



Appeal Decision

Site visit made on 6 March 2007

by **K E Down MA(Oxon) MSc MRTPI MIBiol**

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

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

Date: 22 March 2007

Appeal Ref: APP/V2635/A/06/2032830

22 Mill Road, Wiggenhall St Germans, King's Lynn, PE34 3HL

- 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 Keith Gyles against the decision of King's Lynn and West Norfolk Borough Council
- The application Ref 06/01784/O, dated 8 August 2006, was refused by notice dated 24 October 2006
- The development proposed is demolition of existing dwelling. Construction of 2 pairs of 3-bed semi and 1 4-bed detached 2 storey dwellings

Procedural matter

1. The appeal is submitted in outline with siting and means of access to be considered. Other matters are reserved.

Decision

2. I dismiss the appeal.

Reasons

3. The appeal site lies mainly outside the built environment boundary of Wiggenhall St Germans as defined in the King's Lynn and West Norfolk Local Plan, adopted in 1998. It therefore lies predominantly within an area of countryside where, in order to protect the character and appearance of the rural area, new dwellings are strictly controlled. Policy H.8 of the Norfolk Structure Plan, adopted in 1999 resists new housing in the countryside unless it is needed in connection with defined rural activities such as agriculture and forestry. Local Plan Policy 8/8 places a similar restriction on new dwellings in the countryside. Since the proposed dwellings are not required in connection with defined rural activities they would be contrary to adopted policy. The appellant has raised a number of matters which he argues would amount to material considerations sufficient to outweigh this conflict and I have given these careful consideration.
4. Firstly, the appellant cites the age of the local plan and the delays in its review. I accept that the plan is not up to date and appreciate the appellant's frustration at the suggested timescales for its review. Nevertheless, more recent national policy contained in *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)* dated 2004 and *Planning Policy Statement 3 (PPS3): Housing* dated 2006, is consistent with the plan's general presumption against housing development in the countryside. I do not therefore consider that in this case the age of the plan would justify a departure from it.

5. Secondly, the appellant suggests that the site is, as a matter of fact, within the village and that the development boundary is unfair as it cuts across the site, which comprises a derelict dwelling and its curtilage. Evidence is provided to support the fact that the use of the land has remained unaltered for in excess of 20 years. However, to my mind the well spaced linear development along Mill Road, including the appeal site, whilst connected to the main village, has a more rural character and the built environment boundary generally reflects this by limiting its extent to existing built development. I accept that this has not been applied entirely consistently but it appears to me that the appeal site has not been treated differently from a number of other properties in the street. The fact that the site comprises domestic curtilage and thus constitutes previously-developed land, whilst material, would not amount to a reason in itself to allow development outside the built environment boundary of the village since, as is made clear in Annex B of PPS3, there is no presumption that all previously-developed land is necessarily suitable for housing development.
6. The appellant identifies that the Council has in recent years adopted a flexible approach to housing beyond the built environment boundary elsewhere in Wiggenhall St Germans, citing No 22a Mill Road, a detached house which lies adjacent to the appeal site and has an extensive curtilage, and a housing estate off Sluice Road. He suggests that the proposed development would be consistent with and acceptable in the context of these other decisions and would have no material effect on the countryside. The Council has not contradicted the evidence regarding these decisions but considers that all applications should be assessed on their individual merits. I agree that this is so. However, in order to achieve the certainty and predictability that *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* identifies as central to the planning system (paragraph 8) there is also a need for consistency in decision making. I therefore find some merit in the appellant's argument that these earlier decisions are material considerations in the determination of this appeal, particularly when coupled with the site's location, partly within and otherwise adjoining the built environment boundary and its previously-developed status. Nevertheless, I cannot agree that the proposed dwellings would have no effect on the countryside since they would extend across almost the entire width of the plot which in my view would be inconsistent with the well spaced pattern of development on Mill Road and detrimental to the character of the street scene and the rural area.
7. Finally, the appellant identifies a general need for additional housing in the area, particularly smaller family units. The Council acknowledges this general housing shortage. However, I agree with the Council that, in the absence of evidence of any specific local need, this would not provide sufficient justification to outweigh the policy presumption against the proposed dwellings.
8. Overall I do not find that these matters would be sufficient to outweigh the harm to the countryside that would arise from unnecessary housing development. I therefore conclude that the proposed dwellings would have a materially detrimental effect on the character and appearance of the rural area in the vicinity of the site and would conflict with the provisions of Structure Plan Policy H.8 and Local Plan Policy 8/8.
9. Turning to the effect of the proposed development on highway safety, I agree with the appellant that the alteration to the location of the access to Plot 1 which is sought by the Highways Authority in order to secure adequate visibility for drivers leaving the site is a matter of detail and could be dealt with through a planning condition. I therefore conclude

that the proposed development would cause no material danger to users of Mill Road and there would be no conflict with Local Plan Policy 9/29 which, amongst other things, promotes safe road conditions.

10. The site lies within Flood Zone 3 as shown on the Environment Agency's Flood Zone Map. At the time the Council determined the original application the submitted Flood Risk Assessment failed to address adequately the flood risk at the site. However, the Environment Agency confirmed in a letter dated 20 November 2006 that a revised Flood Risk Assessment, which had been submitted subsequently, satisfactorily demonstrated to the Agency that residential development would, in terms of flood risk, be acceptable at the appeal site and that subject to conditions requiring compliance with the conclusions and recommendation of the Flood Risk assessment and specified floor levels above Mill Road they withdrew their objection. I therefore conclude that the proposed development would have no materially detrimental effect with regard to flood risk at the site.
11. Notwithstanding my findings with regard to highway safety and flood risk, these would not outweigh my conclusion with regard to the effect of the development on the character and appearance of the rural area. Therefore, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Karen Down
INSPECTOR

