



Appeal Decision

Site visit made on 16 September 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/V2635/W/25/3368328

Oaklands, Little Lane, Docking, Norfolk PE31 8NT

- 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 Toby Hilliard of Norfolk Signature Homes Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 25/00184/F.
 - The development proposed is construction of 1 no. residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 1 no. residential dwelling at Oaklands, Little Lane, Docking, Norfolk PE31 8NT in accordance with the terms of the application, Ref 25/00184/F, and the plans submitted with it, subject to conditions in the attached schedule.

Preliminary Matters

2. I have amended the description of the development in the banner heading above to remove words which are not acts of development.
3. The appeal site lies within the Dorking Conservation Area (CA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
4. The appeal site is located within the Wensum Special Area of Conservation (SAC), the Broads SAC and the Broadland Ramsar which are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Although not forming part of the Council's reason for refusal, as competent authority I need to consider whether the proposal would be likely to have a significant effect on the integrity of the habitat's sites. It is necessary to consider this matter as a main issue.

Main Issues

5. The main issues are:
 - i) whether the development would preserve or enhance the character or appearance of the Docking Conservation Area;
 - ii) the effect of the proposal on the living conditions of neighbouring uses; and
 - iii) the effects on the integrity of the Wensum SAC, the Broads SAC and the Broadland Ramsar.

Reasons

Character and appearance

6. The appeal site comprises a rectangular shaped plot which fronts Little Lane with open fields beyond to the rear.
7. The CA covers a large area of the L-shaped linear settlement. Its boundaries encapsulate the built form and the principal routes through the settlement, as well as undeveloped garden plots and green fields to the rear. The significance of the CA is partly informed by the quality and range of its buildings that together, with traditional materials, plot layouts, land uses and associations, reveal its evolution over many centuries. Significance is also derived from the CA's connection to the countryside that surround it.
8. In the vicinity of the appeal site, properties along Little Lane vary significantly in respect of scale, design and density. On the southern side of Little Lane, the prevailing pattern of development is that of detached two-storey properties set within modest plots. Opposite the appeal site lies a terrace of two-storey dwellings, located close to the back edge of the pavement. In the vicinity of the appeal site development is consolidated due to the positioning of built form either side the narrow rural lane.
9. The proposed dwelling would be two-storey, of traditional vernacular and would have an external finish in-keeping with many properties in the locality. The height and scale of the dwelling would be modest, and reflective of nearby properties. Accordingly, in this regard the proposal would be sympathetic to its setting.
10. The proposed development would occupy much of the width of the appeal site. Nevertheless, a sufficient gap would remain between the proposed dwelling and neighbouring properties such that it would not harm the character and appearance of Little Lane or the CA as a whole.
11. The proposal would provide for private amenity space, comparative in depth to neighbouring properties, and a satisfactory level of off-road parking would be provided. I therefore do not concur that the proposal would represent a cramped form of development that would be incongruous with its immediate site context.
12. For the above reasons, I therefore conclude that the proposed development would preserve the character or appearance of the Docking CA. The proposal would therefore accord with Policy LP21 of the Kings Lynn & West Norfolk Local Plan (LP). Amongst other things, this sets out a requirement for development proposals to conserve and enhance the wider environment and to be of a scale, height and massing which respects the local setting and pattern of streets.

Living conditions

13. The proposed dwelling would be positioned close up to the site's western boundary.
14. The evidence indicates that the parcel of land to the western boundary of the appeal site is used for parking and amenity purposes associated with No 1-2 Smallboro Row. This area of land is physically detached from the property to which it relates, which lies directly opposite the appeal site. Whilst there is no substantive evidence before me pertaining to the lawful use of the site at my site visit, I

observed the rear portion of the land to be laid to grass with some trees present and hardstanding laid to the frontage where it abuts Little Lane.

15. Owing to the proposed dwellings position directly on the boundary it is likely that there would be some loss of light, particularly, in the morning and to the northern part of the land. However, the proposed dwelling would not extend the full length of the shared boundary, and given the orientation, the plot would still benefit from natural light, including the areas currently laid to grass. Accordingly, even if the land were private amenity space I am satisfied that the proposal would not materially harm the enjoyment of this land to the detriment of the users' living conditions to justify dismissal of the proposal.
16. I have also had regard to the impact of the proposal upon the living conditions of neighbouring properties, and I am satisfied that the proposal would not result in a material loss of light or overlooking to neighbouring properties adjacent and opposite the site.
17. For these reasons, I therefore conclude that the proposal would not materially harm living conditions of neighbouring occupiers. On this basis the proposal accords with Policy LP21 of the LP, which amongst other things, seeks to resist development where it would have a significant adverse impact on the amenity of others.

Habitats sites

18. The development falls within the 'Zone of Influence' (Zoi) for multiple European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS').
19. The proposed development is for 1no dwelling, as such the number of additional recreational visitors would be limited. However, in combination with other developments, it is likely that the proposal would have significant effects on the designated sites. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on the integrity of the Habitats Sites. I have sought further evidence on this matter and Natural England was consulted
20. The GIRAMS strategy ensures that the cumulative impacts of additional visitors, arising from new developments of housing and tourism, such as this development, to European sites, will not result in any likely significant effects which cannot be mitigated. Natural England advises that the payment collected is commensurate with the tariff that has been collectively agreed by Norfolk Local Authorities, which includes King's Lynn & West Norfolk Borough Council.
21. The Council has confirmed that the appellant has paid the required financial contribution and the required documentation to secure ring-fencing of the funds for expenditure on mitigation as set out in The financial contribution has been collected under Section 111 of the Local Government Act (1972) and held in its own 'pot' solely for the delivery of RAMS measures (based on those identified in the Technical Report); and is reported on via the Infrastructure Funding Statement. I am therefore satisfied that the financial contribution secured would appropriately mitigate the likely adverse effects on the integrity of the identified Habitats Sites. Taking account of this mitigation, to conclude the appropriate assessment the proposal would not adversely affect the integrity of Habitats Sites, either alone or in combination with other development.

22. I therefore conclude that the integrity of the Wensum Special Area of Conservation (SAC), the Broads SAC and the Broadland Ramsar would not be harmed by the development. Accordingly, it would be compliant with Policies LP19 and LP27 that seeks to support Article 6(3) of the Habitats Directive where proposals, including new dwellings, that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas. Nor do I find conflict with the relevant policies within the Framework that protect areas of particular importance relating to habitats sites. Consequently, there is no clear reason for refusing the development proposed in respect of such matters.

Other Matters

23. The proposal would make a positive contribution towards the Council's housing land supply.
24. Interested parties have raised concerns regarding highway safety. However, this did not form part of the Council's reason for refusal. Based on the evidence before me, and as observed at my site visit, I see no reason to reach a different view in this regard.
25. My attention has been drawn to the preparation of an initial draft of the Docking Neighbourhood Plan. However, given the early stage of preparation it is not determinative to the appeal proposal before me.

Conditions

26. The National Planning Policy Framework (the Framework) states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development, enforceable, precise, and reasonable in all other respects.
27. I have considered the conditions put forward by the Council against the Framework and Planning Practice Guide (PPG). I have included those which meet the six tests set out in the Framework and reworded, where necessary, for clarity. Where I have edited the suggested conditions, I am satisfied that this has not substantially altered the overall intent of the condition.
28. The appellant has agreed to the pre-commencement conditions set out in the conditions schedule below and also to their wording. The circumstances and nature of this proposal mean that these are appropriate and are necessary to make the development acceptable in planning terms.
29. To meet legislative requirements, I have imposed a standard condition relating to the commencement of development and it is necessary to require compliance with the submitted plans.
30. Whilst any disturbance during demolition and construction would be for a temporary period only, given the proximity of existing built development to the appeal site, a construction method statement would be reasonable and necessary to manage the impacts of development upon the living conditions of existing residents and highway safety.
31. A condition to manage any risks associated with drainage are necessary to ensure no environmental harm arises.

32. In order to protect the character and appearance of the area, I have imposed a condition requiring the submission of details of finishing materials, including a sample panel of the stonework to be prepared and agreed given the site's location within the CA.
33. Conditions would secure an appropriate access and parking arrangements in order to ensure the development could be accessed safely from the highway. I shall include details of drainage to be agreed to aid surface water run-off and to avoid environmental harm.
34. In the interests of providing for a satisfactory external appearance of the site, and to provide for green infrastructure or other mechanisms to recognise and mitigate against the impact of Climate Change a condition is included regarding landscaping.
35. The Council has suggested a condition for the removal of rights to prevent means of obstruction across the approved access under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO). The PPG states that planning conditions should not be used to restrict national permitted development rights granted by the GDPO unless there is clear justification to do so. In this circumstance given the narrow nature of Little Lane in the vicinity of the appeal site and the area available to the frontage of the dwelling I consider a condition further limiting these rights to be reasonable and necessary for the development permitted in the interests of highway and pedestrian safety. However, I have amended wording to better reflect the contents of the GPDO.
36. The Council has suggested a condition for the submission of a Biodiversity Net Gain (BNG) Plan. However, the statutory BNG condition applies to the permission and is a matter the appellant would need to address directly with the Council. As such, there is no requirement to duplicate it in my decision.

Conclusion

37. The proposal accords with the development plan and Framework, when read as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

R Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 835/24/00 - Location Plan, 835/24/01 B - Proposed Plans, Elevations and Sections and 835/24/02 C - Proposed Site Plan
3. No development or other operations shall take place on site until a detailed construction management statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
 - (a) the methods to be used and the measures to be undertaken to control the emission of dust, noise, and vibration from the operation of plant and machinery to be used, including the hours of proposed construction works
 - (b) the location of any temporary buildings and compound areas;
 - (c) the location of parking areas for construction and other vehicles;The development shall be carried out in accordance with the approved construction management statement throughout the construction period.
4. The development hereby permitted shall be completed and retained in accordance with the drainage details provided within the Nutrient Neutrality Assessment and Mitigation Strategy, Document Ref: NNAMS-ENV24311, Rev 00, Issue Date: 09/09/2024. In particular, the strategy includes: The dwelling shall be connected to the Docking waste water treatment works.
5. No development shall take place on any external surface of the development hereby permitted until details of all materials, including a sample panel of the stonework including mortar type, bond and pointing technique) to be used for the external surfaces of the building 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.
6. Prior to the first occupation of the development hereby permitted the vehicular crossing shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority and thereafter retained at the position shown on the approved plan. 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.
7. Prior to the first occupation of the development hereby permitted the proposed parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

8. Notwithstanding the details shown on the approved plans, prior to the first occupation of the development hereby permitted, full details of soft landscape works and proposed frontage boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The agreed soft landscape works shall be carried out in accordance with the approved details. The details shall include measures to provide for compliance with Policy LP06 of the Local Plan in regard to Climate Change and carbon sequestration.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

9. 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 fences, gates or walls shall be erected across the approved access.

*****End of Schedule*****