

<b>Parish:</b>	<b>Walpole Cross Keys</b>	
<b>Proposal:</b>	<b>Retrospective application for detached garage and change of use of agricultural land to garden</b>	
<b>Location:</b>	<b>Bimbos Ark 13 Station Road Walpole Cross Keys King's Lynn</b>	
<b>Applicant:</b>	<b>Mr P Ward</b>	
<b>Case No:</b>	<b>20/00931/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination: 26 August 2020 Extension of Time Expiry Date: 9 October 2020</b>

**Reason for Referral to Planning Committee** – The views of the Parish Council are contrary to Officer Recommendation and referred by Sifting Panel

**Neighbourhood Plan:** Yes

**Case Summary**

The application is for the retrospective construction of a detached garage and the change of use of land to garden to the rear of Bimbos Ark, an existing bungalow, on Station Road, Walpole Cross Keys.

The site is bordered to the north by existing residential dwellings and to the south, there is extant planning permission for the construction of two dwellings, the rear boundary to which extends to a similar point as the proposed change of use of land under this application. The application site is within Walpole Cross Key Neighbourhood Plan area and the land in question is shown within the development guideline illustrated on Map 1 on Page 13 of the Neighbourhood Plan document.

**Key Issues**

- Principle of Development
- Planning History
- Form and Character
- Other material considerations

**Recommendation**

**APPROVE**

## THE APPLICATION

The application is for the retrospective construction of a detached garage and the change of use of land to garden to the rear of Bimbos Ark, an existing bungalow, on Station Road, Walpole Cross Keys.

The retrospective application seeks permission for the construction of a detached garage with dual pitched roof and the extension of the garden, changing the use of a piece of land from agricultural use to garden. The application site is a triangular piece of land extending to a maximum of approximately 18m from the existing rear curtilage of the bungalow.

The site is bordered to the north by existing residential dwellings and to the south, there is extant planning permission for the construction of two dwellings, the rear boundary to which extends to a similar point as the proposed change of use of land under this application.

The application site is within Walpole Cross Key Neighbourhood Plan area and the land in question is shown within the development guideline illustrated on Map 1 on Page 13 of the Neighbourhood Plan document.

## SUPPORTING CASE

None received at time of writing

## PLANNING HISTORY

20/00355/F: Application Permitted: 28/05/20 - REMOVAL OR VARIATION OF CONDITION 7 OF PERMISSION 17/02324/O: Outline Application, residential development - Land Between Bimbos Ark And 15 (DELEGATED DECISION)

17/02324/O: Application Permitted: 10/01/19 - Outline Application: Residential Development - Land Between Bimbos Ark And 15 Station Road (DELEGATED DECISION)

07/01842/F: Application Refused: 14/12/07 - Construction of garage - Bimbos Ark (DELEGATED DECISION)

04/01027/CU: Application Refused: 25/06/04 - Change of use from agricultural land to residential garden land - Land Rear Of Bimbos Ark (DELEGATED DECISION)

2/00/0589/F: Application Permitted: 31/05/00 - Construction of bungalow after demolition of existing dwelling - Bimbos Ark (DELEGATED DECISION)

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** stating the following reasons:

In May 2004 an application was made for change of use from agricultural land to residential to extend the garden behind Bimbos Ark. This was REFUSED. In August 2007 an application was made for construction of a garage at Bimbos Ark. This was REFUSED as it was to be built on agricultural land outside of the garden boundary. Last year, the Parish Council raised concern over the garage that has been built close to the position in the

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refused proposal above without permission on agricultural land. Now we have a retrospective application for this build.

**Highways Authority: NO OBJECTION** the application will not impact on the adjacent highway

## **REPRESENTATIONS**

**ONE** letter of **OBJECTION** stating the following comments:

- \*Need for change of use for agricultural to garden as red line extends beyond current property line
- \*Concern over retrospective nature of the application and how often this occurs within the village
- \*Impact of new garden are backing onto existing unassociated dwellings as it may get built on retrospectively

Note: since the submission of the above comment, the description of the proposal has been amended to clarify the retrospective change of use involved.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy 1** - New Residential Development in the Neighbourhood Plan Area

**Policy 2** - Extensions and Conversions to form residential (including from commercial use)

**Policy 5** - Development Design (all developments)

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

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## **PLANNING CONSIDERATIONS**

The key issues are:

- Principle of Development
- Planning History
- Form and Character
- Other material impacts

### **Principle of Development**

Walpole Cross Keys is defined as a Rural Village in the settlement hierarchy, set out under Policy CS02 of the Local Development Framework (LDF) (2011), capable of accommodating modest growth to support essential rural services. The adopted Site Allocations and Development Management Policies Plan (SADMPP) shows the application site lying partially outside the development boundary, however the subject site is within the Walpole Cross Keys Neighbourhood Plan area which extends beyond the limits outlined in the SADMPP, and the site is within the development guideline on this map (Map 1, Page 13).

The Neighbourhood Plan has been formally adopted. As the most up to date planning policy, this application must be judged against the provisions of this plan. In situations where there is a conflict with the Local Plan then, as the most recent document, the Neighbourhood Plan will take precedence.

Given the accordance with the Neighbourhood Plan boundary discussed above, the loss of a strip of former agricultural land would be acceptable in conjunction with Policy CS06 of the Core Strategy (2011), in that it would not have a significant impact upon the intrinsic character and beauty of the countryside, and certainly would not be cropped as it is not in the same ownership as the field to the immediate south. This also corresponds with paragraph 170 of the NPPF.

The principle of development is therefore considered acceptable in accordance with Paragraph 170 of the NPPF (2019), the Walpole Cross Keys Neighbourhood Plan and Policy CS06 of the Core Strategy (2011).

### **Planning History**

The application site has been subject to two refused planning applications of a similar nature in 2004 and 2007. The previous applications were both refused due to the site's positioning in the countryside and the lack of justification for deviations from what was the local plan at the time. However, since the refusal of these applications, the relevant planning policies and the character of the immediate vicinity has changed.

The proposed rear garden boundary will be in line with the rear boundary of the houses approved directly to the south west of the site which were previously approved under application ref 17/02324/O in 2019 and in accordance with the Neighbourhood Plan development boundary. Given the scale of the proposed change of use of land and existing site characteristics, the application is considered unlikely to lead to a significant adverse impact on the intrinsic character of the countryside.

When viewed across fields to the east of the site, the change in garden depth is considered unlikely to cause an adverse visual impact on the vicinity; the existing site conditions

combined with the line of boundary treatments to both the north and south of the site will create a near continuous feature/fence line when viewed from areas to the east of the site.

The infill of this gap to the south combined with the extent of the approved curtilage reinforces the linear character/ribbon development in the immediate locality and will shield the extension of the curtilage from view from the road. Overall, given the changes in planning legislation and existing site characteristics since the previous refusals, the proposal is considered to overcome the previous reasons for refusal.

### **Form and character**

The garage building is constructed from facing bricks to match the existing dwelling, with a pitched roof running parallel to the proposed rear boundary of the site. The modest garage building is of a form and character standard for residential outbuildings in the wider vicinity. Given the positioning of the garage, behind the existing bungalow, the building is partially screened from view from the adjacent highway to further limit any visual impact of this part of the proposal. Post and rail fencing is proposed to delineate the new rear boundary.

The proposed garage outbuilding is considered unlikely to lead to significant impacts on the form and character of the area. Given the scale of the proposal and the materials, proposed to match the existing dwelling on site, the proposed garage and change of use of land is considered unlikely to give rise to adverse impacts on the street scene. A condition is recommended to ensure the post and rail fencing is provided and retained along the rear boundary of the site to provide a clear line between the countryside and garden land and prevent any further encroachment.

Policy 5 of the Neighbourhood Plan requires that all development is sympathetic to neighbouring properties in terms of size, general design features, and materials. Whilst the proposed garden land extends beyond that of the original dwelling house, there is no consistent boundary to rear curtilage in the immediate vicinity. Given the mixed character of the street scene, the proposal is considered to correspond with the primarily rural character of the area and therefore complies with this policy.

The proposal is therefore considered to comply with Policies CS06 and CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016) and Policy 5 of the Walpole Cross Keys Neighbourhood Plan.

### **Other Material Considerations**

The garage building is sufficiently distanced from boundaries to limit any impact in terms of overlooking, overshadowing or overbearing of neighbouring dwellings.

The proposal is considered acceptable in terms of highway impacts. Adequate space is retained on site for parking in accordance with the required standard and the application has not drawn objections from the Local Highway Authority.

There are no anticipated crime and disorder impacts as a result of this proposal.

A neighbour objection was received during the course of the application that, alongside pointing out the retrospective nature of the application, commented on the potential impact for future structures in the garden land to impact on the residential amenity of surrounding dwellings. Any new out-buildings or structures on site would be required to meet the permitted development criteria or would require full planning permission. It is considered that any development permitted under Class E of the General Permitted Development Order is

unlikely to lead to adverse impacts on neighbouring dwellings. Failure to apply for planning permission for works that require consent would be at the applicant's own risk.

## **CONCLUSION**

Notwithstanding the concerns raised by the Parish Council, since the refusal of applications in the past the immediate setting and characteristics of the site has changed and the Neighbourhood Plan, which includes the land within the development boundary, has been published. This is a significant material change in circumstances. For the reasons outlined above, the proposal is considered unlikely to lead to an adverse impact on the intrinsic character of the countryside and the principle of development is therefore considered acceptable in accordance with the NPPF, Policies CS06 & CS08 of the Core Strategy and Policy 5 of Walpole Cross Keys Neighbourhood Plan.

The application is therefore duly recommended for approval subject to certain condition stated below.

## **RECOMMENDATION:**

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

- 1 Condition: The development hereby permitted shall be completed in accordance with the following approved plans:  
  
3673-20 01C.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Within 6 months of the date of this decision, post and rail fencing shall be erected across the east/south east boundary of the site in accordance with the details shown on dwg. No. 3673-20 01C. The fence shall be retained in this position thereafter.
- 2 Reason: For the avoidance of doubt and to define the extent of the residential amenity land in accordance with the NPPF.