



Appeal Decision

Site visit made on 24 April 2025

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/K2610/W/24/3350561

The Paddocks, Frettenham Road, Horstead with Stanninghall, Norwich, Norfolk NR12 7LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tom Mayes of Mayes & Co Ltd against the decision of Broadland District Council.
 - The application Ref is 20221461.
 - The development proposed is erection of three single storey self build dwellings with garages and gardens.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought outline planning permission with all matters reserved other than access. I have determined the appeal on that basis, treating any details relating to reserved matters as illustrative only.
3. An update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given the opportunity to comment on its implications, and I have taken any such comments into account in reaching my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the development would be suitably located, having regard to the spatial strategy of the development plan and access to services and sustainable transport; and
 - the effect of the development on nearby trees, and whether the presence of these trees would have an acceptable effect on the living conditions of future occupiers.

Reasons

Character and appearance

5. The appeal site lies to the south of Frettenham Road, set back from the highway and accessed via an existing concrete driveway serving the dwelling of The Paddocks, its annexe, and a group of single-storey commercial units. The site lies outside the defined settlement boundary of Horstead.
6. The access point is flanked to the west by The Paddocks and to the east by a vacant plot of land, which was granted planning permission for a single dwelling via appeal¹ in 2021 (the '2021 appeal').
7. The land subject to the current appeal lies directly to the rear of the 2021 appeal site. It currently provides grazing and paddock land, gently sloping upward from road level. Much of the site occupies a visibly elevated position, making it prominent from public vantage points along Frettenham Road.
8. In the 2021 appeal decision, the Inspector noted that the site was situated within an existing cluster of dwellings on the village fringe. During my visit, this observation remained valid. Two detached dwellings fronting Frettenham Road lie to the east, while the access point to the current appeal site is positioned to the west, beyond which is The Paddocks. At the time of my visit, the 2021 appeal site was enclosed by mesh fencing and appeared to be occupied by a touring caravan and tent.
9. Whilst I acknowledge the provisions of the Broadland District Character Landscape Supplementary Planning Document 2013 (the CA), the current appeal site's context differs from that of the sites fronting Frettenham Road. Although there is adjacent built development in the form of the commercial units, these are low-profile structures described in the 2021 appeal decision as former agricultural buildings. As such, their appearance bears an inherent link to the area's wider rural character.
10. Within this setting, the open grassland character of the appeal site, combined with its dense tree-lined backdrop and elevated, set-back position, imparts a distinctly rural quality that reflects its countryside location. Despite the nearby built form, the site remains undeveloped and borders adjoining countryside to the south. Consequently, the proposed development would extend the built form into the countryside, both visually and spatially. Although the 2021 appeal development may eventually alter this context, that development has not yet commenced, and I have no evidence as to when it might proceed. I must therefore determine the current appeal based on the available evidence and my observations at the time of my visit.
11. Whilst the matters relating to the design of the proposed dwellings are not for consideration under this appeal, the introduction of three dwellings on this prominent, undeveloped parcel of countryside land would represent an encroachment into the rural landscape, diminishing its character.
12. For these reasons, I conclude that the proposed development would harm the character and appearance of the area and conflict with Policy GC4 of the Broadland District Council Development Management DPD and Policy 2 of the

¹ APP/K2610/W/20/3251549

Greater Norwich Local Plan, Document 1 – The Strategy (Adoption Version for Councils, March 2024) (the GNLP). Together these policies seek, in respect of this issue, for development to deliver a high standard of design, and to respect the environment, character and appearance of an area.

Suitability of location

13. Policy GC2 of the DMDPD states that new development will be accommodated within defined settlement limits. Outside of these limits, development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan.
14. Horstead is designated as part of a 'village cluster' under Policy 7.4 of the GNLP. Village clusters fall within the settlement hierarchy established under Policy 1 of the GNLP, and development within their boundaries is supported by Policy GC2. Although outside of the defined settlement limits, the appeal site is reasonably well connected to Horstead via a footpath on the opposite side of Frettenham Road. Horstead offers several services and amenities within approximately a 5-to-10-minute walk, including a convenience store, public house, and bus stops with half-hourly services to Norwich and North Walsham throughout the day. On this basis, the site can be regarded as reasonably sustainable in terms of access to services and sustainable transport.
15. However, Policy GC2 requires development outside settlement limits to accord with a specific allocation and/or policy of the development plan. In considering this issue in the 2021 appeal, the Inspector gave weight to the policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk, adopted with amendments in January 2014 (the JCS). These policies, however, no longer form part of the development plan and therefore carry no weight in the current appeal.
16. The appellant contends that the proposal complies with GNLP Policy 7.5, which supports small-scale self-build or custom-build housing of up to three dwellings on sites within or adjacent to defined settlement boundaries.
17. In this case, the appellant argues that the 18-metre gap between the appeal site and the settlement boundary qualifies as "adjacent." This distance spans an undeveloped strip of land, that appears to form part of the neighbouring allotment gardens, separating the site's southern boundary from the boundary of a dwelling.
18. Whilst no strict definition of "adjacent" is provided, 18 metres is a considerable distance, particularly as it includes a buffer of undeveloped land. I am therefore not persuaded that the site can reasonably be considered adjacent to the settlement boundary under the intended provisions of Policy 7.5.
19. Furthermore, although the proposal refers to self-build dwellings, no legal agreement or mechanism has been provided to secure the delivery of the development as self-build. Even if the site were considered suitable, the lack of an enforceable mechanism to secure the delivery of self-build dwellings means the proposal fails to meet Policy 7.5.
20. The appellant also cites compliance with Policy GC1 of the DMDPD, which addresses the presumption in favour of sustainable development. However, the policy's supporting text explains that it relates principally to general considerations that should be applied to all development proposals. As such, compliance with

GC1 alone does not satisfy the requirement under Policy GC2 for development outside settlement boundaries to align with a specific allocation or policy in the development plan.

21. Similarly, compliance with other policies, such as those addressing design, landscape, highway safety, parking, surface water and biodiversity, would be expected for all good quality developments. Meeting these policy objectives would not in itself justify a departure from the spatial strategy set out in Policy GC2.
22. In conclusion, whilst the appeal site benefits from reasonable access to services and sustainable transport, it lies outside the settlement boundary and fails to comply with the spatial strategy of the development plan. Accordingly, the proposed development would conflict with Policy GC2 of the DMDPD, the aims of which have previously been set out.

Trees

23. The Council identifies concerns regarding the impact of the proposed development on a mature oak tree located near Plot 2, as shown on the illustrative proposed site layout. Concerns relate to the dwelling's proximity to the tree, the sloping topography, and the likely encroachment into its Root Protection Area (RPA) due to necessary works such as foundations and retaining structures.
24. Additionally, the Council considers the tree's size and proximity to the dwelling may lead to overshadowing, thereby affecting the living conditions of future occupiers. The Council also highlights potential challenges with ongoing maintenance of the tree, as it lies outside of the appeal site's boundary.
25. Whilst the concerns relating to impacts on the tree are acknowledged, all details relating to the layout and design of the proposed dwellings are reserved for future determination. As such, whilst development on certain parts of the site may have the potential to adversely impact on the tree, I am not persuaded, based on the arboricultural evidence submitted by the appellant, that the identified constraints are so significant as to preclude a satisfactory design solution. These issues could be appropriately addressed through the reserved matters process or by the imposition of suitable planning conditions.
26. In terms of the living conditions for future occupiers, the appellant's arboricultural evidence suggests that, given the maturity of the oak tree, significant further expansion of the crown is unlikely. Whilst the tree may result in some degree of overshadowing of Plot 2 from the east, a relatively open aspect would be retained to the south. Based on the available evidence, this would provide the plot with a reasonable degree of daylight and sunlight.
27. Although the tree stands outside the appeal site, I am not persuaded that this would prevent appropriate maintenance of overhanging branches. Even if permissions to undertake works were required in light of the recently applied Tree Preservation Order (TPO), provided these works were reasonable and proportionate, such measures could be secured and implemented as necessary.
28. For these reasons, I conclude that the proposed development would not cause harm to the adjacent oak tree and that the living conditions of future occupiers would not be harmed by the presence of this tree. In respect of this issue, the

proposal would therefore accord with Policy EN2 of the DMDPD, which seeks to protect landscape character.

Other Matters

29. The appellant has referred to several planning application and appeal decisions from both Broadland and other local authority areas, which they consider relevant to the current proposal. However, I have not been provided with full details of these cases or how they are directly comparable to the scheme before me. Moreover, in the case of the Broadland examples, many appear to pre-date the current development plan context. In any event, I must determine this appeal based on the proposal and policy context before me, and those decisions cited do not persuade me to alter my previous findings.
30. The site lies within the Zone of Influence of one or more European Sites identified under the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS), including The Broads Special Area of Conservation (SAC), and the Broadland Special Protection Area (SPA) and Ramsar Site. These sites are also sensitive to the effects of nutrient pollution resulting from new development.
31. A signed unilateral undertaking has been submitted, which seeks to secure a financial contribution in line with the GIRAMS to mitigate the recreational impacts resulting from the proposed development on the integrity of the European Sites. To mitigate the effects relating to nutrient pollution, the appellant has indicated that mitigation credits can be purchased to offset the development's effects.
32. Were I minded to allow the appeal, it would be necessary to consider the effects of the proposal on these European Sites within an appropriate assessment. However, as I have found the proposal to be unacceptable for other substantive reasons, it has not been necessary to carry out such an assessment in this case.

Planning Balance

33. Paragraph 11.d) of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless certain circumstances apply. Under paragraph 11.d) ii., this includes circumstances where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
34. Footnote 8 of the Framework clarifies that this presumption in favour of sustainable development is triggered in housing applications where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this case, the Council has confirmed that it is unable to meet this requirement, and therefore the tilted balance under paragraph 11.d) is engaged.
35. The most relevant policies for determining this appeal relate to design, character and appearance, and the spatial strategy for directing development to appropriate locations. These policies remain consistent with the overarching aims of the Framework and are not considered out-of-date.

36. The appellant has put forward a number of benefits in support of the proposal. Central to their case is the site's sustainable location, within walking distance of a range of local services and amenities, accessible via a continuous footpath. This, they argue, aligns with the Framework's goals of reducing car dependency and encouraging healthy, walkable communities.
37. They also highlight economic benefits, including job creation during construction and increased local spending. Socially, the development would provide single-storey homes, which are said to be in short supply and particularly suitable for older residents. The homes are also proposed as self-build units, which the appellant suggests would contribute to housing diversity and affordability.
38. From an environmental perspective, the appellant describes the site as underutilised, low-grade grazing land. They argue that its development would make more effective use of land without harming the landscape or ecological value. The small scale of the scheme is also cited as a factor that would enable quick delivery.
39. These benefits do carry weight, particularly in light of the Council's housing shortfall. However, the modest scale of the proposal, at just three dwellings, limits the weight that can be attributed to these benefits. Moreover, the claimed benefit of delivering self-build homes is diminished by the absence of any legal mechanism to secure them as such.
40. In conclusion, the harm arising from the proposal's conflict with the development plan significantly and demonstrably outweighs the benefits, when assessed against the Framework as a whole.

Conclusion

41. The proposal would conflict with the development plan as a whole and there are no considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR