
Appeal Decision

Site visit made on 23 September 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

Appeal Ref: APP/L2630/W/25/3367802

Earsham Mill, Church Road, Earsham, Norfolk NR35 2TQ

- 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 Gwynn Blows Limited against the decision of South Norfolk District Council.
 - The application Ref is 2025/0255.
 - The development proposed is described as “Glamping Site on the grounds of Earsham Mill. This will consist of 3 small individual timber cabins, which will be available for hire”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The first reason for refusal on the Council’s decision notice relates to flood risk and references Policy DM4.2 of the South Norfolk Local Plan Development Management Policies document (2015) (the SNLP) and Policy 3 of the Greater Norwich Local Plan (2024) (the GNLP). Neither policy relates to flood risk, and I have therefore not considered them in my deliberations on this matter.
3. A completed Unilateral Undertaking (UU) was submitted during the appeal process, which seeks to provide financial contributions towards the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS). I consider the UU later in my decision.
4. I note that there are discrepancies between the submitted plans. The floor plans show an external fenced area to each cabin. However, this is not reflected on the elevation plans. Furthermore, the plans do not show how the cabins would be accessed given that they would be raised above ground level. Had I been minded to allow the appeal on all other matters, I would have pursued these matters further with the parties.

Main Issues

5. The main issues are:
 - Whether or not the proposal avoids inappropriate development in areas at risk of flooding, regarding the sequential and exception tests;
 - The effect of the proposed development on trees;
 - The effect of the proposed development on ecology and protected species;

- The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal site comprises a relatively small opening within a substantial area of trees and vegetation and is largely surrounded by a network of multiple branches of the River Waveney, beyond which is more open countryside. A footpath runs adjacent to the site boundary. The plot sits on the edge of the Earsham Mill Estate, which comprises various substantial buildings and external storage areas and houses numerous businesses.

Flood risk

7. The Flood Risk Assessment (FRA) acknowledges that the wider site spans across Flood Zones 2 and 3 (FZ2 and FZ3). Although the cabins themselves would be located within FZ2, the plans do not clearly show the proposed access route to and from the cabins, which could fall within FZ3.
8. Regardless, more vulnerable development within FZ2, such as the proposed cabins, are subjected to the sequential test, which aims to steer new development to areas with the lowest risk of flooding from any source, despite the proposal including mitigation measures to reduce flood risk. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
9. There is no substantive evidence before me to demonstrate that there is a locational need for the proposed development to be near the river or indeed on this specific site, notwithstanding the appellant's claims that visitors need access to the river for canoeing and walking.
10. Furthermore, by virtue of a lack of detail in terms of search extent, identification of potential alternative sites to be assessed and details of the viability considerations of any alternative sites, I am not convinced that a thorough sequential assessment has been undertaken.
11. Thus, the proposal fails the sequential test, and I am not therefore required to consider whether the exception test would be relevant in this instance.
12. The appellant has drawn my attention to examples of riverside tourism development approved within FZ3, namely Three Rivers Pitch and Paddle and Reedham Ferry campsite. No specific details have been provided, and I am therefore unable to determine whether these examples are circumstantially or locationally comparable to the proposal before me.
13. For the above reasons, I am not convinced that the proposal demonstrates that inappropriate development would be avoided in areas at risk of flooding, contrary to Section 14 of the National Planning Policy Framework (the Framework).

Trees

14. Although the appellant has confirmed that all trees would be retained and that ground works to install the cabins would be minimal, there is potential for some works to be undertaken within the root protection areas of the existing trees given the contained nature of the site.

15. There is no substantive evidence before me, such as an arboricultural impact assessment, that would provide an understanding of the quality, age and amenity value of the existing trees either within or adjacent to the site. Such an assessment would provide the basis for determining whether any remedial work or tree protection measures would need to be undertaken.
16. The appellant has stated that a tree survey and protection plan would be provided later. However, details are not before me and given the proximity of the trees to the location of the proposed cabins, an initial assessment should have been provided early in the application process.
17. For the above reasons, I am unable to determine the effect of the proposed development on trees, contrary to Policy DM4.8 of the SNLP, which, amongst other things, seeks to retain and conserve significant trees and woodland.

Ecology and protected species

18. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations) impose a duty on me to consider whether European Protected Species would likely be affected by the proposed development.
19. The appeal site is largely undeveloped and natural, is adjacent to numerous branches of a watercourse and contains and is surrounded by many trees. The site therefore has the potential to provide habitat for a range of species, including those protected under the above legislation, such as water voles and otters.
20. In the absence of any ecological assessments or surveys, there is insufficient information before me to carry out my regulatory duty to consider whether protected species would likely be harmed by the proposed development, and if so, whether further species-specific surveys, followed by potential mitigation measures, would be required and effective.
21. I note that the appellant is willing to undertake such assessments and surveys and to provide ecological enhancements later, which appears to have been discussed with the Council. However, it is not appropriate for these to be conditioned given that planning permission should not be granted unless I am satisfied that the proposals would not be likely to cause harm. Furthermore, in the absence of information, I am unable to determine whether any ecological enhancements forwarded would be effective.
22. For the above reasons, the proposed development would fail to accord with Policy DM4.4 of the SNLP, which, amongst other things, seeks to ensure individual new development sites contribute most effectively to the opportunities for the establishment and positive improvement of coherent ecological networks.

Character and appearance

23. The surrounding trees and vegetation provide the appeal site with considerable screening from the surrounding more open countryside and the footpath running adjacent to it. Views into the site are significantly reduced as a result.
24. The floor plans show that the proposed timber cabins would be small in scale, despite being raised off the ground to address flooding concerns, and the proposed materials would ensure they sit discretely within their wooded context. Any glimpses of the cabins from the wider countryside and the adjacent footpath would

likely be seen in the context of the built-up nature of the Earsham Mill Estate complex beyond.

25. Whilst I acknowledge there are some discrepancies between the submitted plans, there is sufficient information before me to determine the effect of the proposal on the character and appearance of the surrounding area.
26. For the above reasons, the proposal would preserve the character and appearance of the surrounding area. It would thus accord with Policy DM3.8 of the SNLP, which, amongst other things, seeks development that achieves high quality design and ensures development that fails to take the opportunities for improving the character and quality of an area is refused.

Other Matters

27. The appellant has acknowledged that the original submission failed to demonstrate a minimum 10% Biodiversity Net Gain (BNG), which is mandatory. It would therefore follow that the statutory BNG condition could not be discharged successfully. However, given that I am dismissing this appeal on several other matters, I am not required to consider BNG in this instance.
28. The European Designated Sites of The Broads, the Valley Fens and the East Coast are protected under the Habitats Regulations, and I note that the appeal site is located within their zones of influence. Due to the increase in tourist accommodation, the proposed development would be likely to have a significant effect on these designated sites because of increased recreational pressures. The appellant has provided a UU to secure financial contributions towards the GIRAMS. However, because I am dismissing this appeal on several other grounds, I do not need to consider this matter further.
29. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
30. All Saints Church is grade II listed and located approximately 100m from the appeal site. Due to the distance involved and the existence of intervening built development and vegetation, including the substantial Earsham mill building, I am content that the appeal site does not fall within the setting of the listed building. For these reasons, the proposed development would preserve the setting of All Saints Church as a listed building.
31. It is acknowledged that the proposal is for tourist accommodation that is likely to support the local economy, encourage outdoor recreation and create employment opportunities. Furthermore, it is admirable that the appellant would seek to use local craftspeople at the estate workshop to construct the cabins and that they would utilise energy and water efficiency technologies. However, these benefits do not overcome the fundamental concerns identified that relate to flood risk, ecology and trees, which are determinative in this instance.

Conclusion

32. The proposal conflicts with the development plan taken as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

L Fern

INSPECTOR