



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/25/3371501

Barge Cottages, Main Road, Narborough, Norfolk, PE32 1TE

- 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 B Munford against the decision of Breckland Council.
 - The application Ref is 3PL/2024/0052/F.
 - The development proposed is described as 'conversion of a former doctors surgery to a 3-bedroom dwelling along with conversion of 3 existing holiday lets to residential accommodation within the same building'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have had regard to the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
3. The appeal site falls within the Zone of Influence (Zoi) of a number of European designated habitat sites, including a number of Special Protection Area's (SPA) and Special Area's of Conservation (SAC). These are the Breckland SPA, Breckland SAC, North Coast SPA, North Coast SAC, North Coast Ramsar, The Wash SPA, The Wash and North Coast SAC, The Wash Ramsar and the North Valley Fens SAC (hereafter referred to as 'European habitat sites'). They are sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). This is a matter I return to later in my decision.

Main Issues

4. The main issues are:
 - whether the proposal would have an acceptable effect on flooding; and
 - the effect of the proposal on the River Nar Site of Special Scientific Interest (SSSI).

Reasons

Flooding

5. Located in close proximity to the River Nar, the appeal site lies within Flood Zones 2 and 3, at medium and high flood risk, an undisputed matter. Paragraph 176 of

the National Planning Policy Framework (the Framework) confirms that changes of use should not be subject to the sequential or exception tests. However, footnote 63 of the Framework is clear that a site-specific flood risk assessment (FRA) should be provided for all development in Flood Zones 2 and 3. This is also a requirement set out in Policy ENV 09 of the Breckland Local Plan (2023) (BLP). No such FRA has been provided.

6. Annex 3 of the Framework sets out the flood risk vulnerability classification nationally, which is an important factor and highly relevant to this appeal. It lists buildings used as dwellinghouses, non-residential uses for health services, and sites used for holiday or short-let caravans and camping, subject to a site-specific warning and evacuation plan, as falling within the 'more vulnerable' flood risk classification. Both dwellings and holiday-lets fall within Use Class C3¹.
7. It is not clear why the Council has departed from the vulnerability classification outlined in the Framework in asserting that the proposed use would increase the flood risk vulnerability.
8. The appellant's position is that permanent uses could be considered less vulnerable in flood risk terms than the existing holiday-lets, as residents would sign up for flood alerts which holiday tenants are unlikely to do. No evidence is before me to establish any existing mitigation measures in place for the holiday lets. Whilst generically, I find some merit in the appellants approach in broad terms, it remains that no FRA has been submitted. Therefore, the lack of information on flooding does not allow for a proper assessment of flood risks, nor how such risks might need to be mitigated or avoided. As such, it is not possible to assess whether the proposal would be safe both now and into the future, conflicting with the national precautionary approach to avoiding and minimising flood risk.
9. Consequently, I find that the proposal would have an unacceptable effect on flooding, bringing the scheme into conflict with BLP Policy ENV 09. Amongst other things this requires development to minimise and appropriately respond to risks of flooding and ensure that it does not unacceptably increase the risk of flooding elsewhere. It follows that the scheme also conflicts with the Framework.

Effects on the SSSI

10. The appeal site falls within the Zol of the River Nar SSSI, nationally designated as such, in recognition of the valuable habitats and diverse assemblage of species it supports. The SSSI is sensitive to changes in water quality and quantity, with the proposal having the potential to affect its interest features.
11. The appellant contends that the shadow Habitat Regulation Assessment (sHRA) concludes that the impacts can be adequately mitigated. However, the sHRA is silent on the effects of the proposal on the SSSI. The means of foul sewage disposal is specified as unknown within the submission and there is limited detail on the way in which surface water discharge would be managed. Consequently, this does not allow for an assessment as to what the effects of that would be on the SSSI. Therefore, I cannot be certain that the risks of pollution to water quality can be safely managed.

¹ of the Town and Country Planning (Use Classes) Order 1987 (as amended)

12. This would be in direct conflict with paragraph 187 of the Framework which states that decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. It also runs counter to paragraph 193 of the Framework which states that development within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development clearly outweigh both its impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI's, which is not demonstrated in this case.
13. In conclusion, taking into account the precautionary approach, I cannot conclude that the proposal would have an acceptable effect on the River Nar SSSI. This is contrary to Policy ENV 09 which requires particular care in relation to habitats designated which are water sensitive, as well as habitats designated of regional or local importance. It also conflicts with Policy ENV 03 which seeks to protect the rich biodiversity of The Brecks, including its SSSI's, from development that would harm their integrity.

Other Matters

14. As set out earlier, the appeal site lies within the Zol of European habitat sites. Limited information is before me in respect of the site-specific effects on the site, or indeed the qualifying features to enable me, as competent authority, to undertake an Appropriate Assessment (AA). Had I been minded to allow the appeal, it would have been necessary to further consider whether the proposal would likely have significant adverse effects on the integrity of those sites, including whether necessary mitigation was secured. However, as I am dismissing the appeal for other reasons, there is no need for me to undertake an AA.
15. The length of time from submission to decision and the timing of the Environment Agency consultation response are noted. However, irrespective of the Council's conduct, it does not change the fact that the FRA and further details on drainage are required. It therefore does not alter my findings.
16. The Council cannot currently demonstrate a five-year housing land supply. In these circumstances, paragraph 11(d) of 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 sites designated as SSSI and areas at risk of flooding, fall within these protected areas. Consequently, the presumption in favour of sustainable development does not apply.
17. The appellant does not explicitly advance any benefits. However, I am mindful that the scheme would bring about a modest but important boost in housing supply and there would be some economic and social benefits associated with it. Given the scale of the scheme, these benefits would be limited. However, I have found harm in respect of both flooding and habitats. These both represent strong reasons for refusal to which I attach substantial weight. This aligns with the Framework and brings it into conflict with the development plan as a whole. There are no material

considerations 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.

Conclusion

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

C Walker

INSPECTOR