



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: 9th October 2025

Appeal Ref: APP/F2605/W/25/3369100

Grange Farm, Chequers Lane, South Lopham, IP22 2JW

- 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 Nicholas David, Allard & Co against the decision of Breckland Council.
 - The application Ref is PL/2025/0606/FMIN.
 - The development proposed is Erection of new replacement detached dwelling (following demolition of existing agricultural barn/poultry building with prior approval for conversion to a dwelling under planning application reference: 3PN/2024/0039/UC).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on the character and appearance of the area.

Reasons

Spatial Strategy

3. The appeal site is located outside of the settlement boundary for North Lopham, defined as a Village with Boundary under policy GEN03 of the Breckland Council Local Plan 2023 (LP).
4. Policy GEN05 sets out defined settlement boundaries around larger settlements in order to recognise that those areas are those in which growth will be acceptable in principle. Outside of these areas development will be restricted to recognise the intrinsic character and beauty of the countryside. Development outside of the settlement boundaries will be permitted where it gains support from other policies within the LP.
5. Policy GEN05 does not introduce a blanket restriction on development outside of settlement boundaries as it does allow for development outside of smaller settlements, subject to other criteria being met.
6. Therefore, whilst policy GEN05 is intended to ensure the protection of the countryside and to ensure housing is located in accessible areas which reduce the need to travel and where a real travel choice is provided, it does not prevent the development of land outside of settlement boundaries and therefore the proposal does not conflict with the Council's overarching spatial strategy.

Character and appearance

7. Policy ENV05 of the LP highlights that the landscape of the District is valued for the benefit it provides to rural character. Furthermore, that development proposals will be expected to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. Any development proposals will have regard to the findings of the Council's Landscape Character Assessment (LCA) and Settlement Fringe Landscape Assessment (SFLA) and be designed to be sympathetic to landscape character.
8. In addition, Policy GEN02 requires development to respect and be sensitive to the character of the surrounding area.
9. Policy COM1 sets out that new development should contribute to the distinctive character and amenity of the local area. Furthermore, The Breckland Design Guide states that the design of the development should be inspired by the distinctive qualities of the place where it is situated.
10. The proposal seeks to replace the existing poultry building, which is a block brick structure typical of rural settings used for housing poultry. Rather than replicating the original rectangular footprint and single pitched roof, the proposed dwelling introduces an H-plan layout with multiple pitched roof elements. The new building would be constructed using red facing brickwork and insulated composite roof cladding.
11. Whilst the appellant has suggested by virtue of being broken up into different elements it has greater visual interest and aesthetic appeal, the form and design of the proposed building diverges significantly from the simple, utilitarian character of the original structure. Instead, it adopts a more suburban architectural style, incorporating domestic features such as a roller shutter garage door and extensive glazing, particularly on the rear elevation. Overall, the design does not reflect or respect the rural character of the surrounding area, which is defined by sporadic residential development, including traditional barn conversions.
12. The red line is tightly drawn around the building, with no details provided of any wider amenity area, albeit I recognise that any further proposals to convert the land around the building to domestic garden would require planning permission from the Local Planning Authority. The Council have raised a concern that the need to provide adequate separation distance and/or screening between the dwelling and surrounding agricultural land could result in further domestic encroachment.
13. The proposed floor plan indicates an internal courtyard which would be accessed from the main living and dining rooms with large glazed doors providing access from these areas into the courtyard. Parking would also be provided within the double garage. As such there is nothing before me to indicate that additional amenity space would be required to serve the proposed dwelling, as whilst modest it would be adequate to enable a private sitting area and areas for drying washing.
14. The appellant owns land beyond the appeal site and this is shown edged in blue on the location plan. Additional tree planting or hedgerows could be provided in these areas and the Council have suggested a landscaping condition to secure these details. If I were to allow the appeal I consider that this would ensure any additional screening could be secured, whilst ensuring it was in keeping with the

rural character of the area. Noting the openness of the site and the distance from neighbouring properties there is unlikely to be a need for fencing beyond the confines of the appeal site.

15. However for the reasons set out above, the development would be contrary to policies GEN02, COM01 and ENV05 of the LP which collectively seek to be sensitive to and recognise the intrinsic character and beauty of the countryside. As a result of its non-compliance with these policies, the development would also be contrary to policy GEN05 of the LP.

Other Matters

16. The appeal scheme proposes dwellings on a site that lies within the Zone of Influence of a number of Norfolk Habitats sites as set out within The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy 2021 (GIRAMS).
17. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the Norfolk Habitats Sites. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
18. Since the development is for a single residential dwelling, the number of additional recreational visitors would be modest and the likely effects on the Norfolk Habitats Sites from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site.
19. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
20. The site is within the zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned sites. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
21. The GIRAMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the Norfolk Habitats Sites.
22. The appellant has chosen not to submit a planning obligation for the per dwelling contribution to fund the Norfolk GIRAMS but have set out the Local Planning Authority accept direct payments, but only once planning permission has been granted. They have paid an administrative fee and monitoring payment and the

Council have confirmed this is sufficient to overcome the second reason for refusal.

23. However, this approach can be problematic as there is no obligation on the appellant to make the direct payment or for the Council to spend the money as envisaged and in a particular timescale. Given the evidence before me I can not be satisfied that the mitigation measures have been secured and therefore would be used for their intended purpose. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Other material considerations

24. There is a fallback position available to the appellants as the existing building can be converted to a dwelling under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
25. I have no reason to dispute the appellants evidence which indicates that if the appeal were to fail that the approved prior approval scheme would be implemented. However, the fallback scheme would retain the agricultural character of the site. Therefore, it does not justify the harm I have identified that would arise from the scheme before me.
26. It follows that the fallback position is a less harmful alternative and therefore it carries little weight as a consideration in the scheme's favour in this respect.

Planning Balance

27. The LP is over 5 years old but the weight to be attached here does not hinge upon its age. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning development process should achieve. It also requires that developments are sympathetic to local character and are visually attractive in terms of good architecture and layout. Therefore, the conflict between the proposal and policies GEN02, GEN05, COM01 and ENV05 of the LP should be given significant weight in this appeal.
28. The Council confirms it can no longer demonstrate a 5 year supply of deliverable housing land, and accordingly paragraph 11(d) of the Framework is engaged. Whereby planning 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.
29. Footnote 9 explains that the policies referred to, which are relevant to this appeal are paragraphs 84, 110, 115, 129, 135 and 139. Paragraphs 84, 110 and 115 set out that the proposal should not be isolated and located in a sustainable location with access to the site being safe and suitable. The proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. However, I must have regard to other material considerations and given that planning permission already exists for a dwelling on the site, the proposal would not generate a materially different level of trips by car

than the development permitted. Therefore, I find no demonstrable harm to sustainability in respect of accessibility of services and facilities.

30. The proposal would not achieve the aims of paragraphs 129, 135 and 139 which together support development that makes efficient use of land taking into account the desirability of maintaining an areas prevailing character and setting, is visually attractive as a result of good architecture and layout and accords with the National Design Guide. The proposal would fail to maintain the area's prevailing character and setting (129d) and would not add to the overall quality of the area, failing to be sympathetic to local character, including the landscape setting (135a, 135c). Furthermore, it would not accord with the Breckland Design Guide and therefore does not attract significant weight under paragraph 139.
31. However, 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.
32. Therefore, noting the scale of the development proposed, I would attribute moderate weight to the delivery of housing in this instance, having regard to its conflict with the policies of the framework. However, whilst the proposal would provide needed residential accommodation, the fallback position demonstrates there is an alternative route to meeting this aim and therefore the weight attached to this would be limited.
33. It has been suggested that there would be environmental benefits as a result of improved energy efficiency from the construction of the new building however, I have nothing before me to demonstrate the extent of the difference between the proposal to convert the existing building and the replacement building and therefore have given this limited weight. Nor do I consider that there would be an environmental enhancement arising from the demolition of the existing barn, as this could be equally achieved through the buildings conversion.
34. 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, to which I have afforded considerable weight would significantly and demonstrably outweigh the benefits outlined above.

Conclusion

35. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

G Pannell

INSPECTOR