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## Appeal Decision

Site visit made on 12 August 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> September 2025

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**Appeal Ref: APP/L2630/W/25/3361161**

**Springfield Lodge, Bunwell Hill, Bunwell, Norfolk, NR16 1RZ**

- 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 James and Kerry Blackett against the decision of South Norfolk District Council.
  - The application reference is 2024/2448.
  - The development proposed is one detached dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The road fronting the development, and the hamlet within which the site lies are both known as 'Bunwell Hill'. For clarity I have referred to the former as 'the road' and the latter as 'the hamlet' within my decision.
3. The appellants have submitted a completed Unilateral Undertaking (UU), a form of Planning Obligation under Section 106 of the Town and Country Planning Act, 1990, to secure the upgrading of an existing septic tank to a package treatment plant. Through this obligation the appellants seek to provide mitigation works in regard to nutrient neutrality in accordance with their submitted Nutrient Neutrality Mitigation Strategy dated 20 April 2025. The parties have had the opportunity to comment on the content of the UU and I have taken any comments received into account in my decision.

### Main Issues

4. The main issues in this appeal are: -
  - The effect of the proposal on the character and appearance of the site and the surrounding area;
  - Whether the site is a suitable location for a dwelling, having regard to local policy for the provision of housing, with particular reference to access to services and facilities;
  - The effect of the proposal on Protected Sites; and: -
  - The effect of the proposal on the living conditions of the occupiers of Springfield Lodge, with particular reference to privacy.

## Reasons

### *Character and appearance*

5. The appeal site lies within development which stretches along the south side of the road. It lies within the B1: Tas Tributary Farmland Landscape Character Area (the LCA) as identified in the South Norfolk Landscape Assessment: Final Report.
6. Amongst the key features of the LCA are a dispersed settlement pattern, with large, open arable fields with scattered remnant hedgerow trees and small blocks of deciduous woodland.
7. To the front and rear of the site lies open farmland, as is the case with the neighbouring dwellings. These dwellings lie in generous plots, often fronted by mature planting. Setbacks of these dwellings vary, but they generally sit close to the road. There is a notable exception, to the west of the site, where the dwelling identified as 'Termary' on the plans sits back behind its immediate neighbours.
8. The road is, in the vicinity of the site, a single track road, generally bound by hedges and this, the feeling of spaciousness provided by the plot coverage, and the verdant, agrarian nature of the countryside are features which make a positive contribution to the distinctly rural character and appearance of the area and reflect the key features of the LCA.
9. The site is part of the garden of Springfield Lodge, bounded by established mature hedging and trees but with a large gap on the road frontage that provides access. The openness and verdancy of the site make a positive contribution to the features identified above.
10. The proposal would introduce a substantial building into the garden land of Springfield Lodge, undermining the spaciousness of the site and the contribution that this makes to that of the surrounding area. The proposal would also introduce a new break in the hedgerow fronting the road, reducing the verdancy of the area.
11. The building would be set back behind Springfield Lodge and its position corresponds to that of Termary. However, in so doing the built form would encroach further towards the adjacent countryside, reducing openness and undermining the spaciousness of the rural landscape. Further, the increase in depth of built form is in harmful tension with the general pattern of development of the hamlet, with dwellings set close to the road.
12. The proposal would thus act to harmfully undermine the positive features of the site and the surrounding area that I have identified above. This would be readily apparent to persons travelling on the road. In the wider area the proposal would be less visible due to the intervening lie of the land and planting. This limits the effect of the proposal on the character and appearance of the area to its more immediate vicinity but is still harmful.
13. The appellants have mentioned a successful appeal at Ashwellthorpe but has provided no details to support their contention that the cases are directly comparable. I have reached my conclusions on the basis of the evidence before me, including the particular context of the appeal site and its own, individual, merits.

14. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the area, resulting in a moderate level of harm. It would, thus, be contrary to the aims of Policies DM1.4, DM3.5, DM3.8 and DM4.5 of the South Norfolk Local Plan (2015) (the SNLP) and Policies 2 and 7.5 of the Greater Norwich Local Plan (2024) (the GNLP) in as much as together these, amongst other things, seek to ensure that development makes a positive contribution to local character and distinctiveness, respects, conserves and where possible, enhances the landscape character of its immediate and wider environment.

#### *Suitable location*

15. Whilst within the built-up area of the hamlet, the site lies outside of any recognised defined development boundary, as identified within the development plan and is, in planning policy terms, within the countryside.
16. Policy DM1.3 of the SNLP seeks to deliver development in accordance with a sustainable location strategy for new development which restricts development in the countryside outside the defined development boundaries of settlements unless specific development management policies allow for it, or it can be demonstrated that there are overriding benefits in terms of economic, social and environmental dimensions as set out in Policy DM1.1 of the SNLP.
17. Policy 7.5 of the GNLP relates to self-build and custom build windfall housing development outside defined settlement boundaries. This policy makes provision for the development of small scale residential development, subject to certain criteria being satisfied, including that the proposal would not extend the built form of the settlement; respects the form and character of the settlement and would result in no significant adverse impact on the landscape and natural environment; and that the proposal accords with other relevant local plan policies.
18. The appellants consider that the proposal complies with this policy and the Council have indicated that they consider that, were I to allow this appeal, the development could be secured as a self-build home through the imposition of suitable planning conditions. In this instance, I have no reason to disagree with this view.
19. I have already identified, above, that the proposal would extend built form out, away from the road fronting the site, into the more open, rural landscape behind, harmfully affecting the form and character of the area.
20. The proposal would lie in close proximity to other dwellings and would not, therefore, be physically isolated. However, this does not mean that it would be sustainable in terms of access to services and facilities catering for the day-to-day needs of the future occupiers.
21. There is no evidence before me to indicate that the future residents would have access to a bus service within easy walking distance. From the evidence before me, and observations taken during my site visit, the settlement contains none of the facilities and services needful for day-to-day living, such as shops, primary schools, public houses or other community facilities. Whilst these may exist in other nearby villages, such settlements are some distance away, and the intervening roads lack footways and street lighting. These factors, and the likely traffic speeds that pedestrians or cyclists would encounter, would deter travel by such modes to such a degree that I would anticipate that the future occupiers of

the development would be almost entirely dependent on the use of the private car to meet their everyday needs.

22. I recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making, and that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, in this case, given the lack of services and facilities in nearby settlements, it is likely that the support of shops and other facilities will appear in nearby towns.
23. I have thus found the overall level of access to the services and facilities needed for day-to-day living by walking, cycling and public transport are likely to be so limited that future occupiers of the proposal would be almost total reliant on the private car for their transport needs.
24. Whilst a charging point for an electric vehicle could be provided for the dwelling, future occupiers could not be required to use it and so the option of petrol- or diesel-powered vehicles would remain. Therefore, I find the appeal site's location to be inappropriate for new residential development as a result of its dependence on less sustainable modes of transport to access the day-to-day services and facilities that future occupiers would need.
25. Future occupiers would contribute to the local economy through the use of shops, services and facilities, albeit that this will most likely be for businesses found in nearby towns. The proposal would deliver an additional self-build dwelling, constructed to modern standards of carbon and water efficiency, to supplement the Council's supply of homes. It would provide short term benefits to the economy through employment during construction. However, these are limited by the quantum of development proposed.
26. Taken in the round, I find that, when considered collectively, the scheme's harmful impact on the character and appearance of the area, dependence on less sustainable modes of transport and, as will be seen, harm to Protected Sites result in no overriding environmental benefits. Thus, using this location would harmfully undermine the Council's spatial strategy for sustainable development.
27. I therefore conclude that the site is not a suitable location for a dwelling, having regard to local policy for the provision of housing, with particular reference to access to services and facilities. The proposal would therefore conflict with Policies DM 1.3 and DM 3.10 of the SNLP in as much as, together, these seek, amongst other things, to guide new development to sustainable locations, ensure that the countryside retains its distinctive character and ensure that proposals support sustainable transport and development objectives.

### *Protected sites*

#### *Policy*

28. When making their decision, the Habitats Regulations require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of a protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal. An Appropriate Appraisal (AA) must contain complete, precise and definitive findings which are

capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of a protected site.

29. Policy 3 of the GNLP confirms that all new developments should avoid harm to designated assets of the natural environment, having regard to their level of significance (local, national, and international) in accordance with the requirements of the National Planning Policy Framework (the Framework) and relevant policies in other Development Plan Documents and Neighbourhood Plans.
30. The policy further requires that all residential development will address the potential visitor pressure caused by residents of the development that would detrimentally impact on sites protected under the Habitats Regulations through the payment of a contribution towards the cost of mitigation measures at the protected sites.
31. Policy DM4.4 of the SNLP seeks to protect the highest status natural environmental assets from any significant harmful impact arising from new development and requires such development to contribute positively to the improvement of these natural environmental assets where opportunities arise.

#### Recreation

32. In regard to the catchment for recreational activities, there is no dispute between the parties that the proposal lies within the area of influence of one or more Protected European Sites (European sites). I have not been provided with detailed information on the potential recreational impacts of residential development on the protected habitats in the district to reach an informed judgement. However, it is my understanding that South Norfolk Council has resolved to adopt the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) and that its Recreational Avoidance Mitigation tariff requires a contribution for each dwelling to address recreational harm resulting from an increase in the local population. Provision of such a payment should be sufficient to allow me to conclude through an AA that a development will not have any adverse impact, alone or in combination with other development, on the integrity of the habitats site as a result of increased recreational usage.
33. The appellants have stated that they are willing to provide such a contribution, and this would normally be secured through a planning obligation. However, no such obligation has been submitted to me.
34. Negatively worded conditions requiring a planning obligation to be entered into should only be used in exceptional circumstances where there is clear evidence that the delivery of the development would otherwise be at serious risk. There is no clear evidence to suggest that this would be the case in this instance and so, the use of such to secure the Recreational Avoidance Mitigation contribution would be inappropriate.
35. It would typically be necessary for me to consult Natural England to undertake the AA and to assess the effectiveness of any mitigation put forward. However, in the absence of an obligation securing the payment, a consultation with NE would not resolve the matter of an absence of payment.

## Nutrients

36. Natural England (NE) has advised the Council that nutrient pollution is having an adverse effect on habitats sites within the district, namely the Broads SAC and the River Wensum SAC which are protected European sites.
37. The Council has advised that the site is within the catchment of the Broads SAC. NE's 'Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites' (16 March 2022) (NE's advice) confirms the Broads SAC is in unfavourable condition due to excessive nutrients, namely Nitrogen and Phosphorus.
38. NE's advice also confirms, 'In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition.
39. The government's Chief Planner has also advised that where habitats sites are in an unfavourable conservation status and additional nutrient loads, such as from development, may have an adverse effect, proposals affecting such sites should be carefully considered and mitigation should be used to ensure that there are no adverse effects.
40. In addition to the above, the evidence provided indicates that new overnight accommodation has the potential to have an adverse impact on nutrient levels.
41. The appellants have provided a Nutrient Neutrality Assessment and Mitigation Strategy to accompany their appeal. This identifies additional nutrient loading as resulting from the development and proposes the replacement of an existing septic tank currently serving Springfield Lodge with a package treatment plant to mitigate this. On this basis the Council agree that the requirement for nutrient neutrality would be met. However, the Council identified that such mitigation would need to be secured by a planning obligation. The appellants subsequently submitted a UU to secure provision.
42. However, the submitted UU does not make provision for necessary maintenance and monitoring of the proposed solution, nor does it secure mitigation for the required time period over which mitigation must be secured.
43. The UU does not, therefore secure appropriate mitigation and, in the absence of such I conclude that the proposal would adversely affect the integrity of the European protected site, either alone or in combination with other plans and projects.
44. I conclude that the proposal would adversely affect the integrity of the European sites and that this would not be suitably mitigated. The proposal would conflict with the requirements to ensure that there will be no adverse impacts on European sites in Policy 3 of the GNLP and Policy DM4.4 of the SNLP as well as the nature conservation requirements of the Framework and the Habitats Regulations.

## *Living conditions*

45. Springfield Lodge is a modest, single storey bungalow. It has, on its rear elevation, a pair of windows and a pair of patio doors. On its eastern elevation, facing towards the appeal site, there is a large window. I do not know the internal layout of Springfield Lodge, but it is likely that some of these serve habitable rooms. A

patio has been built at the far end of the rear elevation of Springfield Lodge, and this is likely to be the focal point for occupiers of Springfield Lodge to enjoy outdoor leisure.

46. The proposed building would, at second-storey level, contain dormer windows at the front of the property and a side window in the gable end. The dormer windows would serve bedrooms, whilst the one in the gable would serve a bathroom.
47. From these windows it would be possible to see obliquely out towards the windows in Springfield Lodge. However, in the case of the dormers, to do so a person would need to stand right at the window. Even then, the views into the windows are so oblique that persons in Springfield Lodge standing at their window would be unlikely to experience an unacceptable sense of surveillance. Views of the patio from the proposed dormers would be so oblique that any perception of surveillance would be minimal.
48. Having regard to the proposed window in the gable, this would have views over the rear garden of Springfield Lodge and its patio. Views from this window towards the windows of Springfield Lodge would be less oblique and it is possible that a person standing at that window could see, and be seen by, persons standing at the windows of Springfield Lodge or on its patio, and this would increase both intrusive overlooking and the perception of overlooking from the window of the proposed dwelling. However, the window serves a bathroom and the glazing and means of opening could be controlled through a suitably worded planning condition so as to prevent any harmful degree of overlooking.
49. Whilst no details of boundary treatments are shown on the plans, there is scope for suitable landscaping between the proposed dwelling and Springfield Lodge and this could be secured by planning conditions. This would, in time, have potential to increase screening between the two dwellings.
50. I therefore find that the proposal would not have a harmful effect on the living conditions of the occupiers of Springfield Lodge, with particular reference to privacy. It would, therefore, comply with the aims of Policies DM3.5 and DM3.13 of the SNLP in as much as these seek, amongst other things, to ensure a reasonable standard of amenity for existing and future occupiers, having regard to overlooking.

### **Other Considerations**

51. The judgement in *Cala Homes (South) Ltd v Secretary of State* ([2011] EWCA Civ 639) establishes that decision makers can weigh material considerations, such as unmet housing demand and national policy shifts, against outdated development plans.
52. There is no dispute between the parties that the Council is unable to demonstrate a five-year supply of housing land. This appears, at least in part, to be due to the issues around achieving Nutrient Neutrality, given that the catchments for affected Protected European Sites cover a large proportion of the Council's administrative area.
53. This, together with the recent changes in the way housing land supply is calculated, has led to a significant shortfall in the number of dwellings being provided, and of housing sites that can be delivered. The delivery of a single new

dwelling would go a small way towards making up the shortfall, particularly as the dwelling would be self-built to satisfy local need where, historically the Council has underdelivered on its self-build targets, with 776 individuals currently registered and only 334 plots granted, leaving a shortfall of 442 plots. Thus, there would be a moderate public benefit from the proposal.

54. Further, the dwelling would be constructed to modern standards of carbon efficiency, providing a boost to the overall carbon efficiency of housing stock. The proposal would provide benefits through employment in the construction industry and supply chain and the proposal would provide support to services and facilities in the local area. However, given the scale of development these benefits would be limited.
55. The Framework supports the development of windfall sites and of under-utilised land and notes that small and medium sites are often built out relatively quickly. These considerations weigh in favour of the proposal.

### **Final Balance**

56. The proposal would harm the character and appearance of the area because of its design, would undermine the Council's Spatial Strategy by introducing development in a location without access to facilities and services without recourse to the use of the private car, and harmfully undermine the integrity of internationally important habitats.
57. There would be conflict with Policies DM1.3, DM1.4, DM3.5, DM3.8, DM3.10, DM4.4 and DM4.5 of the SNLP and Policies 2, 3 and 7.5 of the GNLP and I have found no policies that provide specific support for the proposal. These policies are in general alignment with the aims of the Framework and therefore can be given great weight in my deliberations. The proposal would, therefore, not accord with the development plan as a whole and this is a matter that counts significantly against allowing the appeal.
58. However, the Government's objective is to significantly boost the supply of homes. Other provisions of the Framework give support to the development of under-utilised sites and observe that small sites can make an important contribution to meeting the housing requirement. In South Norfolk the housing land supply is insufficient. However, I have found harm to Protected Sites, and this provides a strong reason for refusing the proposal. Under these circumstances the presumption set out under paragraph 11d) is not engaged and the presumption in favour of sustainable development does not apply.
59. The policies in the Framework seek to deliver a sufficient supply of homes whilst achieving well-designed places, locating development in locations where it will have access to more sustainable modes of transport and the need to travel is limited, and protect and conserve the natural environment. However, the creation of high-quality places, locating development where there are meaningful options for more sustainable travel and protecting and conserving the natural environment are fundamental to what the planning and development process should achieve; these objectives would not be achieved in this case. Although there is considerable support for new housing in this location, particularly in terms of supplying a self-build home where there is a historic under-delivery, the benefits in terms of the overall position in the District would be modest. In this particular case the harm from the proposal would outweigh its limited benefits.

60. The appellants have brought to my attention a recent appeal decision<sup>1</sup>, where the council's position in regard to the supply of self-build housing was a factor in the appeal succeeding and permission being secured. However, I note that, in that case, the Framework's presumption in favour of sustainable development applied. This is not the case in the appeal before me and so the consideration of the two cases is not comparable.

### **Conclusion**

61. 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.

*I A Dyer*

INSPECTOR

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<sup>1</sup> APP/L2630/W/24/3346313