



Appeal Decision

Site visit made on 12 March 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2019

Appeal Ref: APP/V2635/W/18/3216862

Manor Bungalow, Station Road, Little Massingham PE32 2JU

- 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 James Buckman on behalf of Buck Estates against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 18/00666/O, dated 11 April 2018, was refused by notice dated 14 September 2018.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst reference has been made to Manor Cottage on the application form and to Tabernacle Wood on the submitted plans, in the interests of clarity I have used the site address given on both the Council's Decision Notice and the appellant's appeal form.
3. The appeal proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the details relating to the matters reserved for future approval submitted with the appeal application as no more than a guide to how the site might be developed.
4. Since the submission of the appeal, an updated version of the National Planning Policy Framework (February 2019) (the revised Framework) has been published by the Government. This is a material consideration in planning decisions. In relation to the main issues in this appeal, Government policy has not materially changed and it was not therefore necessary to invite any further comments from the different parties involved.

Main Issue

5. The main issue is whether or not the appeal site represents an appropriate location for housing, with particular regard to the effect of the proposal upon the rural character and appearance of the area.

Reasons

6. The appeal site is formed of a wooded area of land located adjacent to Station Road. It is located alongside an electricity substation compound and on the

opposite side of the road to a small number of existing residential properties. Notwithstanding the presence of these neighbouring built features, the appeal site's surroundings are generally undeveloped and rural in their character and appearance.

7. The appeal site makes up part of a wider site falling under the appellant's control. This wider site is wooded for much of its extent, but also contains significant grassed areas as well as a loose cluster of buildings setback a fair distance from Station Road. This cluster of buildings includes the existing dwelling that is proposed to be replaced (the existing dwelling) and also Manor House, a large further dwelling.
8. Little Massingham, where the appeal site is located, is designated as a Smaller Village and Hamlet (SVAH) under Policy CS02 of the King's Lynn and West Norfolk Borough Council Core Strategy (July 2011) (the Core Strategy). SVAHs are not afforded development boundaries and are, in accordance with Policies DM2 and DM3 of the Site Allocations and Development Management Policies Plan (September 2016) (the SAADMPP), treated as countryside where new development will be more restricted and limited to that identified as suitable in rural areas.
9. The supporting text to Policy DM3 confirms that very modest housing growth for the SVAHs will be permitted in the form of limited infill development. Indeed, Policy DM3 allows for the sensitive infilling of small gaps within an otherwise continuously built up frontage. Notwithstanding the presence of a small number of other nearby built developments on Station Road, the proposal would not represent the infilling of a small gap within a built-up frontage and would not therefore achieve compliance with Policy DM3 in this regard. Indeed, the frontage to the western side of Station Road in the vicinity of where the appeal site is located is, for the most part, clear of built development and appears innately rural in terms of its character and appearance.
10. Notwithstanding the above, the appellant has asserted that their planning application was made against Policy DM5 of the SAADMPP. Policy DM5 offers support for replacement dwellings or extensions to existing dwellings in the countryside provided that their design is of a high quality and that the character of their surroundings is appropriately reflected. However, whilst I acknowledge that a replacement dwelling is proposed, it is important to note that the appeal site is located some distance away from where the existing dwelling to be replaced is sited (albeit within the same wider site).
11. My interpretation of Policy DM5 is that its support for replacement dwellings is on the basis that they would ordinarily be in the same position, or at least in a similar position, to the dwellings they would replace. Indeed, the policy refers to enlargements (to existing dwellings) and replacement dwellings on the same terms and is relevant only in areas defined as countryside where suitable forms of development are heavily restricted. Rather than replacing a dwelling in-situ, the proposal would entail the formation of a sizeable residential plot and the construction of a dwelling on land that is currently clear of built development.
12. The appellant has referred to both the existing dwelling and proposed replacement dwelling being situated within the domestic curtilage of Manor House. The term domestic curtilage would generally be used to describe land that immediately surrounds a dwelling. A substantial area of undeveloped land

is situated between the appeal site and the existing loose cluster of buildings contained within the wider site. Indeed, from inspection, I noted no obvious signs of the appeal site or its neighbouring land being actively used for domestic purposes. I am also not aware of any certificate of lawful existing use in place, i.e. that could assist in demonstrating that the appeal site does in fact serve as domestic curtilage/residential garden land.

13. I acknowledge that a detailed scheme could potentially be formulated alongside existing planting such that the proposed replacement dwelling would have limited prominence when viewed from Station Road. The proposal would however still have a visual presence and represent encroachment into the countryside. Indeed, it would have an urbanising effect at odds with the typically rural character and appearance of the appeal site and its surroundings. The existing dwelling, in comparison, has a relatively discreet presence setback from Station Road and alongside other residential buildings contained within the wider site that is under the appellant's control.
14. For the above reasons, the proposal would cause harm to the rural character and appearance of the area. The appeal site would not be an appropriate location for housing therefore. The proposal would conflict with Policies CS01, CS02 and CS06 of the Core Strategy and with Policies DM2, DM3 and DM5 of the SAADMPP in so far as these policies require that areas outside of development boundaries will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas and that proposals will preserve the character or appearance of the street scene or area in which it sits.

Other Matters

15. I acknowledge that the appeal site, when considered against the location of the existing dwelling, is comparable in terms of the accessibility of surrounding facilities and services. I also acknowledge that a detailed scheme could be formulated at the site such that the living conditions of nearby occupiers would not be harmed.
16. From inspection, it did not appear that the shared access arrangements or proximity between the existing dwelling and Manor House are the cause for undue concern from either a living conditions or highway safety perspective. Indeed, vehicular access to the existing dwelling from the public highway is relatively direct and achieved with a degree of separation from the main built extent of Manor House.
17. Whilst I acknowledge that it is proposed that the newly proposed dwelling is designed such that energy efficiency/sustainability improvements would be made when compared to the existing dwelling, it is not clear from the evidence before me why commensurate improvements could not be made to the existing dwelling itself.
18. Any economic or landscape management benefits derived from the proposal's construction and subsequent occupation would be modest and would not outweigh the significant harm identified to the rural character and appearance of the area.

Conclusion

19. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR

Inspectorate The Planning



3C Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 03034445305
Customer Services:
0303 444 5000

Email:
west2@planninginspectorate.gov.uk

www.gov.uk/planning-inspectorate

Ruth Redding
King's Lynn and West Norfolk Borough
Council
Kings Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX

Your Ref: 18/00666/O
Our Ref: APP/V2635/W/18/3216862

10 April 2019

Dear Ruth Redding,

Town and Country Planning Act 1990

Appeal by Buck Estates Ltd

Site Address: Manor Bungalow, Station Road, LITTLE MASSINGHAM, PE32 2JU

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Ann Edmonds

Ann Edmonds

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Ruth Redding

From: Borough Planning
Sent: 11 April 2019 07:52
To: Ruth Redding
Subject: FW: Planning Inspectorate APP/V2635/W/18/3216862: Manor Bungalow, PE32 2JU
Attachments: Despatch Cover Letter - Ruth Redding - 10 Apr 2019.pdf; Appeal decision 3216862.pdf

Environment and Planning
Borough Council of King's Lynn and West Norfolk

T: 01553 616234
E: borough.planning@west-norfolk.gov.uk
W: www.west-norfolk.gov.uk

Submit a planning application on-line: <http://www.planningportal.gov.uk>

borough.planning@west-norfolk.gov.uk or telephone 01553 616234.

From: west2@planninginspectorate.gov.uk [mailto:west2@planninginspectorate.gov.uk]
Sent: 10 April 2019 12:36
To: Borough Planning
Subject: Planning Inspectorate APP/V2635/W/18/3216862: Manor Bungalow, PE32 2JU

The Planning Inspectorate (England)
Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Planning Inspectorate (Wales)
Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

<http://www.planningportal.gov.uk/planninginspectorate>
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