



Appeal Decision

Site visit made on 15 August 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/F2605/W/23/3314264

Snetterton Farm, Banham Road, Old Buckenham, Norfolk NR17 1PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs John and Christine Fernihough against the decision of Breckland Council.
- The application Ref 3PL/2022/0750/F, dated 23 June 2022, was refused by notice dated 15 September 2022.
- The development proposed is a self build three bedroomed dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Although not included as a reason for refusal by the Council, I have included the effect of the proposal on the integrity of the Norfolk Habitat Sites as a main issue. The appellant has submitted a signed planning obligation which I have taken into account. It provides for a contribution towards ecological mitigation, and I have considered this further later in my decision.

Main Issue

4. The main issues are:
 - whether, having regard to local and national policy, the appeal site would be a suitable location for the proposed development and;
 - the effect of the development on the integrity of the Norfolk Habitat Sites, which include various special protection areas (SPAs), special areas of conservation (SACs) and Ramsar Sites.

Reasons

Location

5. The area is rural, characterised by low-density scattered properties set within large verdant plots. The appeal site comprises an area of land which forms part of an agricultural field, tied to Snetterton Farm. The land has frontages to

Banham Road and Ragmere Road with an existing field gate for access. Barkers Cottages and Snetterton Farmhouse to the east and south are the closest neighbours with views of the built form of Old Buckenham visible in the north.

6. Policy GEN01 of the Breckland Local Plan (November 2019) (BLP) supports development that improves the economic, social, and environmental objectives of Breckland, through the application of sustainable development principles. These principles include the mitigation of climate change, protection and enhancement of the national environment and good access to existing community facilities, services, and open space.
7. BLP Policy GEN03 outlines the spatial strategy for the distribution of housing development within the area. Focusing development within the defined boundaries of settlements where there is adequate access to services, facilities, and jobs and where development can be served by the most sustainable modes of transport. The parties agree that the appeal site is located 240m to the south of the defined settlement boundary of Old Buckenham, which is identified by GEN03 as a Local Service Centre.
8. BLP Policy GEN05 supports development outside of the defined settlement boundaries where it recognises the intrinsic character and beauty of the countryside and accords with various relevant policies. BLP Policy HOU3 relates to development outside of the boundaries of local service centres. It provides support for development where certain criteria are met, with Criteria 1 requiring that development is located immediately adjacent to the settlement boundary of Old Buckenham.
9. The appeal site is located outside of the defined settlement boundary and cannot be considered immediately adjacent to it. It would therefore fail to accord with the criteria set out in Policy GEN 03. However, it would form a small extension to an existing row of houses and would be located within easy walking and cycling distance of the various facilities and services in Old Buckenham.
10. Moreover, the development would be in keeping with the scale and design of the surrounding properties. It would sit comfortably within a large verdant plot and would be largely sheltered from public view by existing mature hedges and trees. It would also utilise high quality vernacular materials. Additionally, the proposal would utilise energy efficient design and low-carbon technologies and would enhance the biodiversity of the appeal site.
11. Overall, even though the appeal site would not be immediately adjacent to the defined settlement boundary of Old Buckenham, the reasonable accessibility and respect for the intrinsic character and beauty of the countryside means that the proposal would not significantly undermine the aims of the spatial strategy set out in the BLP.
12. Notwithstanding this, the development would fail to meet the policy criteria set out above and would therefore not be a suitable location for the proposed development with regard to local planning policy. The proposal would be contrary to Policies GEN01, GEN03, GEN05 and HOU03 of the BLP in this regard. I return to this matter in Planning Balance and Conclusion section below.

Norfolk Habitat Sites

13. The appeal scheme proposes dwellings on a site that lies within the Zone of Influence of a number of Norfolk Habitats sites as set out within The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy 2021 (GIRAMS). The Norfolk Habitat Sites encompass numerous SPAs, SACs and Ramsar Sites.
14. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of these sites. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
15. The GIRAMS states that an increase in recreational pressure on these sites is predicted to be linked with planned new residential development across multiple local authorities. Whilst the number of additional recreational visitors associated with each individual dwelling may be limited, in combination the planned level of residential development would have significant effects on the designated sites.
16. The appeal site is within the 'zone of influence' where planned new residential development is likely to result in significant recreational pressure, which would have a likely significant effect on the interest features of the aforementioned sites. Therefore, I consider that the development would be likely to have an adverse effect on the integrity of the sites and an Appropriate Assessment is therefore required.
17. The GIRAMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication, and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the Norfolk Habitats Sites.
18. The appellant has submitted a planning obligation for a contribution of £185.93 to fund the Norfolk GIRAMS, plus an additional administration and monitoring fee. However, this document is flawed in a number of respects, including the omission of a document date and a clear location/address for the land in question. In addition, the UU requires that the owner pay the administration fee, prior to the determination of the planning application. As the planning application has already been determined, there is therefore no certainty that this would be triggered if the appeal is allowed. Consequently, there is insufficient assurance that the necessary payment would be secured to mitigate the effects of the proposal, and therefore I afford the planning obligation little weight.
19. In the absence of an adequate planning obligation, the development would harm the integrity of the Norfolk Habitat Sites, which include various special protection areas (SPAs), special areas of conservation (SACs) and Ramsar Sites. In these circumstances, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding.

Planning Balance and Conclusion

20. As set out above, the development would be contrary to the location requirements of Policies GEN 01, GEN 03, GEN 05 and HOU 03 of the BLP. Set against this, the development would be in a relatively accessible location, and would not harm the rural character of the area. It would also utilise high quality vernacular materials, energy efficient design, and low-carbon technologies. Moreover, it would provide a new dwelling and would generate some economic benefits through the creation of employment and the purchasing of materials and furnishings. In my view, these benefits would outweigh the conflict with the locational policies of the development as described under the first main issue.
21. Notwithstanding the above, the mechanism intended to secure mitigation of the proposal's effects on the Norfolk Habitat Sites is deficient and so would not to be effective in practice. The proposal would therefore adversely affect the integrity of the aforementioned sites, and this is an overriding consideration.
22. For the reasons given above, I conclude that the appeal is dismissed.

K Allen

INSPECTOR