

AGENDA ITEM NO: 8/1(j)

Parish:	Methwold	
Proposal:	Outline application for 2no detached 2/3 bedroom dwellings	
Location:	Land North East of 14 Whiteplot Road Methwold Hythe Norfolk	
Applicant:	Mr & Mrs McGroary	
Case No:	15/00845/O (Outline Application)	
Case Officer:	Mrs H Morris Tel: 01553 616481	Date for Determination: 28 July 2015 Extension of Time Expiry Date: 11 September 2015

Reason for Referral to Planning Committee – A proposal for the construction of 2 No. dwellings on the site was dismissed at appeal in 1999.

Case Summary

The application site comprises land on the north western side of Whiteplot Road, Methwold Hythe. There are existing residential properties immediately to the south west and farm buildings to the north east.

Methwold Hythe is defined as a Smaller Village and Hamlet under the settlement hierarchy of Policy CS02 of the Council's adopted Core Strategy (2011). However, in accordance with the NPPF (2012) this is currently considered out-of-date given that this Council does not currently have a five year supply of deliverable housing sites.

The application seeks outline planning permission with all matters reserved for 2 no. detached 2/3 bedroom dwellings.

Key Issues

The key issues identified in the consideration of this application are as follows:

Principle of development;
Form and character;
Neighbour amenity;
Highway safety;
Other considerations; and
Crime and disorder.

Recommendation

APPROVE

THE APPLICATION

The application seeks outline planning permission with all matters reserved for 2 no. detached 2/3 bedroom dwellings.

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SUPPORTING CASE

No information has been submitted in support of this application as a design and access statement was not required.

PLANNING HISTORY

2/98/1667/O – Site for construction of 2 dwellings. Planning permission was refused on 16th February 1999 and later dismissed at appeal.

2/94/0017/O – Site for construction of 2 dwellings. Planning permission was granted on 31st March 1994.

RESPONSE TO CONSULTATION

Parish Council: SUPPORT as long as the dwellings are affordable housing.

Highways Authority: NO OBJECTION subject to imposition of condition requiring submission of access, visibility and parking details.

Environmental Health & Housing – Environmental Quality: NO OBJECTION.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM3 - Infill development in the Smaller Villages and Hamlets

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

OTHER GUIDANCE

Methwold Parish Plans

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- The principle of development;
- Form and character;
- Neighbour amenity;
- Highway Safety;
- Other considerations; and
- Crime and disorder.

The Principle of Development

An application for the construction of two dwellings (2/98/1667/O) on the site was refused and later dismissed at appeal in 1999 on the grounds that the site lay outside the settlement boundary and would be in conflict with the Development Plan at that time.

Planning policy has changed somewhat since that appeal was dismissed, particularly given the recent High Court judgement which has determined this Council does not currently have a five year supply of deliverable housing sites. Whilst the previous appeal decision is a material planning consideration the current planning application must be determined in accordance with current planning policies.

The application site lies within the centre of Methwold Hythe which is defined as a Smaller Village and Hamlet (SVH) in the Settlement Hierarchy set out under Policy CS02 of the Council's adopted Core Strategy (2011). However, in accordance with the NPPF (2012), this is currently considered out-of-date given the lack of a five-year housing land supply. As a result, housing applications such as this should currently be considered in the context of the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development because local policies relating to the supply of housing are currently considered out-of-date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this case the application site lies within the centre of an existing settlement and whilst Methwold Hythe does not have many services and facilities and is therefore not a particularly sustainable location, the NPPF only specifies that local planning authorities should avoid new isolated homes in the countryside. In order to promote sustainable development in rural areas, the NPPF advises that housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

In light of the above and the current policy position, it is therefore considered that the principle of development is acceptable.

Form & Character

The application site comprises a gap within the otherwise built up frontage of this side of Whiteplot Road. Whilst at present not considered up-to-date due to the lack of a five year housing land supply, it is considered important to note that the proposal would comply with the provisions of draft Policy DM3 of the Site Allocations and Development Management Policies Pre-Submission Document (2015) which seeks to allow the sensitive infilling of small gaps within an otherwise continuously built up frontage within the Smaller Villages and Hamlets.

Whilst this application seeks outline planning permission only with all matters reserved, an indicative site layout plan (drawing no. 606-2) has been submitted which demonstrates that 2 no. detached dwellings could be satisfactorily accommodated on the site without harming the established form and character of the area.

Neighbour Amenity

The immediate neighbouring dwelling on the south western side (No.14 Whiteplot Road) is a detached bungalow which has at least 2 no. windows on its flank elevation. The submitted indicative layout plan (drawing no.606-2) states that the proposed new dwellings would be two storey and shows Plot 1 situated approximately 1 metre from the shared boundary. Depending on the eaves and ridge height of any detailed scheme, this may be acceptable. However, it may be considered necessary to inset the proposed dwellings further from the shared boundary or reduce the height to one or one and a half storeys in order to prevent any overshadowing or overbearing impact on the neighbouring bungalow.

Given the layout, scale and appearance of the proposed development are reserved for later consideration it is considered that the site can satisfactorily accommodate two dwellings without causing significant harm to the amenities of the neighbouring occupiers.

Highway Safety

Whilst Norfolk County Highways do not consider the application site to be in a sustainable location, they have raised no objection to the proposal subject to the imposition of a condition requiring the submission of access, visibility and parking details.

Other Considerations

Methwold Parish Council advised that they have no objection to the proposed development subject to the dwellings being affordable housing. However, they have not given any reasons for this and in terms of current policy there is no requirement for a residential development of 2 no. units to include any affordable housing provision.

There are no other material considerations relevant to this application.

CONCLUSION

The proposed development would result in the provision of a pair of dwellings on a site that currently forms a small gap within a continuously built-up frontage in the settlement of Methwold Hythe. Furthermore, in light of the Council not currently having a five-year supply of deliverable housing sites and local policies relating to the supply of housing currently being out-of-date, it is considered that the principle of residential development on the land is acceptable. The indicative layout plan also shows that 2 no. dwellings can satisfactorily be accommodated on the site, although it may be necessary for the layout and height of dwellings to be considered in relation to No.14 Whiteplot Road.

As a result, the proposed development complies with the provisions of the National Planning Policy Framework (2012), Policies CS01, CS06, CS08 and CS11 of the adopted Core Strategy (2011) and draft Policies DM15 and DM17 of the Site Allocations and Development Management Policies – Pre-submission Document (2014). It is therefore recommended that planning permission be approved subject to the conditions set out below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 3 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition Approval of the details of the means of access, layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 4 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.



Appeal Decision

site visit held on Tuesday, August 24, 1999

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

by P M Brannan JP BSc CEng MICE MIHT

27 SEP 1999

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

Appeal : T/APP/V2635/A/99/1024678/P5

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr D McGroary against King's Lynn and West Norfolk Council.
- The site is located at land to the north of 14 Whiteplot Road, Methwold Hythe.
- The application (ref: 2/98/1667/0), dated 25 November 1998, was refused on 16 February 1999.
- The development proposed is for the construction of two dwellings.

Decision: The appeal is dismissed.

Procedural matters

1. The application for the construction of two dwellings on the appeal site was submitted in outline with all matters reserved for subsequent approval.

The Site and its surroundings

2. The site is situated on the north western side of Whiteplot Road with a frontage boundary defined by a rose hedge and the other three boundaries defined by a conifer hedge. To the north east of the site is Home Farm and number 2 Whiteplot Road. To the north east of 2 Whiteplot road is the junction of Whiteplot Road with Severalls Road. To the south west of the appeal site are numbers 14 to 20 Whiteplot Road. These dwellings and number 2 Whiteplot Road are within the settlement boundary as defined on the King's Lynn and West Norfolk Local Plan Proposals Map (Inset 93) but the settlement boundary steps forward to the highway boundary along the appeal site frontage. Immediately opposite the appeal site there are dwellings and other buildings of a rural nature.

Development Plan

3. The development plan for the area includes the Approved Norfolk Structure Plan (March 1993) and the King's Lynn and West Norfolk Local Plan adopted in November 1998. The application site lies outside of the settlement boundary as described above. That identifies the site as being in a countryside location and so the proposal falls to be considered having regard to Structure Plan Policy H.6 and Local Plan Policy 8/6.
4. Planning Policy Guidance Note 1 at paragraph 40 advises that Section 54A of the 1990 Act requires that, where the development plan contains relevant policies an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise.

APPEAL DECISION

The main issues

5. From the above, from all the representations made to me and from what I saw when I visited the site I consider that the appeal turns on the following main issues. The issues are whether the proposal would conflict with the provisions of the development plan and if so whether there are material considerations that would warrant approval in this case despite the provisions of the development plan. In addition whether approval of this proposal would create a precedent for similar applications that the Council would then find hard to resist.

Inspector's reasons

6. Policy H.6 of the Structure Plan states that outside towns and villages planning permission for new residential development will not be given unless it is justified for an appropriate rural use as defined in the policy. The Local Plan Proposals Map shows the site to be outside the boundary of the settlement. Policy 8/6 of the Local Plan resists new development in the countryside unless there are special needs with regard to an existing business, the provision of local employment to strengthen the rural economy or for community purposes. Policy 8/6a states that new dwellings will not be permitted except in exceptional cases connected to rural employment. The proposal is for residential development contrary to the above quoted policies and so this appeal must be determined in accordance with those policies unless material considerations indicate otherwise.
7. The appellant has pointed out that the site has on three previous occasions enjoyed planning permission for the erection of two dwellings in 1988, 1989 and 1994 but that the latest of these has expired. That permission was granted on 31 March 1994 with conditions requiring the development to be commenced not later than two years from the date of the permission or six months after the approval of the last of the reserved matters. The appellant claims that those time limits were allowed to lapse because of market forces in the housing industry. The site was originally bought with the benefit of planning permission. Soon after the purchase the housing market collapsed leaving the appellant with plot costs that would have been extremely difficult to recover. It is also claimed that the last permission was granted after the new local plan policies were in being and so there have not been any changes in policy to alter the designation of the appeal site since that time. In those circumstances there is nothing that would justify its refusal.
8. The 1994 permission was granted with shorter time periods than normal for the submission and the approval of details, and for commencement of the works. The period for the commencement of works is usually five years but the Council shortened that to two years. The reason given by the Council for that action was to enable the Borough Planning Authority to reconsider the decision in the light of new local plan policies should further renewal be necessary. The expiration of the last permission has made a re-application for permission necessary. The Council considered the application in the light of up to date planning policies. The Plan containing those policies was adopted in November 1998. That is over two years after the last permission expired. The appeal site is not within the defined village as claimed by the appellant, it lies just outside of the western boundary of the settlement as defined on the Proposals Map. Consequently, I cannot agree that the circumstances have not changed sufficiently for the Council to come to a different conclusion in this matter and there is nothing of a material nature that would persuade me to that the appeal should be determined other than in accordance with the development plan.

APPEAL DECISION

9. Turning to the issue of precedence the acceptance of a proposal that is in direct conflict with the development plan without sufficient reason to overcome that conflict would make it difficult for the Council to refuse similar applications. The cumulative effect of similar proposals would erode the form and character of settlements by breaching the adopted boundaries that have been selected after public consultation. In my view, the approval of this proposal could be used as an example in the future to promote similar unacceptable schemes.
10. I have considered all the representations made to me including the appellant's financial difficulties concerning the development of the appeal but that consideration is not a planning matter. It is, therefore, my view that there is nothing so cogent as those matters on which I have based my decision.

Conclusions

11. For the reasons given above I conclude that the appeal should not, on balance, succeed and I shall exercise the powers transferred to me accordingly.

Ray Brannan.



The Planning Inspectorate

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Ms K Wagg
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NORFOLK, PE30 1EX

Your Ref:
2/98/1667/0

Our Ref:
APP/V2635/A/99/1024678

12 August 1999

copy to Bro
16/8/99

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D MCGROARY
SITE AT LAND NORTH OF WHITEPLOT ROAD, METHWOLD, HYTE**

I am writing to inform you that the inspector appointed by the Secretary of State to determine the above appeal is

Mr P M Brannan JP BSc CEng MICE MIHT.

As part of the normal procedures, the inspector will be visiting the site. The purpose of the visit is to enable the inspector to assess the impact of the proposed development on the surrounding area. We understand that the site can be adequately viewed without any need to gain access to private land. The inspector will, therefore, visit the site, unaccompanied by the parties, during the week commencing 23 August 1999.

In general, decision letters are issued within 5 weeks of the date of the inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, due for example to the receipt of late representations, we will let you know.

Yours faithfully

Mr S Rowden

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

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