the main parties as to the biodiversity obligations the appeal proposal attracts. Rather, the Council finds the proposal inadequate to demonstrate how the requisite biodiversity net gain (BNG) will be provided, or that it is possible to do so.
17. Local Plan Policy LP19 states that development covered by the 10% BNG requirement must be supported by an ecological assessment that identifies how it can be delivered. The preamble text states that a Biodiversity Net Gain Plan (BGP) will be required to discharge a BNG condition. Though it also states a BGP may be required earlier to inform the decision-making process where necessary, this nevertheless indicates that securing BNG through planning conditions need not conflict with the policy.
18. The Council has set out the potential difficulties it perceives in providing adequate BNG at the site, all of which I acknowledge. At the same time many of these concerns are based on the submitted plans, which are indicative only. Matters of landscaping and layout are not under consideration; it may be that the proposal would take a notably different form in these respects at the reserved matters stage. The Council's assessment does not evidently recognise or address this.
19. In any event, if I were to allow the appeal subject to a condition requiring agreement over an adequate BNG scheme, and if it were to transpire that the appellant could not ultimately achieve the requisite gains, then the development could not proceed. Given this, and as the Council accepts the site baseline ultimately provided by the appellant is accurate, I see no reason why BNG could not be addressed using planning conditions. For that reason, I find no evident conflict with Policy LP19 of the Local Plan in respect of BNG, nor with Schedule 7A of the Town and Country Planning Act 1990 or Schedule 14 of the Environment Act 2021.

Other Considerations

20. The appellant has drawn my attention to a recent application for a custom/self-build dwelling at Griffin Close, which the Council has resolved to permit¹. Griffin Close, like the appeal site, is neither within nor adjoining the development boundary.

¹ Application Ref 25/01675/O

21. The Council found the custom/self-build aspect of the Griffin Close scheme to outweigh what it describes as “the minor conflict with the Local Plan in terms of its location”. To my mind, if the Griffin Close scheme gives rise to only a minor conflict with the spatial strategy, then much the same thing is likely true of the appeal proposal, given the proximity of the two sites. Even so, a conflict was identified in both cases and so the Griffin Close decision does not alter my findings in that respect.
22. Whereas the Griffin Close scheme includes custom/self-build development, the appeal scheme would not. The reason the Council gave for approving the former is not applicable to the latter. I have little reason, therefore, to consider that matter further.
23. I note that the Griffin Close scheme was found to enhance the form and character of the area. However, I see no suggestion that this played a part in outweighing the aforementioned policy conflict. Given this, the Council’s views on the character and appearance of the Griffin Close scheme have not led me to alter my approach to the first main issue set out above, notwithstanding that the appeal site is largely open and undeveloped whereas Griffin Close is not.
24. Overall, I do not consider that the Council’s approval of the Griffin Close scheme compels me to reach a similar conclusion in this appeal.

Other Matters

25. Whilst the Council questionnaire indicates that the appeal site is not likely to affect an SSSI or internationally designated site, the officer report cites the need for a Green Infrastructure and Recreational Avoidance and Mitigation Strategy payment. I have not considered this matter in any detail, as I have found the scheme unacceptable for other reasons.

Planning Balance

26. The proposal has garnered some local support and would yield a net gain of up to four new dwellings. This would assist the Government’s aim of significantly boosting housing supply. The development may be built quickly. These benefits carry notable weight generally, though it is tempered in this instance by the somewhat modest scale of the scheme.
27. There would be temporary economic benefits associated with the construction phase and, after that, ongoing local economic benefits as a result of the occupation of the site, with local facilities standing to benefit from increased demand. That said, given the relatively modest number of new residents brought about, these benefits would be minor.
28. Set against the above, I see little reason to disagree with the Inspector in a previous appeal at the site² that occupants of the development would be likely to rely on the private car. In this respect, and as set out above, the proposal conflicts directly with the spatial strategy in the Local Plan. That plan has been through a process of public consultation and adoption only recently.
29. The Framework states that in achieving sustainable development the planning system has three overarching objectives, and that they should be delivered

² Appeal Ref APP/V2635/W/21/3284815.

through the preparation and implementation of plans. An up-to-date spatial strategy is a key element within this, and I therefore consider the clear conflict between the appeal proposal and the Local Plan to be significant. Overall, the benefits of the appeal scheme do not outweigh the conflict with policies identified above.

Conclusion

30. 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.
31. The appeal is dismissed.

A Knight

INSPECTOR