



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: 11 November 2025

Appeal Ref: APP/F2605/W/25/3370598

Grid references Easting: 604697 and Northing: 291572, Land at Fen Road, Old Buckenham, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr and Mrs Hunt against the decision of Breckland Council.
 - The application Ref is PL/2025/0574/PIP.
 - The development proposed is for the erection of 1 no. self build dwelling (permission in principle).
-

Decision

1. The appeal is allowed and permission in principle is granted for the erection of 1 no. self build dwelling at grid references Easting: 604697 and Northing: 291572, on Land at Fen Road, Old Buckenham, Norfolk, in accordance with the terms of the application, Ref PL/2025/0574/PIP.

Preliminary Matters

2. My decision above removes superfluous wording from the description of development, in the interests of clarity and conciseness.
3. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second 'technical details consent' stage is when the detailed development proposals are assessed. Planning permission does not exist unless both are approved. This appeal relates to the first of these two stages.
4. The scope of considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.

Procedural Issues

5. Certain types of development are excluded from the grant of permission in principle. Habitat development is one such exclusion¹ and is defined as including development, which discounting mitigation measures, is likely to have a significant effect on a qualifying European site under the Conservation of Habitat and Species Regulations 2017 (as amended) (hereafter referred to as the Habitat Regulations).

¹ Article 5B(1)(b) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

6. In these circumstances, an appropriate assessment should be undertaken at the outset to establish whether the development would adversely affect the integrity of the protected site. If the outcome of the appropriate assessment is unfavourable, it would preclude the grant of permission in principle, and it becomes unnecessary to consider matters any further.
7. In this case, the Council assert that the appeal site falls within the Zone of Influence (ZOI) of a number of European designated sites including Special Protection Area's (SPA) and Special Area's of Conservation (SAC). These comprise the Breckland SPA, Breckland SAC, the Broads SAC, Broads SPA, Breydon Water SPA, Winterton-Dunes SAC, Great Yarmouth and North Denes SPA, North Norfolk Coast SAC, North Norfolk Coast SPA, The Wash and North Norfolk Coast SAC, Roydon Common and Dersingham Bog SAC, Roydon Common Ramsar, Dersingham Bog Ramsar, Norfolk Valley Fens SAC, The Wash SPA and The Wash Ramsar sites (hereafter the Habitat sites).
8. The Habitat sites encompass a large part of Norfolk's countryside including 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 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 adverse effect on the Habitat sites.
10. Policy ENV 02 of the Breckland Local Plan (2023) (BLP) requires the highest level of protection for European sites, with development only permitted where proposals accord with the Habitat Regulations.
11. 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 range 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.
12. Both main 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. The administration and monitoring fees noted in the submitted Planning Obligation have already been paid.
13. Natural England has been consulted as part of this appropriate assessment and is content that the financial contribution secured by the Planning Obligation, 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. Given their specialist knowledge, this attracts considerable weight.
14. As competent authority, I am satisfied that the Planning Obligation 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, in accordance with both the Habitats Regulations and BLP Policy ENV 02.

15. Therefore, having undertaken a favourable appropriate assessment, and noting there is sufficient certainty that adequate mitigation is secured, the proposal would not constitute habitats development. Consequently, it can be considered under the permission in principle procedure.

Main Issue

16. The main issue is whether the appeal site is suitable for the proposal in terms of location, land use and amount of development, having regard to the relevant policies in the development plan.

Reasons

17. While the appeal site lies within the parish of Old Buckenham, it does not lie within any defined settlement boundary.
18. Policy GEN 01 of the BLP seeks to achieve sustainable development by protecting and enhancing the natural and built environment and directing growth and jobs towards the most sustainable locations. This is reflected in the spatial strategy, with BLP Policy GEN 03 setting out a settlement hierarchy. Most new development is directed towards towns and villages in the two upper tiers of the hierarchy. Old Buckenham is named in the third tier of the hierarchy referred to as 'Local Service Centres'. The settlement of Old Buckenham is expected to contribute to housing growth by 73 dwellings over the plan period in accordance with BLP Policy HOU 02.
19. Policy GEN 05 of the BLP states that outside the defined settlement boundaries, development is restricted to recognise the intrinsic character and beauty of the countryside. Development will only be acceptable where it is compliant with all relevant policies set out in the development plan, including but not necessarily restricted to a list of policies. One such policy is HOU 03, which sets out that development is normally resisted outside of the boundaries of Local Service Centres. However, it also sets out that 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 a list of four specific criteria, all of which need to be met. Given the Council cannot currently demonstrate a five-year supply of deliverable housing sites (5YHLS), this element of the policy is engaged.
20. The first of the 4 criterion requires development to lie immediately adjacent to the settlement boundary. The appeal site lies to the north-west of the settlement, with intervening land between it and the defined boundary. Consequently, it cannot be regarded as being immediately adjacent to it. As the proposal fails this criterion, it is not necessary for me to consider the other 3, as it must meet them all. This brings the scheme into conflict with the Council's spatial strategy.
21. The western part of Old Buckenham is typically formed by ribbon development. Beyond the settlement boundary to the west, development becomes more sporadic and loosely knit. While two sites with planning permission lie between the appeal site and the settlement edge, this limited cluster does not constitute a

distinct hamlet. Accordingly, it is not necessary to assess the proposal against BLP Policy HOU 05.

22. The National Planning Policy Framework (the Framework) seeks to promote sustainable development in rural areas and prevent isolated homes in the countryside. As the site sits amongst a small cluster of dwellings, it would not be physically isolated in this respect. The distance between the appeal site and the edge of the settlement boundary is in dispute. Following the road, I estimate that distance to be just over 600m and it is further still to the centre of the village, where the key services are located. The appellant suggests the distance to the centre of the settlement is 1.1 miles which would equate to around a 20-minute walk, a matter the Council have not disputed.
23. Fen Road, where the appeal site is located, is a narrow rural lane without pavements or street lighting. A public right of way nearby provides a connection to Barker's Lane, but it does not offer a quicker or more convenient route into the village core. Based on my observations and the evidence before me, the road is lightly trafficked. Moreover, many dwellings along Fen Street, including those within the settlement boundary, also lack formal pedestrian infrastructure. As such, the absence of pavements would not be uncharacteristic of the local context nor would it be dissimilar to the position that many dwellings in the village are accustomed to.
24. As the appeal site comprises a spacious plot, it would be capable of accommodating a scheme for one dwelling. Therefore, it would be an appropriate amount of development, commensurate with the size of the settlement. However, for the reasons I have set out, the appeal site would be an unsuitable location for the proposal, having regard to the relevant policies in the development plan. Conflict has been identified in respect of BLP policies GEN 01, GEN 03, GEN 05 and HOU 03.

Planning Balance and Conclusion

25. As already set out, the necessary 5YHLS cannot be demonstrated. The level of shortfall is unknown. An inability to demonstrate a 5YHLS warrants the application of paragraph 11(d) of the Framework, which relates to the presumption in favour of sustainable development.
26. I have already established that there is no strong reason for refusal with regards to an area or asset of particular importance. Therefore, in this case it means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
27. The scheme would positively contribute to boosting housing supply and would bring about limited economic and social benefits through the temporary construction jobs it would create and help to support local services. As a self-build dwelling, appropriately secured by Planning Obligation, it would have a limited but positive public benefit given the undisputed shortfall in Breckland.
28. I have found that locationally, the site runs contrary to the spatial strategy of the development plan. However, in circumstances where the Council's housing

delivery policies have acted to restrict the supply of homes, I do not find the site's position outside of the settlement boundary, and thus at odds with the Council's spatial strategy, to be decisive to the outcome of this appeal.

29. Rather, when considered in the round, the site is a reasonable walking distance to the core of a settlement that is expected to contribute to accommodating housing growth. Whilst the lack of footpaths leading into the village count against the scheme, noting that this is not unusual, particularly for occupiers of Fen Street, it need not be fatal.
30. Given its position between built form on either side, developing the site for one dwelling would not harmfully encroach into the open countryside nor would it erode a visually important gap that contributes positively to the character and distinctiveness of the rural scene. I am also cognisant that the Old Buckenham Policies Plan indicates two other sites between the appeal site and the defined village edge have residential planning permission, which has the potential to further change the way in which the extent of the village is experienced. Thus, overall, its locational harm is limited.
31. Drawing the above together, I do not find that the limited harm identified to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conditions

32. The PPG makes clear that conditions cannot be attached to a grant of permission in principle, and its terms may only include the site location, the type and amount of development. Where permission in principle is granted by application, the default duration of that permission is 3 years. Applications for technical details consent must be determined within the duration of the permission granted. Therefore, no conditions have been imposed.

Conclusion

33. For the reasons set out above, the appeal should be allowed.

C Walker

INSPECTOR