
Appeal Decision

Site visit made on 18 November 2025

by **R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/F2605/W/25/3372057

Land off Silver Street, Besthorpe, Norfolk NR17 2LE

- 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 & Mrs T Lawrence against the decision of Breckland Council.
 - The application Ref is PL/2024/0939/OMIN.
 - The development proposed is 3 no. self build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal was made in outline with all matters reserved for future consideration. I have therefore assessed the submitted drawings on an indicative but informative basis.

Main Issues

3. The main issues are:
 - whether the proposal would be suitably located having regard to relevant development plan policies concerning development outside defined settlement boundaries;
 - the effect of the proposal on highway safety;
 - the effect of the proposal on flood risk and drainage;
 - whether the proposed development would provide adequate living conditions for future occupiers, with regard to noise;
 - whether the proposal would accord with the Council's development plan strategy for ecology; and
 - the effect of the proposal on the River Wensum Special Area of Conservation (SAC) and the Broads SAC.

Reasons

Location

4. The site is located outside any defined settlement boundary. Policy GEN05 of the Breckland Local Plan September 2023 (LP) states that outside the defined settlement boundaries, development is restricted to recognise the intrinsic

character and beauty of the countryside. It goes on to list a number of development plan policies that proposals are expected to be compliant with in order to be acceptable in these locations. LP Policy HOU 05 is included in the list.

5. LP Policy HOU 05 states that development in smaller villages and hamlets outside of defined settlement boundaries will be limited apart from where it would satisfy all of a number of criteria. The Policy also states that farmsteads and sporadic small scale groups of dwellings are considered as lying in the open countryside and are not classed as small villages and hamlets.
6. The site is an undeveloped field. Adjacent to the site lies two dwellings. To the other side is a coach vehicle servicing yard, beyond which is a dwelling. A short distance to the south lies a farm with associated buildings. Beyond this group of buildings is open countryside. Given the small number of dwellings adjacent to the site and the farmstead nearby, the area does not constitute a hamlet or small village in my view and the proposal for 3 self-build dwellings would not accord with this Policy.
7. While there are 2 storey houses to the south, to the north lies a coach vehicle servicing yard that lacks any substantial built development similar to the proposal or the dwellings to the south of the site. Accordingly, there is no similar built development on either side of the site for the scheme to be considered infill as described in the supporting text to the Policy.
8. There are no buildings near the road at the coach vehicle servicing yard. In addition, the adjacent dwellings do not face either Silver Street or Slutshole Lane and are not an incomplete group of buildings. Therefore, the proposal would not complete the local road pattern or define or complete the boundaries of a group of buildings. Therefore, the proposal would not be considered as rounding off in the terms of LP Policy HOU 05.
9. The aim of LP Policies GEN 05 and HOU 05 are to recognise the intrinsic character and beauty of the countryside and minimise the impact on the countryside. The site is undeveloped, and the surrounding area has a rural open character and appearance in keeping with the open countryside setting. Matters such as scale, appearance and layout are for future consideration. However, the proposal for 3 dwellings in this location would not only introduce built development, but also hard standing and domestic paraphernalia that would urbanise the site and erode the rural character of the area.
10. The surrounding roads lack footpaths and streetlights. In addition, services and facilities are some distance away such that future occupiers would be likely to be reliant on the private vehicle for day to day needs.
11. Consequently, the proposal would not be suitably located having regard to relevant development plan policies concerning the development outside defined settlement boundaries. Therefore, it would conflict with LP Policies GEN01, GEN03, GEN 05 and HOU 05 which seek, among other things, sustainable development and directs new development through a settlement hierarchy.

Highway safety

12. The indicative drawings show the access being taken from Slutshole Lane. Given the limited visibility and proximity to a bend in the road, an access as indicated in

the drawings may result in vehicular collision. However, there is a greater level of visibility from the site along Silver Street, accordingly an access from this road may be acceptable. However, access is a reserved matter and therefore subject to future consideration. As such, this matter is not determinative for the outcome of the appeal.

13. Consequently, the proposed development may not result in an unacceptable impact on highway safety subject to future consideration of reserved matters. Therefore, it would not conflict with LP Policies TR01 and TR02 which seek, among other things, development that would not adversely impact on the operation or safety of the strategic road network and provide safe, suitable and convenient access for all users.

Flooding and drainage

14. While the site may lie within Flood Zone 1, the Council has identified that it is at high risk of surface water flooding. This may not preclude development in principle and layout is a matter reserved for future consideration. However, no evidence or proposed mitigation measures have been provided to demonstrate that the proposed dwellings would not be at risk of flooding. Therefore, there can be no certainty that a condition would adequately mitigate the risk of flooding.
15. Footnote 63 of the National Planning Policy Framework (Framework) states that in Flood Zone 1, an assessment should accompany all proposals involving land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. As the proposal for housing would be sited on undeveloped land at high risk of surface water flooding, a site-specific flood risk assessment is required. As no such assessment is before me, the scheme would conflict with the Framework in this particular respect.
16. Information relating to the surface and foul water strategy has not been provided except to state that the intention is to connect to the existing mains foul sewer network. Given the high risk of surface water flooding identified above, and the lack of site-specific flood risk assessment, there can be no certainty that a condition would adequately address the matter.
17. Consequently, the proposal may lead to adverse effects on flooding and drainage. Therefore, on balance, the proposal would conflict with LP Policy ENV 09 which seek, among other things, development that is located to minimise the risk of flooding.

Noise

18. The site lies adjacent to a coach vehicle servicing yard and businesses located at Walnut Tree Farm nearby. While the businesses may not constitute heavy industrial activities or 24 hour operations, they nonetheless are capable of generating significant amounts of noise. Layout and landscaping are matters for future consideration. However, as no detailed evidence such as a Noise Impact Assessment is before me, I am unable to determine whether the proposal would result in unacceptable living conditions for future occupiers.
19. Consequently, given insufficient evidence, the proposal may not provide adequate living conditions for future occupiers with regard to noise. Therefore, it would

conflict with LP Policy COM03 which seeks, among other things, adequate levels of amenity for future occupiers.

Ecology

20. LP Policy ENV02 which requires, among other things, that all development should demonstrate how net gains for biodiversity are being secured as part of the development.
21. Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (Act) sets out that that planning permission granted for the development of land in England is deemed to have been granted subject to a condition that restricts the commencement of the development until a biodiversity gain plan has been submitted to and approved by the local planning authority. Exemptions include self-build and custom build development.
22. There is no planning obligation before me which secures the development as being self-build as defined in the Self-build and Custom Housebuilding Act 2015 (as amended). The use of a condition has been suggested by the Appellant. However, a condition requiring occupation of the dwelling by the person who built it would be unlikely to pass the tests set out in the Framework. I will return to this matter, if necessary, in my planning balance.
23. I note the evidence relating to biodiversity gain hierarchy. However, given my finding above, this matter has not altered my conclusion on this main issue.
24. Consequently, the proposal would not accord with the Council's development plan strategy for ecology as it would conflict with LP Policy ENV02 which requires, among other things, that all development should demonstrate how net gains for biodiversity are being secured as part of the development.

River Wensum SAC and Broads SAC

25. The site lies within the Zone of Influence (Zol) of River Wensum SAC and Broads SAC. The qualifying features include white-clawed (or Atlantic stream) crayfish and otter. New housing development within the Zol would be likely to increase the number of recreational visitors to SACs, potentially resulting in disturbance to the integrity of the habitats of qualifying features. LP Policy ENV02 seeks, among other things, the highest level of protection for European Sites.
26. In combination with other developments, it is likely that the proposal would have significant effects on the SACs. Consequently, an Appropriate Assessment (AA) would be required to ascertain the implications for the site. I note that the Appellant has indicated a willingness to enter into a legal agreement to secure the relevant financial contributions as required by the Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan that relates to proposals within the Zol of designated habitats and the mitigation measures that would be funded. I will return to the AA and LP Policy ENV02 in my balance if required.

Planning balance

27. The Council are not able to demonstrate a 5 year housing land supply. The proposal would contribute 3 dwellings to that supply.

28. I have found that the proposal would not be suitably located having regard to relevant development plan policies concerning development outside defined settlement boundaries, may not provide adequate living conditions for future occupiers with regard to noise and may lead to adverse effects on flooding and drainage.
29. Balanced against this harm, the proposal would contribute a limited number of dwellings to the local housing supply, and there would be temporary economic benefits during the construction phase. Future occupiers would also provide a social and economic contribution to the local community. These benefits would be limited commensurate to the modest number of dwellings proposed, even if secured as self-build housing through a planning obligation.
30. Therefore, if I were to apply the presumption in favour of sustainable development in the terms of paragraph 11dii of the Framework, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
31. Given the above, I have not carried out an AA to consider whether there would be harm to the integrity of the River Wensum SAC and Broads SAC.
32. Moreover, had I carried out an AA, as I do not have an executed planning obligation before me to secure mitigation measures with respect to the SACs, the proposal would fail to accord with the policies in the Framework that relate to habitats sites. This provides a strong reason for refusing the development proposed in the terms of paragraph 11di of the Framework.

Conclusion

33. For the reasons given above, the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR