



Appeal Decision

Site visit made on 20 September 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/F2605/W/22/3308149

Homefield House, The Street, Caston, Norfolk NR17 1DD

- 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 Lond-Caulk (RSLC Developments Limited) against the decision of Breckland Council.
 - The application Ref 3PL/2022/0472/F, dated 19 April 2022, was refused by notice dated 14 June 2022.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Homefield House, The Street, Caston, Norfolk NR17 1DD in accordance with the terms of the application, Ref 3PL/2022/0472/F, dated 19 April 2022, subject to the conditions set out in the attached Schedule of Conditions.

Preliminary Matters

2. In September 2023 and since the Council made its decision on the planning application the subject of the appeal, an updated version of the Breckland Local Plan (LP) has been adopted. The Council have provided me with comments on the implications of the adoption of the local plan in its updated form which I have had regard to. Notably, the Council have confirmed that the policies referenced within its reasons for refusal and, with which it found the proposed development to be in conflict with, remain unchanged.
3. In December 2023 a revised version of the National Planning Policy Framework (the Framework) was published. The main parties had an opportunity to comment on this during the appeal process. I have had regard to the revised Framework in my decision.
4. Following the Council's decision, a total of 3 unilateral undertakings (UUs) have been submitted. The principal purpose of each of the submitted UUs is to secure a financial contribution towards mitigation measures in relation to the potential for the development to result in recreational activity that would adversely affect habitats sites in the terms of the Framework. I consider these matters later in my decision.
5. The appeal site is located within the Caston Conservation Area (CA). Therefore, I have had special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. During the course of the appeal, publication of the proposal subject to the appeal was undertaken in accordance with Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Background and Main Issues

7. The Council's second reason for refusal relates to concerns regarding impacts on the integrity of habitats sites in respect of the potential for nutrient pollution affecting water quality. However, the Council have since clarified that it is now satisfied that there would not be a hydrological connection between the appeal site and the hydrological catchments of the habitats sites. Without such a hydrological connection there would be no impact pathways for any wastewater emerging from the proposed development to affect the habitats sites. The Council, informed by Natural England guidance and evidence from Anglian Water, now consider that the proposed development would not result in nutrient loading effects upon the habitats sites and have confirmed that its objections to the proposed development articulated in the second reason for refusal have fallen away. I have no reason to disagree and given the circumstances which have arisen since the Council made its decision, I no longer need to consider in detail the second reason for refusal.
8. Therefore, the main issues are:
 - The effects of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the CA; and
 - The effects of the proposed development on the integrity of habitats sites.

Reasons

Character and appearance and the CA

9. Caston is a village located within a rural area. The appeal site is formed of land fenced off from, and to the side and rear of, Homefield House – a detached house set within a quite spacious plot. At the time of my visit most of the site was covered with grass and low-lying vegetation with some trees, hedges and shrubs to some boundaries.
10. At the southern end of the village there is a concentration of listed buildings including the Church of the Holy Cross of Caston, The Cottage, Church Farm and the Red Lion public house building. Close-by to these buildings are open spaces with some memorial features within them. These landmark buildings and the open space which they surround form an important facet to the significance of the CA.
11. Traditional building materials such as red brick, pale coloured render and pantiles to roofs are quite prevalent within the CA. The CA includes some agricultural fields to the surrounds of the built-up parts of the village. This provides the built-up parts of the village with a pleasant rural setting and is representative of the connection the village has with agriculture. Containing no traditional buildings, the site itself does not share many of the positive elements which are exhibited elsewhere in the CA nor therefore, does it make a significant contribution to the CA's significance. However, being situated on the edge of the settlement, the appeal site is located at a transition point between the built-up parts of the CA and the countryside that surrounds it.
12. Homefield House and neighbouring properties such as Meadowside and Montgomery House are each quite large properties fairly evenly set back from

the road with gaps between them. This does provide for a largely linear pattern of built development and this pattern is exhibited elsewhere in Caston too. However, there are other noticeable patterns of development. Traditional properties, such as Eastcroft and Ladybird cottages and the Laurels, come much closer to the road. There are houses set behind large outbuildings such as Highgate, Orchard House and The Lodge. Opposite the site, at Hunters Ride, there is a cul-de-sac, whilst off Dukes Lane but in the views from The Street, Oakwood is seen set behind Warren House.

13. Therefore, there is variety to the pattern of development within Caston. Buildings being situated to the rear of another is a part of this. Given this, that in the proposal a new dwelling would be positioned to the back of Homefield House would not be at odds with the established pattern of development in the CA as a whole. The proposed dwelling would also be positioned quite closely to the rear of Homefield House, which would ensure that the proposed dwelling would relate well to existing buildings in the village and not form a harmful intrusion into the countryside.
14. In coming to this view, I acknowledge that evidence before me indicates that part of the appeal site has formed part of a larger agricultural field. However, the parcel of land that has been agricultural land is small and well related to the existing settlement. Some works on the land including tree and hedgerow removal has taken place. However, I have no substantive evidence that these works were unauthorised. Moreover, the plans show that other trees are to be retained whilst off-site there are further trees and hedgerows in the area. Therefore, and despite the earlier works that have taken place, the site and its surrounds would nevertheless remain adequately landscaped and importantly, I find that the rural setting of the village and the CA would be preserved.
15. For the above reasons, the effects of the proposed development upon the character and appearance of the area would be acceptable and the character and appearance of the CA as a whole would be preserved. Consequently, the proposed development would accord with Policies GEN02, COM01, ENV05 and ENV07 of the LP. In summary and amongst other matters, these policies require developments to be of a high quality of design which respect the character of the area, protect the landscape and which preserve or wherever possible, enhance heritage assets. I also find that the proposed development would accord with advice within the Framework including that at paragraphs 135 and 139 which states that development should be well-designed and sympathetic to local character, history and the landscape.

Habitats Sites

16. Norfolk contains various habitats sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). These sites include the Breckland Special Protection Area and Special Area of Conservation, the Norfolk Valley Fens Special Area of Conservation, the Wash Special Protection Area, the Waveney and Little Ouse Valley Fens Special Area of Conservation and the Wash and North Norfolk Coast Special Area of Conservation. The Wash RAMSAR is another site afforded the same protection.
17. Together these sites contain sensitive and diverse habitats which range from coastal, fenland, woodland and washland. The qualifying features of these protected sites are broad and include the habitats within them and species

supported by them. The qualifying habitats include alluvial forests, inland dunes with open grasslands, natural eutrophic lakes, alkaline and calcareous fens, European dry heaths, coastal lagoons, mudflats and sandflats. Qualifying species supported by the sites include the Otter, Common seal, Great crested newt, Narrow-mouthed whorl snail, Desmoulin's whorl snail together with a significant array of breeding and non-breeding bird populations.

18. The various protected sites have their own conservation objectives. In summary and whilst each may not be applicable to each individual site, these are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, that the sites contribute to achieving the favourable conservation status of its qualifying features and contribute to achieving the aims of the Wild Birds Directive. This is to be achieved through the maintenance and restoration of the structure, function, supporting processes, extent, population and distribution of their various qualifying habitats and species.
19. The proposed development would deliver an additional dwelling. In combination with other development projects, it is likely to have significant effects on habitats sites by contributing to the level of recreational activities within them, activities which could adversely affect the integrity of the sites.
20. The Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (Norfolk RAMS) identifies a programme of mitigation measures the purpose of which is to prevent such adverse effects upon the integrity of the habitats sites. Amongst other actions, this mitigation includes the provision of a delivery co-ordinator whose role is to manage the delivery of the mitigation measures, a team of rangers to provide a presence within the habitats sites and to educate visitors and measures to monitor habitat, species and development in the area.
21. The most recently submitted UU provides for a financial contribution of £210.84 to be utilised for the forms of mitigation set out within the Norfolk RAMS. This contribution matches that which the Council have stated has applied since 1 April 2023 whilst Natural England has confirmed that the contribution is commensurate with the tariff that has been collectively agreed by Norfolk local planning authorities. The UU also provides for a further monitoring fee of £75.
22. The UU would contribute towards the provision of mitigation without which an adverse effect on the integrity of habitats sites would likely occur. As a part of this mitigation and so as to ensure that the mitigation proves successful, monitoring of residential development and the payment of contributions is necessary. This would be the purpose of the monitoring fee. Therefore, these financial contributions are necessary to make the development proposed acceptable and are directly related to the appeal scheme. In addition, the financial contributions are derived from the costs of delivering these mitigation measures and are thereby fairly and reasonably related to the development proposed in scale and kind. The last of the UUs to be submitted therefore meets the three tests for planning obligations set out at paragraph 57 of the Framework and Regulation 122 of the CIL Regulations. I therefore give it significant weight in the determination of this appeal.
23. The Council have submitted to me that a further administration contribution should have been included within the UU. However, the evidence before me of the specific purpose of this administrative contribution and how that purpose is

distinct from the monitoring contribution which is included within the UU is not very compelling. Furthermore, once the mitigation payment has been made any administration associated with the UU would, I expect, be minimal. Therefore, I take no issue with its omission.

24. For the above reasons, I am satisfied that with the proposed mitigation secured through the UU, the effects of any recreational activities which would emerge from the proposed development would not have an adverse effect upon the integrity of the various habitats sites.
25. The two earlier UUs have, to all intents and purposes, been superseded by the submission of the third. Given I have found that the third submitted UU meets the three tests for planning obligations it follows that the first and second obligations have now become unnecessary and so I do not need to consider them further.
26. The development proposed would therefore comply with Policy ENV02 of the LP, which, amongst other matters, sets out that the highest level of protection will be given to habitats sites and measures to mitigate the potential effects of development upon them must be fit for purpose.

Other Matters

27. Public representations have expressed concern with the effects that the proposed development may have on farmland. I have already set out that whilst some agricultural land may have been lost within the appeal site, it would have been quite small in scale. I have very limited information before me which indicates whether the appeal site constitutes best and most versatile agricultural land. Even if it did, given the quantum of land involved, any loss would not be significant nor compromise food security. I have limited information before me on the specific operations which take place on the agricultural land nor all of its access and egress arrangements. It is not clear to me how the proposed development could hamper nearby farming operations to any meaningful extent and therefore, this is a matter of limited weight in my decision.
28. The appeal site is within the settlement boundary of Caston and not, as has been put to me, beyond it. The Council have identified no conflict with the spatial strategy of the LP including Policy HOU03. Given that the proposal would add just a single dwelling to Caston and that it would be within its settlement boundary, I find that it would constitute an appropriate and proportionate addition to the village.
29. Being a 1 ½ storey property the proposed dwelling would be a quite low-slung building and most of the first floor windows would be roof windows. The proposed dwelling would be spaced well apart from the neighbouring houses whilst fencing, trees and hedgerows would provide for some screening. For these reasons the privacy of neighbouring occupiers would be acceptably maintained.
30. The Council have stated that the appeal site lies within flood zone 1 and I have no reason to disagree. The appeal site thereby has a low probability of river or sea flooding. I have no reason to conclude that the proposed development would cause flooding or be the subject of any unacceptable flood risk.

31. The submitted plans show the access route to the dwelling and a condition could be imposed to require the precise construction details of this to be agreed and thereafter implemented. On this basis, I find the access arrangements for the proposed development to be acceptable. Whether some unauthorised vehicular access works have taken place in the past is therefore not a determinative factor in my decision. With only a single house proposed, the vehicular movements generated by it would be quite low and would not contribute significantly to levels of traffic in the village.
32. My assessment of the appeal proposals has been informed by the particular circumstances of the proposal and the site. I can see no reason why my conclusions on the proposal would set a precedent for developments to take place on other sites in the area or on adjacent agricultural land which would have to be determined on their own individual merits.

Conditions

33. I have considered the conditions suggested by the Council and the comments made upon them by the appellant. For clarity, precision, to avoid duplication and to ensure compliance with the Framework, I have also undertaken some editing and rationalisation of the conditions suggested by the Council.
34. I have imposed the standard condition in respect of time limitation and a plans condition in the interests of certainty. I have restricted the list of approved plans to those which it is necessary for the development to comply with. A condition requiring approval of external materials is required in the interests of the character and appearance of the area including the CA. Policy ENV02 of the LP requires all development to secure biodiversity net gain. I have therefore imposed condition 4.
35. Condition 5 controls the final design of the access so that appropriate visibility, construction and drainage is ensured in the interests of highway safety. The detail provided on the plans regarding the means of enclosure and access gates proposed to serve the dwelling is quite imprecise. Therefore, in the interests of the character and appearance of the area and highway safety a condition is necessary. I have imposed a further condition in order to minimise the pollution and health risks which could arise from unexpected site contamination.

Conclusion

36. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal is allowed subject to the conditions in the below schedule.

H Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
21103 01
21103 02p6
21103 03p6
21103 04p3
21103 05p3
21103 06p1
3. No development involving the erection of any sections of the external walls or roof of the development hereby permitted shall take place until details of the materials to be used in the construction of the external walls and roof have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development involving the erection of any sections of the external walls or roof of the development hereby permitted shall take place until a scheme of biodiversity enhancements has been submitted to and approved in writing by the local planning authority. The approved scheme shall include a programme/timescale for implementation of the enhancements. Development shall be carried out in accordance with the approved details.
5. The dwelling hereby permitted shall not be occupied until the vehicular access route to serve the dwelling has been constructed in accordance with details which shall have first been submitted to, and approved in writing by, the local planning authority. The details submitted shall include details of the disposal of surface water from the access route. Development shall be carried out in accordance with the approved details.
6. The dwelling hereby permitted shall not be occupied until all means of enclosures and access gates to serve the dwelling have been constructed in accordance with details which shall have first been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
7. Any contamination that is found during the undertaking of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes, inclusive of timetables for their implementation, shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out in accordance with the approved details and the timetables therein.