



Appeal Decision

Site visit made on 2 June 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/F2605/W/25/3361894

Park House, The Street, Beachamwell PE37 8BD

- 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 JDD Limited against the decision of Breckland Council.
 - The application Ref is PL/2024/1196/PIP.
 - The development proposed is erection of up to four dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted.¹ All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. 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

5. The Council's spatial strategy is based on a settlement hierarchy defined in Policy GEN 03 of the Breckland Local Plan (LP) (2023). Most new development is directed towards towns and villages in the upper tiers of the hierarchy. Beachamwell is not one of these and has no defined settlement boundary. This approach to the distribution of development accords with relevant aspects of the Framework, including the section on rural housing, which advocates locating housing where it will enhance or maintain the vitality of rural communities.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

6. Policy GEN 05 of the LP restricts development outside defined settlement boundaries in order to recognise the intrinsic character and beauty of the countryside, and will only be acceptable where it is compliant with all relevant policies set out in the development plan. As such there is a clear spatial strategy that does not envisage a significant role for Beachamwell in providing new homes as part of a sustainable pattern for development.
7. One such relevant policy is HOU 05. This restricts development in smaller villages and hamlets outside of defined settlement boundaries apart from where it would comply with other policies within the development plan, and satisfies a list of four specific criteria, all of which need to be met.
8. Among these, criterion 1 requires development to comprise of sensitive infilling and rounding off of a cluster of dwellings with access to an existing highway and criterion 4 requires that proposals do not harm or undermine a visually important gap that contributes to the character and distinctiveness of the rural scene.
9. Both parties are in agreement that any dwellings erected here would not represent rounding off. The supporting text to Policy HOU 05 clarifies that 'infill' is defined as building on a vacant plot in an otherwise built-up street frontage, generally with built development along the road on either side of the site.
10. The appeal site is a large parcel of undeveloped land used as a paddock. To the east of the site is a large section of woodland, beyond which is Park House, set substantially back from the highway. After this there is a strong linear row of dwellings sited noticeably closer to the highway, with a series of dwellings on the opposite side of the road. Immediately to the west of the site is The Lodge, a large property also set noticeably back from the highway, and faces into the appeal site. Beyond The Lodge, several more properties are set back at various depths from the road, within spacious plots interspersed with mature trees.
11. As one moves westwards along The Street from the village green towards the appeal site, the strong built-up frontage of properties declines, and the character becomes inherently more rural close to Park House. Here, The Street becomes framed by the mature woodland adjacent to the appeal site and trees and hedgerow boundaries of undeveloped fields either side. The narrow foot track fronting the site and the notable absence of street lights along The Street reinforces the strong sense of rurality.
12. Whilst the appeal site is largely screened by tall, mature hedgerow, glimpsed views across the site, with an absence of built form except for views of The Lodge and low level metal shed, also reinforces the rural, verdant character. I also observed further glimpsed views into the site through the woodland, which, during periods of leaf fall, would likely provide even more noticeable views into the site.
13. Along with the adjacent mature woodland and open countryside opposite the site, the rural, undeveloped nature of the appeal site contributes positively to the rural and verdant character and appearance of the area. The site provides an important visual gap in the street scene, discernibly separating, with the exception of Park House, the strong linear grain of dwellings to the east and the limited properties to the west of the appeal site which are noticeably less dense than those on the eastern part of The Street which also exhibit a much stronger linear character.

14. Given the above site context with the adjacent woodland, character of properties to the west and set back of Park House, I do not consider the site to be a plot within an otherwise built up street frontage.
15. The appeal site is also located within the Beachamwell Conservation Area (CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCAA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
16. No conservation area appraisal for Beachamwell is before me, but I consider the significance of the CA as a whole is, in part, derived from the historical quality of a number of its buildings evidencing the villages evolution over many years. It is also derived, in part, from its inherently rural and verdant setting, which The Street, with its narrow lane, verdant mature boundaries and glimpses of undeveloped land and open countryside forms part of, with the appeal site contributing significantly to this.
17. Whilst the details of the design, size and position of up to 4 dwellings and landscaping of the site would be matters for the technical details consent stage if the appeal were to be allowed, the indicative layout plan demonstrates that 4 dwellings could be arranged in a linear manner. The appellant contends that this would be in keeping with the existing linear development that runs east to west. However, while I note the comments from the Council's Historic Buildings Officer, as I have already set out, such strong linear development is not continuous along the entirety of the road, with the character of The Street changing at Park House. I find that the erection of up to 4 dwellings on this site, regardless of layout, would significantly change the character and appearance of the site, having a permanent and irreversible urbanising effect upon it. It would harmfully erode the existing gap and strong rural character of the site, which contributes positively to the rural setting, as well as the significance of the CA.
18. Although views of any dwellings could be limited to some degree by the presence of the hedgerow and neighbouring woodland, the change in character would still nevertheless be visible from existing gaps within this, and more so during periods of leaf fall. Additionally, the hedging could die or be cut back, as such, the permanency of the hedging is not guaranteed.
19. Given my findings above, the proposal would have a harmful effect on the character and appearance of the CA as a whole, therefore detracting from the significance of this designated heritage asset, which would neither be preserved nor enhanced, conflicting with section 72(1) of the PLBCAA.
20. I consider the harm would be less than substantial, but towards the lower end of the scale. In such circumstances, paragraph 215 of the National Planning Policy Framework (the Framework) requires the harm to be weighed against the public benefits of the proposal. I will come back to this later in my decision.
21. Drawing the above points together, I find that the proposal would not meet the definition of infill or represent sensitive infilling as set out in Policy HOU 05. I also consider, given the site context, that the proposal would undermine a visually important gap that contributes to the rural character. As all 4 criteria have to be met, it fails to accord with Policy HOU 05 of the LP.

22. The Council has raised concerns that the proposal would not be in an accessible location. However, Policy HOU 05 is not predicated on accessibility to services and facilities, with the supporting text to the policy recognising that such locations have little or no service provision. In this regard, it is unreasonable to expect such locations to have the same extent of services, transportation means and facilities as the more urban areas. Indeed, paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-making. However, the proposal does not accord with Policy HOU 05, and the Framework also states that applications for development should ensure that sustainable transportation modes are prioritised, given the type of development and its location.
23. Policies TR 01 and TR 02 of the LP, amongst other matters, seek development that offers maximum choice of flexibility in terms of travel mode choice, and that development is located wherever possible to accessible modes of transport to provide improved accessibility to services. Even accounting for the rural location, Beachamwell offers very limited means of maximising sustainable transport solutions in relation to the appeal proposal, given the extremely limited public transportation options and that most day-to-day services are in larger settlements beyond walking and cycling distance.
24. Moreover, whilst parts of The Street have a footway, there is no street lighting, and as you move from east to west, this is replaced with a narrow track. Given the long distances to the nearest larger settlements, the road conditions would not be an attractive option for cyclists and walkers and those with mobility issues, particularly during adverse weather and during the hours of darkness. This would not reflect the aims of the Framework which seeks safe and suitable access for all and for sustainable modes of transportation to be prioritised. Consequently, future occupiers would be heavily reliant on the private motor vehicle and the proposed development would not provide the opportunity to maximise the use of sustainable transport facilities, even when accepting that the site is in a rural location.
25. In conclusion, for the reasons above, the appeal site would not be suitable for residential development having regard to the location, land use and amount of development due to the significant conflict with the spatial strategy and significant harm to the character and appearance of the area, failing to neither preserve or enhance the character or appearance of the CA.
26. As a result, the proposal would conflict with Policy HOU 05 and in turn conflict with GEN 05 of the LP which requires compliance with HOU 05, the aims of which have previously been set out. It would also conflict with Policy GEN 02 of the LP which requires high quality design that respects and is sensitive to the character of the surrounding area and Policy ENV 05 of the LP, which amongst other matters, requires development to be sympathetic to landscape character.
27. There would also be conflict with Policy COM 01 of the LP which, amongst other matters requires new development to preserve or enhance the special character of the historic environment and Policy ENV 07 which has similar aims, requiring the significance of conservation areas to be conserved and where possible enhanced. The proposal would also conflict with Policies TR 01 and TR 02 of the LP.

Other Matter

28. The site lies within the Zone of Influence of more than one of the Habitats Sites falling under the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS). The appellant has submitted a Unilateral Undertaking which secures a financial contribution to mitigate any adverse effects on the integrity of these Habitats Sites. Had I been minded to allow the appeal; it would have been necessary to undertake an appropriate assessment (AA) to determine whether adverse effects on the integrity of these sites would be avoided. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an AA, or consider this matter further.

Heritage and Planning Balance

29. The Council cannot demonstrate a 5-year supply of deliverable housing land. The appellant indicates the supply is 3.25 years. The Council have not refuted this. The shortfall is therefore significant. Consequently, as per footnote 8 to paragraph 11 of the Framework, the relevant development plan policies are taken to be out of date and paragraph 11 d) of the Framework is engaged.
30. In terms of benefits, the appeal proposal would provide up to 4 dwellings, making an effective use of land. Set against the shortfall of housing, it would make a minor but nonetheless positive contribution to boosting housing. The Framework also recognises that small sites can be built out quickly. There would be associated economic benefits in the construction of the homes and related employment for its duration, as well as future occupiers spending in the local economy. The Framework recognises that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. Future occupiers could also support the local village hall. There would also be a biodiversity net gain of at least 10%. These public benefits all weigh in favour of the proposal.
31. However, the limited scale of the development, means that I afford the provision of new housing within the context of the current shortfall, along with the other benefits listed above, moderate weight in favour of the proposed development.
32. In terms of adverse impacts, I have found the proposal would not be a suitable location for housing, conflicting with the spatial strategy and given the limited sustainable transportation options, future occupiers would also be dependent on the car. I have also found that the proposal would have a significant adverse impact on the character and appearance of the area as well as failing to preserve or enhance the CA, resulting in less than substantial harm.
33. The Framework recognises the importance of accessible locations and being sympathetic to local character, including landscape setting and the intrinsic character and beauty of the countryside. Policies COM 01, ENV 07, ENV 05, GEN 02, TR 01 and TR 02 are consistent with the Framework in this regard. Thus, the conflict with these policies carries substantial weight, with more limited weight attributed to the conflict with Policy HOU 05, given the shortfall in the housing land supply.
34. The Framework at paragraph 11 d) i) requires an assessment of whether the application of policies within it that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Of particular

relevance are the policies relating to designated heritage assets. As I have found less than substantial harm would arise to the CA, this must be weighed against the public benefits.

35. The public benefits I have set out would not be sufficient to outweigh the harm identified to the significance of the CA as a designated heritage asset, to which the Framework directs that great weight should be given to an assets conservation, irrespective of whether there would be less than substantial harm to its significance. The proposal therefore fails to accord with the historic environment protection policies of the Framework. On this basis, the application of policies in the Framework that protect assets of particular importance, provides a strong reason for refusing the development. Thus, the proposal does not benefit from the presumption in favour of sustainable development, indicating permission should not be granted.
36. However, even if I found that 11d) i) was not applicable, the adverse impacts I have identified arising from the proposal would significantly and demonstrably outweigh the relatively limited benefits of the proposal when assessed against the policies of 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.
37. As such, the proposal would not be the sustainable development for which the Framework indicates a presumption in favour.

Conclusion

38. I conclude that 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. Therefore, the appeal is dismissed.

T Bennett

INSPECTOR