



Appeal Decision

Hearing held on 19 February 2003

Site visit made on 19 February 2003

by **Michael R Moffoot** DipTP MRTPI DipMgt MCMI

an Inspector appointed by the First Secretary of State

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Date

14 MAR 2003

Appeal Ref: APP/V2635/A/02/1091704

Great Poplars, Barroway Drove, Downham Market

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Dr Joy Clark against the decision of the Borough Council of King's Lynn and West Norfolk.
- The application (Ref. 2/01/1743/O), dated 1 November 2001, was refused by notice dated 20 December 2001.
- The development proposed is a house & garage.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The appeal relates to an outline application with all matters except siting reserved for subsequent approval.

Planning Policy

2. The development plan includes the Norfolk Structure Plan 1999 (SP) and the King's Lynn & West Norfolk Local Plan 1998 (LP), and I consider the following policies relevant to the determination of the appeal. Policy ENV.1 of the SP gives a high priority to protecting the environmental assets of the County, with special emphasis given to the protection, conservation and enhancement of, amongst other things, areas of local landscape character, rural environments and the setting of villages. In areas of important landscape quality (to be identified in local plans), Policy ENV.3 only allows development where it would conserve and be sensitive to the appearance and character of the area. Policy ENV.4 seeks to protect the distinctive character of the Norfolk countryside and coast for its own sake, and Policy H.8 says that housing development in the countryside will not take place unless, amongst other things, there are no significant environmental concerns.
3. Policy 4/6 of the LP does not permit development which would damage the distinctive character or appearance of the landscape in Areas of Important Landscape Quality (AILQ). Policy 8/8 does not permit new dwellings in the countryside except where justified in connection with a rural enterprise.
4. I have also been referred to national advice in Planning Policy Guidance Notes 1 - *General Policy and Principles*; 3 - *Housing (PPG3)*; and 7 - *The Countryside: Environmental Quality and Economic and Social Development (PPG7)*.

Main Issue

5. The main issue in this case is the effect of the proposed development on the character and appearance of the site and its surroundings, including the impact on the AILQ.

Reasons

6. Barroway Drove lies in flat, open countryside, and has a distinctive linear form extending along roads that radiate from the centre of the village. The appeal site lies between established dwellings, and is situated on the edge of but outside the settlement limits as defined in the Local Plan, and within an AILQ.
7. „The prevailing character of the area is rural, reinforced by long distance views across open countryside. In my view the proposal would consolidate and extend development beyond the built up limits of the village into an area of countryside punctuated by sporadic housing, farms and commercial operations, and in doing so would conflict with advice at paragraph 3.20 of PPG7, which states that *“the expansion of villages and towns should avoid creating ribbon development...”*”.
8. Furthermore, I do not consider that the proposal can be regarded as infill development, as it would not represent the filling in of a small gap in an otherwise built up frontage. I saw at my site visit that the sporadic pattern of housing to the south-west of the appeal site contains a number of gaps, large and small, that contribute to the character of the area, providing views through to open land beyond. Filling in of these gaps could be repeated all too often in this locality if this appeal were allowed, with resultant detriment to the character and appearance of the area and conflict with the objectives of the AILQ designation.
9. I now turn to whether there are other considerations that may outweigh the policy presumption against the proposal. My attention has been drawn to a number of buildings erected in the area in recent years, but I am not aware of the individual circumstances of these cases and therefore attach limited weight to them in the determination of this appeal. Furthermore, I do not consider the fact that other developments have been allowed outweighs the harm that I have identified in this case. My view is reinforced by advice in paragraph 3.21 of PPG7, which states that *“new house building and other new development in the open countryside, away fromareas allocated for development in development plans, should be strictly controlled”*. I have also had regard to an appeal decision in 2002 for a dwelling opposite the site, which is similarly outside the settlement limits, and adds weight to my view that the proposal before me is unacceptable.
10. For these reasons I have concluded that the proposal would extend and consolidate development on a prominent site on the fringe of the village, resulting in harm to the character and appearance of the site and its surroundings, and the Area of Important Landscape Quality. The proposed development would therefore conflict with Policies ENV.1, ENV.3, ENV.4 and H.8 of the Structure Plan and Policies 4/6 and 8/8 of the Local Plan.

Other Matters

11. Reference was made to tipping that has rendered the land unsightly and unsuitable for agriculture without costly restoration, the visual benefits that would result from the development in terms of managing and landscaping the site, and increased support for local services. I am also aware of local support for the proposal. However none of these factors are sufficient to outweigh the objections to the proposal on planning policy grounds and the harm it would cause to the character and appearance of the area. In addition, the appellant agreed that the proposal would not utilise previously developed land as defined in PPG3.

12. Finally, I have had regard to the appeal decision that was submitted at the Hearing, but am not familiar with the site and the particular issues that the appeal raised. Accordingly I attach very limited weight to it.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

14. In exercise of the powers transferred to me, I dismiss the appeal.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



INSPECTOR