
Appeal Decision

Site visit made on 20 May 2025

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/K2610/W/24/3356911

2 Skedge Way, Blofield, Norfolk NR13 4RY

- 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 Benjamin Christopher Phillips against the decision of Broadland District Council.
 - The application Ref is 2024/1602.
 - The development proposed is a new, self built, 2 bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a drawing (drawing number 24052/A4/103A) which shows an alternative parking layout. This represents a minor alteration to the original scheme. The Council has had the opportunity to comment on this amendment. On this basis, I do not consider that any party would be unfairly prejudiced, and I have had consideration to this drawing in determining this appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of neighbouring properties;
 - the integrity of European sites with particular regard to nutrient pollution and recreational pressure; and
 - highway safety.

Reasons

Character and appearance

4. The appeal site comprises a triangular parcel of land which forms garden space to the side of 2 Skedge Way, enclosed to the front by a hedge. The site is in a residential area formed predominantly of bungalows which are set back from the road. This layout, in addition to mature planting within front gardens, results in a pleasant and verdant character and appearance to the surrounding area.
5. The proposed bungalow would be similar in form and materials to dwellings in the street and would be set back in line with the neighbouring property. However, the

proposal would be sited close to the boundaries shared with 2 Skedge Way and the garage to 1 Skedge Way. This cramped form of development would contrast with the surrounding built form, impacting adversely on the established character and appearance of the area.

6. The appellant refers to a planning application¹ for a dwelling which, it is stated, also occupies an irregular plot. I have limited information on this scheme and how this decision was reached. All sites and proposals have their own particular characteristics, and each case must be considered on its individual merits. Given this, I am unable to draw accurate comparisons with this proposal.
7. I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore be contrary to those aims of policy 2 of the Greater Norwich Local Plan (2024) (LP), policy HOU4 of the Blofield Parish Neighbourhood Plan (2016) (NP) and policy GC4 of the Development Management Development Plan Document (2016) (DPD) which require that proposals achieve a high standard of design and respect the character of the local area.

Living conditions

8. The dwelling would be sited close to the southern site boundary. Nonetheless, given its single storey height and the planting along the site's southern boundary, views of the dwelling from neighbouring properties to the south would be limited to the proposed roof and would not appear overbearing in nature.
9. An Air Source Heat Pump (ASHP) is proposed to the front of the dwelling, close to the windowed front elevation of 2 Skedge Way. There is limited information before me regarding the specifications of the ASHP, including any measures to mitigate the impact of noise on the residents of neighbouring properties. In the absence of these details, I cannot conclude that there would be no unacceptable impacts on the occupiers of 2 Skedge Way in relation to noise disturbance.
10. It has not been satisfactorily demonstrated that the proposal would not be harmful to the living conditions of the occupiers of 2 Skedge Way with regards to noise. I therefore find conflict with those aims of LP policy GC4 which seek to ensure that development considers the impact upon the amenity of existing properties.

Integrity of European Sites

Nutrient Neutrality

11. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) requires a competent authority, before granting consent for a plan or project, to carry out an appropriate assessment in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in combination with other plans or projects. I am the competent authority for the purposes of this appeal.
12. Based on the evidence before me the appeal site is located within the nutrient neutrality catchment of a river which is a component part of the Broads Special Area of Conservation (SAC). The conservation objectives for the Broads SAC are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the favourable conservation status

¹ Application reference 20220558

of its qualifying features. The SAC's qualifying features include habitats, such as calcium-rich nutrient-poor lakes, lochs and pools; naturally nutrient-rich lakes or lochs which are often dominated by pondweed; purple moor-grass meadows; very wet mires often identified by an unstable surface; calcium-rich fen dominated by great fen sedge; calcium-rich springwater-fed fens; alder woodland on floodplains; and species such as Desmoulin's whorl snail, otter, fen orchid, and little whorlpool ram's-horn snail. These qualifying features are vulnerable to the effects of development, including through harm to water quality through nutrient pollution.

13. Natural England advises that all types of overnight accommodation within the Council's area can cause excessive levels of nutrients resulting in eutrophication at European sites in an unfavourable conservation status, including the aforementioned SAC. In order for an Appropriate Assessment to conclude that there are no likely significant effects on the protected sites, I must be entirely satisfied that the development could achieve nutrient neutrality.
14. The proposal results in a net increase in residential accommodation which would generate additional nutrient loads, such as nitrates and phosphates, within the catchment of the Broads SAC. The proposal is supported by a phosphate budget calculator. However, that calculation appears to contain a number of errors and as such I cannot be certain of the accuracy of the report's conclusions regarding the additional phosphate and nitrate generated by the development. Whilst the appellant has indicated his intention to purchase nutrient mitigation credits from Norfolk Environmental Credit, there is no evidence that these have been secured.
15. In light of the above I cannot be satisfied that the additional nutrient load imposed on the Broads SAC by the development would be effectively mitigated, or that the development could be made acceptable through use of conditions or planning obligations. Without that assurance, I find that the proposal would have a significant effect on the integrity of The Broads SAC.

Recreational pressure

16. The site is also located within the Zone of Influence of The Broads, North Coast and East Coast SACs, in which proposals including a net gain in residential development have the potential to give rise to significant effects on the integrity of the habitats site as a result of increased recreation usage.
17. The Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan sets out that for any development where additional recreational impact is likely to be generated, applicants are required to pay a one-off tariff per unit to pay for mitigation measures at designated wildlife sites as part of the Council's Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS).
18. An undertaking pursuant to Section 111 of the Local Government Act 1972 has been provided relating to the GIRAMS payment. However, this agreement references a different Local Authority, and payment appears to have been made to a different Local Authority. Additionally, the specified contribution does not meet the 2024/2025 tariff of £293.53 which was in place at the time the Undertaking was prepared (this has since risen to £304.17). In light of this I cannot be satisfied that the proposal has made the necessary contribution to ensure that the required mitigation measures would be secured. Therefore, I cannot conclude that the recreational impacts of the proposal would not have an adverse effect on the integrity of the SACs. Given my responsibilities under the Habitats Regulations, the

absence of a mechanism to secure mitigation against the proposal's recreational impacts would result in the scheme having a significant adverse effect on the integrity of the SACs.

Integrity of European Sites - Conclusion

19. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of European sites. I have found that the proposal does not include an appropriate mechanism to mitigate the recreation impacts of the development on the affected SACs. Additionally, in view of the inaccuracies in the submitted phosphate budget calculator I cannot be assured that the proposal would not raise nutrient levels in the Broads SAC, thereby adversely affecting its integrity. Therefore, the proposal fails to demonstrate that the development would not have likely significant effects on the integrity of the Broads SAC. Conflict therefore arises with the Habitat Regulations and the provisions of DPD Policy EN1 and LP Policy 3 which require that development proposals protect and enhance the biodiversity of the district.

Highway safety

20. During my mid-afternoon weekday site visit there was a very light flow of traffic and pedestrians on Skedge Way. There are no on-street parking restrictions along Skedge Way, and I observed a limited number of vehicles parked on the road. Whilst a snapshot in time, there is nonetheless nothing in the evidence before me to indicate those observations are atypical of the area.
21. Two car parking spaces are proposed to the side of the dwelling, which would be accessed from Skedge Way. The site would be unable to accommodate a turning facility to allow a vehicle to enter and leave in a forward motion via the dropped kerb. Nonetheless, at my site visit I observed that this dropped kerb currently serves 2 garages and a parking area. Given this, this part of Skedge Way already experiences the reverse manoeuvring of vehicles into, or off, the road across the footway. I observed on site that the visibility for a driver exiting the site would be good in both directions and pedestrians would have a clear view of traffic crossing the footway. Given the relative infrequency and short duration of such manoeuvres and the low speeds involved, vehicles using the proposed parking area would be unlikely to obstruct footway users or present a significant danger to them. Furthermore, such manoeuvres would already be commonplace owing to the existing layout, and there is no compelling evidence that this causes conflict between vehicles and pedestrians along this stretch of road.
22. The additional vehicular movements associated with a 2-bedroom dwelling would be limited in number and there is no evidence that the proposal would result in unacceptable impacts on the local highway network. Adequate parking provision would be made to meet the needs of the occupiers of the development. Even if the development did result in some parking on the road there is no suggestion that this would restrict access along Skedge Way for emergency vehicles.
23. In conclusion, the proposal would not be harmful to highway safety. The proposal would accord with LP policies TS3 and TS4 and NP policy HOU5 which require that developments do not result in significant adverse impact upon the highway network and provide appropriate car parking and manoeuvring space.

Other Matters

24. The appeal follows a pre-application enquiry, and it is stated that the proposal has been reduced in scale following the advice given. Nonetheless, for the reasons set out above, I still find conflict with the development plan.

Planning Balance

25. I am aware that the Council state that there is some uncertainty regarding whether it is able to demonstrate a 5-year housing land supply. Paragraph 11 d) of the National Planning Policy Framework (the Framework) indicates that, in such circumstances where the requisite housing land supply cannot be shown, the policies which are most important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework lists habitat sites as one such asset of importance.
26. The scheme would provide a self-build single storey dwelling, contributing to the Government's objective to significantly boost the supply of homes. On-site ecological benefits would arise from the incorporation of bird boxes. These benefits weigh in favour of the scheme.
27. However, I have found harm in relation to the effect of the development European sites, which, in accordance with Footnote 7 of the Framework, provides a clear reason for refusing the development proposed. Thus, the proposal does not benefit from the presumption in favour of sustainable development outlined at Paragraph 11 and, as a material consideration, the Framework would not indicate that permission should be granted.

Conclusion

28. The proposal conflicts with the development plan and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

N Robinson

INSPECTOR