



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: 14th August 2025

Appeal Ref: APP/Y2620/W/25/3364260

Land to the east of Market Street, Tunstead, Norfolk NR12 8EL

- 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 Broadleaf Group Ltd against the decision of North Norfolk District Council.
 - The application Ref is PF/24/0665.
 - The development proposed is the erection of 3 single storey dwellings with garages, new vehicular access to Market Street, and associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to an emerging Local Plan (eLP) which is at Main Modifications stage, in particular emerging Policy SS 1 which relates to the spatial strategy. I shall come back to this later in my decision.
3. The appeal site falls within the zone of influence for multiple European designated sites, scoped into the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy (GIRAMS). The decision notice contains a reason for refusal relating to the absence of a mitigation payment. As part of the appeal, a unilateral undertaking (UU) was submitted securing a financial contribution to mitigate any adverse effects on the integrity of the Habitats sites. The Council now consider that this reason for refusal is resolved. However, as competent authority, I need to consider whether there would be adverse effects on the integrity of the Habitats sites in accordance with The Conservation of Habitats and Species Regulations 2017. I come back to this matter later in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - whether the location is suitable for the proposed development with regard to local and national policies,
 - whether the proposal would deliver an appropriate mix of housing, and;
 - the effect of the proposal on the living conditions of future occupiers and neighbouring residents with particular regard to privacy.

Reasons

Character and appearance

5. Market Street comprises a mix of single and two-storey properties of varying styles and external finishes that front the road in a strong linear pattern. The properties are modestly sized and well-spaced.
6. The appeal site is an irregular shaped parcel of land that lies behind a row of two-storey detached properties that front the north east side of Market Street. The appeal site is undeveloped, comprising of open grassland and is accessed between two of the existing properties fronting Market Street, where currently a fence and disused stable building is located.
7. A tree-lined driveway would replace the existing stable building and fence. The introduction of a tree-lined driveway would be a pleasant addition, however, the existing stable building and fence, whilst appearing somewhat neglected, are modest structures with the stable building of limited height, and therefore does not have an imposing presence. The stable building and the land are reflective of the rural character of the area. The site as a whole retains a sense of verdancy and contributes positively to the rural character of the village, where the rear boundaries of properties along this part of Market Street form the settlement boundary, beyond which lies undeveloped countryside.
8. Notwithstanding the presence of an access from Market Street which would be within the settlement boundary, the appeal scheme would introduce three significantly large bungalows with no road frontage. The large scale of them arranged around a shared courtyard results in them being positioned close together, with little separation, giving a cramped appearance. These factors would result in the dwellings appearing significantly at odds with the strong linear pattern and modest scale of development seen in the vicinity.
9. I have limited information to substantiate the claim that in order to meet housing growth targets it will be necessary for housing to be built behind frontage dwellings. Whilst there are some limited examples of backland development in the village, including at the Horse and Groom Pub and to the rear of Farringford, these are located further up Market Street and are not a prevailing characteristic of the village. Moreover, the development of the appeal site would extend built form and associated domestication out from the existing settlement boundary to the north east to a greater degree than the other examples of backland development. The presence of the three large dwellings, along with domestic paraphernalia would urbanise the site, harmfully eroding its current undeveloped, rural character, where apart from the modest stable, there is an absence of built form.
10. Despite its backland location, the development would be visible from the access point off Market Street, and from the rear of existing properties that front Market Street. Here, the disproportionate scale of the proposed bungalows, extending beyond the existing strong form of linear development would be readily apparent, appearing harmfully at odds with the scale and layout of surrounding properties within the vicinity.
11. For the above reasons, the proposal would have a significantly harmful effect on the character and appearance of the area. It would therefore conflict with Policy

EN4 of the CS insofar as it seeks high quality development that preserves the character and quality of an area.

Location

12. Policy SS 1 of the North Norfolk Core Strategy (2008) (CS) sets out a Spatial Strategy for North Norfolk. It seeks to direct the majority of new development to towns and larger villages, dependent on their local housing needs, with a small amount of new development focussed on a number of designated Service Villages and Coastal Service Villages. The rest of North Norfolk is designated as countryside where development is restricted to particular types to support the rural economy, meet affordable housing needs and provide renewable energy. Tunstead is not identified under Policy SS 1 as falling under any of the categories of settlement where development would be supported and is therefore identified as countryside for the purposes of the spatial strategy.
13. The supporting text of Policy SS 1 explains that the spatial strategy, amongst other measure, also seeks to reduce the need to travel by car and minimise carbon emissions.
14. Policy SS 2 of the CS clarifies that development in the countryside will be limited to that which requires a rural location and is for one or more of the listed types of development. The appeal scheme does not meet any of the identified exceptions listed under Policy SS 2. Consequently, the proposal would conflict with Policies SS 1 and SS 2 of the CS.
15. Tunstead has a footpath that runs along Market Street which can be used to access the primary school, village hall and pub, but overall has limited services and facilities. Interested parties note that the pub is currently closed, and this is something I observed on my site visit. Whilst Wroxham Barns is located nearby, this has limited shops, generally geared towards tourists and from the information before me, I am not persuaded would meet general day-to-day needs. The village of Hoveton has a greater range of services and facilities than Tunstead but is located approximately 2 miles away. The narrow roads, lack of pedestrian footways and limited street lighting would not make the journeys to these locations appealing on foot or by bike for most users during inclement weather and at night. In addition, there is no indication as to the proximity of bus stops to the site and from the information before me, the service provision in Tunstead appears very limited. Drawing the above points together, I find that the future occupiers would rely on private modes of transportation and it would not be a location where carbon emissions would be reduced.
16. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, taking account of my findings above and, in the absence of any information concerning the frequency of public modes of transport, I therefore consider that it is likely that the majority of journeys would be made by private car and sustainable transport would not be prioritised as per paragraph 115 of the Framework.
17. The Framework at paragraph 83 promotes housing development in rural areas where it will enhance or maintain the vitality of rural communities. Given the very limited services and facilities, that public transport or opportunities for other sustainable modes of travel to other settlements appear to be very limited and the

limited scale of development proposed, I am not satisfied that the proposal would meet this objective in any meaningful way.

18. The appellant has directed my attention to emerging Policy SS1 of the eLP, which is currently at main modifications stage. This policy identifies Tunstead as a 'small growth village.' Part 3 of the emerging policy permits residential development outside the boundaries of these villages, subject to a number of criteria.
19. I accept the appeal site is immediately adjacent to the defined settlement boundary, with the access to the site located within it, meeting one of the criteria of the emerging policy. However, the emerging policy has not yet been adopted, and there is still the possibility that it could change, particularly given the objections raised in respect of Tunstead being included as a small growth village, and considering that public consultation on the main modifications has not concluded. This therefore limits the weight that I can give to the emerging policy.
20. Even if I were to attach more weight, one of the criteria of emerging Policy SS1 requires that proposals are compatible with the form and character of the village and its landscape setting in terms of siting, scale and design. Given my findings on the previous issue of character and appearance, where I have found significant harm would be caused, it would fail to meet this criterion. As all the criteria set out in part 3 of the emerging policy must be met, the proposal would conflict with emerging policy SS 1. It therefore does not alter my conclusions in this regard.
21. In conclusion, the location would not be an appropriate location for housing, contrary to the spatial strategy of the current local plan, with a reliance on private modes of transport. It therefore conflicts with Policy SS 1 and SS 2 of the CS which seek to ensure a sustainable pattern of development and Policy SS 4 which seeks proposals to be located so as to reduce carbon emissions. It would also conflict with emerging Policy SS1 of the eLP.

Housing Mix

22. The CS explains that the Strategic Housing Market Assessment 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. In response to this, 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 incorporate two bedrooms or fewer.
23. The proposed scheme would deliver three detached, 4 bedroom properties well in excess of the 70sqm floorspace threshold. Consequently, the proposal would conflict with Policy HO1 of the CS.
24. The appellant opines that the site constraints mean that no more than 3 properties can be constructed, and thus the properties need to be large to account for the large plot sizes. However, even accounting for the railway line, I am not persuaded that the submitted layout is the only possible configuration of the site and does not outweigh the policy conflict.

Living conditions

25. The bungalow on plot 1 would be set close to the rear boundary with Meadow View and Orford House. Part of its rear garden would also share a boundary with Hulver House. The elevation closest to this boundary has three windows, one of which would be obscurely glazed. Given the separation distance from the rear of properties on Market Street, the single-storey nature of the development, and the proposed 1.8 metre high boundary treatment, which could be secured by a condition, I consider that the proposal would not result in an adverse impact on the living conditions of the occupiers of these properties with regard to overlooking.
26. Concern has been raised that the two-storey properties fronting Market Street could overlook the rear garden of plot 1. Whilst some overlooking would be possible from the first floor of these properties, this would not be unusual in a residential context. I find that the distance between the properties would be sufficient to ensure that future occupiers would not feel overlooked.
27. The bungalow on plot 2 would be located in the middle of the appeal site with one window in its front elevation. This window, however, would be approximately 38 metres from the rear of the closest dwelling on Market Street. This distance, combined with the intervening boundary treatment, would ensure no overlooking could occur.
28. The bungalow on plot 3 would be set away from the shared boundary, which I observed comprised of a high level fence and hedging. It would also be approximately 20 metres from the rear of the closest property on Market Street. Therefore, the windows on the elevation of the plot 3 bungalow closest to the shared boundary would not result in any material harmful effects on the living conditions of the nearby residential occupiers with regard to privacy.
29. The Council is concerned that there could be mutual overlooking from the rear of the bungalows in plots 2 and 3. The rear of the bungalow in plot 3 is set noticeably forward from the rear elevation of plot 2. This staggered arrangement, along with appropriate boundary treatment, which could be secured via a condition, would ensure that no adverse overlooking could occur.
30. On this main issue, I conclude that the proposed development would not unacceptably harm the living conditions of the neighbouring residents or future occupiers of the proposed development. It would therefore accord with Policy EN4 of the CS, insofar as it seeks to ensure proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers, and that new dwellings should provide acceptable residential amenity.

Other Matters

31. Comments from interested parties have raised concerns including, but not limited to the following: highway safety, flooding, drainage, parking noise and light pollution. However, these matters were considered by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. As I am dismissing the appeal, there is no need for me to pursue these matters further.

32. An absence of objections from statutory consultees does not in itself mean the proposal is acceptable. The appeal has been determined based on the development plan, material considerations and the evidence presented.

Habitat sites

33. The site lies within the Zone of Influence of a number of European designated sites, including Broadland Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar; Breydon Water SPA; Great Yarmouth North Denes SPA; Norfolk Valley Fens SAC; Winterton-Horsey Dunes SAC; North Norfolk Coast SAC, SPA and Ramsar and The Wash & North Norfolk Coast SAC.
34. New residential properties could affect these sites through pressure for increased recreational use. The GIRAMS aims to deliver strategic mitigation necessary to avoid likely significant effects from planned residential and tourism growth. The GIRAMS sets out a tariff for certain types of new development in order to contribute to the mitigation of any adverse effects.
35. In addition, the site lies within the Nutrient Neutrality Zone of the Broads SAC and Ramsar where proposed development must provide evidence that it will achieve nutrient neutrality. New residential dwellings have the potential to lead to an increase in additional nutrients reaching the Broadland RAMSAR site due to the implications of foul and surface water drainage systems.
36. The appellant has submitted a UU which secures a financial contribution under the GIRAMS scheme to mitigate any adverse effects on the integrity of these Habitats Sites. A second UU has also been submitted which seeks to ensure that nutrient mitigation is undertaken prior to occupation of the dwelling.
37. Had I been minded to allow the appeal it would have been necessary for me 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 does not turn on this issue and it is therefore not necessary for me to undertake an AA or consider this matter, including the unilateral undertakings, further.

Planning Balance

38. The Council acknowledges that it cannot demonstrate a five year housing land supply. In these circumstances footnote 8 of the Framework establishes that the policies most important in the determination of the appeal are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in 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.
39. The proposal would deliver a net gain of 3 dwellings on a small site. The Framework recognises that such sites can make an important contribution to meeting the housing requirement of an area and can be built out relatively quickly. There would be some benefit to the local economy during the construction phase of the development, and subsequently from future occupiers in terms of supporting

services and facilities in the wider local area. Given the scale of the scheme however, these benefits would be limited and as such attracts moderate weight.

40. The scheme would introduce measures to deal with drainage issues at the site, this weighs in favour of the scheme.
41. The proposal would not have an adverse effect on the living conditions of neighbouring occupiers, however an absence of harm weighs neither for nor against the proposal.
42. The proposal would not accord with the required housing mix for a site of 3 dwellings, in conflict with Policy HO1 of the CS. Although deemed out-of-date, this policy is consistent with section 5 of the Framework, which seeks to ensure the needs of groups with specific housing requirements are addressed. As such I attribute significant weight to the policy conflict.
43. Despite the introduction of a tree-lined driveway, I have identified significant harm to the character and appearance of the area due to the siting and scale of the proposal. This weighs significantly against the scheme, especially as paragraph 11(d)(ii) requires me to have particular regard to securing well-designed places.
44. The Framework sets out at paragraph 110, that development should be focussed on locations that are sustainable through limiting the need to travel and offering a genuine choice of transport modes. The paragraph goes on to recognise that opportunities for sustainable transport will vary between urban and rural areas. Nonetheless, as I have found occupants would be largely reliant on their private cars, the proposal would conflict with this paragraph as well as paragraph 115 of the Framework, and this is a matter which weighs against the proposal.
45. Considering the above, in the particular circumstances of this case, I have concluded that the proposal would not be a suitable location for housing, would not deliver an appropriate mix of housing and the proposal would significantly harm the character and appearance of the area. I therefore find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

46. The proposal would be contrary to the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR