

# Kings Lynn & West Norfolk Local Plan - Representation to Main Modifications on behalf of Elm Park Developments Ltd

## Representation to Main Modifications of Kings Lynn Local Plan – October 2024

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Prepared by: Stuart Booth MRTPI

- 1.1. These representations are made on behalf of Elm Park Developments Ltd, whom we have represented throughout the Examination process of the Kings Lynn Local Plan.
  
- 1.2. In our representation to the proposed new windfall policy in April 2024 we noted that assuming the Inspector's do not consider more allocations should be forthcoming for the lower tier settlements, tier 4 settlements should be reassessed for capacity and that where boundaries are tightly drawn, they are relaxed accordingly to accommodate future development needs, or that tier 4 settlements are treated as tiers 1-3, by allowing appropriate sustainable developments within and adjacent to existing developments within the settlements.
  
- 1.3. We also suggested that to allay fears the Council may have over larger developments coming forward in villages, wording could be devised that would allow developments that are appropriate to the scale of the village and the immediate locality. We considered that this was not an ideal approach, but it would provide for some appropriate windfall developments to come forward to meet the housing need in the plan period and specifically allow for growth in the tier 4 settlements, where the Council is unwilling to properly assess capacity of the older settlement boundaries to meet that growth.
  
- 1.4. The Main Modification now proposed by the Council for the new windfall policy notes that 'in the interests of positive planning, this policy makes provision for some development outside, but adjoining, the development boundaries of the most sustainable settlements (Tiers 1-4), provided certain criteria are met'. This is a positive change that will allow for more windfall development during the plan period, but we maintain our objection that this policy is unlikely to meet the level of windfall set out in the plan.

- 1.5. The proposed new policy provides a specific approach for 'Residential Development outside of Development Boundaries'. In the context of the approach of this policy, we wish to remind the Inspectors that during the hearing we made representations regarding the lack of a defined settlement boundary around 200 houses at Clenchwarton and the obvious discrepancy this would cause with application of this policy to windfall developments in that location should that boundary not be corrected. We understand the Inspectors included this location on their site visit list.
- 1.6. During the Examination we also noted that the extant planning consent at Fosters Sports Ground within this area of Clenchwarton was in the process of being sold to a new developer. We can now provide an update on this to highlight that the extant 40 dwelling scheme has been sold to Freebridge Community Homes, who are now actively on site developing the residential scheme for affordable homes. In addition, the landowner is in discussion with an interested party/developer about a further phase of development in this location that could readily provide an additional windfall site on the site previously submitted to the Examination. Failure to include the residential areas of this part of Clenchwarton within the settlement boundary would limit the ability of this location to provide a new windfall site in accordance with the new windfall policy, despite it being considered an acceptable location for development for the extant consent and a location that could meet the other criteria of the windfall policy, being that it is surrounded by houses. We originally submitted details of this site to the Pre-Submission consultation showing plans in the Appendix. A plan from that submission is included at Figure 1, showing the land with consent and proposed for development in blue, on an aerial plan of the area, with the boundary not defined around the houses. We have been undertaking pre-application discussions with the Council regarding this northern site and will be seeking a windfall consent in due course.
- 1.7. The policy for tiers 1-4 settlements provides a list of criteria that must be complied with, which includes that it respects or enhances the character of the adjoining settlement and countryside, and can be readily assimilated into the existing fabric of the adjoining built up area and can be supported by existing and future service and infrastructure provision. In many

ways this approach would be sufficient to ensure that schemes that were considered too large for a particular settlement would not be supported, but the policy goes further and seeks an upper limit on dwelling numbers, set at 25 dwellings for Key Rural Service Centres (tier 4). It then clarifies that where it appears that windfall sites brought forward separately could be part of a larger development exceeding these thresholds, the Council would require it to be demonstrated that the provision of infrastructure and other essential services that ought to be provided to meet the needs of the larger development, would not be prejudiced by piecemeal development. We note the threshold number of 25 matches the Inspectors proposed number of 25 dwellings, however that number was given as an example of what it might be. Therefore, we would object to the number as it does not appear to be justified through evidence as an appropriate threshold. Even though the policy does allow development beyond that threshold, it could result in being a hard defined number that is used to refuse good appropriately located windfall developments that may be over that number for good planning reasons, when the Council is relying on many windfall sites to come forward as it has not allocated sufficient land through allocation.

- 1.8. In essence, we maintain our objection and consider that the threshold should be increased so as not to serve as a barrier to windfall development, or removed, as the policy criteria allows for an assessment to be made on applications as to the level of development appropriate to be integrated into the settlement by respecting character and being sufficiently served by infrastructure.
- 1.9. We note that the Main Modifications do include changes to the settlement boundaries where development has been completed, including at Clenchwarton. Such changes should also be provided to all extant planning consents adjacent settlement boundaries, given that these form an essential part of the housing numbers within the trajectory of the local plan period. As highlighted above, such an approach would widen the scope for windfall sites to come forward during the plan period, further increasing the likelihood of housing need being met through policy.

Figure 1





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JWPC Ltd

1B Waterview, White Cross  
Lancaster, Lancashire, LA1 4XS

Tel: 01524 599980

[enquiries@jwpc.co.uk](mailto:enquiries@jwpc.co.uk)    [www.jwpc.co.uk](http://www.jwpc.co.uk)

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