



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: 31 October 2025

Appeal Ref: APP/F2605/W/25/3371467

Inn on the Green, Chapel Street, New Buckenham, Norfolk, NR16 2BB

- 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 Gary Sunderland against the decision of Breckland Council.
 - The application Ref is PL/2024/1036/FMIN.
 - The development proposed is for the conversion of existing dwelling to three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of conciseness, the description of development has been taken from the Council's decision notice.
3. An amended floor plan accompanies the appeal. For 'House 1', this simply annotates a room as 'kitchen/dining room', previously annotated as just 'dining room'. This does not substantially amend the scheme, and the Council and other interested parties have had the opportunity of commenting. Therefore, no party would be prejudiced by my acceptance of the plan, and I proceed on that basis.
4. The Council assert that the appeal site falls within the catchment area of a number of Special Protection Areas (SPA's) and Special Areas of Conservation (SAC's), comprising Breckland SPA, Breckland SAC, Broads SAC, Broads SPA, North Norfolk Coast SAC and North Norfolk Coast SPA (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).
5. Although not forming part of the Council's reason for refusal, as competent authority I must consider whether the development is likely to have a significant effect on the integrity of the sites. It is therefore necessary to consider this as a main issue. The main parties have had the opportunity of commenting on this.
6. There are a number of listed buildings within the vicinity of the appeal site. Accordingly, I have had special regard to section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act). However, neither party has indicated that the appeal proposal falls within the setting of any listed building. From what I have seen and read, I have no reason to disagree, and proceed on that basis.

Main Issues

7. In light of the above, the main issues are:
- the effect of the development on the integrity of the Habitat sites;
 - whether the development would provide adequate living conditions for future occupiers both internally and externally, with particular regard to noise, light, odour and privacy; and
 - the effect of the proposal on the character and appearance of the host building and the wider area, including the New Buckenham Conservation Area (CA).

Reasons

Integrity of the Habitat sites

8. The Habitat sites encompass a large part of Norfolk's countryside comprising estuary, coast, heathland, wetland, grassland and woodland habitats that support a range of important species, including breeding and wintering birds.
9. It has been established that residential development within the catchment area of the Habitat sites 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.
10. 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. 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 by pooling tariff style financial contributions made per dwelling, towards a number of mitigation and avoidance measures.
11. The Council assert that owing to an extant planning permission for 3 apartments on the site, the appeal proposal which is also for 3 dwellings, would not cause any likely significant effects over and above that already permitted. On that basis, they have effectively screened out likely significant effects on the integrity of the habitat sites.
12. The evidence before me indicates that the previous scheme for 3 apartments¹ was granted planning permission in July 2020. Whilst the Council assert that works have commenced on site in respect of the 2020 permission, it is not clear which works have constituted a commencement and this is not evident within the appellants submission, nor was it evident on site. Consequently, I cannot be certain that the previous scheme is extant or that it constitutes a realistic fallback position.
13. In any event, it is not clear to me, if, or what, mitigation was previously secured, nor how it was secured, as part of the permission for the apartments, nor how this could be tied to the appeal before me. Therefore, as competent authority, taking the precautionary approach, I am not satisfied that the effects of the development on the integrity of the Habitat sites would be adequately mitigated and secured. I therefore find that the development fails to accord with the Habitats Regulations

¹ Planning Ref: 3PL/2020/0421/F

and BLP Policy ENV 02. As I am dismissing the appeal, I have not gone on to undertake an Appropriate Assessment as required by the Habitats Regulations.

Living conditions

14. Policy COM 01 of the BLP expects high standards of accommodation for housing in terms of size, quality and arrangement of internal space, external private and external communal amenity space, and access to usable open space along with appropriate facilities for refuse, recycling and servicing.
15. BLP Policy COM 03 seeks the provision of adequate levels of amenity for future occupants, including private amenity space and protection from overlooking of windows of habitable rooms, odour, noise, vibration or other forms of nuisance such as artificial light pollution, insects and vermin. Likewise, high quality design is sought by BLP Policy GEN 02, that protects the high levels of amenity and quality of life for its residents.

Internal space

16. The appeal site comprises an existing two storey building with single storey side projection. Parking for all three proposed dwellings would be laid out adjacent to the single storey apartment, with cars parked in front of its west side elevation. Four of the parking spaces for the development would be located immediately adjacent to windows serving bedroom 1, the lounge and shower room of the apartment.
17. Concerns arising from overlooking, noise and light disturbance have been raised. Whilst these have not been fully substantiated, I have taken these to mean noise and headlights from cars using the adjacent parking spaces and overlooking from their proximity to the windows of the apartment. In this regard, bedroom 1 benefits from another window to the south, so does not rely on outlook or ventilation from these adjacent windows. Similarly, I would expect the bathroom window to be obscure glazed. Blinds, curtains or indeed the existing internal shutters to these windows would sufficiently negate issues of car headlights from causing a nuisance during the hours of darkness. In both cases there are other windows that can be used for ventilation purposes, such that an open window adjacent to the parking spaces would not risk a loss of privacy.
18. Cars parked adjacent to the lounge window, would not provide for an ideal outlook for future occupiers. Headlights and general disturbance from car movements could also be a source of annoyance to occupiers. However, the effects could be minimised to an acceptable degree by allocating the two spaces abutting the lounge window to the apartment, such that vehicle movements, noise and headlights would be within the control of future occupiers. This would also allow for natural surveillance of the cars associated with the apartment, such that, on balance the outlook would be acceptable. In any event, I note the arrangement of parking is not dissimilar to the previously approved scheme, which had a similar relationship with habitable rooms.
19. The plans show House 2 to comprise a dwelling over two floors and it would have three bedrooms and one bathroom. Whilst not explicitly showing any internal storage, I note that the space annotated on plan as an existing cupboard adjacent to the existing gym, could provide for storage space to meet the needs of occupiers. Although the layout shows only one bathroom and WC to serve the

proposed dwelling, this is not unusual in a conversion. Moreover, the supporting text to BLP Policy HOU 10 explicitly says that the policy does not apply to a material change of use, as is the case here.

20. The criticism that plans for House 1 does not benefit from a kitchen has been remedied by my acceptance of the amended plan, which now shows an open plan kitchen/diner of an appropriate size to meet future occupier's needs.

External space

21. The proposed plan shows the external space would comprise a dedicated courtyard garden to House 2, an outbuilding serving the apartment and an area of land for communal use and parking. External bin storage is proposed for all three dwellings within the dedicated courtyard garden that would serve House 2.
22. This bin store arrangement would lead to inconvenience and loss of privacy for the future occupiers of House 2, as occupiers of the other two dwellings would have to enter the private garden to access their bins. However, had I been minded to allow this appeal, it is a matter that could have been resolved effectively by imposing a condition requiring bin store provision to be provided elsewhere within the communal site areas.
23. With the bins located away from window openings, I do not find that there would be an unacceptable odour risk from the storage arrangement. This is especially the case given that the previous approved scheme had a similar bin store arrangement.

Conclusions on living conditions

24. For the reasons I have set out above, I have found that the development would provide for adequate living conditions for future occupiers both internally and externally, with particular regard to noise, light, odour and privacy. It follows that I have not identified conflict with BLP policies COM 01, COM 03, GEN 02 or HOU 10. No conflict with the New Buckenham Neighbourhood Plan 2017-2036 (NP) has been identified either.

Character and appearance

25. As the site lies within the CA, I have had regard to the statutory duty set out in Section 72 of the Act that requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
26. The appeal site comprises an attractive former public house, located on the corner of Chapel Street with Church Street in the historic core of New Buckenham. The CA encompasses the entire village and its Norman origin has resulted in a built form that is characterised by numerous tightly packed historic buildings on regularly aligned streets, crossroad junctions and long thin tenement plots. This has been interspersed with gradual development of various ages, materials and styles. I consider the significance of the heritage asset is derived, in part, from the character and appearance described above.
27. Although the Council allege a contrived layout externally and internally, the physical changes to the host building are minimal. I identify no changes to the external envelope of the building, and a review of the layouts also reveal the changes to the internal configuration are not extensive. The nature of the precise

cause of perceived harm to the character and appearance of the host property and its immediate area have not been clearly articulated. The Breckland Design Guide is mentioned but no specific parts of it are referred to, such that I am unable to identify any failings with it.

28. Within the appeal site grounds, the proposal seeks to subdivide the external space towards the rear to create a separate courtyard garden to House 2. Set back behind the single storey side projection, this division would not be prominent from the street scene, and its form and materials could have been adequately controlled by condition to an acceptable degree, had I been minded to allow the appeal.
29. Based on the evidence before me, I find that the effects of the proposal on the character and appearance of the host building and the wider area, including the CA, to be acceptable. Accordingly, the appeal proposal meets the expectations of BLP policies COM 01 and GEN 02 which, amongst other things, seek a high standard of design that respects the character and appearance of the area and preserves or enhances the special character of the historic environment.

Other Matters

30. Although I have not identified harm in respect of the living conditions of future occupiers or the character and appearance of the area, I cannot be certain that the development would not affect the integrity of a number of designated Habitat sites, and this forms a strong reason for refusal. There are no material considerations, including the National Planning Policy Framework, that indicate a decision should be made other, than in accordance with the development plan.

Conclusion

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

C Walker

INSPECTOR