



Appeal Decision

Site visit made on 17 July 2024

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st October 2024

Appeal Ref: APP/V2635/W/23/3334048

Holme Oak, Stoke Road, Wereham, Norfolk PE33 9AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr G Gott against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/00848/F.
 - The development proposed is the construction of 4 residential units in existing footprint of agricultural barn benefitting with prior approval including the demolition of existing agricultural barn.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Mr G Gott against King's Lynn and West Norfolk Borough Council and is the subject of a separate decision.

Preliminary Matter

3. There is an extant planning consent for the prior approval for the change of use of the existing agricultural building on the site to four dwellinghouses¹. I will deal with this matter later in the decision.

Main Issues

4. The main issues are:
 - whether the site would be in a suitable location for residential development with regard to local policies; and
 - the effect of the proposal upon the character and appearance of the area

Reasons

Whether the site would be in a suitable location for residential development with regard to local policies

5. Part of the appeal site is within the development boundary for Wereham, identified in the Site Allocations and Development Management Policies Plan

¹ Application Reference: 21/01872/PACU3

(SADMPP), 2016. However, the majority of the site, including the proposed dwellings, is outside of this.

6. Policy DM2 of the SADMPP states that the areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan. It is not disputed between the parties that the proposal would not accord with any of these other policies and based on the information before me I find no reason to conclude otherwise.
7. Policy CS06 of the Core Strategy (CS), 2011, states that development on greenfield sites will be resisted unless essential to agricultural or forestry needs. Again, it is not disputed between the parties that the proposal would not accord with this policy and based on the information before me I find no reason to conclude otherwise.
8. The proposed dwellings would be located outside of the development boundary and would not accord with policies within the development plan that permit development in the countryside.
9. Therefore, the proposal would not be in a suitable location for residential development with regard to local policies. Consequently, the development would conflict with Policy DM2 of the SADMPP as well as Policy CS06 of the CS for the reasons given above.

Character and Appearance

10. The site is located towards the edge of Wereham. Near to the front of the site is a bungalow and the proposed houses would use the same vehicular access. Around the site there are dwellings set back from the roadside, similar to the existing bungalow and within the village there are several cul-de-sac developments as well as development at depth. The design of the dwellings varies in the area although most dwellings are brick built with tile roofs. There are also areas of arable farmland between the nearby dwellings and in light of its location and the development around it the wider area has a semi-rural character and appearance.
11. On the appeal site is a brick-built barn which already forms part of the character and appearance of the area. The building is relatively utilitarian in design but the use of bricks in its construction and its agricultural form creates a notable building within the area. Whilst there are few similarly designed buildings nearby, the design and siting of the building is appropriate in this semi-rural context. Overall, the building makes a positive contribution towards the character and appearance of the area.
12. The proposal involves the demolition of the large brick-built barn and the construction of four dwellings within the footprint of it. The four dwellings would be built within a single building that has been designed to appear similar to the existing brick-built barn that is on site.
13. As noted earlier in this decision, consent has been granted to convert the barn to four dwellings. The proposed development would be very similar in scale, appearance, and location to the prior approval scheme with only minor

differences to the fenestration and materials. Overall, by replicating the form of the barn and using similar materials, the development proposed would retain the overall character and appearance of the barn and the positive effect this building has upon the character and appearance of the area would be preserved.

14. Given that the barn already forms part of the character and appearance of the area, the proposal to replicate its design would limit the urbanising effect of the scheme.
15. The scheme before me also includes the parking, gardens and landscaping for each dwelling which creates a more comprehensive development, compared to the prior approval scheme. The proposed internal driveway, parking and gardens would urbanise the character around the site but because it is located in a semi-rural area just on the outskirts of a village, the residential appearance of the scheme would not appear out of character in this context.
16. The proposed landscaping would also soften the appearance of the site and it would create an attractive landscape around the dwellings and this more manicured appearance would be consistent with other dwellings next to the site. Additionally, the siting of dwellings to the rear of the existing bungalow would not be uncommon in the area given the prevalence of development at depth nearby.
17. Therefore, the proposed development would not harm the character or appearance of the area and it would accord with Policy DM15 of the SADMPP and Policy CS08 of the CS. These seek, amongst other matters, to ensure that the scale, height, massing, materials, and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.

Other Matters

18. Based on the planning history for the site, as well as the steps taken to go through the prior approval process, it is evident that the appellant intends to build four dwellings on the appeal site.
19. The two schemes are very similarly designed, although the proposal would create a more comprehensive development. The fallback scheme was a more limited development with much of the wider site left undeveloped. As concluded above, residential development in this semi-rural setting would not appear out of character and thus the overall design of the proposed development would create a more attractive and well thought out scheme when appreciated as a whole than the fallback scheme. Thus, the fallback scheme would be more harmful to the character and appearance of the area, than that proposed.
20. Paragraph Q2 4) of the Town and Country Planning (General Permitted Development (England) Order 2015 identifies that development permitted under Class Q (like the fallback scheme) must be completed within a period of three years starting with the prior approval date. Given that the appellant has until 15 November 2024 to complete this scheme, it is unlikely that they could complete the works before the consent lapses. As a result, I attribute very

limited weight in favour of the scheme to the theoretical possibility of this fallback consent being implemented before this deadline.

21. The appellant has drawn to my attention two decisions where the Council granted planning permission for residential development on sites where prior approval for the change of use of an existing agricultural building to residential had been granted². However, in the case at 1 Popenhoe Cottages there was more time to complete the prior approval consent compared to the scheme before me. With regard to the site at 3 Burrettgate Road the Council determined that further prior approval consent would be forthcoming, and in this instance, I do not have the authority to do so on behalf of the Council.
22. Given that consent has already been granted there is the possibility that the Council would grant consent again. However, prior approval must be sought from the Council and as such it is not guaranteed that it would be.
23. I understand that the development falls within the 'Zone of Influence' of a number of sites covered by the Norfolk Green Infrastructure and Recreation disturbance Avoidance and Mitigation Strategy. Whilst not forming part of the Council's reasons for refusal, as the competent authority I need to consider whether there would be an adverse effect on the integrity of the habitat sites in accordance with The Conservation of Habitats and Species Regulations 2017. However, given my findings on the main issues in this appeal, I have not carried out an Appropriate Assessment or reached a finding in respect of the proposed development's effect on the impact of recreational use by increased visitor numbers upon designated sites.

Planning Balance and Conclusion

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
25. There would be short term economic benefits to the area during the construction of the dwellings, as well as long term economic benefits from additional spending by the future occupiers. The occupiers would also contribute socially towards the local community. There would be environmental benefits of the scheme through the proposed landscaping. Given the modest scale of the proposal I attribute modest weight to these benefits in favour of it.
26. Whilst the scheme would not harm the character or appearance of the area this would be expected of any development and weighs neither for nor against the scheme.
27. The location of the proposed dwellings would conflict with the development plan regarding the distribution of housing outside of settlement boundaries. The conflict is with the development plan as a whole. In light of the very limited weight given to the fallback scheme as well as the stated benefits of the proposal, these material considerations do not outweigh the conflict with the development plan and thus do not indicate that the appeal should be determined other than in accordance with it.

² Application Reference: 22/01567/F & 21/02377/F

28. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR



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Your Ref: 23/00848/FUL
Our Ref: APP/V2635/W/23/3334048

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

21 October 2024

Dear Ruth Redding,

Town and Country Planning Act 1990
Appeal by Mr G Gott
Site Address: Holme Oak Stoke Road, Wereham, KING'S LYNN, PE33 9AT

I enclose a copy of our Inspector's decision on the above appeal(s), together with a copy of the decision on an application for an award of costs.

If you wish to learn more about how an appeal decision or related cost decision may be challenged, or to give feedback or raise complaint about the way we handled the appeal(s), you may wish to visit our "Feedback & Complaints" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

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

The Planning Inspectorate is not the administering body for High Court challenges and cannot change or revoke the outcome of an appeal decision. If you feel there are grounds for challenging the decision you may consider obtaining legal advice as only the High Court can quash the decision. If you would like more information on the strictly enforced deadlines and grounds for challenge, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Guidance on Awards of costs, including how the amount of costs can be settled, can be located following the Planning Practice Guidance.

<http://planningguidance.communities.gov.uk/blog/guidance/appeals/how-to-make-an-application-for-an-award-of-costs/>

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