
Appeal Decision

Site visit made on 19 May 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/F2605/W/24/3355828

Land between Stonebridge Cottage and Lantern Cottage, A1075 Watton Road, Wretham IP24 1QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Roger Northcote Smith against the decision of Breckland Council.
 - The application Ref is 3PL/2024/0606/PIP.
 - The development proposed is described as two self-build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed wording from the description of development in the banner heading above that does not describe development.
3. The proposal is for permission in principle, which the Planning Practice Guidance (PPG) advises is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (or permission in principle) (PiP) stage establishes whether a site is suitable in principle and the second (technical details consent) (TDC) stage is when the detailed development proposals are assessed. The appeal relates to the first stage.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of the subsequent technical details application, if permission in principle is granted. I have determined the appeal on this basis.
5. After the planning application was determined by the Council, the Environment Agency produced revised flood maps. This updated information, together with any further representations made by the parties, has been taken into account.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

7. The latest evidence provided by the Council indicates that a large proportion of the site is at risk of surface water flooding, which is not disputed by the appellant. Further, local residents suggest that the area is vulnerable to surface water flooding.
8. The National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided. This is achieved by steering development to the lowest flood risk areas through the application of a sequential test.
9. The Framework does identify an exemption to the sequential test, in situations where a site-specific flood risk assessment demonstrating that no built development would be located in an area that would be at risk of flooding from any source now or in the future. However, while the Hydraulic Modelling Report (HMR) submitted with the application demonstrates that there would be minimal flood risk to the appeal site from rivers, it provides little detail in respect of the surface water flood risk. As such, this exemption would not be applicable in this case.
10. The appellant asserts that appropriate measures to dispose of surface water in accordance with sustainable drainage systems can be addressed at the TDC stage. Be as it may, taken together with the Framework, the national guidance distinguishes between flood avoidance and flood control or mitigation in the application of the sequential test. In light of this, on sites where flood risk is identified, a particular location is unlikely to be acceptable in principle if there are other reasonably available sites for the development proposed located in areas at a lower risk of flooding. As no sequential test is before me, I cannot conclude that there are no other sequentially preferable sites available.
11. Accordingly, I cannot be satisfied that the site would be suitable for residential development, having regard to its location in an area subject to surface water flooding. The proposal would therefore conflict with Policy ENV09 of the Breckland Local Plan 2023 (LP), which requires development to be located to minimise the risk of flooding.

Amount

12. The eastern side of Watton Road, where the appeal site is located, comprises predominantly detached dwellings of varying designs accommodated within large plots and typically set back from the road. To the north of the appeal site there is a small cluster of dwellings, laid around an access road branching of Watton Road and a row of terraces adjacent to the footpath. Development is interspersed with open fields. The boundary hedges, grass verges and trees provide a verdant and attractive setting for the buildings and are prominent features within Watton Road, thereby making a positive contribution to the leafy character of the area.
13. The appeal site is a U-shaped parcel of land that wraps around Stonebridge Cottage and is located between Oak House and Lantern Cottage. The site comprises a predominately undeveloped, overgrown area, which accommodates a substantial number of trees. The site adds to the leafy character along this part of the road where the pattern of development is more spacious.

14. LP Policy HOU5 advises that in villages without a boundary such as Wretham where the appeal site is located, development will be permitted subject to a number of criteria. These include that development should comprise sensitive infilling, be of an appropriate scale to the settlement, and not harm or undermine a visually important gap that contributes to the character and distinctiveness of the rural scene.
15. Since the appeal scheme seeks permission in principle there are no detailed design parameters before me. Nevertheless, having regard to the amount of development proposed in relation to the size and shape of the site, I am not persuaded that two dwellings could be designed to achieve a scheme that would be sensitive to the prevailing character of this side of Watton Road, which typically comprises wide, spacious plots facing the road.
16. Further, the introduction of two dwellings within the site would likely erode the contribution that the appeal site makes to the verdant quality of the area. The layout of the proposal, to be determined at TDC stage, would be unlikely to successfully mitigate for this harm.
17. LP Policy HOU5 sets out that opportunities for self-build dwellings which meet the criteria listed will be supported. The PPG¹ details that planning obligations cannot be secured at the PiP stage but may be agreed at TDC stage. However, even if the dwellings would be delivered as self-build, this would not overcome the harm to the character of the area as I have identified above.
18. Thus, the amount of development proposed would not be acceptable for the size of the site. The proposal would conflict with LP Policy HOU5 which seeks to address the development needs of small villages.

Land Use

19. The proposed land use is for residential purposes which would be compatible with the mainly residential surroundings. As such, the proposed land use would be acceptable in principle. In this regard, the proposal would accord with LP Policy GEN 02, which supports development that respects and is sensitive to the character of the surrounding area.

Other Considerations

20. The Council's second reason for refusal relates to highway safety. The Council found that there is limited information on which to assess whether satisfactorily visibility splays can be achieved, as well as regarding the width of the access. However, the limited information provided is commensurate with the nature of the PiP stage process, which purely seeks to determine whether the location, land use and amount is acceptable in principle. Thus, whilst I accept that there is limited information provided to indicate that a safe access could be delivered, these details would come forward as a part of the TDC stage.
21. Regarding the effect on trees, it is not possible at this stage to foresee the precise nature of any future tree works. However, due to the number of trees on site, it is acknowledged that some trees would likely be lost. Nevertheless, having regard to the scope of considerations at PiP stage, and given that the trees are not subject

¹ Paragraph: 022 Reference ID: 58-022-20180615

to a Tree Preservation Order, in this case I find that the provision of detailed information relating to trees is not necessary at PiP stage.

22. Given the tree coverage within the site, it is possible that protected species may be present. The PPG advises that other statutory requirements may apply at TDC stage such as those relating to protected species.

Other Matters

23. The Courts have established that residential gardens within rural areas can fall under the definition of previously developed land (PDL)². The appellant suggests that the proposal would constitute the development of PDL, since the land was utilised in connection with Stonebridge Cottage and Lantern Cottage. Whereas this may have been the case, there is no compelling evidence before me to suggest that the land is currently being used as a residential garden in connection to any property. In any event, even if I were to accept that the site is PDL, this would not change my conclusions in relation to the amount and location of development.
24. My attention has been drawn to other appeal decisions across the country where self-build units have been granted³. However, these were for a greater number of self-build dwellings in different local authority areas. As such, they are not directly comparable to the scheme before me. Moreover, I am required to consider the current appeal in its own merits.
25. The appeal site is located within the zone of influence of the Natura 2000 Designated Protected Habitat Sites within Norfolk (the Brecks, North Norfolk Coast and the Broads). The Conservation of Habitats and Species Regulations 2017 (as amended) requires that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate assessment (AA) of the project's implications in view of the relevant conservation objectives.
26. As such, I cannot rule out, in the first instance, that the proposed development would cause likely significant effects on the integrity of the SPA through increased residential use and associated recreation disturbance. The mitigation strategy comprises a one-off tariff per dwelling to go towards recreation impact avoidance and mitigation measures. The Council indicates that the appellant has paid the relevant financial contributions regarding the administration and monitoring fees. However, I have not been provided with a copy of an executed legal agreement. Had I been in a position to otherwise allow this appeal, it would have been necessary to consider this matter within a separate AA. As the appeal is being dismissed for other reasons, I have not done so.

Planning Balance

27. The latest evidence provided by the parties indicates that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites, and the figure is 3.25 years. This engages paragraph 11d) i. of the Framework, which states that permission should be granted 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. This includes policies relating to areas at risk

² Dartford Borough Council v Secretary of State for Communities and Local Government [2017] EWCA Civ 141

³ Appeal Ref: APP/W0530/W/19/3230103; Appeal Ref: APP/G2435/W/18/3214451 (Appeal A)

of flooding. Given such, I have not gone on to consider the scheme against the requirements of paragraph 11d) ii).

28. Set against the identified conflict the proposal would contribute towards the provision of housing within the Borough. Additionally, the proposal would logically reduce the pressure for development in the Green Belt and in agricultural land. Future residents would support the rural community and contribute to the local economy. The proposal has the potential to make efficient use of land. However, given that the scheme would deliver a small number of new dwellings, taken together, these benefits would attract limited weight in favour of the proposal.
29. The appellant has provided some evidence to demonstrate that the demand for self-build plots within Breckland outweighs provision, which is not disputed by the Council. The provision of two self-build dwellings would be a modest contribution to the identified demand and carries commensurate weight in favour of the scheme.
30. However, the above benefits are not sufficient to outweigh the harm to the character of the area and conflict with flood risk policy identified in this case.

Conclusion

31. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR