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## Appeal Decision

Site visit made on 21 January 2025

**by John Felgate BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> February 2025

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**Appeal Ref: APP/F2605/W/24/3347010**

**Land off Ruckold's Lane, Newton by Castle Acre, Norfolk, PE32 2BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Malcolm Grief of MG Property Developments Limited, against the decision of Breckland Council.
  - The application Ref is 3PL/2024/0140/F.
  - The development proposed is described in the application as a *"Proposed Paragraph 84 Dwelling"*.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal site forms part of a large, rectangular field to the south of Newton by Castle Acre. The eastern boundary of this larger field is formed by two roads, of which the main one is shown on the application plans as Castle Acre Road, with Ruckold's Lane joining at the south-east corner. On some maps, both of these are shown as Ruckold's Lane, and on others, one or both are shown as Newton Road. For the avoidance of doubt, I have followed the street naming used in the application.
3. The site is said to lie within the defined zone of influence of internationally protected habitat sites, where the Council and neighbouring authorities seek contributions to mitigate the potential impact of residential developments, in accordance with a scheme known as the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (or GIRAMS). The Council has confirmed that the relevant contribution has been secured.

### Main issues

4. Having regard to the submissions before me, the main issues appear to me to be:
  - whether the proposed development would accord with the relevant development plan policies relating to the location of new housing in the district;
  - and if not, whether the scheme should be treated as an exception, under the provisions of paragraph 84(e) of the National Planning Policy Framework (the NPPF), relating to designs of exceptional quality.

## Reasons for decision

### *Policies for the location of new housing*

5. The development plan for the area includes the Breckland Local Plan (the BLP), adopted in September 2023. Policy GEN 03 identifies a settlement hierarchy in four categories, where most new development is to be located. Newton by Castle Acre is not included amongst these. Outside these settlements, Policy GEN 05 states that development is to be restricted, apart from a limited range of exceptions that are provided for in various other policies. One of these is Policy HOU 05, which permits limited development in smaller villages and hamlets, but only provided that various criteria are all met. These include criterion (1), which is that the scheme should comprise the sensitive infilling and rounding off of a cluster of dwellings.
6. In the case of Newton by Castle Acre, the existing settlement contains about a dozen houses, plus a working farmyard, a parish church, and a pub with attached motel. As such, I agree that the settlement falls within the description of a small village or hamlet, and is therefore one where Policy HOU 05 could potentially permit some limited development.
7. However, in the present proposal, although the field within which the development would be sited adjoins the village, the new dwelling itself, and its domestic curtilage and access, would all be placed at the opposite end of that large field, well away from any existing development. The intervening land, within the remainder of the field, would be retained as pasture or grazing paddock. As a result, the new development would be wholly detached from the village. As such, to my mind, it could not realistically be conceived as infilling or rounding off, within the terms of criterion (1).
8. With regard to Policy HOU 05's other criteria, there is no suggestion that the proposal would affect any important gaps, as referred to in criterion (4), nor does there appear to be any dispute over criterion (3) relating to the historic nature of communities and their connectivity. In terms of criterion (2), I will address matters of scale and design elsewhere in this decision, but in any event, in the absence of any clear objections on these grounds, I find no conflict in this regard. However, Policy HOU 05 requires compliance with all of the stated criteria, and for the reasons already explained, the present proposal is incapable of complying with criterion (1).
9. The proposed development therefore fails to comply with BLP Policy HOU 05. As a consequence, the proposal also conflicts with the aims of Policy GEN 05 to restrict development in the countryside, and of Policy GEN 03 to promote a sustainable pattern of development. As such, the scheme would fail to accord with any of the most relevant development plan policies relating to the location of new housing in the district.

### *NPPF paragraph 84(e) - designs of exceptional quality*

10. The NPPF is not part of the development plan, but is a material consideration. Paragraph 187(b) requires decisions to recognise the intrinsic character and beauty of the countryside. Paragraph 84 states that the development of isolated homes in the countryside should be avoided, except in certain specified circumstances. These include (e), where the design is of exceptional quality; and this in turn is

defined to include being truly outstanding and reflecting the highest architectural standards; enhancing the immediate setting; and being sensitive to the defining characteristics of the area.

11. In the present case, the appeal proposal is for a single storey building, said to be inspired by the ruined Norman castle at the nearby village of Castle Acre. The principal elements would be a series of discrete 'bastions', containing the bedrooms, bathrooms and ancillary spaces, surrounding a central, U-shaped living/dining/kitchen area. Structurally, the bastion rooms would be constructed of rammed chalk with limited openings, and the main living area would be enclosed mainly by glazing. The roof would comprise a series of flat, sedum-planted surfaces at differing levels, with a slim-line red-brown metallic fascia and trims, permitting some additional, horizontal bands of glazing above the chalk walls.
12. As the parties have both agreed, from a visual perspective at least, any assessment of the proposed scheme's design merits must be largely subjective. To my mind however, the design has much to commend it. Externally, the appearance would be strikingly original, with the combination of shapes and materials producing a dramatic and yet restful composition. Internally, the main living space with its all-round views and natural light, would undoubtedly offer its occupiers an inspiring and uplifting experience, and yet one which would also provide a comfortable living environment and accommodate the users' likely requirements. These impressions are also further reinforced and enhanced by the allusion to the plan form and massing of the nearby castle, and by the extensive use of chalk, as a traditional, locally available material. In all these respects, if the proposed scheme were to be judged purely in terms of its architecture, I am inclined to agree that the design is one which could properly be described as being of exceptional quality.
13. However, to meet the requirements of NPPF paragraph 84(e) in full, the development would also need to be sensitive to its location and setting. In the present case, the defining characteristic of the area is the open, undulating landscape. In the appeal scheme, the new dwelling and its immediate domestic surrounds are proposed to be sited on the highest and most exposed part of the field, at its furthest point from the existing village. I appreciate that the building would be partially sunken into the slope, but even so, in this position the development would appear as an intrusive feature in the otherwise open and undeveloped hillside. This impression would be exacerbated by the orientation of the building, at an angle to the field boundaries and to the slope of the land, with no apparent rationale in relation to any existing natural or built features. To my mind, this combination of siting and alignment would result in a development markedly at odds with its setting, and unsympathetic to the character of the wider landscape.
14. In coming to this view, I have had full regard to the appellant's landscape and visual impact assessment (LVIA), and I note the author's view that the impact of the scheme would mostly be no more than slight. However, I saw on my visit that the development would be open to view from some sections of the A1065, where it passes to the west of the site, at distances of between about 200 - 400m. At this range, the architectural merits would not necessarily be apparent, but the building's incongruous relationship to the landscape would be clearly evident. The LVIA acknowledges that this stretch of road would be within the zone of visual influence, but does not present any detailed analysis of this particular impact. Views from the western direction assessed, but only from points at a much greater distance, on the

edge of Castle Acre village. Users of the A1065 would be less sensitive than those viewing the site on foot or from slower-moving vehicles, but even so, the view is an important one because of the number of persons affected. From my observations, the adverse impact on the views from this road would be significant.

15. In addition, as the LVIA itself accepts, the development would be visible, or partially so, in short and medium range views from parts of Ruckold's Lane to the south, and Castle Acre Road to the east. To my mind the LVIA somewhat understates the impacts on these views. Given the development's unsatisfactory relationship to the landscape, for the reasons that I have identified, the effects on the views from these directions would again be significant. Overall, due to its siting and orientation, the scheme would have a substantial adverse impact, both on its local setting and on the wider landscape.
16. From the submissions made, it is evident that one of the factors which has influenced the siting of the proposal relates to the Council's view that NPPF paragraph 84 is only applicable to sites that are isolated. However, in my view that interpretation is mistaken. It is true that paragraph 84 as a whole is directed primarily at isolated sites, but there is nothing in the NPPF or elsewhere to suggest that the exceptions listed in 84(a)–(e) should not be applied to any other locations in the countryside; indeed, such an approach could potentially lead to perverse outcomes, the present appeal proposal being a case in point. I also note the contents of the appeal decision at Letheringsett<sup>1</sup>, but this does not change my view. In the present case, the lower part of the field within which the development is proposed is less isolated, but is clearly better related to the existing village, and less intrusive in the landscape. The appeal scheme would fail to take advantage of that opportunity. Therefore, although the scheme would deliver benefits in terms of high quality architecture, the harm that it would cause to the landscape due to its siting is not necessary to secure those benefits. This reinforces my conclusion as to the scheme's overall design merits.
17. I conclude that due to its siting and orientation the proposed development, despite its architectural excellence, would fail to respect the sensitivity of the surrounding landscape, which is a defining characteristic of the area. Nor would it enhance its setting, for the same reasons. . As such, the scheme does not benefit from the exception which NPPF paragraph 84(e) might otherwise allow for designs of exceptional quality.

## Conclusion

18. As set out above, the proposed development would conflict with the relevant BLP policies relating to the location of new housing, including GEN 03, GEN 05 and HOU 05. The scheme would therefore fail to accord with the development plan.
19. Despite its considerable design merits, the development would cause harm to its landscape setting, due to its intrusive siting, and consequently the scheme gains no support from NPPF paragraph 84(e). No other material considerations in favour of the scheme have been demonstrated. The appeal must therefore be dismissed.

*J Felgate*

INSPECTOR

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<sup>1</sup> APP/Y2620/W/19/3236740