



Appeal Decision

Site visit made on 24 April 2025

by **K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2025

Appeal Ref: APP/L2630/W/24/3353472

Land at The Loke, Costessey, Norfolk, NR5 0TD

- 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 M Grady, Mr I Grady and Mrs L Warnes against the decision of South Norfolk District Council.
 - The application Ref is 2022/1184 .
 - The development proposed is erection of 4 new single storey bungalows.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 new single storey bungalows at Land at The Loke, Costessey NR5 0TD in accordance with the terms of the application, Ref 2022/1184, subject to the conditions in the attached schedule.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved except for access. I have had regard to the site location plan, access drawings and the indicative layout but have regarded all elements of these drawings as indicative apart from the details of the access.
3. The description of development set out in the planning application form has been amended from five new single storey dwellings to four. The description of development and a revised site layout plan was agreed with the Council during the course of the application.
4. The Government published a revised National Planning Policy Framework (the Framework) in December 2024. Both parties have been afforded the opportunity to comment on this.
5. During the appeal process the procedure for determining the appeal was changed to the Written Representation procedure. The appellant has therefore had the opportunity to address several matters that would have been possible to be considered 10 working days before any hearing. Thus in the interests of fairness, these have been accepted. The Council has had the opportunity to comment on the submissions, which I set out below.
6. A legal agreement in the form of a Unilateral Undertaking (UU) has been submitted in respect of securing the development as Self or Custom Build Housing (SCBH). The Council has indicated it is satisfied with the UU. However, I have not been provided with full copies of Policy 7.5 of the Greater Norwich Local Plan, 2024 (the GNLP), which relates to SCBH custom development outside defined settlement

boundaries. I have therefore referred to the online version of this publicly available document.

7. The Council's third and fourth reason for refusal (RfR) relate to European sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The appeal site is within the Zone of Influence (Zoi) for The Broads Special Area of Conservation (SAC), the River Wensum SAC and The Broadland Ramsar. The Framework gives these all the same protection and refers to them as Habitats sites, as do I in this decision.
8. The third RfR referred to lack of supporting information relating to the matter of nutrient neutrality. The appellant submitted a Norfolk Environmental Credits Limited (NEC), Septic Tank Upgrade Strategic Framework Assessment, a NEC Certificate of purchased credits and a NEC Shadow Strategic Appropriate Assessment. I have accepted these documents and the Council have confirmed that the appellant has purchased the correct number of credits associated with nutrient mitigation.
9. The appellant has submitted a second Unilateral Undertaking (UU), in support of addressing the fourth RfR. The Habitats sites are also scoped into the Norfolk Green Infrastructure and Recreational Disturbance Avoidance and Mitigation Strategy 2021 (the GIRAMS) which are vulnerable to the effects of recreation. The Council has confirmed they are content with the UU.

Main Issues

10. The main issues are:
 - whether the proposal would be in a suitable location;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposed development on the integrity of Habitats sites, with particular regard to nutrient neutrality and recreational pressure.

Reasons

Suitable location

11. The appeal site is accessed off Longwater Lane. The proposal would be located at the rear of residential gardens and front an access road called The Loke. This road subdivides the site and leads to further access roads parallel to Longwater Lane. This road encloses the rear of properties, but also provides access to smaller scale businesses and outbuildings. The context of the immediate area is semi-rural, however there is significant infrastructure, employment and residential areas located nearby.
12. From the evidence before me, the adopted development boundary includes the properties along Longwater Lane. The majority of this site is therefore located outside of the defined development boundary, and for the purposes of Planning Policy is partly considered as countryside.
13. Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document, October 2015 (the Local Plan) allows for instances where development will be permitted outside of settlement boundaries. Proposal must demonstrate overriding benefits in terms of the economic, social, and environmental dimensions

of sustainable development as referred to in Local Plan Policy DM1.1, which embodies the presumption in favour of sustainable development as set out in the Framework. This includes the granting of permission where relevant policies are out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against those of the Framework.

14. The Council has not advanced any evidence that the provision or access to facilities and services is not satisfactory. Accessing services and facilities on nearby Longwater Lane and nearby community facilities would not be a particularly long or difficult walk for most pedestrians. Occupiers would be able to use well lit, flat footpaths. Cycling to nearby services and facilities would also be possible on this 30mph road.
15. There is public transport readily available at The Loke bus stop just at the site entrance, and the road is relatively straight to allow good visibility to allow pedestrians to cross safely to these. There are large area of services and facilities including supermarkets, and areas of employment nearby, which are accessible by short public transport journeys. The site is also in very close proximity to a Park and Ride facility. Residents of the proposed development would not need to be reliant on private modes of transport. Any car journeys to facilities would be short and would not be accessed differently to the numerous existing residents within the immediate vicinity of the site. The location is one which can offer a genuine choice of non-car transport modes for all users.
16. The proposal would not fully align with the locational criteria of Local Plan Policy DM1.3. However, for the reasons set out above, I conclude that the appeal site would be a suitable location for housing. The proposal would not significantly undermine the aims of DM1.3 which encompasses the interests of promoting sustainable patterns of development. There would be a very small 'in principle' policy harm resulting from the location of this development. I return to this in the planning balance.

Character and appearance

17. The appeal site is subdivided by the Loke, which is an unmade road that would remain part of the development. The northern portion of the site is smaller and is shown as accommodating one dwelling, the southern portion is shown to accommodate three dwellings. Respectively the northern and southern areas of the site are to the rear of the homes at 52 and 53 Longwater Lane. Common to both the northern and southern parts is that they comprise scattered trees, hedgerows and fairly dense scrub.
18. The site is located within the river valley of the Tud. In the context of the immediate visible area beyond the appeal site to the east I recognise the characteristics identified for the Rural River Valley and Valley Urban Fringe landscape character types in Local Plan Policy DM4.5. That is having a distinctive character and sense of place, grazed pastoral valley floors, consisting of an intimate and enclosed landscape with a rural character.
19. The appeal site itself does not display these key open aspects. Nonetheless despite the overgrown appearance it contributes to the leafy character of this area and creates a gentle transition between built development, channelling green

- views towards the open landscape to the east. This provides a sense of tranquillity and rural character.
20. Whilst landscape is a reserved matter the indicative plans show little space along the property frontages to mitigate the urbanising form of new homes and driveways. The introduction of further development would change the character of the area and would harmfully erode this positive transitional attribute and verdant appearance of the site.
 21. However, the homes would be seen in the context of existing built development and would not appear wholly out of context. The indicative plans showing single storey buildings would respond well to the lower height of the homes on Longwater Lane. Although, the prevalent character along Longwater Lane does not feature homes at the rear, in this case there is an established access road, which would contain the proposal from extending into the fields beyond. Whilst not wholly consistent with the layout of the area, the introduction of dwellings as shown on the indicative plans would similarly respond positively to its location and have a road frontage.
 22. The Farmland Lane Planning Appeal¹ evidenced by the Council, which was dismissed in the context of no 5 year HLS, is similar in that it is located within the river valley of the Tud. However, from the evidence provided, this was a major residential scheme of 83 dwellings on an open arable field, which displayed more of the key characteristic of the landscape character area of the River Valley than the appeal site. It is evident that significant areas of open landscape, would have been affected, which is not the case in this appeal. Therefore that the Inspector found that development to be harmful is not determinative in this decision, as each proposal must be judged on its own merits and I am not satisfied that the proposals are inherently or sufficiently the same.
 23. Overall, I conclude that the proposal would harm the character and appearance of the area. In these regards it would be contrary to Local Plan Policies DM1.4, DM3.8, DM4.5 and Policy 2 of the GNLP. These policies collectively seek to ensure that all development protects and enhances the existing locally distinctive character with well-designed places and buildings creating a distinct sense of place by respecting the scale, materials, form, function and character of the existing and surrounding buildings in the area.

Habitat sites

24. The proposal is located within the ZOI where adverse effects on Habitats sites may occur. Natural England advises that All types of overnight accommodation can cause excessive levels of nutrients resulting in eutrophication at the Habitat sites in an unfavourable conservation status. The GIRAMS identifies that population increase associated with residential development within the ZOI of those sites is likely to have significant effects on the integrity of sites through recreation impacts. The GIRAMS provides examples of harms to habitats from recreation including, trampling of vegetation, disturbance of bird populations, and eutrophication from dog-fouling, fire, and soil disturbance.

¹ Appeal Ref: APP/L2630/W/18/3204808 and Appeal Ref: APP/L2630/W/18/3204810 Land to the north of Farmland Road, Costessey, Norfolk NR5 0HX

25. The Habitats Regulations require that if the development is likely to have a significant effect either alone or in combination with other plans or projects it can only proceed if it can be ascertained that the proposal would not adversely affect the integrity of the European Site.
26. The proposal would result in increased population and would be likely to have a significant effect on the qualifying features of the European Sites, in combination with other development. As such, it is necessary for me, as the competent authority, to conduct an Appropriate Assessment (AA) in relation to the effect of granting permission on the integrity of those Sites.
27. The River Wensum SAC habitat includes a low gradient, groundwater dominated river. The upper reaches are fed by springs that rise from the chalk and by run-off from calcareous soils rich in plant nutrients. The river supports an abundant and diverse invertebrate flora and fauna in a relatively natural corridor. The Broads SAC habitat is an example of nutrient-rich lakes, meadows, fens and woodland and similarly numerous species including otters. The wetland habitat of the Broadland Ramsar is designated for supporting numerous species including birds. The conservation objectives include ensuring that the integrity of the sites are maintained or restored as appropriate and contributes to achieving the favourable conservation status of their qualifying features.
28. The NEC has developed a Strategic Framework (the SF) for upgrading septic tanks that has undergone review and approval by Natural England and the relevant Local Planning Authorities who operate the scheme. It is intended that a septic tank upgrade undertaken in accordance with the SF would generate robust nutrient credits, and that these credits can then be traded for use as offsite mitigation in respect of new housing development across the respective catchments. The appellant submitted a method of nutrient mitigation in the form of a report outlining the provision of upgraded septic tanks and standard Package Treatment Plants (PTP's) to high efficacy PTP's. Nutrient credits were purchased, and a certificate has been submitted with the appeal.
29. A shadow AA was provided by the appellants which concluded that so long as the quantum of credits purchased from the NEC is sufficient to mitigate the nutrients generated by the development it will be possible to ascertain that the proposed development will have no adverse effect on the integrity of the River Wensum or the Broads SAC and Broadland Ramsar site, acting alone or in combination with other development. Natural England is satisfied that NEC's shadow AA is sound and the document can be relied on as part of the AA for water quality impacts for developments that purchase sufficient credits from NEC.
30. In light of Natural England's advice, I adopt the shadow AA in this respect. I am satisfied that the evidence before me demonstrates that sufficient mitigation would be provided such that the development would not adversely affect the integrity of the sites, nor would the conservation objectives be undermined.
31. The GIRAMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the Habitats sites.

32. The appellants have submitted a UU for the per dwelling contribution to fund the Norfolk GIRAMS. I find this would meet the tests set out in paragraph 57 of the Framework and the requirements of Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Therefore, I am able to take this into account. Given the evidence before me the mitigation measures have been secured and would be used for their intended purpose. I am satisfied that delivery of the mitigation has been secured by the appellants' financial contribution and NEC credits.
33. I therefore conclude through my AA, that overall subject to mitigation that the proposed development would not have a harmful impact on the integrity of Habitats sites, with particular regard to nutrient neutrality and recreational pressure. The proposal meets the requirements of the Habitats Regulations and the aims of Policy 3 of the GNLP and Policies DM1.4 and DM 4.4 of the Local Plan. Together these seek to ensure that development avoids harm to the natural environment including and seeks contributions towards the cost of mitigation measures.

Other Matters

34. The Self-build and Custom Housebuilding Act 2015 (as amended) (the SBCH Act) places a duty on authorities to have regard to each self-build register that relates to their area when carrying out their planning, housing, land disposal and regeneration functions and must give development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.
35. The proposal would be for a SCBH and a UU has been submitted which would ensure that any development of the site would be a form of development that accords with the legal definition within the SBCH Act. Policy 7.5 of the GNLP allows for self and custom build development of up to three dwellings for people who meet the eligibility criteria and where a site is within or adjacent to a settlement with or without a defined settlement boundary. However, as the proposal is for four dwellings, it would not accord with this Policy.
36. The appellants highlight a shortfall in provision of self-build plots, and this is not disputed by the Council. However, there is little substantive evidence to demonstrate this from either party. Nevertheless, Paragraph 73 b), of the Framework, supports small sites to come forward for SBCH, which contributes towards meeting the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes. The benefits are recognised by the Planning Practice Guidance² finding that it helps to diversify the housing market and increase customer choice.
37. The provision of the UU to secure the development as SCBH would meet the tests set out in paragraph 57 of the Framework and the requirements of Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). I have therefore taken this into account. The UU would guarantee the site's delivery for this type of housing. As such, this site would assist the Council in its delivery of SCBH.

² Paragraph: 16a Reference ID: 57-016a-20210208

38. In addition to the matters outlined above, other concerns have been raised, including by local residents. Some relate to the proposed development's effect on highway safety, parking, accessibility, and the living conditions of neighbouring occupiers. Other issues raised include concerns relating to, ecology, trees, land contamination, pollution, noise, air quality, flooding, drainage and construction effects.
39. These matters were largely identified and considered within the Council officer's report on the appeal scheme at the application stage. They were also before the Council when it prepared its evidence for the appeal. The Council has not concluded that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions in these respects subject to legal agreements and conditions as discussed below.
40. I note some interested parties' support for the proposed development on the basis of setting a precedent for future development. Each proposal must be judged on its own planning merits, and acceptance of this scheme does not automatically confer acceptability of other schemes. This would be a matter for the Council based on the merits of any individual case.

Conditions

41. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty.
42. A condition specifying upgrades to The Loke is necessary in the interests of highway safety. I have imposed a condition for the development to be carried out in accordance with the NEC scheme, to safeguard the European sites. In order to safeguard living conditions and the amenity of the area conditions for the implementation of the noise recommendations, reporting and remediation of any unexpected land contamination, and measures pertaining to flood risk, foul and surface water drainage are necessary.
43. Conditions relating to ecological measures and protection of trees are necessary to safeguard and enhance the natural environment. A condition restricting water consumption is required in the interests of water efficiency.

Planning Balance

44. The Council has advised due to the changes in the Framework that the Greater Norwich authorities are not currently claiming a five-Year housing land supply. As a consequence the Council advises that the requirements of Framework paragraph 11 d) is to be applied to planning applications for housing. The application of policies in the Framework that protect areas or assets of particular importance, as set out in paragraph 11 d) i do not provide a strong reason for refusing the development proposed.
45. In line with paragraph 11 d) ii of the Framework, planning permission should be granted unless the adverse impacts of doing so would significantly or

demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

46. I have found that the appeal proposal would be located within the countryside outside the settlement, contrary to part of DM1.3 of the Local Plan. However, I have also found that the appeal site is locationally accessible, close to the services and facilities and public transport routes. Future residents would assist to maintain the local services and facilities. The conflict with Policy DM1.3 is minor in this case and location of the development weighs significantly in its favour in accordance with Policy DM1.1 of the Local Plan.
47. The proposal would make a contribution to housing provision and the Council's requirement to provide serviced SCBH in an accessible location. Although the proposal is for a small number of homes, I afford the cumulative benefits significant weight.
48. Economic benefits would result from the scheme during construction and future residents would spend in the local economy. As some of these benefits would be time limited, during construction, I give them moderate weight.
49. The development would result in some harm to character and appearance of the area, in conflict with Policies DM1.4, DM3.8 and DM4.5 of the Local Plan and Policy 2 of the GNLP. I afford the harm significant weight.
50. However, I am mindful of policies in the Framework to significantly boost the supply of homes and focussing development on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Therefore the cumulative benefits of the proposal are significant and the adverse impacts of the development do not significantly or demonstrably outweigh the benefits.

Conclusion

51. Whilst the proposal conflicts with the development plan, the material considerations in this case indicate that the proposal should be determined other than in accordance with it.
52. For the reasons given above, and having had regard to all other matters raised, I conclude the appeal is allowed.

K Williams

INSPECTOR

Conditions Schedule

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development permission must be begun in accordance with “the reserved matters” as approved not later than the expiration of two years from either the final approval of “the reserved matters,” or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.
- 2) Details of the access, appearance, landscaping, layout, and scale “the reserved matters” shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby permitted shall be carried out in accordance with drawings: Existing Topographical Survey 006601.
- 4) No works shall commence on the site until such time as detailed plans of the proposed improvement to The Loke, in addition to the intended parking and turning facilities for the dwellings have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 5) The development hereby permitted shall be carried out in accordance with the approved noise remediation scheme contained within the Noise Impact Assessment Ref: IEC/4600/01/AVH IEC (Independent Environmental Consultancy). Following completion of remediation and prior to first occupation of the dwelling(s), a verification report that scientifically and technically demonstrates the effectiveness and success of the remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.
- 6) The development hereby permitted shall be carried out in accordance with the Norfolk Environmental Credits Limited (the NEC) NEC Septic Tank Upgrade Strategic Framework document Ref: 30900R1v1 H Fraser Consulting, the NEC Certificate and the NEC Shadow Strategic Appropriate Assessment Version 1.5.3 – 29 January 2025, unless otherwise agreed in writing by the local planning authority.
- 7) If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing how this contamination shall be dealt with. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.
- 8) The development shall be carried out in accordance with the measures recommendations of the Flood Risk Assessment Ref: 3933 Version 2 (BHA Consulting) submitted on 21 September 2023.
- 9) No development other than the works required for the laying of foundations shall commence until a scheme for the means of foul water and sewage disposal have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as agreed prior to the first occupation and retained as such thereafter.

- 10) No development other the works required for the laying of foundations shall commence until full details of the means of surface water drainage have been submitted to and agreed in writing by the Local Planning Authority. The details should include the results from percolation tests if appropriate and incorporate the installation of water efficient and water saving devices. The development shall be carried out in accordance with the agreed details prior to the first occupation of the development and thereafter retained.
- 11) In conjunction with the submission of the reserved matters, the ecological measures set out within the Preliminary Ecological Appraisal Version 1.0 and Reptile Survey Report Version 1.0 (Greenlight Environmental Consultancy) shall be reviewed, amended, and updated. The review shall be informed by further ecological surveys commissioned to:
 - i) establish if there have been any changes in the presence and/or abundance habitat and protected species and
 - ii) identify any likely new ecological impacts that might arise from changes.Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority in conjunction with the submission of the reserved matters applications. The development shall only be carried out in accordance with any revised approved ecological measures and timetable.
- 12) Development shall not begin until a scheme for the protection of the retained trees has been submitted to, and approved in writing by, the Local Planning Authority. The 1) submitted details are to be guided by the recommendations set out in BS5837 (Trees 1) in Relation to Construction). Unless otherwise agreed, all approved tree protection measures are to be installed prior to the commencement of development.

The approved tree protection measures are to be maintained in good condition and observed throughout the construction period. Unless otherwise agreed in writing by the Local Planning Authority, no construction-related activities (for example: storage and/or siting of: vehicles, fuel, materials, site huts or other buildings or ancillary equipment; raising of lowering of ground levels; installation of underground services and drains) may be undertaken within the identified Construction Exclusion Zones and fenced areas. In the event that any tree(s) become damaged during construction, the Local Planning Authority shall be notified, and remedial action agreed and implemented.
- 13) The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 110 litres/person/day. All required water conservation measures installed to achieve this rate shall be retained/upgraded to ensure the required water consumption rate is not exceeded for the lifetime of the development.

End of Schedule