



Appeal Decision

Site visit made on 8 December 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/Y2620/W/25/3373003

Land East Of Short Lane, Happisburgh Common, Happisburgh NR12 0RH

- 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 Tarachand Dass against the decision of North Norfolk District Council.
 - The application Ref is PF/25/0962.
 - The development proposed is 4 no. dwellings with associated garden / amenity areas and garages as well as new car passing places proposed.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to an emerging North Norfolk Local Plan (eLP). This has reached the Main Modifications stage following examination, with public consultation having now concluded. The Council advise that there are no significant unresolved objections and that adoption is expected by the end of 2025. I therefore give substantial weight to the emerging policies.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the proposed development having regard to the spatial strategy in the development plan and access to services and facilities,
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on highway safety, and
 - whether or not the development would result in adverse effects on the integrity of European Sites in relation to nutrient enrichment and recreational disturbance.

Reasons

Location

4. Policy SS 1 of the North Norfolk Core Strategy (2008) (CS) establishes the spatial strategy for the district. It confirms that the majority of new development in North Norfolk will be focussed on towns and larger villages. A small amount of new development is focused on a number of designated Service Villages and Coastal Service Villages to support rural sustainability. The rest of North Norfolk, which

includes Happisburgh Common, is designated as countryside, where development is restricted to particular types to support the rural economy, meet affordable housing needs and provide renewable energy.

5. Policy SS 2 of the CS clarifies that development in the countryside will be limited to that which requires a rural location and is for one or more of the listed types of development. Market housing is not identified as an acceptable type of development. Consequently, the proposal would conflict with Policies SS 1 and SS 2 of the CS.
6. The supporting text to the countryside policy at paragraphs 2.4.12 and 2.4.13 explains that new market housing in the countryside is restricted to prevent dispersed dwellings that will lead to a dependency on travel by car to reach basic services, to ensure a more sustainable pattern of development and to protect the quality and character of the countryside.
7. The appeal site is not isolated, with residential dwellings located to the north, south and east of the site. However, I did not observe any services or facilities within Happisburgh Common that would be capable of meeting the day-to-day needs of future occupiers. The nearest village, Happisburgh, is located approximately 1.5 miles away, and whilst it offers limited services and facilities, including a village shop, village hall, pub, café and primary school, I am not persuaded that these would meet general day-to-day needs. Future residents would likely need to travel further afield to the larger settlements of Stalham and North Walsham.
8. Even if I were to consider that the facilities in the nearest village could meet day-to-day needs, I observed on my visit that access to Happisburgh is via a road subject to the national speed limit, with limited pavements and street lighting. It would not provide an attractive route for those on foot or bicycle, with future occupiers more likely to use the car.
9. Although there is a bus stop approximately 500 metres south of the appeal site at Whimpwell Green Road, there is no pavement or street lighting leading to it. Moreover, the evidence before me indicates that the bus service is limited, with services to the larger centres of Stalham and North Walsham running only Monday to Friday until approximately 2.30pm. I consider that the access to the bus stop and the frequency of buses would likely diminish the attractiveness of future occupiers utilising sustainable public transport as a realistic alternative to the private car to reach basic services.
10. The National Planning Policy Framework (the Framework) acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, even within that context, and drawing the above observations together, access to services from the site would be poor. I therefore find that future occupiers would likely rely on private modes of transportation, and would not be a location where carbon emissions would be reduced. This is at odds with the requirements of CS Policy SS 4, which requires development to contribute to the delivery of sustainable development by being located to reduce carbon emissions.
11. The Framework at paragraph 83 promotes housing development in rural areas where it will enhance or maintain the vitality of rural communities, and paragraph 88 d) highlights how decisions should support the retention and development of accessible local services and community facilities. Given the lack of services and

facilities in Happisburgh Common, the limited sustainable modes of travel to other settlements, and the limited scale of development proposed, I am not satisfied that the proposal would meet this objective in any meaningful way.

12. In conclusion, I find that the appeal site is not a suitable location for the proposal, having regard to access to services and facilities. It would be in clear conflict with the spatial strategy, conflicting with Policies SS 1, SS 2 and SS 4 of the CS. The proposal would also conflict with Policy CT 5 of the CS which requires development to reduce the need to travel and to maximise the use of sustainable transport.

Character and appearance

13. The appeal site is a parcel of grassland located on the eastern side of Short Lane, behind a row of mature trees and hedgerow. To the west of the site, beyond Short Lane, lie agricultural fields.
14. The site is bound by existing residential development on its north, south and east boundaries. Due to the belt of trees along the western boundary, the proposed dwellings would be set further back than the adjacent dwellings. However, the proposed plot sizes and linear arrangement of the dwellings, would be consistent with the overall spacious, linear pattern of development in the area.
15. The appeal site lies within the Coastal Plains Landscape Type, as defined in the North Norfolk Landscape Character Assessment (2021) (CA). This is characterised as an expansive, open arable landscape with scattered villages and farmsteads, where remnant semi-natural habitats, high-grade farmland and the network of rural lanes form valued features.
16. The CA identifies infill development and changes to the road network as forms of development that could detract from the prevailing landscape character.
17. As the site is bound by residential properties on three sides and is largely screened from public view by mature vegetation, the site does not reflect the open, arable landscape seen on the edge of Happisburgh. Therefore, I do not find that the infilling of this specific site would, in itself, be harmful to the landscape character.
18. However, the proposal includes highway improvements to Short Lane, which includes, but not limited, to the widening the road. Short Lane is a narrow, rural lane, largely bound by mature trees and hedgerow. The enclosed nature of the road adjacent to and south of the appeal site, imparts a tranquil rural character, making a strong contribution to the character of the landscape. The proposed highway improvements would result in a widening of the road in places and require the cutting back of trees and the removal of some hedgerow. These works would harmfully erode the tranquil rural character of the road, to the detriment of the character and appearance of the area, detracting from one of the valued features of the Coastal Plains Landscape.
19. For the reasons above, the proposal would have an adverse effect on the character and appearance of the area. It would therefore conflict with Policy EN2 of the CS which requires proposals to be informed by, and sympathetic to the distinctive landscape character area as identified in the CA.

Highway safety

20. Policy CT 5 of the CS sets criteria for assessing the transport impact of new developments. This includes that proposals should provide safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability, and that the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to highway safety. This aligns with paragraph 115 of the Framework, which requires that safe and suitable access to sites can be achieved for all users.
21. The appeal site is accessed from Short Lane, an unclassified, single-track, unlit rural lane that lacks formal passing places or dedicated pedestrian facilities. Whilst the lane is straight close to the appeal site, it is narrow and features three acute bends to the south of the appeal site where forward visibility is severely restricted for both vehicular and non-vehicular users.
22. The road to the south of the appeal site has narrow verges, with raised embankments adjacent to roadside hedges and trees. The narrow nature of the road prevents two vehicles from passing, particularly at the bends, necessitating one vehicle to reverse to find a suitable passing place. Given the absence of a footway and with limited passing places, such manoeuvres are to the detriment of highway safety for all users.
23. The proposed development would intensify the use of Short Lane, generating approximately 24 additional vehicle movements a day, and would likely include larger delivery vehicles. Consequently, the potential for conflict between two-way traffic would noticeably increase.
24. The appellant has, however, proposed a number of mitigation measures. This includes widening one of the acute bends south of the appeal site to a maximum width of 4.21 metres. While this would exceed the 4.1 metre minimum width recommended in Manual For Streets for two cars to pass, it would fall short of the 4.8 metres recommended for a car and large vehicle, such as a delivery van. In the absence of any tracking diagrams I cannot be satisfied that a larger vehicle and car could pass on this bend. Furthermore, visibility issues would still remain on all of the bends, and large parts of Short Lane would retain an average width of between approximately 2.8 -3.4 metres, which would necessitate reversing manoeuvres when vehicles meet.
25. Even with a proposed passing bay near the appeal site, the numerous bends with severely limited forward visibility, and the limited passing places would still require vehicles to reverse for considerable stretches to allow another vehicle to pass. Consequently, I am not persuaded that the proposed mitigation measures would sufficiently resolve the highway issues.
26. Whilst the appellant considers the traffic movements arising from the development would be low, the increased vehicular use would materially exacerbate the existing shortcomings and would be detrimental to highway safety, particularly to pedestrians, cyclists and users with pushchairs or in mobility scooters who would be particularly vulnerable due to the lack of footway. The Framework at paragraph 115 requires that safe and suitable access to the site can be achieved for all users, which I consider would not be the case here. The fact that the road already gives access to multiple other residential properties and is not a road that would typically

be used than by people who live on it, is not in my view, a reason to further increase the use of a substandard road.

27. The proposal also includes widening the road opposite the site access, which would require the removal of hedging. As this hedging appears to be in third-party ownership, its removal cannot be guaranteed. Consequently, there is no certainty that the road could be widened at this location, which would make it more difficult for vehicles turning to enter and exit the site. Even if this improvement were secured, it would not overcome the wider highway safety concerns that I have already identified.
28. The Highways Authority have also raised concerns regarding the junction of Short Lane with Common Road, which would be used by future occupiers and visitors. At the junction, Common Road is 30mph, but the speed limit increases to 60mph in the southerly direction. The Highways Authority estimates that vehicles are likely to be travelling around 37mph, I see no reason to disagree. Accordingly, a visibility splay of 59 metres is required from the nearside carriageway edge on both sides of the junction. However, visibility is restricted to only 25 metres in the southern, traffic critical direction, with the land in third-party ownership. As this falls significantly below the recommended distance, the increased use of a sub-standard junction arising from the proposal further increases the potential for vehicle conflict.
29. I acknowledge that no concern has been raised regarding visibility from the site access onto Short Lane itself, and that the proposal has sought to make improvements to the highway for the benefit of the wider community. The Framework, at paragraph 116, states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. However, even with the proposed highway improvements, in my view, Short Lane would still remain of a substandard nature due to its overall narrow width and the acute bends with limited forward visibility, with reversing still being required. The intensification of its use would materially increase the potential for vehicle conflict, resulting in an unacceptable impact on highway safety.
30. For the reasons above, I conclude that the proposal would have an unacceptable effect on highway safety and would not provide safe and suitable access for all users. This would be contrary to Policy CT5 of the CS and the Framework.

European Sites

31. The appeal site is within a phosphorous and nitrogen sensitive catchment of the Broads Special Area of Conservation (SAC) and Ramsar site. It also lies within the Zone of Influence (Zol) of a number of other European designated sites, including the Valley Fens Special Area of Conservation (SAC) and The Wash area. These sites are important areas for birds, plants and wildlife.
32. Regarding nutrient pollution, the area is subject to Natural England's Nutrient Neutrality guidance which requires competent authorities to ensure new development provides evidence that there will be no net increase in nutrient loads within the affected catchment area. This is because new residential dwellings have the potential to lead to an increase in additional nutrients reaching the Ramsar site due to the implications of foul and surface water drainage systems. Excessive levels of nutrients can lead to a loss of biodiversity.

33. As the proposal would result in additional overnight accommodation, the development has the potential to contribute to nutrient loading affecting water quality, resulting in adverse impacts on habitat sites.
34. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), as the competent authority, it is necessary to undertake an appropriate assessment in relation to the likely significant effects of the proposed development, alone or in combination with other plans or projects, on the integrity of these sites.
35. A nutrient budget calculator has been submitted, detailing that mitigation would be achieved by purchasing nutrient neutrality credits. However, there is no evidence before me to indicate that the nutrient neutrality credits have been purchased. Consequently, I cannot be satisfied that mitigation required to achieve nutrient neutrality has been secured, and thus, I cannot conclude that the development would not result in significant adverse effects on the integrity of the SAC and Ramsar site in relation to nutrient enrichment, in combination with other plans or projects.
36. The Norfolk Green Infrastructure Recreation Avoidance Mitigation Strategy (GIRAMS) identifies that population increase associated with residential development within the Zol of the European sites is likely to have significant effects on the integrity of the sites through recreation impacts.
37. The GIRAMS provides examples of harms to habitats from recreation including, trampling of vegetation, disturbance of bird populations, and eutrophication from dog-fouling, fire, and soil disturbance. As the appeal scheme proposes new residential development within the Zol, it has the potential to increase recreational pressure on the European sites, and likely significant effects cannot be ruled out.
38. The GIRAMS seeks to ensure that no adverse effects are caused to European sites, either alone or in combination with other developments, through a range of mitigation and avoidance measures funded by a tariff applied per dwelling.
39. The Council confirmed receipt of a payment for £884.68, along with the corresponding Section 111 form, dated July 2024 and state that this was related to a previous withdrawn application. This figure was based on a per dwelling tariff of £221.17. The application, subject of this appeal, however, was submitted at the end of April 2025. On 01 April 2025, the per dwelling GIRAMS tariff increased and therefore a further fee of £332 is required. There is nothing before me to indicate that the additional fee has been paid.
40. Although payment may not be required until commencement of the development, there is no legal agreement or mechanism before me which would secure the required money. Therefore, in the absence of the required GIRAMS payment, or a mechanism to secure it, I conclude that the mitigation measures have not been sufficiently secured, and therefore the development has the potential to harm the integrity of the designated habitats sites as a result of recreational disturbance. Had I found the appeal acceptable in all other regards, I would have sought additional information from the appellant in relation to this issue. As I am dismissing on other grounds, I have not needed to pursue this matter further.

41. For the reasons above, I conclude that it has not been demonstrated that the proposed development would not have an adverse effect on the integrity of the European habitat sites with regards to recreational disturbance and nutrient enrichment. As such, the proposed development fails to comply with Policies SS 4 and EN 9 of the CS, which together, seek to ensure the protection and enhancement of natural environmental assets and require that development proposals that would cause direct or indirect effect to nationally designated sites or other designated areas to not be permitted unless prevention, mitigation and compensation measures are provided.

Planning Balance and Conclusion

42. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.
43. The Council is currently unable to demonstrate a 5 year supply of deliverable housing sites. This would normally trigger paragraph 11(d)(ii) of the Framework. However, the Framework indicates that the presumption in favour of sustainable development set out at paragraph 11(d) does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
44. Footnote 7 of the Framework confirms that such policies include those relating to habitat sites, including those listed at paragraph 194 of the Framework. Given my findings on the integrity of the European Sites with regard to nutrient neutrality and recreational disturbance, this provides a strong reason for refusing the development. Consequently, the presumption in favour of sustainable development does not apply.
45. The addition of 4 dwellings on a windfall site would represent an efficient and effective use of the land, small-medium sites, such as the appeal site, can often be built out quickly and it would make a modest contribution to boosting the supply of homes which the Framework seeks. Economic and social benefits would ensue from construction activity and spending by future occupiers in the local economy, but such benefits would be modest given the small scale of development and overall, I afford these benefits moderate weight.
46. I attach some positive weight to the mitigation of surface water flooding issues. The proposal would also make highway improvements; however, I have found the proposal would still have an adverse effect on highway safety and thus I give these improvements limited weight.
47. The proposal would not result in any harm to neighbouring living conditions; however, an absence of harm is of neutral weight.
48. The appeal site would not be suitably located having regard to the spatial strategy, with limited access to services and facilities by sustainable transportation means. The proposal would also result in harm to the character and appearance of the area, and would have an adverse effect on highway safety. I afford the conflict with the development plan on these matters significant weight.
49. Overall, the benefits of the proposed development do not outweigh the identified harms and associated conflict with the development plan and the Framework.

50. 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. Therefore, I conclude that the appeal should be dismissed.

T Bennett

INSPECTOR