



Appeal Decision

Site visit made on 28 July 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 Aug 2025

Appeal Ref: APP/U2615/D/25/3361638

Burghwell Lodge, Market Road, Burgh Castle, Norfolk NR31 9EN

- 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 Dick Smith against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/24/0950/HH.
 - The development proposed is extension to existing house and development of garage/office and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to the emerging Great Yarmouth local plan (eLP) which is at Regulation 22 stage. Whilst the Council have provided information on what weight they consider should be applied to the emerging policies, I have limited information regarding the status of the emerging plan such as any interim findings or main modifications. Given the lack of certainty over the final form of the emerging policies, I afford the eLP limited weight.
3. I am aware that there is an emerging neighbourhood plan for Belton with Browston, Burgh Castle and Fritton with St Olaves (eNP). I am advised it has passed through examination with a recommendation that it should advance to public referendum, with minor modifications. Given the advanced stage, I afford the eNP significant weight.
4. In the appellants statement of case, several appendices were missing. The appellant was given an opportunity to re-submit these, however these were not forthcoming. The appeal has been determined based on the information before me at the time of my decision.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area which includes the setting of the Broads and the setting of the Halvergate Marshes Conservation Area (CA) with regard to the overall scale, form and design of the building,
 - the dark skies of the area; and,
 - protected species with particular regard to bats.

Reasons

Character and appearance

6. The appeal site consists of a modest, two-storey detached building with pitched roof on the north side of Market Road. It is constructed in brick with partial render to the front and rear and has undergone various extensions, including a flat-roof dormer. Due to its exposed and prominent position with only limited sporadic surrounding development, the dwelling is highly visible. However, despite its somewhat neglected appearance, its scale and form is unassuming and non-intrusive, reflecting the general character of development in the vicinity, with properties of a modest scale, typically one or two storeys in height with pitched tiled roofs and of traditional design.
7. Open fields lies to the west and east of the appeal site. To the rear, the land slopes away, beyond which are several buildings that have been converted to single storey dwellings. The elevated position of the appeal site affords extensive views of the sparse, open and relatively flat landscape of the Broads, located approximately 200 metres to the north. Given the open, prominent and exposed position of the appeal site it has a strong relationship with the surrounding landscape, which has a strong rural, open character.
8. Although the appeal site is not located in the Broads, it does fall within its setting. A statutory duty under section 85 of the Countryside and Rights of Way Act 2000 requires me to seek to further the purpose of conserving and enhancing the natural beauty of the Broads. Planning Practice Guidance¹ (PPG) confirms that this extends to the setting, where development is proposed outside of but close to a National Landscape. This duty is also reflected in the National Planning Policy Framework (the Framework) which requires great weight should be given to conserving and enhancing the landscape and scenic beauty in the Broads, which have the highest status of protection in relation to these issues. The Framework states that development within the setting should be designed to avoid or minimise adverse impacts on the designated areas. Given the exposed location of the appeal site, it makes an important contribution in views into and out of the Broads from which the scenic beauty of the landscape can be appreciated.
9. The appeal site is also within the setting of the Halvergate Marshes Conservation Area (CA) which lies, in part, to the north of the appeal site. Like the Broads, given the sites prominence, there is inter-visibility between the appeal site and the CA.
10. From my observations and information before me, the significance of the CA is partly derived from the vast, sparse marsh landscape, with limited and generally low rise built form, all of which positively contributes to the rural, open character.
11. The appeal proposal would significantly alter the existing building. The extensive changes would make it appear as a contemporary replacement dwelling. The additional storey and flat-roof design of the main dwelling would noticeably increase its scale and height. The flat roof would make the dwelling appear bulkier, contrasting starkly with the prevailing character of other dwellings in the locality. A large, long vertical window on the front elevation would unduly draw the eye upwards, further exacerbating the tall height of the building.

¹ Ref: 039 Reference ID: 8-039-20250129

12. The vast amounts of glazing on all elevations, including four sets of large bi-fold doors on the rear elevation and glass link to the two-storey, triple bay garage with first-floor office, would make the dwelling prominent during hours of darkness.
13. Whilst the glazed link to the garage/office gives the impression of a separate structure, the scale and massing of the garage/office nevertheless further increases the prominence of the proposal as a whole, appearing as a dominant addition, harmfully eroding the open character.
14. The eNP has identified important local views, one of which is to the west of the appeal site. Given the appeal site's close proximity, the changes to the existing dwelling would be highly noticeable in peripheral views from this viewpoint and would detract from the identified important local view.
15. From the Broads and CA, the incongruous design and increased massing, would unduly draw the eye. It would appear as an overly dominant, insensitive and alien addition within the landscape, eroding the rural character. This would fail to conserve and enhance the landscape and scenic beauty of the Broads and would undermine the significance of the CA.
16. The harm to the CA would be less than substantial, but given the highly visible location of the appeal site, it would be towards the mid-to-high end of the spectrum of such harm. While less than substantial, paragraph 212 of the Framework makes clear that great weight should be given to the conservation of heritage assets. Paragraph 215 of the Framework states that such harm should be weighed against the public benefits of the proposal.
17. There would be some short term employment during construction. The proposal would not be creating an additional dwelling but is deemed to be an executive, luxury property. I have not been directed to any information that suggests there is a shortage or need for such a property in the area. Overall, I find the public benefits limited and do not outweigh the harm to the significance of the CA.
18. I accept that any development here would be naturally prominent due to its exposed and prominent position. However, the incongruous changes to the dwelling, including height, roof-form and extent of glazing, alongside the predominantly buff coloured exterior with timber clad sections, would result in the dwelling appearing highly intrusive and stark within the existing rural landscape. It would not appear sensitive to its rural location, harmfully eroding the rural character of the site and at odds with other properties in the locality.
19. In support of the appeal, the appellant has directed my attention to paragraph 84 of the Framework. This seeks to ensure that the development of isolated homes in the countryside is avoided except in certain specified circumstances, including where the design is of exceptional quality and would significantly enhance its immediate setting and is sensitive to the defining characteristics of the area.
20. There is no dispute that the site lies in the countryside for planning purposes. However, there is sporadic built development in the vicinity of the site and it is only a short distance from the edge of the nearest settlement. I am therefore not persuaded that the site is an isolated location under paragraph 84 of the Framework.

21. Nevertheless, the Framework emphasises the importance of good design generally. Paragraph 139 b) states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standards of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Given my findings above, I find it would not raise the standard of design in the area nor does it enhance or fit in with the surroundings.
22. For the reasons given, the proposal would have an adverse effect on the character and appearance of the area. It would therefore conflict with Policy H9 of the Great Yarmouth Local Plan Part 2 (2021) (LPP2). This requires proposals to maintain or enhance the character and appearance of its immediate surroundings and landscape. It would also not accord with Policy CS9 of the Core Strategy (2015) (CS) which, amongst other matters, requires proposals to respond to the areas distinctive natural, built and historic characteristics, such as scale, form and massing. It would also conflict with Policy 5 of the eNP which requires proposals to have due regard to the heights and rooflines of other buildings in the area and low-profile of other buildings. The proposal would also conflict with Policy CS10 of the CS and Policy E5 of LLP2 which together seeks to ensure proposals conserve and enhance the significance of heritage assets and their settings. There would also be conflict with Policy CS11 which requires the Broads and their settings are protected and enhanced. It would also conflict with Policy 8 of the eNP which requires proposal to be designed such that they avoid or mitigate any harm to key views.

Dark skies

23. Dark skies are an important feature of the Broads which is covered by a dark sky zone and contributes to its natural beauty. Due to the limited amount of development in the vicinity of the appeal site, from my observations, the site appears to be within a naturally dark area.
24. The proposal incorporates a significant amount of glazing and external lighting with approximately 32 external downlights. Bat friendly bollards and under soffit-LED fixtures have been utilised in an attempt to minimise light spill. Nonetheless, during hours of darkness, the extent of illumination sources would make the building highly conspicuous within the wider landscape and from within the Broads. The introduction of inappropriate lighting within the setting of the Broads would have an adverse effect on the dark skies of the Broads.
25. Although the appeal site itself is not covered by a dark sky zone, I consider that the close proximity to the Broads and potential extent of light spill from the glazing and external illumination proposed, would have a detrimental impact on the dark sky quality of the Broads. There is nothing before me to suggest otherwise.
26. I have considered whether a condition could mitigate against the identified harm with regard to lighting, however given the extent of glazing and external illumination incorporated into the design, I am not persuaded that a condition would overcome the harm without substantially altering the proposal, it would thus not be reasonable for me to apply such a condition.
27. Accordingly, the proposal would have an adverse effect on the dark skies by way of light pollution. It would therefore conflict with Policy CS11 of the CS and Policy E4 of LPP2 which, together, seek to avoid harmful impacts on landscapes. It would

also conflict with Policy E6 of the LPP2 which seeks to avoid light pollution and Policy 9 of the eNP which requires proposals to address light spillage and eliminate all unnecessary forms of artificial outdoor lighting.

Protected species

28. Although the county ecologist has not provided a comment on the application, the Council considers that the existing age, roof pitch and location of the property indicates that it has the potential for bat roosts within the roof space and is likely to be close to bat feeding corridors.
29. As bats are a protected species and could be present, they may be affected by the proposal. A preliminary ecological appraisal should have been undertaken, possibly followed by further surveys following this assessment. In the absence of this information, I cannot conclude with any certainty that the proposal would not have an adverse effect on bats.
30. Paragraph 192 of the Framework, via Circular 06/2005, explains that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development, is established before planning permission is granted and that surveys can only be left to a condition in exceptional circumstances, of which there are none in this instance.
31. Accordingly, as the effect of the proposal on bats is unknown the proposal would conflict with Policy CS11 of the CS. This, amongst other matters, seeks to ensure development avoids any harmful impacts on the borough's biodiversity, landscape assets, priority habitats and species.

Other Matters

32. The appellant in support of the appeal has provided several examples of houses from Studio Bark. However, I have very little information on the site specific circumstances of these cases and cannot be sure how comparable they are to this appeal. The example provided at North Wessex Downs states that it would be nestled between two existing dwellings. This is not the case in this appeal. The example of Woodfold Villa appears to have been through an architecture review panel where it had been hailed as an exceptionally competent new neo-classical villa. I am not aware that the appeal scheme has been through such a review, or if it has, any findings from it. These examples therefore do not lead me to an alternate view. In any case, each appeal is determined on its own merits.
33. The appellant considers that a number of fallback positions exist. Firstly, that a two storey upward extension under permitted development is being submitted which they consider would be more harmful than the proposal. They suggest that the proposal would not introduce a height or massing beyond what could be achieved through permitted development. Whilst this may be the case, I have very little information on what a fallback scheme would look like or the status of any submission, thus a full and detailed comparison with the case before me cannot be made. Additionally, there is no substantive evidence before me, such as a lawful development certificate, to demonstrate that if the appeal were to be dismissed that such a development would occur. Thus, I do not find that the fallback position has a greater than theoretical possibility of being undertaken. As a consequence, I find the suggested fallback position to have limited weight in the determination of the appeal.

34. The appellant also states that the site benefits from permitted development rights for outbuildings and garages which would allow a large garage structure to be erected without the need for express planning permission. However, under permitted development there are constraints on building height, such a scheme would likely be lower in height to the garage/office structure proposed and therefore not directly comparable. Again, there is nothing before me as to what such an alternative would look like. Drawing these points together, it is therefore not clear to me that there is greater than a theoretical possibility of permitted development rights being utilised in this instance or that this would amount to development that would be more harmful than the proposal. Accordingly, I attribute little weight to this.
35. It is possible that suitable landscaping could be secured by condition, which could soften the appearance of the proposal. However, given the design of the proposal and prominent location, I am not persuaded this would sufficiently mitigate against the harm. Any new planting would also take a considerable time to mature and cannot be relied upon to remain in perpetuity.
36. The appellant suggests concerns over the design and prominence of the scheme could be mitigated by conditions. In this case, my concerns over the design of the proposal, including scale, form and detailing, are fundamental issues. To leave such matters to conditions could potentially substantially alter the nature of the development proposal. Therefore, I am not persuaded that it would be reasonable to apply such conditions.

Conclusion

37. 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. The appeal is therefore dismissed.

T Bennett

INSPECTOR