



Appeal Decision

Site visit made on 19 June 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 June 2017

Appeal Ref: APP/V2635/W/17/3172987

97 South Beach Road, Hunstanton PE36 5BA

- 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 made by Mr Justin Wing against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/01555/F, dated 23 December 2016, was refused by notice dated 23 January 2017.
 - The development proposed is the erection of new residential dwelling with integral double garage and associated external works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the site is suitable for housing, having regard to the provisions of the development plan and flood risk.

Reasons

3. The appeal site lies towards the southern end of South Beach Road, which as its name suggests, heads south close to the beach from the edge of the town centre. The area is characterised by ribbon development of various types of accommodation, with caravans largely located on the west side of the road, between the street and the beach, and dwellings on the east side. Behind these dwellings are further caravans. The site lies behind a block of 4, 2 storey buff brick terraced units, and is accessed by a track which is sited between this block and a further block of 5 terraced red brick 2 storey units. The access track serves the site, that of 99 South Beach Road and a further dwelling just to the south.
4. No 99 currently houses a single storey bungalow, set at an angle. There is no dispute between the parties that the appeal site used to house a similar bungalow, sited to as to face towards the entrance track. There remains a concrete slab with brick sides and a partial previous wooden floor, but the walls and roof of the bungalow have been fully demolished. The remainder of the site consists of roughly cut grass and cleared land, and aside from the entrance corner, is bordered by a close boarded fence separating the site from the rear of the houses to the west and caravans to the north and east. Evidence states that services remain connected to the site in the form of capped pipes.

5. No 99 has been granted permission for a replacement dwelling; the design of which is the same (but handed) for the proposal in this case. The Council have no objections to the proposed design, and based on all that I have read and seen I have no reason to disagree with this view.
6. The site lies within the Coastal Flood Risk Hazard Zone (CHZ), as defined by the Site Allocations Plan¹. Policy DM18 of the Plan explains how the Council and the Environment Agency have agreed a planning protocol for the area to prevent inappropriate development, adopting a precautionary approach. The policy states that new dwellings will not be allowed, with replacement dwellings only permitted where seven criteria are met, including that the dwelling would only be occupied between 01 April and 30 September in any year.
7. The site also lies outside the settlement boundary for Hunstanton; policy CS06 of the Core Strategy² and Policy DM2 of the Site Allocations Plan together state that land outside development boundaries will be treated as countryside where new development will be restricted, and that in the rural areas the countryside will be protected for its intrinsic character and beauty.
8. As described above, no walls or roof of the former bungalow now remain, with only a concrete slab and partial wooden floor present. Evidence states that the former bungalow was fire damaged between November 2010 and March 2011, around 6-7 years ago. There is also no dispute between the parties that the site has not been occupied since late 2010.
9. The appellant states that the site was previously owned by a member of their family and that they had proposed to rebuild the bungalow but were unable to do so due to financial circumstances, and so sold the site to the appellant in July 2015. However, I have little evidence on this period between late 2010 and 2015; there does not appear to have been any approach to the Council to rebuild the site prior to the pre-application inquiry in 2016. Given the length of time that has elapsed since late 2010, and the condition of the 'structure' – in that only the base in effect survives I consider it reasonable to conclude that the residential use of the site has been abandoned and that the proposal would constitute a new dwelling. Accordingly Policy DM5 of the Site Allocations Plan, which concerns replacement dwellings or extensions to existing homes in the countryside, does not apply.
10. The site does however constitute previously developed land, and the design of the scheme would have some benefits in tidying up and enhancing an unkempt site, joining the proposal up with No 99 in a coherent whole, providing some benefits in a pair of modern dwellings, which due to the design of the schemes with non-habitable rooms at ground floor level would be flood resilient to a certain degree. Given such issues, I am not convinced that the proposal would breach the overall purposes of Policies CS06 or DM2; the site is surrounded by other development and could not be considered as isolated, and consider that in isolation the circumstances of the site could outweigh the conflict with the development plan in this sole respect.
11. However, critically the site also lies within the CHZ. This zone was established by a modern up to date plan and constitutes a significant change in the circumstances of the site since the former bungalow burnt down. The point of

¹ Site Allocations and Development Management Policies Plan, September 2016.

² King's Lynn & West Norfolk Borough Council Local Development Framework- Core Strategy July 2011

the CHZ is to prevent inappropriate development and the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The supporting text to the policy notes that the part of the coastline that the appeal site falls in is considered to be very high risk with only a 1 in 50 year standard of flood protection. The proposal, in seeking a new dwelling would be contrary to this policy and to the Framework.

12. I note that the Town Council state that they support the proposal as new flood resilient development helps to prolong the season; however notwithstanding the above, policy DM18 states that replacement dwellings which are permitted can only be occupied for 6 months of the year – from April to September.
13. I am referred to other examples which the appellant considers are relevant. In the East Hertfordshire case I note that the Inspector found that there had always been a clear intention to rebuild the property, and in the Shropshire case it appears that significantly more of the structure of the dwelling remained than is the case in this appeal. Furthermore, each case must be considered on its own merits.
14. To build a new dwelling on the site would be contrary to Policy DM18 and could not therefore be considered sustainable development. I therefore conclude that the site is not suitable for housing, having regard to the provisions of the development plan and flood risk. Whilst I note and have considerable sympathy with the circumstances of the case, I do not consider that in totality they outweigh the conflict of the scheme with the up to date development plan.
15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR