



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line	0272-878927
Switchboard	0272-878000
Fax No	0272-878769
GTN	1374

Hewitson Becke & Shaw
Solicitors
Shakespeare House
42 Newmarket Road
CAMBRIDGE
CB5 8EP

Your Ref:

PJB/CLL/WILLIAMS

Our Ref:

T/APP/V2635/A/94/234005/P5

Date:

27 SEP 1994

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY J A WILLIAMS
APPLICATION NO: 2/93/0817/O

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of Kings Lynn and West Norfolk Borough Council to refuse outline planning permission for residential development on land at Mill Road, Walpole Highway, Wisbech. I held a local inquiry into the appeal on 4 and 5 August 1994. At the inquiry applications were made by J A Williams and by King's Lynn and West Norfolk Borough Council for awards of costs against each other. These are the subject of separate letters.
2. Notwithstanding the wording of the decision notice, at the Inquiry the main parties agreed that the appeal was against the Council's refusal of outline planning permission. The application site plan was accompanied by a plan showing a possible vehicular access to the site which was later supplemented by a plan showing an access road with visibility splays. Since the application was in outline with all detailed matters reserved, I determine the appeal on the basis that these plans are for illustrative purposes only.
3. The appeal site comprises some 0.8 hectares of land on the northern edge of Walpole Highway, a small village in open countryside, lying astride the A47 Trunk Road, about 12km south west of King's Lynn. In 1989 outline planning permission was granted for residential development of the appeal site but this has now lapsed.
4. From all that I have seen, heard and read I consider that the main issue is the effect of the proposed development on the form, character and setting of the village having regard to the planning history of the site and the policy background to this case.



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5. The development plan for the area consists of the Norfolk Structure Plan, approved by the Secretary of State in 1993. The emerging King's Lynn and West Norfolk Local Plan reached the deposit draft stage in June 1994.

6. The Council stated that over the years residential developments in West Norfolk villages have had an average density of 20 dwellings per hectare rising to a high of 37 per hectare. On this basis the appeal site could accommodate in the region of between 16 and 30 dwellings. The guidance to the implementation of Structure Plan Policies H4 and H5 does not envisage development of this sort of scale in villages, indicating that small scale development can generally be regarded as being up to 10 units. While I note that this is to be interpreted according to local circumstances, in my view a development of the generally achieved density on the edge of this village would not come within the definition of small scale.

7. The Structure Plan reflects a reduced strategic requirement for housing land which is a changed circumstance since the previous planning permission for the site was granted. The Plan also contains policies aimed at conserving the countryside and the landscape setting of towns and villages. In line with the thrust of government guidance to protect the countryside, to make best use of urban land and to reduce the need to travel, it aims to locate major residential and commercial development in the county's main towns and selected development locations along strategic routes.

8. In my judgement a development of 16 dwellings in Walpole Highway would not accord with the Structure Plan's strategic objectives. Since the proposal is neither small scale development, nor an individual dwelling or small group of houses, I conclude that it would not accord with the approved Structure Plan.

9. A non-statutory Village Guideline, produced by the Council in 1986/87, sought to interpret the previous Structure Plan. Part of the appeal site was included within the defined village settlement boundary, and the whole of the site was identified as being a preferred site for limited estate development. However, this plan is now superseded by the emerging Local Plan which, in line with the changed strategic circumstances, is seeking to reduce the extent of the village boundary. In so doing it excludes the appeal site and another previously identified site for limited estate development.

10. The Local Plan is at an early stage and its policies remain to be tested. However, I am mindful of the Council's view that the District's requirements for housing land might be met without the need to allocate sites in villages of the size of the appeal site. By indicating that developments of such a size on the edge of villages could be considered as being small scale, a grant of planning permission would make it difficult for the Council to resist similar proposals in this and other villages. I consider that the cumulative effect of such schemes would seriously undermine the Structure Plan objectives of protecting the countryside and restraining rural development outside identified locations.

11. In reaching this conclusion I have had regard to the other recent applications in the area to which the appellant's witness referred. However, each case should be considered on its merits and in my view there is no evidence to suggest that the Council assessed the development plan policies in a significantly different way. In any event I have considered the present proposal on the basis of my own understanding of the local policies and government planning guidelines.

12. The village is centred on the A47, Main Road but it has a somewhat loose and open form with strips of residential, horticultural and commercial development spread out along outlying roads to the north and south. A public footpath and line of poplar trees runs east to west across the site and bisects it into two roughly equal parcels of land with different characteristics. The southern half adjoins a pair of semi-detached houses facing Mill Road, and the roller skating rink and car park. It is currently used, under a temporary planning permission, as site offices by contractors constructing the nearby A47 trunk road by-pass. The northern half of the site comprises part of a grassed field adjoining agricultural land of a generally open character.

13. I note that the appeal site lies within the line of the historic Marshland Drove which the emerging Local Plan seeks to protect. In my judgement the development would extend the village into the surrounding countryside at a point where the openness of the Marshland Drove is still apparent. It is likely that the public footpath would need to be moved and that most of the poplar trees, identified by the emerging Local Plan as significant trees, would need to be felled. I conclude that such changes would significantly change the landscape at this point, causing material harm to the form, character and setting of this part of the village and the surrounding countryside. Such harm would be contrary to approved Structure Plan policies concerned with the need to protect the countryside and the rural landscape.

14. I have considered the support of the Parish Council and local residents for housing development to help maintain the services and social life of the village. While I understand these views, in my opinion, they do not outweigh the serious policy and environmental objections I have identified.

15. I have had regard to all other matters raised but they are outweighed by the considerations leading to my decision.

16. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

Philip A. Goodman

PHILIP A GOODMAN BA(HONS) DMS MRTPI MIMgt
Inspector