



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: 6 November 2025

Appeal Ref: APP/F2605/W/25/3370879

School Lodge, The Green, Caston, Norfolk, NR17 1DB

- 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 David Sawyer against the decision of Breckland Council.
 - The application Ref is PL/2025/0121/FMIN.
 - The development proposed is erection of three bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a three bedroom dwelling at School Lodge, The Green, Caston, Norfolk, NR17 1DB in accordance with the terms of the application, Ref PL/2025/0121/FMIN, and the plans submitted with it, subject to the conditions shown in the schedule at the end of this decision.

Preliminary Matters

2. The appellant has advanced revised plans with the appeal. These show an alternative design, comprising a one-and-a-half storey dwelling, to the bungalow originally proposed. These revisions represent a substantial difference to the proposals considered by the Council. Furthermore, they have not been subject to public consultation, an important part of the planning process. Accepting these plans could prejudice the Council and particularly interested parties, who may have observations to make. Therefore, the appeal must be determined based on the plans as originally submitted and upon which the Council made its decision. I have therefore proceeded on that basis.
3. In determining this appeal, 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.
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, North Norfolk Coast SAC, North Norfolk Coast SPA, The Wash and North Norfolk Coast SAC, 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).
5. A Unilateral Undertaking (UU) has been submitted with this appeal in an attempt to secure mitigation relating to the Habitat sites, a matter I return to in my reasoning

below. The Council has had the opportunity to comment on this, so is not prejudiced by my acceptance of it.

Main Issues

6. The main issues are:

- whether the appeal site is a suitable location for the proposal, having regard to the relevant provisions of the development plan;
- the effect of the proposal on the character and appearance of the area, including the Caston Conservation Area (CCA); and
- the effect of the development on the integrity of the Habitat sites.

Reasons

Suitable location

7. Policy GEN 01 of the Breckland Local Plan (2023) (BLP) seeks to enable sustainable development by directing growth towards the most sustainable locations, whilst also helping communities make best, most efficient use of land and resources and adapt and grow proportionately to enhance their social and economic sustainability. Policy GEN 03 of the BLP sets out a settlement hierarchy reflecting these principles.
8. Outside of settlement boundaries, 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 Policy HOU 04 of the BLP. The appeal site lies outside of the defined settlement boundary of Caston, a rural village. Policy HOU 04 sets out that appropriate development will be allowed immediately adjacent to the settlement boundary, subject to being supported by other policies within the development plan, and subject to a list of criteria being met.
9. However, it is first necessary to make a judgement on whether the site is immediately adjacent to the settlement boundary. In this regard, my attention has been drawn to caselaw¹ which relates to the interpretation of immediately adjoining, which the court ruled should not be unduly prescriptive. In this context, I take the view that 'immediately adjoining' and 'immediately adjacent' to be tantamount to the same meaning.
10. In the appeal before me, the defined settlement boundary is geographically split into two separate swathes of land. The appeal site lies directly opposite the north-western swathe on the other side of The Street. At just a few metres away, with only the public highway intervening, I interpret the appeal site to be sufficiently close to the settlement boundary to be considered as immediately adjacent.
11. Whilst I note that this differs from the view of a previous Inspector² who determined an appeal on this site, this decision was made in 2020 under a previous development plan and prior to the aforementioned court judgement in 2022 which clarifies how 'immediately adjoining' should be properly interpreted. Consequently, it does not alter my findings on this appeal.

¹ Corbett V Cornwall Council and Dymrna Wilson [2022] EWCA Civ 1069 (Corbett)

² APP/F2605/W/20/3257624

12. As a scheme for just one dwelling, I find the appeal scheme is of an appropriate scale for this small village and would not risk the merging of settlements, in compliance with the first and fourth criterion's of BLP Policy HOU 04. For reasons I will come on to, the design of the dwelling preserves the historic nature and connectivity of the community in accordance with criteria no. 3. Finally, neither party has suggested that the number of dwellings in the settlement would increase by more than 4% from the date of plan adoption. This correlates to my own observations on site. I therefore find no conflict with any of the criterion set out in BLP Policy HOU 04.
13. The appeal site fronts onto The Street which benefits from a footpath and is located in close proximity to three bus stops which offer regular public transport to larger settlements that have a wider range of services and facilities. Consequently, occupiers of the site would have a choice of transport that would not rely solely on use of the private car. This complies with the thrust of BLP GEN 01 and the National Planning Policy Framework (the Framework).
14. For these reasons, the appeal site would provide for a suitable location for the proposal, having regard to the relevant provisions of the development plan. It follows that I do not find conflict with the development plan in respect of this main issue.

Character and appearance (including CCA)

15. The extent of the CCA encompasses land wider than the defined settlement boundary, taking in land that contributes to the setting of this rural, dispersed settlement. The core of the village is set around the village green and late medieval church to the east, with buildings evident from the 17th century onwards. The openness of the village green gives way to primarily linear development along The Street to the west. Modern, low density 20th century development has been introduced and there is no prevailing architectural style evident. The CCA contains mature trees and hedgerows which positively contribute to the pleasant verdant character and appearance of the area. Its significance derives in part from this greenery, along with its evolution over time from an agricultural settlement and its historic and evidential value.
16. The appeal site forms part of the domestic garden of School Lodge, a two-storey dwelling, set behind low curtilage walls, established vegetation and trees. It is well screened from the village green, comprising a well-maintained garden associated with a modern 20th century development. It does not offer visual links with the wider landscape being well enclosed, and the garden space itself, located between existing residential dwellings, does not contribute to the significance of the CCA. The development of the appeal site would therefore not erode an important space within the character or appearance of the CCA.
17. The proposed dwelling would broadly align with School Lodge, enjoying a similar, generous set back distance from both The Street and Stow Bedon Road. Its introduction would preserve the low-density pattern of development in the area. Mature, protected trees would remain, thus retaining the important features that contribute to the significance of the CCA.
18. The appeal dwelling does not seek to replicate the limited number of modern dwellings with dormers in the vicinity. Instead, the design of the bungalow is simple, with its height kept low, reflecting the form and scale of many of the modern

dwellings within the village. Materials reflective of local vernacular would assimilate the development into its surroundings. The result would be a discreet, unassuming dwelling that appears subservient to the host property. Whilst this would not enhance the character and appearance of the CCA, I find that its design is of a sufficient standard to ensure that it would be preserved.

19. Therefore, I find that the effect of the proposal on the character and appearance of the area, including the CCA, would be acceptable. This meets the requirements of BLP policies HOU 04, COM 01, ENV 07 and GEN 02. It follows that I find no conflict with the historic environment policies contained within the Framework.

Integrity of the Habitat sites and Appropriate Assessment

20. 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.
21. 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 one dwelling and, in combination with other developments permitted in the area, there would be a likely significant effect on the Habitat sites.
22. 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 from pooling tariff style financial contributions made per dwelling, towards a number of mitigation and avoidance measures. These include a county-wide dog project, a gazetteer of dog walking sites, visitor monitoring, on-line hubs, county-wide car parking review, stakeholder events, training, provision of wardens, fencing, signage and information, provision of dog-bins and seasonal dog restrictions.
23. Both parties agree that a tariff style contribution towards the above-mentioned mitigation measures would be appropriate and that it would accord with the principles set out in the NRIAMS. I note that the administration and monitoring fees referred to in the UU have already been paid direct to the Council.
24. Natural England has been consulted as part of this Appropriate Assessment and is content that the financial contribution secured by the submitted UU, which aligns with the Council's adopted strategy, would address the adverse effects associated with the proposed development and would thereby relieve pressure on the Habitat sites. As competent authority, I am satisfied that the UU would secure and ensure delivery of mitigation sufficient to address the harm likely to be caused by the development. I therefore find that, subject to the proposed mitigation, the proposal would not have an adverse effect on the integrity of the Habitat sites. It follows that it accords with the Habitats Regulations and BLP Policy ENV 02.

Other Matters

25. The Council confirm they are unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. Ordinarily this would warrant the application of paragraph 11(d)(i) of the Framework. However, in this

case as I have found no harm and no conflict with the development plan policies, it is not necessary for me to apply this, because the appeal is acceptable regardless.

Conditions

26. The Council have suggested a number of conditions. I have considered these in relation to the necessary tests, made changes to some, and not imposed all those suggested for the reasons set out below.
27. In addition to the standard time condition (No.1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (No. 2) for the avoidance of doubt and in the interests of certainty.
28. In the interests of the character and appearance of the area, a condition is necessary (No. 3) to ensure that the external facing materials specified on the approved drawing are used in the construction of the development.
29. The Biodiversity Net Gain baseline report submitted with the appeal, indicates there is minimal scope to secure the creation and maintenance of higher value habitat within the appeal site. Therefore, off-site habitat will be required to secure the mandatory 10% biodiversity net gain (BNG) requirements. Off-site BNG would be subject to the statutory pre-commencement biodiversity gain condition³. The statutory BNG condition sets out that development cannot begin until the Biodiversity Gain Plan has been approved. Given this context, I have not imposed the Council's condition to secure BNG on site as it is not necessary. The condition as imposed (No. 4) is necessary to achieve some on-site enhancements to protected, priority and threatened species.
30. To safeguard nocturnal wildlife from undue harm and disturbance, a condition (No. 5) is necessary to ensure that any external lighting is sensitively designed.
31. To afford retained trees on site protection during the construction period, a condition (No. 6) is necessary to ensure that works take place in accordance with the submitted details.
32. A condition (No. 7) is necessary to agree the vehicular access crossing over the verge to ensure a satisfactory access is created and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
33. In the interests of enabling vehicles to safely draw off the highway and not impede traffic, a condition (No. 8) is necessary to ensure that any gates or barrier at the site entrance open inwards.
34. A condition (No. 9) is necessary to ensure the gradient of the vehicular access is appropriate in the interests of highway safety. For the same reason, a condition (No. 10) is necessary to require the provision of visibility splays in both directions and their maintenance free from obstruction thereafter.
35. Provision of on-site parking and turning areas is secured through the imposition of a condition (No. 11) at an appropriate point in time in the interests of proper planning and highway safety.

³ as set out in Schedule 7A to the Town and Country Planning Act 1990 (as amended).

36. A condition to deal with unexpected land contamination is imposed (No. 12) in the interests of protecting human health and the environment.

Conclusion

37. For the reasons given above, the scheme would accord with the development plan as a whole and the Framework. Thus, having regard to all other matters raised, I conclude that the appeal should be allowed.

C Walker

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: TL-5095-25-2 (Proposed Bungalow Details) and TL-5095-25-1A (Proposed Site Plan).
3. The development hereby permitted shall be constructed using the external facing materials specified on the approved drawings.
4. Prior to any works commencing above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

5. Prior to first occupation, an external lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and be approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

6. Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prepared by Oakfield Arboricultural Services - OAS 24-308-AR01 and dated January 2025. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the drawing TPP OAS 24-308-TS03 and dated January 2025. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site.
7. Prior to the first occupation of the development hereby permitted, the vehicular access crossing over the verge shall be constructed in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be 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.
8. Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
9. The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
10. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres by 59 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
11. Prior to the first occupation of the development hereby permitted, the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan and retained thereafter and made available for the approved use.

12. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

End of Conditions Schedule