
Appeal Decision

Site visit made on 12 August 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/F2605/W/25/3365906

April House, 1 Flowers Lane, Attleborough, Norfolk NR17 1BB

- 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 John Fleming against the decision of Breckland Council.
 - The application Ref is PL/2025/0301/FMIN.
 - The development proposed is Chalet Dwelling (Self Build) and new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form is 'Garden Plot', which describes the appeal site but not the proposed development. I have therefore used the description of development from the Decision Notice which accurately and concisely describes the appeal proposal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide adequate living conditions for future occupiers and the effect of the proposal on the living conditions of occupiers of 1 Flowers Lane, with particular regards to private amenity space;
 - whether appropriate measures have been taken to mitigate the recreational impact of the development on protected sites; and
 - the effect of the proposal on flood risk.

Reasons

Character and appearance

4. The appeal site forms the side garden area of the existing dwelling and is in a residential area that predominantly consists of detached bungalows and two-storey dwellings. The dwellings along Hargham Road immediately to the north of the appeal site are set back from the street with landscaping or driveways to the front. The appeal site is on a prominent corner plot, and the existing side garden area provides a pleasing sense of openness that contributes positively to the character and appearance of the area.

5. The new dwelling would encroach onto the open space and result in the loss of the side garden area which, together with the significant projection of the new dwelling forwards of the predominant building line along Hargham Road to the north of the site, would substantially and detrimentally reduce the feeling of openness. This would be emphasised by the site's prominent corner plot location, and consequently the proposed dwelling would not integrate harmoniously with the surrounding area.
6. For these reasons I conclude that the proposed dwelling would cause harm to the character and appearance of the area. The proposal would therefore be contrary to Policies COM01 and GEN02 of the Breckland Local Plan (2023) (LP), insofar as they require for development to be of a high-quality design which respects the character of the surrounding area and to integrate with a high degree of compatibility with the surrounding area.

Living conditions

7. Owing to the layout of the properties within their plots, the rear garden areas of both the proposed and existing dwellings would be modest in size with limited depth to the rear boundary. For the proposed dwelling, the modest size of the outdoor private amenity space would unlikely be of a sufficient size for everyday use when typical garden paraphernalia and associated uses for a four-bedroom house are taken into account. Although there is nothing in the evidence before me regarding the number of bedrooms in the existing house, for similar reasons I am not convinced that the remaining outdoor private amenity space for the existing dwelling would be of a sufficient size for the occupiers of the property.
8. I therefore conclude the proposal would fail to provide adequate living conditions for future occupiers of the property and would cause harm to the living conditions of occupiers of the existing house, as a result of insufficient outdoor amenity space. Consequently, the proposal would conflict with LP Policy COM03, which requires the provision of adequate levels of amenity for future occupants and for development to not cause unacceptable effects on the residential amenity of neighbouring occupants, including with regards to usable private amenity space.

Protected sites

9. The Council states that a Unilateral Undertaking (UU) is required to secure contributions to mitigate the recreational impact of development on protected sites, and that an administration and monitoring fee is also required to be paid. I have no evidence before me to demonstrate that a UU has been submitted or that the administration and monitoring fee has been paid. Therefore, I cannot be certain that the recreational impact of development on protected sites has been mitigated.
10. The proposal would therefore conflict with LP Policy ENV02, insofar as it seeks to ensure the protection and enhancement of the site's nature conservation and / or geological interest.

Flood risk

11. The appeal site is within Flood Zone 1, however it lies within an area potentially affected by surface water flooding. Footnote 63 of the National Planning Policy Framework (the Framework) states that a site-specific flood risk assessment (FRA) should be provided for development in Flood Zone 1 where land has been

identified in a strategic flood risk assessment as being at increased flood risk in the future. A FRA was submitted with the appellant's appeal submission although it is unclear whether this was available to the Council during the original application. Nevertheless, the Council has had the opportunity to comment on the FRA in their appeal submission, and as such I do not consider the Council would be prejudiced by my consideration of the FRA in this appeal.

12. The FRA states that the finished floor level would be 300mm higher than the surrounding ground level. However, it is unclear whether this has been incorporated into the proposed drawings as the proposed elevations show the bottoms of the front entrance door and the rear bi-fold doors to be at the same level as the surrounding ground level, with no step up into the property. Consequently, and although a sustainable drainage system could be secured by a condition, I am not satisfied that the FRA adequately demonstrates that the proposed building would not be at risk of flooding.
13. In this event, paragraphs 173 to 175 of the Framework require a sequential test to be undertaken, in order to steer new development to areas with the lowest risk of flooding from any source. A sequential test has not been provided as part of this appeal.
14. For these reasons, it has not been demonstrated that the proposed dwelling would not cause unacceptable harm to future occupiers with regards to flood risk. The proposal would therefore conflict with LP Policy ENV09, which requires development to be located to minimise the risk of flooding.

Other Matters

15. The Council does not raise any concerns regarding the location of the site with regards to local services and public transport links, traffic, pollution and parking provision. Based on the evidence before me I have no reason to disagree. However, these would be neutral factors in this case.

Planning Balance and Conclusion

16. The proposal is for a self-build dwelling however I have no mechanism, such as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), before me to secure the new dwelling as a self-build property. I therefore attach limited weight to the self-build benefits.
17. The appellant states that the Council's five-year housing land supply has been lost. However, no substantive details or evidence in this regard have been provided. Whilst paragraph 61 of the Framework refers to significantly boosting the supply of housing, the provision of one additional unit would make a small meaningful difference. There would also be a small social benefit in providing an extra housing unit. Economic advantages would also arise from the construction and occupation of a new house. However, the harms identified above would be significant and as a result the environmental role of sustainable development would not be achieved.
18. Therefore, even if policies for the supply of housing are treated as being out of date, and the paragraph 11(d) of the Framework applied, the adverse impacts of the proposal, set out above, would significantly and demonstrably outweigh the benefits that would flow from the provision of one new dwelling, when assessed

against the Framework taken as a whole. Moreover, for the reasons set out above, the proposal does not constitute sustainable development, which the government is seeking to promote.

19. The proposal therefore conflicts with the development plan as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR