



Appeal Decision

Site visit made on 2 December 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/F2605/W/25/3373253

Mere Farm, Stow Bedon Road, Stow Bedon NR17 1ET

- 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 P Dunning against the decision of Breckland Council.
 - The application Ref is PL/2025/0221/FMIN.
 - The development proposed is the erection of new dwelling and garage (plot 6).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr P Dunning against the decision of the Council of Breckland Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The address in the banner heading is taken from the application form, although I have spelt Stow Bedon in accordance with the spelling on the Council's decision for accuracy.
4. The Council has confirmed that reference to Policy HOU 03 of the Breckland Local Plan (2023) (LP) in its second reason for refusal was a typographical error. The correct reference is Policy HOU 05, which is also cited elsewhere in the Council's decision. I have determined the appeal on the basis of this clarification.
5. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

6. The main issues are:
 - whether or not the appeal site is a suitable location for a new dwelling having regard to the development plan and accessibility;
 - whether or not it is necessary for the proposed development to contribute towards the provision of affordable housing; and

- the effect of the proposed development on the integrity of the European Protected Sites.

Reasons

Location

Background

7. The appeal proposal comprises a new four-bedroom dwelling and represents the resubmission of a planning application previously refused by the Council for a self-build dwelling on the appeal site, known as Plot 6, in August 2024¹.
8. Planning permissions for Plots 1-4², adjacent to the appeal site, were granted in 2022 following earlier prior approval³ and planning permissions for the conversion of former agricultural buildings to residential use⁴. A new dwelling on Plot 5 was allowed at appeal in January 2025⁵ (the previous appeal). Although the proposal before me relates to a different scheme on a different plot at Mere Farm, I shall have regard to the previous Inspector's findings, where it is relevant to the matters in dispute.
9. The evidence before me indicates that the site was approved for use as extended garden to the side of Plot 4, although the constructed boundary of Plot 4 excludes this parcel of land. The appeal site currently comprises an open area of rough grassland. It shares a boundary with Plot 4, while its remaining three sides adjoin agricultural land.

Policy context

10. Policy GEN 01 of the LP sets out the Council's general approach to achieving sustainable development in Breckland. Policy GEN 03 confirms that most new development needs will be met through the sustainable settlement hierarchy. There is no dispute between the main parties that the appeal site lies outside of any of the settlement boundaries listed in the LP. Policy GEN 05 further states that development outside the defined settlement boundaries, is restricted in order to recognise the intrinsic character and beauty of the countryside.
11. The previous appeal considered the existing development at Mere Farm to comprise a small group within the open countryside, physically separated from the main built-up area of Stow Bedon by intervening open land. Nevertheless, given the size and layout of the existing cluster of buildings, that Inspector concluded that the grouping formed a recognisable hamlet.
12. On that basis, Policy HOU 05 of the LP is relevant. This policy allows for development in hamlets, subject to certain criteria and compliance with other policies in the LP. These criteria include the sensitive infilling and rounding off of a cluster of dwellings; development being of an appropriate scale and design to the settlement; contributing to enhancing the historic nature and connectivity of communities; and not harming or visually undermining a visually important gap that contributes to the character and distinctiveness of the rural scene.

¹ Council ref: 3PL/2024/0472/F

² Council refs: 3PL/2022/1450/F and 3PL/2022/1451/F

³ under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015

⁴ Council refs: 3PN/2020/0027/UC, 3PL/2020/1156/F and SPL/1237/F

⁵ Appeal ref: APP/F2605/W/24/3348723

13. The reasoned justification to Policy HOU 05 advises that development will be carefully managed in line with this policy, in a manner more restrictive than for named settlements, while allowing clearly identified and evidenced small-scale development to meet local needs.
14. Taken overall, these policies accord with the aims of the Framework, which seek a genuinely plan-led planning system that actively manages patterns of growth, safeguards the intrinsic character and beauty of the countryside and facilitates limited rural development to enhance or maintain the vitality of rural communities.
15. The LP defines infill as building taking place on a vacant plot in an otherwise built-up street frontage. Rounding off is defined as the completion of an incomplete group of buildings on land which is already partially developed and in such a way which will either complete the local road pattern or define and complete the boundaries of the group.
16. In determining the previous appeal, that Inspector considered Plot 5 to meet the definition of infill which would complete the boundary around the existing group. Unlike Plot 5, which was located between existing dwellings, the current appeal site lies on the periphery of the hamlet, at the end of the row of dwellings. Although the site is unused and its plot size, including the reduced garden serving Plot 4, would be broadly comparable to neighbouring plots on one side, it would not constitute development in an otherwise built-up street frontage.
17. While I accept the appellant's point that the previous appeal does not imply Plot 5 was the only development capable of completing the group, this does not justify a further dwelling at the end of the row, on a site which is not built up on three sides of its perimeter. As set out in the sub-text to Policy HOU 05 of the LP, rounding off should not change or distort the character or tradition of the group or the settlement in any undesirable way. In contrast, the appeal proposal would result in an outward expansion of the hamlet. Even if the site's use as garden with associated boundary treatments represents a realistic fallback position, this does not justify the new build dwelling proposed.
18. The Council has identified no specific conflict with the remaining criteria of Policy HOU 05, and I have no reason to disagree. However, this does not overcome the fundamental concern that the appeal proposal does not represent infilling or rounding off of a cluster of dwellings, even if the proposal need only constitute one of aspect of this criterion.
19. I accept that the site is situated sufficiently close to other dwellings so as not to be considered isolated for the purposes of applying the requirements of paragraph 84 of the Framework. Nonetheless, the location cannot be considered to be meet the requirements of Policy HOU 05.

Accessibility

20. While the appeal proposal would be no less sustainable from an accessibility perspective than Plot 5 or the other dwellings at Mere Farm, the Inspector in determining the previous appeal considered Plot 5 to comply with Policy HOU 5, and it was therefore considered to be sustainable with respect to the development plan. In this case, I have not found the proposal to comply with Policy HOU 5. Therefore, it is necessary to consider whether harm would result from the appeal proposal not complying with the sustainable settlement hierarchy for the area.

21. Stow Bedon has no substantial day-to-day services and facilities and occupiers of the proposed dwelling would likely need to travel to larger settlements on a regular basis for schooling, convenience shopping, health and employment provision. Even if it did, there is no footpath along Stow Bedon Road connecting the appeal site to Stow Bedon.
22. It is probable that occupiers would likely be heavily reliant upon access to services and facilities via a private vehicle. Whilst recognising that sustainable transport solutions will vary between urban and rural areas, the location of the appeal site would not limit the need to travel or offer a genuine choice of transport modes in accordance with Paragraph 110 of the Framework. The proposal would result in high car dependency contrary to Chapter 8 of the Framework which advocates the creation of places that promote social interaction and encourage walking and cycling, thereby helping to provide inclusive and safe places which support healthy lifestyles.
23. While paragraph 89 of the Framework states that sites may have to be found adjacent to or beyond existing settlements to meet local business and community needs, I am not satisfied that the proposal would equate to a specific community need.

Findings on the first main issue

24. I conclude that the appeal site would not be a suitable location for a new dwelling having regard to the development plan and accessibility. In this regard, it would conflict with Policies GEN 01, GEN 03, GEN 05 and HOU 05 of the LP which seek to enable development that improves the economic, social and environmental objectives of Breckland, to meet development needs through the sustainable settlement hierarchy, requires development outside the defined settlements boundaries to be compliant with all relevant policies on the LP and for development in hamlets to comprise of sensitive infilling and rounding off of a cluster of dwellings.

Affordable Housing

25. Policy HOU 07 of the LP states that residential development proposals capable of delivery 10 or more units, or where the site has an area of 0.5 hectares or more, will be expected to contribute towards the provision of affordable housing. These thresholds are clear and align with the definition of major development in the Framework. While this definition does not fully correspond with that in the Town and Country Planning (Development Management Procedure) (England) Order 2015, neither the development plan nor the Framework refer to that definition.
26. The appeal site falls below these thresholds. The Council contends that the appeal proposal, when combined with site area of the previous permissions for adjacent plots, would trigger an affordable housing contribution. Both the Council and the appellant have drawn my attention to relevant case law⁶. While the appeal site in combination with other land in the appellants ownership would exceed 0.5 Hectares, each permission stands independently and are separate in terms of timing and independence of one another. There is no substantive evidence before me to suggest that the appeal proposal was conceived as part of an overall scheme

⁶ New Dawn Homes Ltd v SSCLG [2016] EWHC 3314 (Admin) and R (City of Westminster) v First Secretary of State and Brandlford Ltd [2003] EWHC 1017 (Admin)

for Mere Farm, but arose independently and speculatively after earlier permission were granted and/or implemented.

27. On the basis of the evidence before me, I conclude that it is not necessary for the proposed development to contribute towards the provision of affordable housing. In this regard it would comply with Policy HOU 07 of the LP.

European Protected Sites

28. There is no dispute between the main parties that the site is located within the zone of influence of one or more of the European Protected Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations). The relevant sites listed in Policy ENV02 of the LP include the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites in The Brecks and Norfolk Valley Fens. These sites are designated for their ability to support internationally important bird species.
29. It has been established that residential development within this zone is likely to cause harm to the protected area through increased recreational disturbance. As the proposal is for an additional dwelling, and when considered in combination with other developments, it would be likely to have a significant effect on the integrity of the European Protected Sites.
30. Jointly the local authorities within Norfolk have, in consultation with, and with the agreement of, Natural England have adopted the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) which incorporates strategic mitigation measures to be delivered to avoid adverse impacts where appropriate.
31. I note that a Unilateral Undertaking has been submitted with the appeal which makes provision for the payment of a financial contribution towards GIRAMS.
32. The Habitats Regulations require that where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must before any grant of planning permission undertake an Appropriate Assessment (AA). However, regulation 63(1) indicates that this requirement only arises where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, and that mitigation measures would not represent a benefit of the proposed development to be weighed in the planning balance, it has not been necessary to pursue this matter in any further detail.

Other Considerations

33. The proposal would provide social benefits by making a minor yet positive contribution to housing supply and housing mix in the local area. The proposed development would maximise the use of the land and deliver a dwelling that would likely utilise modern construction and energy saving techniques. Economic benefits of the proposal include employment during construction. Despite the likely reliance of the private vehicles, additional support for services and facilities including local buses, in the local area would nevertheless occur. Environmental benefits include various on-site biodiversity and soft landscaping enhancements. However, given the scale of the development, this and any other benefits associated with the delivery of one dwelling, would be limited.

34. The Council identified no other harm, subject to conditions where necessary, including in relation to highway safety, contamination, living conditions, flood risk, biodiversity net gain, drainage and archaeology. However, these considerations indicate the absence of harm rather than any benefit.

Planning Balance

35. The Council has acknowledged that it is not currently able to demonstrate a five-year housing land supply with the latest figures indicating a supply of 3.25 years. As such, Paragraph 11 d) of the Framework is a relevant consideration.
36. In the particular circumstances of this case, I have concluded that the site is not a suitable location for the proposed development having regard to the development plan and site accessibility. I find that the harm identified, and the associated policy conflict would be significant and should weigh to a substantial extent against the scheme.
37. The unsuitability of the location for the reasons explained, would be contrary to the aims and policies of the Framework. I therefore give the conflict with the relevant development plan policies substantial weight.
38. It is recognised that a site such as this can make a small albeit valuable contribution to the housing requirement of the area and could potentially be built out more quickly than a larger scheme. The proposal would also provide limited associated socio-economic benefits that would arise from construction and additional support for local services and facilities in nearby areas. Even though the housing shortfall is substantial, as only one additional unit of accommodation would be provided, I consider that the benefits of the scheme should be attributed limited weight in favour of approval.
39. Taking into account the above conclusions, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the proposal would not be sustainable development within the meaning of the Framework, and this weighs heavily against the proposal. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

40. The proposal would conflict with the development plan as a whole and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

H Marriott

INSPECTOR