



Appeal Decision

Site visit made on 14 July 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/Y2620/W/25/3362900

**Land adjacent Bertha Bloggs Cottage, King Street, Hunworth, Norfolk
NR24 2EH**

- 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 Mr D Moore against the decision of North Norfolk District Council.
 - The application Ref is PF 24/1219.
 - The development proposed is described as 'four new dwelling houses in traditional Norfolk vernacular style'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the Council's decision notice differs from that on the application form. However, the appeal form states that the description of development has not changed from that on the application form. I have therefore taken the description of development from the application form.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the proposed development, with particular reference to the spatial strategy in the development plan, the accessibility of services and facilities and policies concerned with development in areas at risk of flooding;
 - Whether the proposed development would incorporate an adequate mix of dwellings;
 - The effect of the proposed development on the significance of the Hunworth and Glaven Valley Conservation Areas;
 - The effect of the proposed development on the living conditions of the occupants of Riverbank and the future occupants of Plot 3, with particular reference to privacy;
 - Whether adequate information has been submitted to consider the effects of the proposed development on biodiversity; and
 - The effect of the proposed development on highway safety, with particular reference to parking.

Reasons

Spatial strategy

4. In seeking to recognise the rural character of North Norfolk, prevent car dependency through a dispersal of dwellings in rural areas and guide the location of development through a settlement hierarchy, Policy SS1 of the Core Strategy (CS)¹ seeks to proportionately concentrate development in a list of existing settlements. It states that development in the countryside will be restricted to particular types. The appeal site is located in the countryside as defined in the CS.
5. Policy SS2 of the CS identifies the development types that can occur in the countryside in a closed list. The appeal scheme would not be any of the development types listed in Policy SS2.
6. Accordingly, the appeal site is not a suitable location for the appeal scheme when applying the spatial strategy in the development plan. This would be harmful given the public interest in having a planning system that provides consistency and direction on account of being genuinely plan led.

Accessibility of services and facilities

7. The facilities within Hunworth, which I understand include a church and village hall, are within a comfortable walking distance² of the appeal. There are no streetlights or pavements, but this is neither necessary nor desirable along a quiet rural lane such as King Street, which is lightly trafficked by slow moving vehicles. There is also a public house at Hunworth, but I understand that this is currently closed. The appeal site is therefore well placed for future occupants to access what facilities there are nearby. However, given the sparsity of provision, future occupants would need to travel frequently, probably a few times a day, to larger settlements to meet every day needs such as shopping, leisure, employment, education and health.
8. The nearest settlements with a collection of facilities are Briston and Holt. However, neither are a comfortable walk on account of the distance and the speed of traffic on interconnecting roads. Cycling may be an option, but this would require a level of fitness, confidence and proficiency that future residents may not possess, especially on 60mph roads. Moreover, they simply may not have a bike and there is no travel plan in place to facilitate purchasing one. As such, this mode of travel cannot be relied upon.
9. There is a reasonably regular bus service, when considered in a rural context, linking Hunworth with Briston, Fakenham, Holt and Sheringham. However, public transport is a secondary consideration in the movement hierarchy to only be facilitated so far as possible³. Indeed, travel by bus is not active travel, can cost money to use, releases carbon emissions and its long-term provision is outside the control of the traveller, thereby effecting their resilience to change. Moreover, in an affluent area such as this car ownership is likely to be high and this would probably suppress the desire or need to use public transport.
10. Considering the foregoing, it is highly unlikely that future occupants of the appeal scheme would travel regularly by sustainable modes. Indeed, car use would be

¹ North Norfolk Core Strategy 2008

² Which I have taken to be up to 800m, as defined in the National Design Guide

³ See Paragraph 117 of the National Planning Policy Framework

high. As a result, future residents would not glean the health benefits of active travel and carbon emissions would soon add up. Sustainable transport would not be *prioritised*, as per Paragraph 115 of the National Planning Policy Framework (the 'Framework'). Even when accounting for the rural setting, this is a particularly unsustainable location for housing in terms of access to services and facilities. The proposal would also be at odds with Local Transport Plan 4 Strategy 2021-2036, which seeks to locate development in locations with good links to local services to reduce traffic and ensure greener solutions.

11. In conclusion, the appeal site is not a suitable location for the appeal scheme when considering the accessibility of services and facilities by sustainable modes of transport. The proposal is therefore at odds with Policies SS4 and CT5 of the CS, which seeks to secure development which is located to reduce carbon emissions and maximise sustainable forms of transport.

Flood risk

12. Paragraphs 173 and 174 of the Framework explain that to avoid flood risk to people and property, a sequential, risk-based approach to the location of development should be taken to flood risk from all sources, and that this should be done by applying the sequential test. This is also set out in Policy EN10 of the CS.
13. Paragraph 175 of the Framework states that the sequential test should be applied in areas at risk of flooding from any source, although there are exceptions to this. These being situations where a site-specific flood risk assessment (FRA) demonstrates that no built development within the site boundary, including access and escape routes, land rising or potentially vulnerable elements, would be located on an area at risk of flooding from any source.
14. In respect of flood risk, the appellant submits that he has never seen flooding at the appeal site. However, this is not a robust assessment, especially as it does not take climate change into account. A map or plan indicating the local flood risk is not before me, but there does not appear to be any dispute between the parties that at least part of the site is in Flood Zone 3 as defined and confirmed by the Environment Agency. Consequently, the *area* is at risk of flooding, and it has not been demonstrated through an FRA that no built development would be located on an area at risk of flooding from any source.
15. Accordingly, the proposal could in full, or in part, be at a high risk of flooding and this risk has not been adequately justified through the absence of sequentially preferable sites considered in a logical and robustly identified sequential test area⁴. The proposal would therefore be contrary to the Framework, which aims to sequentially direct development away from areas at risk of flooding to avoid flood risk to people and property. Indeed, it instructs that development should not be allocated or approved if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Environment Agency has objected to the proposal in the absence of an FRA.
16. In conclusion, the proposal would be at odds with Policy EN10 of the CS and the flood risk policies in the Framework. Thus, the appeal site is not a suitable location for the appeal scheme when considering policies concerned with development in areas at risk of flooding.

⁴ Nor has the exception test been applied, which would be engaged if the sequential test is passed.

The effect on the significance of the conservation areas

17. The Glaven Valley is a very attractive area of countryside focused on a chalk stream and its tributaries. The local building materials are predominantly flint, soft red brick and pan tiles. The valley is verdant and connects several small villages before culminating at the coast near Cley next the Sea.
18. Hunworth is typical of the villages in the valley being a historic settlement characterised by a concentration of fine period buildings. Many are well preserved despite some unfortunate alterations, especially to the fenestration. Indeed, the buildings have largely retained a strong sense of local distinctiveness on account of their materials and period proportions. They are pleasantly situated around a central green or along rural lanes that radiate out. These lanes incorporate hedges, mature trees, river side meadows and arable fields. There are no modern estates or cul-de-sacs at Hunworth although there are a handful of modern infill properties. The deeply rural atmosphere of the village, the traditional architecture and its form and grain are very important aspects of its character. The conservation areas therefore have historic, architectural and aesthetic significance.
19. King Street is one of the lanes that radiate out from the village green. In broad terms there are three clusters of development along it. The first is around the junction with The Green, the second south of the Common Road junction and the last around the Hunworth Road junction. Each cluster has a rural character on account of roadside hedges, the narrow width of the lane and because they are separated by fields and meadows on both sides of the road. King Street is an important, attractive and characterful part of the conservation areas.
20. The appeal site is part of the second cluster. The southern side is formed by pleasant housing finished in a soft red brick and pantile roofs. They date from the first half of the 20th Century and are set behind generous well vegetated gardens. These properties respond positively to the rural character of the lane but less so to local building traditions. The rest of the cluster is formed by older properties in the traditional flint and brick finish also with pan tiled roofs. The scale is more variable, and Betha Bloggs Cottage has an untypically deep rear extension. The appeal site is a woody area that provides a pleasing gap in the street scene and a spatial and visual connection with the woodland along the river. It contributes positively to the rural character and appearance of the conservation areas and their significance.
21. The appeal scheme would seriously erode the contribution the appeal site makes to the rural character and form of the conservation areas in its undeveloped woody condition. Furthermore, the development would incorporate four houses of a similar size and scale with garages, driveways, an engineered highway access and turning heads. The proposal would therefore be a small and incongruous suburban style development out of character with the rural appearance and grain that is so important to the conservation areas and their landscape setting.
22. The proposal would incorporate a flint and brick finish with pan tiled roofs. Conditions could be imposed to secure appropriate materials, mortar mixes and brick bonds. However, the houses would have wide gable spans, complicated forms and awkward details, such as the oddly proportioned lean-to porches and garages, odd chimney positions away from the main ridge and/or ad hoc window placement. Moreover, without street scene elevations it is unclear how the scale of the buildings would sit alongside the existing modest period properties in the

cluster. The attempt to replicate a period style, although laudable, lacks sufficient integrity and would not mitigate the impact on the conservation areas.

23. Considering the foregoing, the proposal would result in less than substantial harm to the significance of the conservation areas within the meaning of the Framework. It would be towards the upper mid end of this scale. In such circumstances, the Framework requires clear and convincing justification for any harm. This can be achieved if the public benefits of the scheme outweigh the harm to the conservation area(s). In calibrating this balance, the Framework states that conservation areas, as designated heritage assets, are an irreplaceable resource that should be conserved for existing and future generations and that great weight should be given to their conservation. Conservation in this context means sustaining and enhancing significance. This is synonymous with the considerable importance and weight that must be given to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area⁵.
24. The appeal scheme would deliver housing at a point in time when the Council cannot demonstrate a five-years supply, and the shortfall is quite large being less than four years. There would also be economic benefits from the proposal. However, the contribution in these respects would be modest on account of the small scale of the scheme. The future occupants of the proposal could add modestly to the vitality of the local community. Indeed, the houses may be occupied by families with children, but that cannot be guaranteed. It has also been suggested that the proposal would benefit self-builders, but the scheme is not described as such in the description of development and there is no planning obligation to make sure this is the case. It is also very unclear whether the first occupants would have (or have had) primary input into the design and therefore whether the scheme even meets the definition of a Custom and Self Build development⁶. The public benefits of the proposal carry moderate weight. This is not of sufficient force to outweigh the great weight I afford the harm.
25. In conclusion, the proposal would harm the significance of conservation areas. The character or appearance of the conservation areas would not be preserved. This harm is not outweighed by public benefits and therefore a clear and convincing justification has not been demonstrated. The proposal is therefore at odds with Policies EN2, EN4 and EN8 of the CS as well as the relevant heritage policies in the Framework.

Mix of dwellings

26. The CS explains that the Strategic Housing Market Assessment (SHMA) identifies a preponderance of larger, detached dwellings in the existing housing stock and a higher-than-average proportion of households in higher council tax bands. This can hamper first time buyers, the mix of communities, the ability to downsize and general affordability of housing. The SHMA referred to is probably very dated now, but I have seen nothing to suggest housing mix is no longer an issue in the district.
27. In response to the findings of the SHMA, Policy HO1 of the CS seeks to secure a greater mix of homes. Accordingly, on schemes of three or four dwellings, at least one dwelling shall comprise not more than 70sqm internal floor space and

⁵ See Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

⁶ See Paragraph: 016 Reference ID: 57-016-20210208 of the Planning Practice Guidance

incorporate two bedrooms or fewer. The inclusion of a maximum square meterage is helpful as otherwise very large two-bedroom properties, perhaps with bedrooms labelled as 'offices' or such like, could be applied for. The approach is consistent with Paragraph 63 of the Framework.

28. The appeal scheme is for four market homes and does not include a smaller two-bedroom property of not more than 70sqm. The proposal therefore fails to provide an adequate mix of homes contrary to Policy HO1 of the CS.

The effect on living conditions

29. Plot 1 would be adjacent to the amenity space at Riverbank and will feature two windows on the first floor of the west elevation. These windows will serve a bedroom and therefore overlooking of Riverbank would occur. However, there is also a window facing south making the bedroom dual aspect. As a result, the windows facing Riverbank could be removed from the scheme to prevent actual or perceived overlooking. This could have been done through the imposition of a condition had the scheme been otherwise acceptable.
30. However, first floor bedroom windows at Plot 1 would face the rear garden of Plot 3. The rooms would all be, or need to be, single aspect. The outlook from the relevant windows would be close to the plot boundary and elevated. The impact on privacy at Plot 3 would harm the living conditions of the occupants of this property contrary to Policy EN4 of the CS, which seeks to secure developments which provide acceptable residential amenity for the occupiers of new dwellings. This is consistent with Paragraph 135 of the Framework.

The adequacy of information relating to biodiversity

31. As explained above, the appeal site has an edge of wood character due to the tree coverage and other woody species and shrubs. There also seems to be small areas of grass. The site adjoins a tributary of the River Glaven and at least part of it is within its flood zone. The Environment Agency have confirmed that the tributary is a priority habitat on account of being a chalk stream. There is also a roadside hedge and areas of long grass. The site is close to Hunworth Common County Wildlife Site, which is deciduous woodland and priority habitat. The appeal site therefore includes habitat that could support protected species, including bats, nesting birds, reptiles and amphibians⁷. River pollution from the proposal during construction or occupation could also affect several species of fish⁸. Protected species could therefore be present and effected by the proposal.
32. A preliminary ecological appraisal should therefore have been undertaken, perhaps with further surveys following this assessment. In the absence of this information the impact on biodiversity is unknown. Paragraph 192 of the Framework, via Circular 06/2005⁹, explains that surveys can only be left to a condition in exceptional circumstances, of which there are none in this instance.
33. Consequently, the proposal would be at odds with Policy EN9 of the CS, which states where there is reason to suspect the presence of protected species, applications should be accompanied by a survey assessing their presence and, if

⁷ See standing advice from Natural England

⁸ Sea/brown trout, brook lamprey, bullhead, roach, pike and eel

⁹ Paragraph 99

present, the proposal must be sensitive to, and make provision for, their needs. Policy EN9 is consistent with Paragraphs 187 and 192 of the Framework.

Highway safety and parking

34. Policy CT6 of the CS seeks two car parking spaces for 2–3-bedroom properties. This mirrors the Local Highway Authority's (LHA) published guidance, 'Parking Guidelines for new developments in Norfolk'. As set out within the guidance, the garages under 7m x 3m (internal dimensions) are excluded as a parking space because they would not fit a car and leave space for storage.
35. The proposed garages have been measured by the LHA as being smaller than the 7m x 3m standard. Consequently, to meet the necessary parking standards it would be necessary to include the driveways and turning areas as parking spaces. If these areas are used as parking spaces, then occupants and visitors to the development, including service vehicles, could be prevented from turning off road. This would necessitate a reversing manoeuvre into the highway.
36. This would be undesirable, but I am not satisfied that the risk to highway safety justifies dismissing the appeal in this instance. This is because the risk would be very minimal due to the slow speed of vehicles, the apparently low level of traffic and the reasonable forward visibility. The latter would allow users of King Street, including cyclists and pedestrians, to react to vehicles edging out of the site in a reversing gear. It has not been demonstrated that emergency vehicles would need to enter the appeal site, and I am also mindful that other driveways nearby have operated without space for off road turning without any accidents. In this instance, it seems to me that the absence of suitable off-road turning is more a matter of convenience for future occupants rather than having an unacceptable impact on highway safety. Indeed, in a rural area such as this the balance is against heavily engineered solutions. Thus, a conflict with Policy CT6 of the CS would not occur.

Other Matters

37. The extent of the amenity space proposed for Plot 4 is unclear. If it were to exclude the area annotated as including existing trees, then the amount and shape of amenity space would likely be unacceptable. However, this was not a reason for refusal despite being raised as a concern in the Officers report. As such, I have not considered the matter further given my other findings above.
38. Similarly, I have not considered the other concerns raised by interested parties and matters relating to Biodiversity Net Gain¹⁰ further as the appeal has failed for other reasons. As I am not minded to permit the scheme, there is no need to consider the effect on Habitat Sites (pursuant to the Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy).
39. There is some indication that the proposed houses would be occupied by the appellant's children who would otherwise struggle to afford to live in the area. Whilst sympathetic to this point, such personal matters are not sufficient to outweigh the cumulative harm identified above, not least because exceptional circumstances have not been demonstrated to impose a personal permission on a permanent building¹¹. I understand that planning permission is being sought for new housing close to the public house in Hunworth, presumably as a departure

¹⁰ The self-build nature of the proposal has not been secured through planning obligation and thus the exemption does not apply

¹¹ Paragraph: 015 Reference ID: 21a-015-20140306

from the development plan given the provisions of the spatial strategy. The details are not before me, but as a decision is still pending there is no risk of my decision being inconsistent with that of the Council in respect of this alternative site.

40. The Council are currently in the process of preparing a new local plan, but I have seen nothing to suggest it is at a stage of preparation where the draft policies should be afforded meaningful weight as a material consideration. The appellant has suggested that the proposal would come within the concept of affordable housing because the land is being purchased cheaply, and a local builder will work without charge. The evidence before me does not demonstrate that this has been secured and nor does it demonstrate the proposal would meet the definition of affordable housing in the Framework and be retained as such.

Planning Balance and Conclusion

41. The proposal would be at odds with the development plan taken as a whole despite me finding no harm to highway safety. A proposal should be determined in accordance with the development plan unless material considerations, such as the Framework, indicate otherwise.
42. Paragraph 11d) of the Framework is engaged because the Council is currently unable to demonstrate a five-year housing land supply. However, for the reasons already outlined the proposal would be at odds with the policies in the Framework that protect areas of assets of particular importance, in this instance designated heritage assets and areas at risk of flooding. Thus, the application of these policies provides a strong reason for refusing the proposal pursuant to Paragraph 11 d(i) of the Framework. Accordingly, the 'tilted balance' in Paragraph 11d(ii) is not engaged in this instance. Even if it were, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
43. I therefore conclude that the proposed development would be contrary to the development plan and there are no other considerations, including the benefits of the scheme and the provision of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

Graham Chamberlain
INSPECTOR