



Appeal Decision

Site visit made on 27 October 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/F2605/W/25/3370815

Land at Woodlands Farm, West Carr Road, Attleborough, Norfolk, NR17 1AN

- 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 Sam Gaskin of S B Driveways Solutions against the decision of Breckland Council.
 - The application Ref is PL/2025/0644/FMIN.
 - The development proposed is described as 'erection of 2 bungalows and detached double garage (plot 1)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is taken from the appeal form as it more accurately reflects the site's location.
3. In the interests of accuracy, I have adopted the description of development contained in the appeal form given that amendments made during the course of the application necessitated it.
4. The appeal site falls within the Zone of Influence (ZOI) of a number of Special Protection Area's (SPA) and Special Area's of Conservation (SAC). These comprise the Breckland SPA, Breckland SAC, Broads SAC, Broads SPA, Norfolk Valley Fens SAC, The Wash SPA and The Wash Ramsar sites (hereafter the Habitat sites). These are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations).

Main Issues

5. The main issues are:
 - whether the appeal site is a suitable location for the development, having particular regard to relevant provisions of the development plan;
 - the effect of the proposal on the character and appearance of the rural area; and
 - the effect of the development on the integrity of the Habitat sites.

Reasons

Suitable location

6. Amongst other things, Policy GEN 01 of the Breckland Local Plan (BLP) seeks to direct growth towards the most sustainable locations. BLP Policy GEN 03 sets out a settlement hierarchy reflecting these principles. Outside of settlement boundaries, BLP Policy GEN 05 is clear that development is restricted, and will only be acceptable where it is compliant with all relevant policies set out in the development plan, including BLP Policy HOU 03.
7. In relation to development outside of the boundaries of Local Service Centres that would normally be resisted, Policy HOU 03 states that in situations where the Local Plan does not identify sufficient sites to achieve the housing target, then further development will be allowed subject to being supported by relevant policies within the Development Plan and meeting all four criteria it sets out. As the Council is currently unable to demonstrate the necessary five-year land housing land supply (5YHLS) of deliverable housing sites, this part of Policy HOU 03 is engaged.
8. The appeal site lies between the town of Attleborough and the settlement of Great Ellingham, in the open countryside. Great Ellingham is said to lie around 1.8km to the north-west, whilst Attleborough lies closer to the east, separated by the A11 trunk road. As the appeal site is not immediately adjacent to any settlement, it fails the first criteria of BLP Policy HOU 03. Given the need to meet all four criteria and its failure of the first, it is not necessary for me to consider the scheme against the remaining three as it would not change the outcome.
9. Whilst the appeal site is not isolated, occupiers of the proposed dwellings on the site would likely rely heavily on use of the private car due to being sited away from services and facilities. The nearest bus stop is said to be 0.5 miles (just over 800m) away from the appeal site, which is beyond a reasonable walking distance. In any case, occupiers would have to walk along unlit country lanes without designated footpaths, to reach the bus stops, or further to access facilities to meet their day-to-day needs. Therefore, this is unlikely to be an attractive or feasible alternative to the private car. Although provision of a footpath was offered by the appellant, there are no existing footpaths within the vicinity of the site to allow for a proportionate link. Consequently, such provision would not improve sustainability to a degree that it would make the scheme acceptable.
10. The appellant points to existing public rights of way (PROW) and minor roads providing safe and direct connections. However, limited information is provided as to which PROW are referred to, their precise location and what they connect to, such that I can give this very limited weight. Whilst noting the presence of a footbridge over the A11 from West Carr Road to Attleborough, this would not negate the accessibility issues of reaching this on foot for the reasons already set out.
11. Therefore, I find that the appeal site is not a suitable location for the development, having particular regard to relevant provisions of the development plan. This brings the scheme into conflict with policies GEN 01, GEN 03, GEN 05 and HOU 03 of the BLP, the objectives of which I have outlined above.

Character and appearance

12. West Carr Road is a rural road that typically comprises sporadic development interspersed with agricultural land and farmsteads which are dotted through the landscape. On its southern side, the appeal site lies behind two modern bungalows, arranged tandemly, and is sandwiched between them and Woodlands Farm set further south. Opposite, on the northern side of the road, is a straggle of modern ribbon development. The pattern of development and the verdant setting, amongst established boundary hedgerows and verges, give the area a rural character and appearance.
13. The appeal site, a paddock, offers a visual break between the historic farm to the south, and the newer development towards the road frontage, helping to define the evolution of development and retain the sporadic character and appearance of the area. Introducing two new dwellings to the appeal site, would erode this visual break and diminish that character and appearance, harmfully consolidating development in depth along West Carr Road, which is not typically part of its character. While mindful that the low-lying nature of the dwellings offer a sensitive design, their siting and presence would harm the intrinsic character, beauty and openness of the countryside.
14. My attention has been drawn to four application references that the appellant terms as precedents for development. However, no information has been provided on what these relate to, or the circumstances of how the schemes came to be, such that I am unable to make any meaningful comparisons between them and the appeal before me. Consequently, they do not alter my findings on this appeal.
15. For the reasons set out above, I find that the proposal would have an unduly harmful effect on the character and appearance of the rural area. This brings the scheme into conflict with BLP policies ENV 05, COM 01, GEN 02 and GEN 05. Amongst other things, these policies seek to protect and enhance the landscape and character of the countryside and requires development to integrate to a high degree of compatibility with the surrounding area in terms of layout form and distinctive local character.

Habitat sites

16. Collectively, the Habitat sites encompass a large part of Norfolk's countryside comprising various habitats that support a range of important species, including breeding and wintering birds. It has been established that residential development within the ZOI would likely result in harm to the protected area through additional recreational disturbance. The proposal would create a net gain of two dwellings and, in combination with other developments permitted in the area, there would be a likely significant effect on the Habitat sites.
17. Policy ENV 02 of the BLP requires the highest level of protection for European sites, with development only permitted where proposals accord with the Habitat Regulations. It also expects necessary mitigation measures to be fit for purpose. My attention is drawn to the Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan (NRIAMS) (2024). This sets out a strategic approach to mitigation from pooling tariff style financial contributions made per dwelling, towards a number of mitigation and avoidance measures.

18. Both parties agree that a tariff style contribution towards mitigation measures would be appropriate and that it would accord with the principles set out in the NRIAMS.
19. Receipts for the administration and monitoring components of the required tariff style contribution have been provided as evidence of direct payment to the Council. However, no evidence is before me to show that the substantive and remaining tariff towards mitigation has been paid. Whilst a draft Unilateral Undertaking (UU) has been provided with the appeal, it is incomplete as it has not been dated or signed. Therefore, it could not take effect, nor would it be binding. Proof of title details are also incomplete. Consequently, I am not satisfied that the UU secures the necessary mitigation.
20. This would mean the effects of the development, in combination with other projects, would likely have a significant adverse effect on the integrity of the Habitat sites. As competent authority, taking the precautionary principle, I therefore find that the development does not accord with the Habitats Regulations. This also brings the scheme into conflict with BLP Policy ENV 02.

Other Matters

21. The Council cannot currently demonstrate a 5YHLS. In these circumstances, paragraph 11(d) of the National Planning Policy Framework (the Framework) applies. This sets out that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. Footnote 7 is clear that habitat sites fall within these protected areas and consequently, the presumption in favour of sustainable development does not apply.
22. This scheme would bring about a small but important boost in housing supply, providing an increased choice of energy efficient, single storey adaptable homes in an area where there is an undersupply of housing, to which I attribute considerable weight. There would also be economic and social benefits, including the temporary construction jobs it would create and support for local businesses from new residents. The scheme would also provide for mandatory 10% biodiversity net gain. Given the scale of the scheme, these benefits would be modest.
23. However, I have found that the site is not a suitable location for the development and that it would not preserve the character and appearance of the area. These matters weigh heavily against the scheme. Furthermore, as I have set out, the effect of the development on the Habitat sites is a strong reason for refusal to which I attach substantial weight which aligns with the thrust of paragraph 193 of the Framework. These factors bring the scheme into conflict with the development plan when considered as a whole. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with the development plan. Although there are material considerations that weigh in favour of the proposal, they would not outweigh the conflict with the development plan or the Habitat Regulations.

Conclusion

24. For the reasons set out above, the appeal should be dismissed.

C Walker

INSPECTOR