



Appeal Decision

Site visit made on 23 July 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal Ref: APP/V2635/W/25/3359931

8 School Road, Heacham, Norfolk PE31 7DE

- 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 Darren Heffer against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 24/01375/F.
 - The development proposed is Demolition of existing dwellinghouse and garage and construction of two dwellinghouses.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing dwellinghouse and garage and construction of two dwellinghouses at 8 School Road, Heacham, Norfolk PE31 7DE in accordance with the terms of the application, Ref 24/01375/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council adopted the King's Lynn and West Norfolk Local Plan (LP) 2021-2040 in March 2025, after its refusal of planning permission. The LP replaces the King's Lynn & West Norfolk Borough Local Development Framework – Core Strategy 2011 and the Site Allocations and Development Management Policies Plan 2016. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my Decision.
3. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version.
4. My attention has been drawn to a previously dismissed appeal at the site¹. Based on the information before me it related to a different description of development. In any event, I have determined the appeal on its own merits.
5. I understand that the site is located within the Zone of Influence for GIRAMS habitats Sites which are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Although not forming part of the Council's reason for refusal, as competent authority I need to consider whether the proposal would be likely to have a significant effect on the integrity of the habitats sites. I return later to this in my decision.

¹ APP/V2635/W/22/3309628 issued 12 May 2023

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site comprises the garden area of No 8 School Road, a detached single storey dwelling located on the corner of School Road and Kenwood Road.
8. The existing property fronts School Road and is set back behind a fence and shallow landscaped area. Its rear garden runs parallel to Kenwood Road, bound by a close boarded fence and gates where the existing vehicular access to the appeal site is located.
9. I observed an eclectic mix of properties within the vicinity of the appeal site. Detached and semi-detached two storey properties are located opposite on School Road. A terrace of two-storey properties, positioned close to the back edge of the pavement, are located opposite on Kenwood Road and bungalows, of varying designs, are present further along Kenwood Road and School Road.
10. The appeal plot is wider than most others in the immediate vicinity of the site, as is the width of the existing property. Furthermore, No 8 has a squat roof form, uncharacteristic of the existing bungalows positioned to the south of the appeal site.
11. The proposed dwellings would be positioned on a similar alignment to that of the existing property. Their set back from School Road and Kenwood Road would retain a shallow front garden that would not be dissimilar to properties located to the south of the appeal site. Accordingly, the position of the proposed dwellings within the plot would not appear incongruous in the streetscene.
12. During my site visit I observed varying separation distances between properties along School Road and Kenwood Road. The appellant asserts that the spacing between the dwellings along School Road range from 2.72m, 3.44m and 5.50m. The proposed dwellings would be off set from the shared boundary thus retaining a visual separation between built form. Furthermore, at the junction of School Road and Kenwood Road the density of built form is greater than residential properties further south and east of the appeal site on the respective roads. Accordingly, for these reasons I do not concur with the Council that the spacing of the proposed dwellings would harmfully disrupt the established pattern and layout of development to the detriment of the character of the locality.
13. Plot sizes in the locality vary. The existing plot is irregular in shape compared to neighbouring plots. Whilst the division of land would result in a reduced rear garden when compared to the existing dwelling, nevertheless, both proposed dwellings would be afforded private external garden spaces, and their overall plot size and layout would not be harmfully discordant with the pattern of development in the locality.
14. For the reasons stated, the proposal would not represent an incongruous layout and built form that would be visually harmful, or alien, to the site and the surrounding area.

15. I therefore conclude that the proposal would not have a materially harmful effect on the character and appearance of the area. On this basis, the proposal complies with Policies LP02, LP18 and LP21 of the LP and Policy 5 of the Heacham Neighbourhood Plan 2022. Collectively, and amongst other things, these policies seek sustainable design of development which respects and enhances local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the settlement.

Other Matters

16. The appeal site falls within the Zone of Influence for multiple European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS'). These include Breckland Special Protection Area (SPA) and Special Area of Conservation (SAC, North Norfolk Coast SPA, SAC and Ramsar, The Wash and North Norfolk Coast SAC, The Wash SPA and Ramsar, Roydon Common and Dersingham Bog SAC, Roydon Common Ramsar, Dersingham Bog Ramsar and Norfolk Valley Fens SAC. The coasts, heaths and estuaries of Norfolk are internationally recognised wildlife assets.
17. The proposed development is for 1 additional dwelling, and as such the number of additional recreational visitors would be limited. However, in combination with other developments, increased recreation without mitigation would result in the significant interest features of the sites being degraded, or lost, and these internationally important areas losing their birds and habitat, and therefore their designations. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on the integrity of the Habitats Sites. I have sought further evidence on this matter and Natural England was consulted.
18. The affected sites are covered by the Norfolk GIRAMS, prepared collaboratively by relevant local planning authorities in conjunction with nature conservation organisations including Natural England. This sets out a strategy for the avoidance and mitigation of recreational disturbance through measures such as site management, visitor education and diversion of activity away from the most vulnerable locations. Arrangements are in place for financial contributions to be sought in relation to proposed residential development, with an appropriate mechanism to secure their expenditure on delivery of avoidance and mitigation measures as set out in the GIRAMS.
19. The evidence indicates that the appellant has made the required contribution. I am therefore satisfied that the contribution secured would appropriately mitigate the likely adverse effects on the integrity of the identified Habitats Sites. Taking account of this mitigation, to conclude the appropriate assessment the proposal would not adversely affect the integrity of Habitats Sites, either alone or in combination with other development.
20. I am therefore satisfied that the integrity of the identified habitats sites would not be harmed by the proposed development. Accordingly, it would be compliant with the LP insofar as it seeks to support Article 6(3) of the Habitats Directive where proposals, including new dwellings, that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas. Nor do I find conflict with the relevant policies within the Framework that protect areas of particular importance

relating to habitats sites. Consequently, there is no clear reason for refusing the development proposed in respect of such matters.

21. The Appellant submits the definition of previously developed land in Annex 2 of the Framework does not exclude the appeal site, stating that the two bungalows would be built on the footprint of the existing dwelling and not in the residential garden. Whilst there may be some overlap of the footprint of the existing property overall, the proposal includes operational development within the garden of the existing property, and I therefore do not concur with that view. Nevertheless, the principle of development is not in dispute as Policy LP02 of the LP seeks to promote windfall sites in settlements such as Heacham.
22. It is agreed between the parties that the Council can demonstrate a 5-year supply of deliverable housing sites as required by the Framework. Under these circumstances, the decision-taking criteria contained in paragraph 14 of the Framework are not engaged. Whilst this is so, the Framework seeks to boost significantly the supply of housing and the ability to demonstrate a 5-year housing land supply should not be seen as a maximum supply.
23. The proposal would make efficient use of the site, making a positive contribution towards the supply of housing. I also acknowledge that the Framework is supportive of small and medium sized sites, such as this, which can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services through additional consumer spending.

Conditions

24. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development, enforceable, precise, and reasonable in all other respects.
25. I have considered the conditions put forward by the Council against the Framework and the Planning Practice Guide (PPG). I have included those which meet the six tests set out in the Framework and reworded, where necessary, for clarity. The appellant has agreed to the pre-commencement condition set out in the conditions schedule below and also to their wording. The circumstances and nature of this proposal mean that these are appropriate and are necessary to make the development acceptable in planning terms.
26. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity.
27. The evidence indicates that the appeal site lies within an area of archaeological potential. Accordingly, it is reasonable and necessary to impose a pre-commencement condition for a scheme of archaeological investigation. Whilst I have merged the Council's suggested conditions, I am satisfied that it captures the same requirements sought by the Council.
28. A condition to secure details of hard and soft landscaping is necessary to help assimilate the development into the area and enhance biodiversity.

29. A condition requiring the submission of external materials of the development to be submitted to and approved in writing by the local planning authority is necessary to ensure a satisfactory appearance. However, as the appeal site is not located within or proximate to a designated heritage asset and given the eclectic palette of materials within the wider street scene, I do not consider it reasonable or necessary to require a sample panel of brickwork to be made available for inspection.
30. The Council has recommended a condition to restrict the occupancy of the additional dwelling to that of a primary residence. The appellant has drawn my attention to a development in the Borough where the Council recently removed the occupancy restriction on the basis that the restriction had a negative impact on saleability of their own flats. Be that as it may, from the evidence before me the description of development differs, as does the locational context of the sites. Accordingly, I am not persuaded that the condition is not applicable in these circumstances. Having regard to Policy 4 of the NP I am satisfied that it is reasonable and necessary to restrict the occupancy of the additional dwelling.
31. The Council has suggested a condition to secure Biodiversity Net Gain (BNG). BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under this framework every grant of planning permission (with a few exceptions) is deemed to have been granted subject to the condition that the biodiversity objective is met. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.
32. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless: (a) A Biodiversity Gain Plan has been submitted to the planning authority, and (b) The planning authority has approved the plan. Accordingly, it is not necessary to set out this condition in the schedule of conditions.

Conclusion

33. For the reasons given above, and having regard to all other matters, I conclude that the development would comply with the development plan as a whole. The appeal is therefore allowed.

R. Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out using only the following approved plans: Dwg no. 1547-23 (Floor Plans, Elevations and Sections), Dwg no. 1547-24 (Site Plan, Location Map and Street Elevations).
3. No development shall take place until: (i) An archaeological Written Scheme of Investigation (WSI) been submitted to and approved in writing by the local planning authority; and (ii) Any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority. The development should be carried out in full accordance with the approved details within the WSI.
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be first agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
5. No development above ground level shall take place until samples of all external materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
6. The additional dwelling hereby approved shall be occupied only as the primary (principal) residence of those persons entitled to occupy it. The occupiers of the dwelling shall be required to provide evidence that they are meeting the requirements of the condition and shall make this information available at all reasonable times to the Local Planning Authority.

*****End of Schedule*****