



Appeal Decision

Site visit made on 26 August 2025

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Appeal Ref: APP/L2630/W/25/3365678

Land West of Low Road, Wortwell, Norfolk, IP20 0HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Teresa Riches against the decision of South Norfolk District Council.
 - The application Ref is 2023/3002.
 - The development proposed is erection of five dwellings, garaging and all associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are
 - whether the site represents an appropriate location for the proposed development,and the effect of the development on
 - the character and appearance of the area;
 - the setting of identified heritage assets;
 - residential amenity, by virtue of noise and disturbance arising from The Bell Inn Public House; and
 - protected species.

Reasons

Spatial Strategy

3. The majority of the site is located outside of the settlement boundary for Wortwell which is split into two separate areas, with the appeal site providing a gap between the two groupings. Policy DM 1.3 of the South Norfolk Local Plan Development Management Policies Document (October 2015) (LP) requires development outside of the defined boundaries of settlements to demonstrate overriding benefits in terms of economic, social and environmental dimensions. Whilst policy DM 3.10 supports sustainable transport and development objectives, utilising all opportunities to integrate with local sustainable transport networks, be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location.

4. Policy 7.5 of the Greater Norwich Local Plan (2024) (GNLP) allows for small scale residential development of up to 3 dwellings for self build and custom build homes (SBCB) on sites that are within or adjacent to settlements with a defined settlement boundary. However, the appeal does not find support from this policy, due to both its scale and that it does not provide for SBCB housing.
5. Therefore, whilst there is a degree of conflict with policy DM1.3, due to the sites location outside of the defined settlement boundary, it is necessary to consider if the benefits of the development would outweigh any identified harm. I will consider this further towards the end of my decision.

Character and appearance

6. The site is located within the Waveney River Valley, which the Council considers is one of the most sensitive landscape areas within the district. The Valley is characterised by small settlements scattered along its length and the dispersed nature of these settlements forms part of the overall landscape character.
7. The existing site provides a visual separation between the two clusters of existing built development and contributes to the open rural landscape, which is experienced beyond the appeal site, within the lower part of the settlement, which is close to the River Waveney.
8. It has been put to me that the site is already partially enclosed by existing hedgerows along Low Road, which would be retained as part of the proposal. However, the openness of the site is evident as you round the corner opposite Tyrell Barn, where uninterrupted views across the site are possible. From this part of Low Road the visual separation of the two clusters of development are appreciable.
9. The proposed development would result in the infilling of the existing undeveloped gap and there would be a degree of urbanisation and countryside encroachment through additional housing. It is these factors taken together which lead me to the conclusion that there is a considerable degree of harm to the character and appearance of the area.
10. Policy DM 3.8 of the LP sets out design principles for development and looks to protect and enhance the environment, whilst Policy DM4.5 requires development to respect and conserve the landscape character of its immediate and wider environment.
11. The development would fail to respect the landscape character and quality of the area and be harmful to the character and appearance of the immediate environment contrary to both policy DM 4.5 and DM 3.8 of the LP.

Heritage Assets

12. Grade II listed The Bell Inn is an early 18th Century house, with a steep gable roof and its significance is derived from its architectural features, along with its physical and historical relationship with the village of Wordwell.
13. Grade II listed Say's Farmhouse is a 17th Century timber-frame house which was encased in red brick in the 19th Century, it has a steep black glazed pantile roof with gabled ends. Grade II listed Tyrells Barn is an 18th century timber frame barn, with a steep pantile roof with gable ends. Both listing descriptions note the

architectural features which contribute to the building's significance, however the rural setting of both Tyrells Barn and Say's Farmhouse would contribute to their historical context.

14. Say's Farmhouse would historically have been the principal dwelling on the site and together with Tyrells Barn form a cohesive historic group. In my view, the significance of Say's Farmhouse is derived from its architectural quality and through forming part of the group of historic buildings which make up the original farmstead.
15. The site is considered to positively contribute to the setting of both Say's Farmhouse and Tyrells Barn and thereby significance of these assets through it providing a landscape which contributes to these assets' appreciation.
16. The introduction of development into the site would have an urbanising effect on the character of the area and lead to an incremental erosion on the setting of The Bell Inn, Tyrells Barn and Say's Farmhouse, by extending development along Low Road into an area which is relatively undeveloped and reducing the open rural character, and the spacing between the two parts of the settlement. The views across the undeveloped site looking back towards The Bell Inn and the intervisibility from the existing footpath which runs along the edge of the appeal site would be compromised as part of the proposed development, such that the appreciation of the historic buildings within an open context would be disrupted.
17. Section 66 (1) of the LBCA Act requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
18. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
19. Nevertheless, the harm would be less than substantial and in accordance with paragraph 214 of the Framework, that harm should be weighed against any public benefits of the proposal. The site would give rise to some economic benefits during the construction phase and I consider that there would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
20. However, these modest benefits are not considered to outweigh the identified harm to which I must attach considerable importance and weight. The proposal would, therefore, fail to preserve or enhance the setting, and thereby the significance of, the designated heritage assets. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
21. I conclude that the development proposed would fail to preserve or enhance the setting of The Bell Inn, Say's Farmhouse and Tyrells Barn, Grade II Listed Buildings. This would be contrary to policy DM 4.10 of the LP and Policy 3 of the GNLP, which sets out that development must have regard to the setting of a designated heritage asset and positively respond to its significance, where less

than substantial harm will only be justified where there are public benefits that outweigh the harm.

Residential Amenity

22. The proposed dwellings would be sited in close proximity to The Bell Inn which has a modest outside area to the side and a moderately sized seating area to the front. The indicative layout indicates how the proposed dwellings would be sited in a linear form across the length of the site with plot 1 positioned closest to the existing public house and its outside seating areas. Between the boundary of the appeal site and the public house a dense planted buffer has been indicated.
23. It has been put to me that the proximity of the proposed development and the existing public house would result in a conflict arising which would be detrimental to the long term viability of the public house, and that the operation of the public house could lead to noise and disturbance to future residents of the proposed development.
24. The appellant has not submitted a noise impact assessment, and as such I have no evidence before me to demonstrate that noise from the public house has been monitored such that acoustic mitigation could be considered as part of the evolution of the indicative layout. The layout is, however, relatively spacious with large plots. As such, if a noise assessment was secured by condition, in order to inform the proposed layout, it would be possible to move plot 1 further from the public house if necessary and to provide acoustic mitigation such as fencing or enhanced glazing.
25. The public house is already relatively close to residential development, with dwellings directly opposite and adjacent to the site. Whilst these are not directly adjacent to the outside seating areas, given their size any noise arising from the use of these is likely to be relatively limited and they are of insufficient size to hold large outdoor events. Furthermore, the Council have not provided any evidence to suggest that noise from the public house has generated complaints to its Environmental Health officers.
26. The Council would also have a degree of control as to how these areas are used as part of the licensing process. The introduction of additional dwellings into the community could also bring broader benefits to the viability of the public house, as new residents may become regular patrons.
27. Therefore, I am satisfied that the proposal would not conflict with policy DM3.13 of the LP, as the outline nature of the proposal offers sufficient flexibility to respond to any mitigation which may be required if a noise assessment were to be secured by condition. The policy requires development to ensure a reasonable standard of amenity in terms of noise and to ensure that the operational needs of the businesses are taken into account where proposals may result in an increase in noise exposure.

Protected Species

28. Paragraph 99 of Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may

be affected by the proposed development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

29. Paragraph 193 a) of the Framework advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less than harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
30. The appellant has provided a Preliminary Ecological Appraisal, October 2023 (PEA). However, the development has the potential to have a detrimental impact on Great Crested Newts (GCN) and Reptiles, species which are protected through the Wildlife and Countryside Act 1981.
31. The PEA recommends that a reptile survey of the site should be undertaken prior to full planning permission being granted and that the district licencing scheme will need to be utilised for GCN.
32. The appellant has indicated that they are content to agree to acquire a district licence and provide the required Impact Assessment and Conservation Payment, however I have not been provided with any evidence to demonstrate that a licence has been applied for or would be granted. In the absence of an impact assessment and conservation payment certificate there is a lack of certainty and that GCN mitigation will be secured.
33. The required reptile survey cannot lawfully be secured by condition and this information is required prior to making a decision, in order that I can be satisfied that the development would not have a harmful effect on protected species. This accords with the Natural England Standing Advice for protected species and development, which sets out that you should not usually attach planning conditions that ask for surveys, as you need to consider the full impact of the development proposal on protected species before granting planning permission.
34. Whilst conditions requiring updated or additional surveys can be useful for outline applications, especially where there could be a delay between granting planning permission and the start of development, this would only apply where an initial survey for reptiles had been carried out.
35. In conclusion, in the absence of sufficient evidence to the contrary, the proposals would potentially cause unacceptable harm to protected species. This would be contrary to Policy DM1.4 of the LP and Policy 3 of the GNLP. For similar reasons, the proposal would not accord with the Framework, including paragraphs 187 and 193.

Other Matters

36. The appeal site falls within an area where recreational impact mitigation measures for The Broads and East Coast Zones of Influence as described in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy (GIRAMS) are required. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on designated sites are compliant with the Habitats Regulations.

37. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete Appropriate Assessments for this scheme. Therefore, whilst the appellant has submitted a unilateral undertaking in relation to these matters, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Planning Balance

38. The Council confirmed it can no longer demonstrate a 5 year supply of deliverable housing land, and accordingly paragraph 11(d) of the Framework is engaged. However, the policies of the Framework that protect areas or assets of particular importance, in this case designated heritage assets, provide a strong reason for refusing the development proposed.
39. However, in this instance policy DM1.3 requires me to consider whether there are overriding benefits in terms of economic, social and environment dimensions as addressed in Policy 1.1. The site is of a scale appropriate to the size of the existing settlement and there is no evidence that highway safety would be compromised, or that local infrastructure would be unable to meet the needs of the development. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
40. In addition, the delivery of houses from this development will result in social benefits. Therefore, noting the scale of the development proposed, I have attributed moderate weight to the delivery of housing in this instance, having regard to its conflict with the policies of the framework.
41. However, the identified adverse impacts of the development, the conflict with the development plan and the adverse impacts to the character and appearance of the area, designated heritage assets and protected species to which I have afforded considerable weight would significantly and demonstrably outweigh the benefits outlined above.
42. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

43. For the reasons given above the appeal should be dismissed.

G Pannell

INSPECTOR