



Appeal Decision

Site visit made on 18 March 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2025

Appeal Ref: APP/F2605/W/24/3355540

Land adjoining Field Barn, Fersfield Road, Kenninghall, NR16 2DP

- 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 Dan Green Services Ltd against the decision of Breckland Council.
 - The application Ref is 3LP/2024/0467/F
 - The development proposed is upgraded access for residential driveway to adjoining development (Field Barn)
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of the proposal refers to an upgraded access, but a more accurate description would be the formation and laying out of a new access. However, the council accepted the description given on the application and in view of my decision, it is not necessary to deal with the matter further.

Main Issues

3. The main issues in this case are: i) the effect of the proposed development on the landscape character of the area; and ii) whether the likely impacts of the development in terms of Biodiversity Net Gain can be assessed.

Reasons

4. The application site is a parcel of undeveloped agricultural land adjacent to Field Barn, Fersfield Road, Kenninghall. Immediately to the north of the application site is the existing highway, to the east and south is open agricultural land and to the west is a small enclave of residential development. This development includes Elm Cottage and Field Barn directly to the north, beyond which are Bramley Cottage and Nos. 1 and 2 Dam Green Farm. A little further along the road to the east is a small group of dwellings at Pear Tree farm, with a bungalow opposite. The existing access is no more than a point on the highway where agricultural vehicles and machinery enter the land without any artificial surfacing.
5. Kenninghall is a village located approximately 18 miles southwest of Norwich and is defined as a Local Service Centre within the adopted Breckland Local Plan (2023). The Site lies outside of the settlement boundary, approximately 450m from the Settlement Limit, as defined in the Local Plan 2023 Maps. Kenninghall is one of a number of settlements within an otherwise agricultural landscape, which is

punctuated with small groups of farm houses and cottages, etc, which the appeal location typifies.

6. For the appellant it is pointed out that the proposal is for a permeable gravel driveway, characteristic of driveways in the area and appropriate for the rural context. That may be so for such driveways that are part and parcel of the curtilage of existing or permitted new housing, but that is not the case here. The 5.5m wide initial 10m of the access and the following length of a minimum 3.7m width between kerbs is hard, if permeable, and not characteristic of farm field accesses. Although stated to allow also for access to the field, this is not a necessity for a farming enterprise.
7. In addition, for Biodiversity Net Gain, if for no other reason, the south-eastern side of the driveway is proposed to be planted with species rich native hedgerow. This of course would be appropriate to the landscape, but would serve to envelope the access with the residential development next to it. Taken with the nature of the construction of the new driveway and its dimensions, just referred to, the result would be an intrusion of built development, within a countryside that the local plan policy seeks to protect.
8. I do not agree that the public views of the site are so limited that the harm would in effect be minimal. Nor do I find the examples of permissions for other accesses to be compelling. I do not have detailed knowledge of the background in these cases and in any event, each case must be considered on its own merits.
9. Turning to the second issue, whether the likely impacts of the development in terms of Biodiversity Net Gain can be assessed, I am told that a Small Site Metric for Biodiversity Net Gain was submitted with the application to the council. This appears to have gone astray. However, in response to the second refusal reason, an updated Biodiversity Net Gain Calculation was prepared and has been submitted with the appeal documentation. This has been acknowledged in the council's statement of case, but no comments are given as to whether the council accepts that the issue has been resolved.
10. The submitted biodiversity net gain calculation was carried out by members of a professional firm, who are practitioners having the necessary qualifications and experience. Therefore, and having read through the document, I regard the approach and the content of the calculation as being in accordance with the statutory scheme. In particular, because it is mentioned in one of the objecting representations, I note that a section of native hedgerow with trees was found to have been recently removed. In accordance with paragraph 6 of Schedule 7a of the Town & Country Planning Act 1990, habitats that have been lost or degraded since 30 January 2020 must be included in the pre-development baseline value of the site. This was done in the submitted calculation.
11. I therefore find that the second issue does not justify the refusal of permission. However, in view of my decision on the first issue, there is no sensible reason for giving further consideration to the Biodiversity Net Gain Calculation.

Conclusion

12. In light of the matters that I have dealt with in paragraphs 6 to 8 above, I find that the proposed development would have a harmful effect on the landscape character of the area and would be contrary to policies ENV05 and COM01 and GEN02 of

the Breckland local plan (2023) and the NPPF (2024). For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR