



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: 20 November 2025

Appeal Ref: APP/K2610/W/24/3355460

Land at Frettenham Road, Horstead NR12 7LA

- 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 Mr P Smith against the decision of Broadland District Council.
 - The application Ref is 2024/0968.
 - The development proposed is 1 no. Dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development from that on the application form to remove matters that are 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 and Ramsar site 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 dwelling having regard to development plan policies relating to development outside settlement limits and its accessibility to services and facilities; and
 - Whether adequate information has been provided to demonstrate whether or not the proposed development would be at an unacceptable risk of flooding.

Reasons

Character and appearance

6. The appeal site comprises an open field located to the west of Horstead. To the north is an established dense band of mature trees and vegetation, beyond which are further fields. Similarly to the west existing vegetation along the appeal site boundary separates the appeal site from open fields beyond. To the east there is a pond beyond which there is a detached dwelling set back some distance from Frettenham Road.
7. On the opposite side of the road, I observed that the character and appearance is materially different comprising a number of dwellings along the road as well as some allotments. Nevertheless, on the appeal site side of the road, although beyond the pond there are some residential dwellings to the east heading towards Horstead, the appeal site itself is open and is surrounded by predominantly open land to the north, beyond the belt of trees and to the west.
8. I acknowledge that the existing band of trees to the north does create a visual barrier between the appeal site and the open land beyond, however these trees create a woodland backdrop entirely compatible with this countryside setting. Moreover, although I observed there is also vegetation along the western boundary due to the topography of the land the open appearance of the land beyond is apparent.
9. As a result, the character and appearance of the appeal site derives to a significant extent from its open appearance with a sylvian backdrop which creates a sense of spaciousness on this side of Frettenham Road to the west of Horstead and which 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 settlement.
10. The proposed development would involve the introduction of one dwelling, and wherever ultimately the dwelling would be located on the plot the principal effects of the development would be the loss of an undeveloped open field to be replaced by a residential development with an extensive curtilage/garden area.
11. Although the precise layout, scale and appearance of the dwelling is not to be determined at this stage, any residential development 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 dwelling itself there would also be an extensive garden/curtilage area, lighting and domestic paraphernalia.
12. I acknowledge that there would be an opportunity to provide landscaping, and I note that the indicative layout shows the retention of existing trees and the introduction of a number of new trees. Nevertheless, the proposal would result in an inharmonious extension of development to the west of Horstead. Such an arrangement would fail to respect the existing open landscape character.
13. Moreover, the proposal would have a significant frontage along Frettenham Road and 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 3 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, pays adequate regard to the character and appearance of the area, reflects the area's settlement structure and respects landscape character.

Whether or not an appropriate location

15. It is common ground that the appeal property is located outside the settlement limits. 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.
16. I accept that the proposed development is for a self-build dwelling, and this was acknowledged in the Council's Delegated Report which set out that self-build had been identified as the method of delivering the site. 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.
17. The appellant considers that the appeal site is adjacent to the defined settlement boundary whereas the Council do not agree. For my part, I accept the appellant's evidence that the settlement boundary is located immediately to the south along Frettenham Road and close to the boundary to the north-east. As a result, I am satisfied that the appeal site is located adjacent to the settlement boundary.
18. However, the proposal would still 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 these criteria.
19. 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 dwelling at this location.
20. That said, although the appeal site is located outside of the settlement boundary, it is located within an easy walk along an existing pavement to the services and facilities of Horstead and Coltishall which include bus stops which connect to larger settlements as well as providing shops suitable for day to day living. As a result, the appeal site is located where future residents would not be reliant on private vehicles and in accordance with the National Planning Policy Framework (the Framework), the proposal would limit the need to travel and would offer a genuine choice of transport modes. This lessens the harm of my finding that development plan policies do not support the proposed dwelling at this location.
21. I therefore conclude that the proposed dwellinghouse would not be located in an appropriate location having regard to the development plan policies relating to

development outside settlement limits. Consequently, the proposal would be at odds with Policies GC2 and 7.5 of the GNLP. However, given the location of the appeal site relative to services and facilities I consider this issue only results in moderate harm and I afford this issue moderate weight in the determination of the appeal.

22. The Council's reasons for refusal also referred to Policy GC1 of the DMDPD. This policy sets out that there will be a presumption in favour of sustainable development and is consistent with paragraph 11 of the Framework which I will consider further in the planning balance section of this decision.

Flooding

23. The Council set out that although the appeal site is within Flood Zone 1 and borders Flood Zone 2 and 3, there is an identified potential medium/high risk of surface water flooding on Frettenham Road where the access is proposed.
24. The appellant has prepared a flood risk assessment (FRA) and has provided further information in support of the appeal. They accept that there is a risk of surface water flooding in areas close to the perimeter of the site in the south-east corner as well as adjacent to the access. They highlight that there is only a 1 in 1000 chance of flooding each year and that the two areas of the site that are at risk would have a depth of flooding below 0.3 metres.
25. The Framework is clear that a sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site specific flood risk assessment demonstrates that no built development within the site boundary including access or escape routes would be located on an area that would be at risk of flooding from any source now and in the future.
26. Given that the proposed access would be at risk of flooding it is necessary to apply the sequential risk-based approach. The FRA indicates that the appeal site passes both the sequential test and the exception test. Based on the available evidence I am not satisfied that the sequential test has been satisfied.
27. As outlined above, the appellant acknowledges that there is a risk of surface water flooding in the south-east corner of the appeal site as well as adjacent to the access. They highlight that there is only a 1 in 1000 chance of flooding each year and that to the west of the access the depth of flooding is less than 0.3 metres. As a result, they suggest that during a flood event the occupants of the proposed development should remain within the dwelling. They also consider that based on the depth and duration of flooding the period when the site may be inaccessible would not represent a significant risk and that the drainage arrangements for the development would convey runoff to a pond located in the western part of the site.
28. However, that does not alter the fact that a sequential risk-based approach is required. The Framework sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
29. The appellant has not provided adequate information to compare the appeal site with other available sites to show whether these would have a lower flood risk. It follows that I cannot be satisfied that the proposal has passed the sequential test.

30. Bearing in mind that it is not necessary to undertake the exception test for sites that do not pass the sequential test and for sites within flood zone 1, it is not necessary to move onto consider the exception test in this case. That said, as I am not satisfied that adequate information has been provided to demonstrate that the proposal would pass the sequential test I am also not satisfied that the principle of development is acceptable in terms of flood risk.
31. I therefore conclude that adequate information has not been provided to demonstrate whether or not the proposed development would be at an unacceptable risk of flooding. I afford this issue significant weight, and it provides a strong reason for refusing the proposed development. Consequently, the proposal would conflict with Policy CSU5 of the DMDPD which seeks to ensure that adequate and appropriate consideration has been given to mitigating surface water flood risk. Moreover, the proposal does not comply with the Framework as it has not been adequately demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Other Matters

32. 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.
33. 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 introduce one additional dwelling I afford this matter moderate weight.
34. 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.
35. The appellant has set out that the proposal would be a self-build dwelling for him and his family, and I accept that this does indicate a desire on behalf of the appellant to proceed with a self-build development.
36. 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 a self-build dwelling 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.
37. In their appeal statement the appellant indicates that the submitted unilateral undertaking would secure the proposed dwelling as self-build but it does not do so. It follows there is no planning obligation to secure some means of ensuring the proposal would be constructed for such use.

38. I note that in their final comments the appellant indicates that he would agree to any necessary conditions and the Council has provided suggested wording for such conditions. As a result, 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 they would meet the necessary tests set out in the relevant Planning Practice Guidance. Consequently, this significantly reduces the weight afforded to this matter.
39. 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 a self-build dwelling limited weight in the determination of the appeal.
40. 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).
41. The Council confirm that the adverse recreational impacts on The Broads, Valley Fens and East Coast zones of influence could be overcome by a financial contribution towards the Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS). I note that the appellant has submitted an executed unilateral undertaking which secures such a contribution. In relation to nutrient neutrality in their final comments the appellant confirms that they have applied to purchase credits through Norfolk Environmental Credits. As credits were not available at that time the appellant requested that if in all other respects I had been minded to allow the appeal, that I delay issuing my decision until the credits are secured.
42. 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. I would only add that if nutrient neutrality had been the only outstanding issue as part of the AA process I would have given the appellant the opportunity to provide further information on whether appropriate mitigation could be secured to address this matter.
43. I have taken account of the fact that the proposal would provide an opportunity for biodiversity enhancements to ensure there would be biodiversity net gain, that the proposal would not result in highway safety concerns, that the living conditions of neighbouring residents would not be harmed, that there are no ecological concerns and that existing trees of high amenity value could be retained.
44. The appellant has also made reference to an appeal decision at land at The Paddocks also along Frettenham Road¹. I accept that there are some similarities, but also material differences between this case and the case before me.

¹ APP/K2610/W/20/3251549

45. For example, the Inspector in the other case concluded that the proposal would not harm the character and appearance of the area and unlike me also found that the proposal would not result in a significant impact and would accord with the development plan as a whole. Consequently, the matters considered in the planning balance and their relative weight in this other case were materially different from this case. This limits the weight of this other appeal decision in the determination of this appeal.

Planning Balance and Conclusion

46. 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 that adequate information has not been provided to demonstrate whether or not the proposed development would be at an unacceptable risk of flooding. Moreover, I afford moderate weight to my finding that the proposed dwelling would not be located in an appropriate location.
47. 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. However, the application of policies in the Framework that protect areas or assets of particular importance which include areas at risk of flooding provides a strong reason for refusing the development proposed.
48. Moreover, even if I had agreed with the appellant that the proposal had passed the sequential test and the flooding issue had not provided a strong reason to refuse the proposed development, given the relative benefits weighed against the harm and having had particular regard to relevant key policies, I also 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.
49. 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. It follows that the proposal would also not accord with Policy GC1 of the DMDPD which also deals with the presumption in favour of sustainable development.
50. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.²
51. 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

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