



## Appeal Decision

Site visit made on 13 March 2007

by **J S Deakin FRICS**

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

The Planning Inspectorate  
4/11 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date: 23 March 2007

**Appeal Ref: APP/V2635/A/06/2026734**

**Waterlow Nursery, Waterlow Road, Hay Green, Terrington St Clement, King's Lynn  
PE34 4PS**

- 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 Mr J Chambers against the decision of King's Lynn and West Norfolk Borough Council.
- The application ref: 06/01315/0 dated 22 June 2006 was refused by notice dated 15 August 2006.
- The development proposed is demolition of existing temporary mobile home with replacement by new bungalow.

**Summary of Decision: The appeal is dismissed.**

### Preliminary Matters

1. This is an outline application; siting and means of access form part of the application whilst other matters are reserved for future determination.

### Main Issue

2. I consider that the main issue is whether there are material considerations of sufficient weight to justify allowing residential development in the countryside, having regard to development plan policies relating to housing outside towns and villages.

### Planning Policy

3. The development plan includes the Norfolk Structure Plan 1999 and the King's Lynn and West Norfolk Local Plan which was adopted in 1998. The appeal site is outside the boundaries of a defined settlement and is within an area designated as countryside in the proposals map of the Local Plan.
4. Structure Plan Policy H.8 and Local Plan Policy H8/8 indicate that new dwellings in the countryside will not be permitted unless required in connection with agriculture, forestry or a rural enterprise. Local Plan Policy 8/9 relates to replacement dwellings in the countryside. Structure Plan Policy CS.7 says that in the countryside, priority will be given to conserving landscape character and wildlife, and protecting agricultural, recreational and natural resources.

### Reasons

5. The appeal site contains two adjacent mobile homes and an attached timber annex, which are occupied by the appellant. A Certificate of Lawful Use or Development (ref 2/01/0574/LD) was granted on 16 August 2001 for "*The residential use of the land as a caravan site for 2 caravans and a timber constructed annex together used as a single*

*residential unit”.*

6. The wording of the application infers that the proposal is for a replacement dwelling. The justification for Policy 8/9 in para 8.23 of the Local Plan acknowledges that there is a need to give clear policy guidance on the replacement of recently occupied, derelict or abandoned houses where they cannot be renovated. The caravans and annex are in poor condition and are reaching the end of their useful life. However, the residential use of the land as a caravan site is significantly different to the situation which would arise if there were an existing permanent dwelling on the site.
7. There is no such dwelling and I consider that the development must be treated as a new dwelling in the countryside. In principle, this would be contrary to Structure Plan Policy H.8 and Local Plan Policy 8/8. No agricultural or forestry needs have been put forward but the appellant contends that he needs to live close to his business.
8. Policy 8/8 says that permission for new dwellings in the countryside may be given exceptionally for people who genuinely need, in the interests of a rural enterprise, to live at or close to their place of employment rather than in a settlement. Planning permission (01/0779/CU) has been granted for the use of the former horticultural packing shed for manufacturing double glazing units. In my opinion, a double glazing business is not an enterprise which needs to be sited in a rural area; it is not particularly concerned with rural activities and could be carried on within a settlement. There is no suggestion that the business should be relocated to an urban area but the point is that it is not a rural enterprise that needs a dwelling nearby.
9. The appellant says that there have been a number of break-ins, equipment has been stolen, and vandalism has occurred. The building is in a secluded and isolated position and I appreciate that the security risk would be lessened if someone was living on the site. Nevertheless, theft and vandalism are, unfortunately, common problems in rural areas and I conclude that security is not a material consideration of sufficient weight to justify allowing a new house in the countryside.

#### **Other Considerations**

10. A new dwelling would be well screened from public view and would not create undue additional activity. However, the fact that the site is well screened is not an argument in favour of allowing the appeal. It could be repeated too often, with the result that the cumulative impact of development of a number of unobtrusive sites could undermine longstanding national and local policies designed to protect the countryside.

#### **Conclusion**

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

#### **Formal Decision**

12. I dismiss the appeal.

*JSDeakin*

INSPECTOR

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