
Appeal Decision

Site visit made on 23 June 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Appeal Ref: APP/L2630/W/24/3356503

Land between The Street and Sandy Lane, Ashby St Mary, Norfolk

- 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 Mrs A Hall against the decision of South Norfolk District Council.
 - The application Ref is 2022/1875.
 - The development proposed is described as development of a single high-quality sustainable dwelling with garaging.
-

Decision

1. The appeal is allowed and planning permission is granted for development of a single high-quality sustainable dwelling with garaging at land between The Street and Sandy Lane, Ashby St Mary, Norfolk, in accordance with the terms of the application, Ref 2022/1875, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of development and site address above from the decision notice and appeal form as they correspond with the draft statement of common ground provided by the appellant.
3. The appellant requested a hearing, however, while some elements of the proposal may be technical or complex matters, I consider these can be determined on the evidence before me, without the need for testing through questioning.
4. The appeal site is located within the Zone of Influence of a number of European designated sites. Whilst not a disputed issue, I have a legal duty under The Conservation of Habitats and Species Regulations 2017 (as amended) to carry out an Appropriate Assessment (AA). I have therefore added this matter as a main issue and will consider it further below.

Main Issues

5. The main issues are
 - whether the proposed development would be in a suitable location for housing with regard to the local development strategy and accessibility to services and facilities;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the integrity of Habitats sites, with particular regard to recreational pressure.

Reasons

Suitable location

6. The site lies outside of any defined development boundary, as identified within the development plan. There is no dispute between the parties that, in planning policy terms, it is within the countryside. As the appeal site is located in close proximity to nearby dwellings, including The Beeches, it is not isolated for the purposes of paragraph 84 of the National Planning Policy Framework (the Framework). Not being isolated for the purposes of the Framework does not however mean that a site is in a sustainable location.
7. Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document (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, or it can be demonstrated that there are overriding benefits in terms of economic, social and environmental dimensions.
8. Policy DM1.1 of the SNLP aligns with the presumption in favour of sustainable development as set out in the Framework. This includes the granting of permission where relevant policies are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against those of the Framework.
9. Policy DM3.10 of the SNLP, amongst other things, states all development should support sustainable transport and development objectives, utilise 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.
10. As part of my site visit, I undertook a visit to Thurton, which had a limited number of services and facilities, including the primary school, village hall, nursery/preschool. There were also bus stops that appeared to be well served by several services. I also took the opportunity to walk along the routes into Thurton, including along Mill Common and the nearby public right of way (PROW).
11. I accept that, in terms of distance, walking/cycling from the appeal site to Thurton would be possible. The PROW close to the appeal site would also be an option but its condition is unlikely to encourage its use year-round. Using alternative routes would also mean future occupiers would have to walk and cycle along roads that are not particularly wide, mostly unlit and lack dedicated footways, cycle lanes or passing places. This is likely to discourage any future occupants of the development from walking or cycling to access these services and facilities on a regular basis. These routes would also be even less attractive for use outside of daylight hours or inclement weather.
12. Given the limited nature of the services and facilities provided in Thurton, a journey to the nearby settlements of Loddon and Chedgrave would be required to meet a broader range of day-to-day needs. It is likely that the future occupiers of the dwelling would be highly reliant on the private car to meet their day-to-day needs thereby resulting in an unsustainable pattern of development. However, whilst these trips would be made by private car, the journeys to meet these needs would

be short, given the relatively limited distances, particularly in the rural context of the appeal site.

13. The proposal would undermine the Council's spatial strategy by locating development in a location without access to support sustainable transport options to meet the day-to-day needs of future occupiers. However, this harm would be limited, to a degree, by the shortness of the private car journeys required and the ability for some to access services on foot and by cycle including the use of the PROW.
14. The appeal decisions cited by both the main parties relate to different locations and do not involve the exact distances to services and facilities as the appeal scheme. Therefore, whilst based on similar issues, they are materially different to this appeal, which I have considered on its own merits.
15. Consequently, the proposed development would not be in a suitable location for development with regard to the local development strategy for the delivery of housing and its accessibility to services and facilities. This would be contrary to SNLP Policies DM3.10, DM1.1 and DM1.3.

Character and appearance

16. The appeal lies within the B3 Rockland Tributary Farmland Character Area (RTFCA) as identified in the South Norfolk Landscape Assessment: Final Report. Key characteristics of the RTFCA include gently undulating landform shelving, opening out views from semi-enclosing landform, large-scale arable farmland with enclosed sunken lanes and rural roads. The RTFCA also has a peaceful, rural, remote quality alongside vernacular appeal due to the small-scale of the settlements and presence of Dutch Gables and unique village signs.
17. The appeal site is located on land associated with an existing dwelling (The Beeches). There are also a small number of dispersed dwellings to the north, south and west of The Beeches of varying styles. The appeal site is primarily an open lawn with scattered trees throughout the area. Two dense belts of trees contain the site to the north and south, concealing much of the site from these directions, including the PROW adjacent to the eastern boundary of the site.
18. The southern boundary is made up of a thin strip of verdant shrubs and trees of varying size, with a publicly accessible track adjacent that opens out onto the fields beyond. The verdant surroundings and agrarian nature of the countryside are both positive and prominent features in the immediate area, which gives the area a distinctly rural character and appearance that reflects the key features of the landscape character area.
19. The proposed design would be for a single dwelling with garaging utilising an existing access onto the site. The scheme is contemporary and architect-designed to exploit the undulating topography of the site and feature a green roof. By virtue of its design and position within the slope, the principal elevation is formed of a wide frontage of glazing facing southeast, which would rise to create a two-storey arch at its centre. The building would also feature solid wall materials consisting of rammed earth and numerous energy saving features as part of its overall design. These features, amongst other aspects of the design would contribute to the outstanding design of the building.

20. The Council has not challenged the claim that the dwelling would promote high levels of sustainability. In the absence of any reference to relevant policies or guidance with measurable standards, and on the basis of the information before me, I am in no position to find other than that the proposal would promote a high level of sustainability.
21. Whilst the development would be sizable, it would not appear as such, as the design would successfully exploit the site topography in order to minimise its scale and bulk. Its design would be overtly modern in its form and materials. Whilst these would contrast with those traditionally found nearby, the proposed development would not materially harm the character and appearance of the area.
22. When seen from the adjacent track to the east it would remain somewhat obscured during winter months given the existing planting and vegetation on the boundary. Nonetheless, even when seen from the track the overriding impression would be of a dwelling that has given careful consideration to the natural environment.
23. For similar reasons, when viewed from The Street the proposal would be harmonious with its surroundings. Moreover, as the site is largely enclosed and has a visual association with The Beeches the development of this site would not result in material harm to the undeveloped views of the surrounding area.
24. The development would assimilate with its surroundings and be of an outstanding design that promotes high levels of sustainability. As the form and layout of the surrounding area, particularly the location and design of nearby dwellings is mixed, the proposed development would accord with paragraph 139 of the Framework as it would fit in with the overall form and layout of its surroundings despite being located on an undeveloped area of the site.
25. For the reasons above, the proposal would not be harmful to the character and appearance of the area. It would therefore comply with Greater Norwich Local Plan (GNLP) Policies 2 and 3 and Policies DM1.4 and DM4.5 of the SNLP. These policies seek, amongst other things, that development is designed to create beautiful, well-designed buildings which respect the character of the local area and landscape, creating a distinct sense of place.

Habitats Sites

26. The appeal site is located within the Zone of Influence of a number of designated European sites where adverse effects on Habitats sites may occur. These sites include, Winterton – Horsey Dunes Special Area of Conservation (SAC), Great Yarmouth North Denes Special Protection Area (SPA), Broadland SPA, Broadland Ramsar, Breydon Water SPA and The Broads SAC. These sites have been designated for their international importance for including, but not limited to, dune/beach systems, wetland habitats and species and the type of bird species present including breeding and non-breeding birds.
27. Cooperatively, the local authorities within Norfolk have, in consultation with, and with the agreement of, Natural England (NE) have adopted the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS), which incorporates strategic mitigation measures to be delivered to avoid adverse impacts where appropriate. The GIRAMS provides examples of

harms to habitats, including from recreation through the trampling of vegetation, disturbance of bird populations, and soil disturbance.

28. The proposal would result in increased population and would be likely to have a significant effect on the qualifying features of the European Sites, in combination with other developments. As such, it is necessary for me, as the competent authority, to conduct an AA in relation to the effect of granting permission on the integrity of those Sites.
29. The GIRAMS identifies a financial contribution to be sought in connection with proposals that are likely to adversely affect the integrity of the European Sites, to fund avoidance and mitigation measures on a wider strategic basis. This should be secured using an appropriate mechanism. A Unilateral Undertaking (UU) has been submitted in this regard.
30. The UU would secure a mitigation payment in relation to European sites, which I find would meet the tests set out in the Framework and the requirements of Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Therefore, I am able to take this into account.
31. I am satisfied that the measures set out in the GIRAMS and secured by the UU would adequately mitigate the potential adverse effects of the development on the integrity of the habitat sites through recreational disturbance. Consultation with NE has also confirmed that the financial payment identified as a Recreational Impact Avoidance and Mitigation Contribution set out in the UU is commensurate with the tariff that has been collectively agreed as part of the GIRAMS. I therefore conclude through my AA, that I am satisfied that delivery of the mitigation secured by the appellants' financial contribution would ensure that the appeal proposal would not have an adverse effect on the integrity of European sites.
32. For the above reasons and subject to mitigation to be provided through the UU the proposed development would not have a harmful impact on the integrity of Habitats sites, with particular regard to recreational pressure.

Other Matters

33. Church of St Mary, which is a Grade II* listed building, is situated to the northwest of the appeal site at some distance. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest.
34. The setting of this designated heritage asset is notably experienced from within its own immediate surroundings and from some longer distance open views. As the appeal scheme would be some distance from the Church and would be sunken into the slope of the land and bound by trees, it would be unaffected by the proposal. Therefore, I am satisfied that the setting, and thus the significance, of the Church of St Mary would be preserved. I also note the Council did not raise any concerns in regard to this matter.
35. I note the Parish Council has advised that the refurbishment of any redundant buildings should be the sole form of development for the area. However, having considered the appeal scheme on its own merits and other material planning

considerations, the appeal scheme would be acceptable in this location for the reasons set out.

Planning Balance

36. The Council has confirmed that due to nutrient neutrality issues that are currently being addressed, it is taking a precautionary approach in confirming that it cannot currently demonstrate a five year supply of housing land. As a result, the Council advises that the requirements of Framework paragraph 11 d) is to be applied to planning applications for housing.
37. In line with paragraph 11 d) ii of the Framework, planning permission should be granted unless the adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
38. The location of the proposal would be contrary to the spatial strategy set out in the development plan and it would have only limited access to services and facilities by sustainable modes of transport, resulting in conflict with Policies DM1.1, DM1.3 and DM3.10 of the SNLP. These policies are in general consistency with the approach set out in the Framework.
39. Paragraph 110 of the Framework recognises that opportunities for sustainable transport will vary between urban and rural areas. In that context, the appeal site is only a very short car journey from Thurton and a short journey from the wider services and facilities in Loddon and Chedgrave, thus limiting car use.
40. Future occupiers would only be able to make limited use of the PROW during daylight hours and fair weather. Furthermore, given the small scale of the proposal and the proximity of some limited services, the harm from the likely increase in travel by private car is reduced. Accordingly, I afford moderate weight to the conflict with Policies DM1.1, DM1.3 and DM3.10 of the SNLP.
41. The appeal proposal would create an additional dwelling that would help reduce the Council's housing deficit and would accord with one of the Framework's aims of boosting housing supply. As a single dwelling I give minor weight to the proposal's contribution to the housing supply.
42. The outstanding design of the dwelling would promote high levels of sustainability, and it would fit in with the overall form and layout of its surroundings. This aligns with the Framework's aim to achieve well-designed places, to which I attach significant weight.
43. The proposal would also provide some modest associated socio-economic benefits that would arise from the construction and the longer-term additional support to the vitality of the local community from the future occupiers. However, given that the proposal is for a single dwelling such benefits would be limited and therefore I attribute moderate weight to these matters.
44. The appellant states the proposal is for a self-build dwelling. However, there is no mechanism before me, such as a legal agreement, to secure this. Therefore, I attach no weight to the provision of a self-build dwelling.
45. Whilst closely balanced, I find that when assessed against the policies in the Framework, the adverse impacts of the development would not significantly and

demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As such, the presumption in favour of sustainable development set out in the Framework applies. Given that finding, it follows that the proposal would also accord with Policy DM1.1 (d) of the SNLP, which largely mirrors paragraph 11(d)(ii) of the Framework.

Conditions

46. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims. Where pre-commencement conditions have been imposed, these have been agreed by the appellant.
47. In addition to the standard time limit, a condition listing the approved plans is necessary in the interests of certainty.
48. Conditions securing suitable landscaping and boundary treatment schemes are appropriate in order to ensure that the verdant character of the surroundings are preserved and enhanced. To ensure the development functions as intended, details are required of the construction materials, access, parking/turning areas, drainage and energy efficiency measures. A condition on unexpected contamination is also required in the interest of public safety.
49. Having regard to the location of the site and outstanding design of the dwelling, it is reasonable and necessary for certain permitted development rights to be removed.
50. There is no compelling evidence that a condition relating to the construction traffic is necessary given the small scale of the development.

Conclusion

51. Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, a determination must be made in accordance with the development plan unless material considerations indicate otherwise.
52. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above the appeal is allowed subject to conditions.

A Hickey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:

22-1024 - 303 – P2: Site Plan
22-1024 - 305 – P1: Site Entrance
22-1024 - 302 – P1: Proposed Ground Floor and First Floor Plan
22-1024 - 301 – P1: LGF Plan

22-1024 - 302 – P2: Amended Elevations
- 3) No development shall take place until full details of the existing ground levels, proposed finished floor levels of the new dwelling, and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, have been submitted to and agreed in writing by the local planning authority. Details of the levels of any existing or proposed boundary treatments shall also be provided. The development shall be carried out in accordance with the details as approved.
- 4) No development above slab level shall take place until full details (including specifications) of all air plant/equipment, heating/cooling plant and renewable energy systems have been submitted to and approved by the local planning authority.

These details shall have regard to the submitted “energy statement” and “energy Calculator” dated 29th March 2023 and the approved plans.
- 5) The dwelling hereby permitted shall not be occupied until verification has been submitted to and approved in writing by the Local Planning Authority that confirms that the dwelling has achieved a minimum as-built SAP rating of 167A or equivalent standard with reference to the submitted “energy statement” and “energy Calculator” dated 29th March 2023 along with the details agreed under condition 4 of this decision. This verification shall be undertaken by persons professionally qualified to carry it out.
- 6) No development above slab level shall take place until full details, including samples of the materials to be used in the construction of all external surfaces of the development hereby permitted, 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/samples.
- 7) Prior to the occupation of the development hereby permitted, details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the building is occupied.

- 8) No development other than the works required for the laying of foundations shall take place until full details of the means of surface water drainage have been submitted to and agreed in writing with the local planning authority. The details should include the results from percolation tests, if appropriate and incorporate the installation of water efficiency and water saving devices such as rain saver systems. The development shall be carried out in accordance with the agreed details prior to the first occupation and shall be retained as such thereafter.
- 9) No development other than the works required for the laying of foundations shall take place until precise details of the means of foul water and sewage disposal have been submitted to and agreed in writing with the local planning authority. The development shall be carried out in accordance with the details as agreed prior to the first occupation and retained as such thereafter.
- 10) No development above slab level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include
- 1) the species, number, size and position of new trees and shrubs at the time of their planting;
 - 2) all existing trees and hedgerows on the land, with details of any to be retained (which shall include details of species and canopy spread, root protection areas);
 - 3) specification of materials for fences, walls and hard surfaces;
 - 4) details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials;
 - 5) details of the location of all service trenches; and
 - 6) an implementation and replacement programme, including phasing of work where relevant.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of implementation and replacement programme.

- 11) Prior to the first occupation of the development hereby permitted, the vehicular access indicated on Drawing No. 305 Rev P1 shall be upgraded in accordance with the Norfolk County Council residential access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway in accordance with details to be agreed in writing by the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 12) The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. All required water conservation measures installed to achieve this rate shall be retained/upgraded to ensure the required water consumption rate is not exceeded for the lifetime of the development.

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, C, D, E or G of Part 1 of Schedule 2 to the Order shall be undertaken.
- 14) Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- 15) The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 16) Prior to the first occupation of the development hereby permitted visibility splays (2.4m x 59m) shall be provided in full accordance with the details indicated on the approved plan (Drawing No. 22-1024 - 305 – P1). The splays shall thereafter be maintained at all times free from any obstruction exceeding 1.0 metres above the level of the adjacent highway carriageway.
- 17) Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 18) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the site shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

End