



Appeal Decision

Site visit made on 29 October 2025

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/K2610/W/25/3369976

Fairfield Way, Burgh next Aylsham, Aylsham, Norfolk, NR11 6TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Joanna Rochester against the decision of Broadland District Council.
 - The application Ref is 2024/3864.
 - The development proposed is for 3 self-build serviced plots for 1 no 4-bedroom home and 2 no 3-bedroom homes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development included on the application form to remove some matters that were not acts of development.
3. The proposal has been submitted in outline with all matters except access reserved for subsequent approval. With the exception of any details showing the access arrangements, I have treated all other details shown on the plans as indicative.
4. Two reasons for refusal relate to the fact that the Council were not satisfied that adequate information had been submitted to demonstrate there would be no likely significant effect on The Broads Special Conservation Area due to nutrient pollution or on The Broads, Valley Fens and East Coast zones of influence due to adverse recreational impacts. However, given my findings in relation to the other main issues I will deal with these issues in the "Other Matters" section of the decision.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether or not the appeal site is an appropriate location for the proposed dwellings having regard to development plan policies relating to development outside settlement limits and its accessibility to services and facilities; and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

6. The appeal site forms part of a larger field that I observed is in agricultural use. Access is provided via a narrow access road that serves a small number of dwellings along Fairfield Way. This appears unfinished and comes to an abrupt end without a means for vehicles to turn at the end. The appeal site and this wider parcel appear as a largely undeveloped open area. A dwelling and its garden area is located immediately to the west of the appeal site, an open agricultural field to the south and the north and east boundaries are bounded by hedgerows which form the edge of adjacent fields beyond which are significant open areas comprising agricultural land.
7. Consequently, although the wider parcel of land has some common boundaries with dwellings and their garden areas, the appeal site itself is surrounded on three sides by open land. Consequently, I do not agree with the appellant when they set out that the site is in the heart of the village with 5 of its 7 sides already bound by houses. I observed at the site visit that the dwellings and garden areas to the south are some considerable distance from the appeal site across an open field, albeit this field is within land controlled by the appellant. Similarly, there is a clear separation between the appeal site and the dwellings and their gardens to the south-west.
8. It follows that as set out above, except for the dwelling and garden to the east, the appeal site is surrounded by open land. As a result, the character and appearance of the appeal site derives to a significant extent from its open appearance which creates a sense of spaciousness to the east of the dwellings along Fairfield Way and clearly defines the edge of the settlement and the countryside beyond. This sense of spaciousness makes a significant contribution to the character and appearance of the area and reinforces the sense of open countryside beyond the small number of dwellings along Fairfield Way.
9. The proposed development would involve the introduction of three dwellings, and the principal effects of the development would be the loss of part of an undeveloped field to be replaced by residential development served by an extension of Fairfield Way.
10. Although the precise layout, scale and appearance of the dwellings is not to be determined at this stage, the residential form, albeit eco homes, indicated on the illustrative plans would be an intrusive and alien form of development in this predominantly open countryside location. In addition to the domestic height, bulk and scale of the dwellings themselves, there would be their associated gardens, lighting and domestic paraphernalia and the comings and goings from them.
11. I accept that the appeal site would be set away from Wood Lane to the west and public views would be limited, nevertheless the development of the appeal site would harmfully erode the existing open appearance of the appeal site.
12. The proposal would not involve infilling as it would not involve development that fills in a gap in an otherwise built-up frontage. Nor would it involve rounding off of the settlement as it would result in an extension of development to the east of Fairfield Way on undeveloped land which would unacceptably encroach into the open

countryside. Such an arrangement would have a significant adverse impact on the landscape.

13. As a result, the proposal would introduce an incongruous urbanising form of development at odds with the existing sense of spaciousness which makes such an important contribution to the character and appearance of the area.
14. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area which I afford significant weight. Consequently, the proposed development would conflict with Policies 2 and 7.5 of the Greater Norwich Local Plan, March 2024 (GNLP) and Policies GC4 and EN2 of the Development Management DPD 2015 (DMDPD), which among other things seek to ensure development respects the character of the local area and that proposals for self-build housing developments would not result in significant adverse impacts on the landscape.
15. Moreover, the proposal would be at odds with the Custom and Self-build Housing Supplementary Planning Document (SPD) August 2025 which among other things sets out that proposals which are considered to harm the form or character of the local area will not be supported under Policy 7.5 of GNLP.

Whether or not an appropriate location

16. The appeal site is located in Burgh next Aylsham which does not have a defined settlement boundary. However, bearing in mind its location within an agricultural field to the east of the last property along Fairfield Way the appeal site is located outside of the settlement.
17. Policy GC2 of the DMDPD provides the approach to the location of new development and highlights that outside of the settlement limits, development which does not result in any significant adverse impact, will be permitted where it accords with a specific allocation and/or policy of the development plan.
18. The proposed development is for self-build dwellings and Policy 7.5 of the GNLP sets out that small scale residential development of up to 3 dwellings for self-build homes will be permitted on sites that are within or adjacent to settlements, subject to meeting certain criteria.
19. The Council consider that the appeal site is not adjacent to the settlement due to the lack of provision and services. The SPD sets out that a settlement should be more than a recognisable group of buildings and should be somewhere that can demonstrate vitality through a sense of community value and identity as well as supporting local services and facilities.
20. In this case, the appeal site has a common boundary with an existing dwelling on Fairfield Way. I am satisfied that Burgh next Aylsham should be considered a settlement. It is clearly more than a recognisable group of buildings, has a sense of community value and identity and it does have some, albeit limited services and facilities, including a church and a reading room. As a result, I am satisfied that the appeal site is located adjacent to the settlement boundary.
21. However, as outlined above the proposal still would not accord with Policy 7.5 of the GNLP as all development covered by the policy would need to respect the form and character of the settlement including having no significant adverse impact on the landscape. It would also need to accord with other relevant local plan policies.

Given my findings on the first main issue, the proposal has failed to meet this criterion.

22. Similarly, given the finding on the first main issue it would not accord with Policy GC2 of the DMDPD as the proposal would result in a significant adverse impact on the character and appearance of the area and therefore would not accord with specific policies of the development plan. Consequently, development plan policies do not support the proposed dwellings at this location.
23. I turn now to consider whether or not the appeal site represents a sustainable location. There are very limited services and facilities within the settlement itself. The appellant highlights that the outskirts of Aylsham is about 2 km away with the nearest shop 2.4 km away and that there is a footpath along the railway line.
24. However, land use patterns that are most conducive to walking are where there are a range of facilities and services within a 10-minute walk or about 800 metres. There are no significant facilities or services necessary for day to day living within that range. Moreover, the roads within the vicinity of the appeal site are narrow with no pavements or streetlights and therefore I do not think it likely that future occupants would walk or cycle to reach day to day services and facilities.
25. The appellant highlights that there is a bus-stop within walking distance of the appeal site. However, the bus services provide a limited service and although a greater range of services and facilities could be reached by bus, given the infrequency of the services it is again unlikely that future occupants would rely on public transport to access day to day services and facilities.
26. The Framework sets out that priority should be given first to pedestrian and cycle movements and second to access to high quality public transport. Consequently, taking these factors together, notwithstanding the availability of limited public transport within walking distance, having taken account of the survey undertaken by the appellant and the points she makes about supermarket home deliveries and children being able to travel to school by bus, nevertheless future residents would still be reliant on the private car.
27. I have taken account of the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, but nevertheless, the proposed development would not represent a location which is sustainable as contrary to the Framework it would not be located where the need to travel would be limited.
28. Moreover, given that the proposed development would not be considered sustainable development it would not accord with Policy 2 of the GNLP as it would not represent sustainable development in accordance with the Framework.
29. I therefore conclude that the proposed dwellings would not be located in an appropriate location having regard to the development plan policies relating to development outside settlement limits and would not be suitably located in terms of accessibility to services and facilities which I afford significant weight. Consequently, the proposal would be at odds with Policies GC2 of the DMDPD, Policies 2 and 7.5 of the GNLP and with the Framework for the reasons set out above.

Highway Safety

30. The proposed access would be via Fairfield Way which is a narrow single track private road. Although the highway authority indicate that this would need to be widened, they confirm that this is not a reason for refusal. Notwithstanding that any proposed widening of Fairfield Way was not included as part of the appeal proposal, if in all other respects the proposal had been acceptable, I would have considered whether attaching a suitably worded condition could have addressed this issue. Similarly, the highway authority has no concerns about visibility for vehicles entering and exiting Fairfield Way onto Wood Lane. I agree with this analysis. Moreover, although access is not a reserved matter, the layout is, and I consider that there is adequate space on the appeal site to allow for adequate parking and for vehicles to manoeuvre safely which again could be dealt with by suitably worded conditions.
31. The highway authority is concerned about an increase in vehicles using Wood Lane due to its limited width meaning that the opportunity for vehicles to pass each other is limited. They highlight that this would result in any vehicles that meet having to reverse causing a safety hazard for drivers, pedestrians and cyclists as well as for those using mobility scooters.
32. However, I observed Wood Lane is one of a few routes into Burgh next Aylsham and as recognised by the highway authority its existence in its current form is a matter of fact and they accept that some degree of vehicle conflict already occurs. I observed that the road is narrow and passing places are limited. However, although I accept that my observations are only a snapshot at a certain time, I observed that vehicles were taking account of the existing road conditions and were able to pass safely using private accesses to pull over to allow vehicles travelling in the other direction to pass.
33. I also note that the highways authority is concerned about visibility at the junction of Wood Lane with its junction with Burgh Road/The Street. They highlight that looking west with a setback of 2.4m, visibility is 25m and that subject to cutting back vegetation which they accept is the highway authority's responsibility, looking east with a setback of 2.4m, visibility is 43m. They note that this falls short of the visibility requirements set out in Manual for Streets (MfS). However, this is an existing junction in the heart of Burgh next Aylsham where I observed that vehicles were navigating safely at the time of my site visit.
34. The Framework sets out development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. I am satisfied that vehicles using the junction of Fairfield Way and Wood Lane would be able to do so safely and taking account of the relatively small increase in vehicle movements associated with the proposal, I am satisfied that the proposal would not have an unacceptable impact on highway safety nor would it have a severe cumulative impact on the road network.
35. I therefore conclude that the proposal would not result in an unacceptable impact on highway safety. Consequently, the proposal would not be at odds with Policy TS3 of the DMDPD which sets out that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

Other Matters

36. I turn first to consider housing supply. The Council accept that they are unable to demonstrate a 5-year supply of housing land. The proposal would be valuable in boosting housing stock. However, given that the proposal would only result in three additional dwellings that tempers the weight of this matter to a certain extent.
37. I accept that the proposal would have a cumulative effect in the supply of housing and would make efficient use of the site. The proposal would also have limited economic, social, and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase and would broaden the availability of much needed housing in the area. However, due to the fact that the proposal would only add three additional dwellings I afford this matter moderate weight.
38. The Council has a duty under the Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet identified demand for the district.
39. The appellant has confirmed that they are on the Council's self-build register, and that they would ensure that occupiers would meet the relevant eligibility criteria. I accept that this does indicate a desire on behalf of the appellant to proceed with a self-build development.
40. The Framework supports small sites to come forward for self-build and custom-build housing and Policy 7.5 of the GNLP is consistent with national policy. The addition of three self-build dwellings on the appeal site would help to meet the demand for such housing in the area. However, as outlined above, the proposal would not respect the form and character of the settlement. Consequently, the proposed development would not accord with Policy 7.5 of the GNLP.
41. In addition, there is no planning obligation to secure some means of ensuring the proposal would be constructed for such use. The Council has provided suggested wording for conditions, and I have considered whether it would be reasonable to impose such conditions if I had been minded to allow the appeal. However, monitoring and enforcing any such conditions would be extremely difficult, and consequently I am not satisfied that such conditions would meet the necessary tests set out in the relevant Planning Practice Guidance. Consequently, this significantly reduces the weight afforded to this matter.
42. I have also found that the proposal does not accord with Policy 7.5 of the GNLP. As a result, due to the conflict with the relevant policy and as no planning obligation has been submitted to secure some means of ensuring the proposal would be constructed for such use, I afford the provision of self-build dwellings limited weight in the determination of the appeal.
43. I note that the appellant has provided information from the business that farms the appeal site and surrounding land that indicates that farming there is not commercially viable. The appellant also indicates that the current management of the land removes habitats and provides no nesting or shelter sites. If successful, the appellant would introduce a large amount of tree and hedge planting and introduce a wild bird meadow and woodland on the remaining field to the south of

the appeal site which would increase biodiversity. However, the proposed wild bird meadow and woodland are not part of the scheme before me and would be on land outside of the appeal site boundary. As a result, these matters have limited weight in the determination of the appeal and do not justify harmful development at the appeal site.

44. The proposed development could have a significant effect, either alone or in combination, on the Broads Special Conservation Area due to nutrient pollution and on the Broads, Valley Fens and East Coast zones of influence due to adverse recreational impacts. These European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (The Habitat Regulations).
45. In terms of nutrient pollution, I note that the appellant indicates that this could be partially mitigated by on site mitigation, (which would include land outside the appeal site boundary), and also would be happy to buy credits. They also make the point that they would introduce an appropriate sewage treatment system to remove nitrates and phosphates. In terms of the recreational impacts the appellant indicates that the planting of the wild bird meadow and woodland, again on land outside of the appeal site, would mitigate any concerns.
46. Regulation 63 of the Habitat Regulations requires the competent authority to carry out an Appropriate Assessment (AA). However, an AA is only required where the competent authority is minded to grant consent for the proposal. Given my conclusion below, it follows that there is no need to further consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.
47. The appellant has also made reference to two appeal decisions one at Tivetshall St Margaret and one at Tacolneston. In relation to both I accept that there are some similarities, but also material differences between those cases and the case before me.
48. For example, in relation to the former, the appellant had submitted an executed unilateral undertaking to secure the self-build use, the Inspector did not have any concerns about the impact of the proposal on the character and appearance of the area and overall found the adverse impacts of the proposal would be moderate. In relation to the other decision, the Inspector found that there would only be some limited harm to the character and appearance of the area, and the proposed development would be located directly adjacent to Tacolneston with accessibility to its local services and facilities. Consequently, due to these material differences the ingredients of the planning balance in each case were materially different from this case and so this limits the weight of these other appeal decisions in the determination of this appeal.
49. The appellant has also referred to a scheme for 23 homes in Hales that has been approved by the Council. Although I have not been provided with many details, that site is located in a different village some distance from the appeal site. Consequently, although that village may also have limited services and facilities the character and appearance context is materially different. Further, this other example makes a much more significant contribution to the housing shortfall than this proposal. It follows that again these material differences mean that the ingredients of the planning balance are materially different, and this limits the

weight of this other example in the determination of the appeal. Moreover, the existence and reference to this other case does not justify harmful development at the appeal site.

Planning Balance and Conclusion

50. I have afforded some matters weight as outlined above and overall, I afford the totality of the benefits moderate weight in the determination of the appeal. On the other hand, I afford significant weight to both the fact that the proposal would unacceptably harm the character and appearance of the area and would not be located in an appropriate location.
51. As set out above, the Council cannot demonstrate a 5-year supply of housing land. This is at odds with Framework requirements and as a result Paragraph 11(d) of the Framework is relevant.
52. However, given the relative benefits weighed against the harm and having had particular regard to relevant key policies I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
53. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged and the scheme should be considered under a normal planning balance. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.¹
54. In this case, the proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

S Rawle

INSPECTOR

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990