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## Appeal Decision

Site visit made on 12 August 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

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**Appeal Ref: APP/F2605/W/25/3365614**

**Land on eastern side of Bridge Road, Guist, Norwich**

**Grid Ref Easting: 599684, Grid Ref Northing: 325199**

- 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 Ms Jolanda Stenton against the decision of Breckland Council.
  - The application Ref is PL/2024/0903/FMIN.
  - The development proposed is single two-storey dwelling with parking and means of access.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Ms Jolanda Stenton against Breckland Council. This application is the subject of a separate decision.

### Preliminary Matters

3. Notification of a Green Infrastructure Recreation Avoidance and Mitigation Strategy (GIRAMS) administration payment and a signed Unilateral Undertaking for a GIRAMS mitigation payment have been provided with the appellant's final comments. The Council has had the opportunity to comment on this payment and Unilateral Undertaking, and therefore no party would be prejudiced by the consideration of these documents in my assessment.

### Main Issues

4. The main issues are:
  - Whether the site is a suitable location for housing, having regard to local policy for the provision of homes and including the effect of the proposal on the character and appearance of the area; and
  - The effect of the proposal on protected sites.

### Reasons

#### *Location for housing*

5. The appeal site is an area of land on the eastern side of Bridge Road in Guist. Policy GEN03 of the Breckland Local Plan (2023) (LP) sets out the settlement hierarchy, with Guist falling under 'Small Villages and Hamlets Outside of Settlement Boundaries'. As such the proposal is subject to LP Policy HOU05, which allows development in such villages and hamlets where it would comply with

other development plan policies and would meet certain criteria. These include the development comprising of sensitive infilling and rounding off a cluster of dwellings with access to an existing highway, and that the development is of an appropriate scale and design to the settlement.

6. The appeal site is an open patch of land at the end of a row of semi-detached dwellings on the eastern side of Bridge Road. These dwellings are built to a linear pattern with regular spacing between them. On the western side of Bridge Road there are two separate recent estate-type developments of detached bungalows. The distinct design of each group of dwellings together with the common exterior materials has an attractive and cohesive appearance which contributes strongly to the character and appearance of the area.
7. The proposal would see a detached two-storey dwelling situated adjacent to the row of semi-detached dwellings. However, the separation between the proposal and the nearest property would be greater than the gaps between the existing dwellings. As such the proposed dwelling would appear incongruous and disrupt the originality and consistency of neighbouring pairs. This would not be mitigated by a condition requiring materials to be agreed by the Council. Although the properties on the western side of Bridge Road are detached dwellings, they are bungalows whereas the appeal property would be two-storey, and furthermore their designs are separate and distinct from the properties on the eastern side. For these reasons, the proposed detached dwelling would not be of an appropriate scale and design to the settlement. Furthermore, the proposal would not complete the local road pattern and would change and distort the character and tradition of the row of semi-detached dwellings and, consequently, would not meet the local policy definition of 'rounding off'. Accordingly, the proposal would be in conflict with LP Policy HOU05.
8. There are few services in Guist to cater for the day-to-day needs of future occupiers of the proposal. The Council refers to a bus stop on Bridge Road which is a short walk from the appeal site, with infrequent bus services to limited destinations. The appellant refers to the X29 bus service to Fakenham and Norwich, which serves the bus stop at Guist Post Office, a longer walk from the appeal site. The submitted timetable shows that the X29 runs approximately once an hour in either direction during weekdays and Saturdays, with no service after 19:00. The service runs mostly every two hours on Sundays and bank holidays, with no service before 08:30 or after 18:30. Although there is a lack of street lighting, there are footpaths between the appeal site and the bus stops. Notwithstanding the ability of any future occupiers to reach the bus stops, the bus service in Guist is limited in frequency.
9. Given the above, access to and from the site would therefore be largely dependent on private cars to travel to services and facilities. I am not therefore persuaded that the site is well connected to the services and facilities that are provided within the nearby settlements, or that the proposed development is sufficiently accessible by public transport to avoid the use of the private car. Given the scale of development there is little scope for addressing these issues.
10. My attention has been drawn to pre-application advice<sup>1</sup> and a planning application which was refused for a pair of semi-detached dwellings<sup>2</sup> at the appeal site.

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<sup>1</sup> Pre-application ref. 3PE/2023/0149/PEA

<sup>2</sup> Planning application ref. 3PL/2023/1118/F

However, a pair of semi-detached dwellings is materially different from the proposal before me. Furthermore, both documents conclude that the semi-detached properties would not distort the character or tradition of the group of properties. As such, the pre-application advice and planning application for the semi-detached dwellings are not directly comparable to the appeal scheme.

11. I have also been referred to planning permissions for housing developments on the western side of Bridge Road. The officer reports for the developments for six<sup>3</sup> and four<sup>4</sup> bungalows both state that the X29 bus service was a half-hourly service, which does not reflect the current, less frequent timetable. For the development of eight<sup>5</sup> bungalows, the officer report states that there was an extant planning permission for ten bungalows on the site and therefore raised no objections with regards to the location of the development. Consequently, these developments are not directly comparable to the appeal scheme.
12. I conclude that the proposed site would not represent a suitable location for housing, having regard to local policy for the provision of homes and including the effect of the proposal on the character and appearance of the area. The proposal would therefore conflict with LP Policies HOU05, GEN01, GEN02, GEN03, GEN05, COM01 and TR1.
13. LP Policy HOU05 is set out above. LP Policies GEN01 and GEN03 seek to direct development to sustainable locations, while LP Policies GEN02 and COM01 require development to integrate with a high degree of compatibility with the surrounding area and to respect the distinctive character of the surrounding area. LP Policy TR1 states that development should be located so as to be accessible to sustainable modes of transport. The proposal would also conflict with LP Policy GEN05, which requires development outside settlement boundaries to comply with all relevant development plan policies.

### *Protected sites*

14. The appeal site is adjacent the River Wensum Special Area of Conservation (SAC) and SSSI and is located within the River Wensum Nutrient Neutrality buffer zone and the nutrient neutrality catchment of the Broads SAC and Ramsar. Further consideration is also required for other protected sites across Norfolk. These sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations). LP Policy ENV02 seeks to protect such sites from harm and, where necessary, seeks mitigation against any adverse effect of development.
15. Other protected sites within Norfolk comprise Breckland SPA and SAC; Breydon Water SPA; Winterton-Horsey Dunes SAC; Great Yarmouth and North Denes SPA; North Norfolk Coast SAC and SPA; The Wash and North Norfolk Coast SAC; Roydon Common and Dersingham Bog SAC; Roydon Common Ramsar; Dersingham Bog Ramsar; Norfolk Valley Fens SAC; and The Wash SPA and Ramsar.
16. The proposed development would provide an additional dwelling and has the potential to adversely impact these designated sites through impacts on nutrient neutrality and increased recreational disturbance.

<sup>3</sup> Planning application ref. 3PL/2017/1500/O

<sup>4</sup> Planning application ref. 3PL/2018/0518/F

<sup>5</sup> Planning application ref. 3PL/2017/0760/F

17. There remains a probability or risk that the proposed development, in combination with other plans or projects, could have a likely significant effect on the designated site, as the proposed development would be likely to exacerbate existing recreational pressures and impacts on nutrient neutrality on the sites. I am therefore required to carry out an Appropriate Assessment (AA). The AA also requires consideration of whether or not any proposed mitigation would be adequate and effective and could be appropriately secured and delivered in a timely manner.
18. As the proposed development comprises new residential development, it would introduce the risk of additional nutrient load within the relevant catchments for the River Wensum and the Broads protected sites. The appellant has submitted a Nutrient Neutrality Statement, which concludes that the nutrient load likely to result from the proposed development would be addressed on site by high-efficiency plumbing fixtures and a package treatment plant. The total annual phosphorus load requiring mitigation would be 0.12kg TP/year. The Nutrient Neutrality Statement confirms that this would be offset by the purchase of nutrient mitigation credits from an accredited local offsetting scheme. No evidence has been submitted to indicate that these mitigation credits have been purchased though a commitment letter forms part of the Nutrient Neutrality Statement. This is insufficient to demonstrate the purchase of the necessary credits. This matter is not addressed by the Unilateral Undertaking.
19. Furthermore, the appellant has submitted a nutrient calculator, which describes the appeal site as 'low intensity residential' and not 'green space', so it is not certain that the calculated existing nutrient load for the site is correct. Insufficient specific water fittings specifications monitoring data have been provided, and no drainage detail for the scheme has been provided at this stage. As such, it is not possible to ascertain that likely significant effects on the integrity of the River Wensum SAC and the Broads SAC and RAMSAR Site have been addressed a result of additional nutrient loads generated by the appeal proposal, alone or in combination with other such projects.
20. With regard to recreational disturbance to protected sites across Norfolk, a payment of £304.17 has been secured through the submitted and signed Unilateral Undertaking. The Council had no comment to make with regard to the GIRAMS payment and the Unilateral Undertaking. However, had I been minded to allow the appeal, it would have been necessary for me to seek additional information from the parties and to consult Natural England in order to undertake the AA.
21. It has not been demonstrated that the proposal would not have an adverse effect on protected sites, with particular regard to recreational disturbance and nutrient neutrality.
22. The proposal would therefore conflict with LP Policy ENV02, where development is only permitted where the proposal is in accordance with the requirements of the Habitats Regulations.
23. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider the AA further as the outcome of the appeal would not be altered.

## **Other Matters**

24. The Grade II Listed Toll Bridge is a short distance to the south of the appeal site. However, due to the significant separation between the appeal site and the bridge, together with the presence of the dwelling 'The Tollbridge' and vegetation between the appeal site and the bridge, the appeal proposal would have no significant effect on the setting of the listed building.

## **Planning Balance and Conclusion**

25. The Council state that they can currently demonstrate a 3.25-year supply of housing sites. This is well below the minimum level required and with reference to paragraph 11 d) of the National Planning Policy Framework (the Framework), consideration of the presumption in favour of sustainable development is needed.
26. The proposal would cause harm to the character and appearance of the area and through not being in a sustainable location. It would, therefore, conflict with LP policies GEN01, GEN02, GEN03, GEN05, HOU05, COM01 and TR01 in this regard.
27. The provision of one additional unit would make a small contribution to the existing supply. Economic advantages would also arise from the construction and occupation of a new house, although these would be limited by the scale of the scheme. For these reasons, these benefits would be modest.
28. I am satisfied that the proposal would conflict with the development plan as a whole. The aforementioned development plan policies are generally consistent with the Framework and so these conflicts carry substantial weight.
29. Paragraph 195 of the Framework states that the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitats site, unless an AA has concluded the project will not adversely affect the integrity of the habitats site. As I do not have enough information to carry out an AA, I cannot be certain that the proposal would satisfy paragraph 195 of the Framework. In this instance, the application of policies in the Framework that protect areas or assets of particular importance would provide a strong reason for refusing the development proposed. Paragraph 11 d) i) of the Framework would apply in this case and the proposal would not constitute sustainable development.
30. In the event that further nutrient neutrality information had been sought and provided, and an AA found the proposal to be acceptable in this regard, paragraph 11 d) ii) of the Framework would be applied. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land including through the use of previously-developed land, securing well-designed places and providing affordable homes, individually or in combination.
31. The proposed development would be supported by parts of the Framework, including policies to increase housing supply and would also support economic growth. However, there would also be conflict with parts of the Framework,

including policies to achieve well-designed places and to promote sustainable transport.

32. Even if paragraph 11 d) ii) was engaged, in my view the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11d)ii) of the Framework.
33. The proposal would conflict with the development plan as a whole and there are no material considerations that would cause me to determine this appeal otherwise than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

*D Ellis*

INSPECTOR