



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: 14 November 2025

Appeal Ref: APP/K2610/W/25/3370843

Brinton, 94 Norwich Road, Horstead with Stanninghall, Norwich, Norfolk NR12 7EQ

- 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 Mr Scott Daniels against the decision of Broadland District Council.
 - The application Ref is 2025/1025.
 - The development proposed is the erection of self-build chalet bungalow with 2-bay cart lodge and associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Two reasons for refusal relates to the fact that the Council were not satisfied that there would be no likely significant effect on The Broads Special Conservation Area due to nutrients 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

3. The main issues are;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring residents with particular reference to noise and disturbance;
 - Whether or not the proposal meets the eligibility criteria for a self-build dwelling.

Reasons

Character and appearance

4. The appeal site is located within the narrow rear garden of an existing semi-detached bungalow which is in a row of dwellings that front Norwich Road. Existing dwellings in the row are predominantly bungalows although there are also some two storey dwellings. There is an existing track between 94 and 96 Norwich Road (Nos 94 and 96) which provides access to a field behind the properties as well as providing access to the rear garden of the appeal property. I observed at the site

visit that the rear garden area at No 94 comprised gravel and hardstanding and did not have a lawned area and that a car and two commercial vehicles were parked within this area.

5. Moreover, there was a timber clad outbuilding as well as a skip, portaloo and a container within the rear garden. The outbuilding was clearly subservient to the existing dwelling and notwithstanding the other vehicles and features sited within the garden, some of which would likely be transient, the rear garden nevertheless appeared as a spacious open area. Along with the other gardens serving dwellings in the same row, the rear area at No 94 provides an important open transitional space between the main residential buildings and the field beyond which makes an important contribution to the character and appearance of the area.
6. I also observed that a number of dwellings had outbuildings within their rear gardens. However, like the outbuilding at the appeal property these appeared as subservient structures to the main dwellings and did not detract from the character and appearance of the area. As a result, the prevailing character and appearance of the area comprises existing dwellings along the road with predominantly long rear gardens with some subservient outbuildings and structures that do not look out of place within this context.
7. The appeal proposal would involve the introduction of a detached self-build single storey dwelling with first-floor accommodation within the roof, served by rooflights in the side roof slopes and with a large full height glazed window and glazed doors leading out to an inset balcony serving the first-floor master bedroom.
8. The architectural design of the proposal is of a high quality and I accept that some elements of the proposed development would be compatible with surrounding properties, including the single storey height and the roof profile. However, the side elevations would be set in by only a small distance from the appeal site boundary on either side. Consequently, the proposal would appear cramped on the plot and would harmfully undermine the existing open transitional space between the existing dwelling at No 94 and the field beyond which as outlined above makes an important contribution to the character and appearance of the area.
9. Moreover, the introduction of a dwelling in the rear part of the existing garden area would introduce an incongruous and incompatible built form that would represent an over development of the plot which would be at odds with the prevailing character and appearance of the area and therefore would not respect the form and character of the existing settlement. Although the proposed dwelling would be set behind the existing dwelling at No 94, views would be possible along the existing access between No 94 and No 96 and from rear facing windows and from the rear gardens of some neighbouring dwellings.
10. I therefore conclude that the proposed development would be unacceptably harmful to the character and appearance of the area, and I afford this issue significant weight. Consequently, the proposal would be at odds with Policies 2 and 7.5 of the Greater Norwich Local Plan 2024 (GNLP) and Policy GC4 of the Broadland Development Management Development Plan Document 2015 (BDMDPD) which among other things seek to ensure that development proposals should create beautiful well-designed places which respect and pay adequate regard to the character of the local area and that self-build housing developments

outside settlement boundaries needs to respect the form and character of the settlement.

Living Conditions

11. The proposed development would include an access road that would pass to the side of No 94. It would also include a turning area and cart lodge incorporating a parking area and store that would be close to the common boundary with 92 Norwich Road (No 92). However, as outlined above, there is already an existing vehicular access to the rear garden and a parking area.
12. Consequently, although vehicle movements would increase due to the introduction of an additional dwelling, the number of vehicle movements that would drive along the proposed access road and use the turning area would not significantly increase as the occupants of No 94 would no longer drive to the rear but instead would use the existing frontage parking area. It follows that the proposal would not result in such an increase in noise and disturbance to unacceptably harm the living conditions of neighbouring residents.
13. I therefore conclude that the proposal would not unacceptably harm the living conditions of the occupiers of neighbouring residents with particular reference to noise and disturbance. Consequently, the proposal would accord with Policy GC4 of the BDMDPD which among other things seeks to ensure proposals consider the impact upon the amenity of existing properties.

Self-Build Dwelling

14. 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.
15. The appellant has indicated that they comply with the eligibility criteria for Part 1 of the Council's self-build register. I have no reason to question that to be the case, and I accept that this information does indicate a desire on behalf of the appellant to proceed with a self-build development.
16. The National Planning Policy Framework (the Framework) supports small sites to come forward for self-build and custom-build housing. Policy 7.5 of the GNLP is consistent with national policy and sets out that small scale residential development of up to 3 dwellings that meet the eligibility criteria for Part 1 of the Council's self-build register will be permitted subject to meeting certain criteria including that the scheme will need to respect the form and character of the settlement.
17. The addition of a self-build dwelling on the appeal site would help to meet the demand for such housing in the area. However, the weight afforded is tempered by the fact that the proposal would only result in one additional dwelling. Moreover, 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.
18. 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 a condition, and I have considered whether it would be reasonable to

impose such a condition. However, monitoring and enforcing any such condition would be extremely difficult, and consequently I am not satisfied that such a condition would meet the necessary tests set out in the relevant Planning Practice Guidance. Consequently, this significantly reduces the weight afforded to this matter.

19. I note that the Council included this matter as a reason for refusal. I have found that the proposal does not accord with Policy 7.5 of the GNLP. However, I do not consider that this matter should weigh against the proposal as the provision of a self-build dwelling can potentially be a benefit that weighs in favour of a proposal. That said, 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 a self-build dwelling limited weight in the determination of the appeal.

Other Matters

20. 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 one additional dwelling that tempers the weight of this matter.
21. 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 one additional dwelling I afford this matter only moderate weight.
22. The proposed development would be likely to 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).
23. In terms of nutrient pollution, I note that the appellant indicates that a calculator and mitigation report could be commissioned once the principle of development has been established and credits purchased to ameliorate any impacts. In terms of the recreational impacts the appellant has submitted a draft unilateral undertaking and has indicated that they are willing to pay the appropriate contribution as set out in the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS).
24. 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 consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.
25. I note that the appellant is disappointed at the lack of communication by the Council during the application stage as this could have resolved some of the rejection

grounds. While I can understand the appellant's position, the Council's approach during the application process has not materially influenced the determination of the appeal and does not justify harmful development at the appeal site.

Planning Balance and Conclusion

26. 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 the fact that the proposal would unacceptably harm the character and appearance of the area.
27. As set out above, the Council cannot demonstrate a 5-year supply of housing land. This is at odds with Framework expectations and as a result Paragraph 11(d) of the Framework is relevant.
28. However, given the relative benefits weighed against the harm and having had particular regard to relevant key policies I nevertheless 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.
29. 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
30. 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