
Appeal Decision

Site visit made on 12 December 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 January 2026

Appeal Ref: APP/F2605/W/25/3373390

Plot 4, Land to the North of School View, The Street, Caston, Attleborough, Norfolk NR17 1FP

- 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 Ben Barnard of Old Bucks Developments Ltd against the decision of Breckland Council.
 - The application Ref is PL/2024/1056/FMIN.
 - The development proposed is three bedroom detached house and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the site visit I observed that ground works have been undertaken which may have changed the ground levels of the site and close boarded fencing, set on a concrete base, had been erected to the western edge of the site. The new houses immediately to the east of the appeal site were complete and the watercourse which runs parallel to The Street ran beneath a new vehicular access. Nonetheless, my decision is based on the drawings which have been submitted.
3. An undated unilateral undertaking has been submitted with the appeal and has been taken into account.
4. During the course of the appeal the government published a consultation National Planning Policy Framework (the Framework), which sets out changes to the Framework along with other changes to the planning system and accompanied by a Written Ministerial Statement. As the proposed reforms are in draft and may be subject to change before the final document is published, I have given them only very limited weight at this stage. Having regard to the determining issues of this appeal, it has not been necessary to consult the parties on the changes and, in reaching my decision, I have had regard to the Framework of December 2024.

Main Issue

5. The main issue is whether the proposal is suitably located having regard to flood risk.

Reasons

6. The maps evidenced show the appeal site lies partially within flood risk zones 2 and 3 and the most severe flood risk lies at the front of the site, broadly following the line of The Street. Flooding in the immediate area both historically and up to

2024 has been evidence by third parties and the Council refer to numerous reports of internal flooding in the area between 2020 and 2024. The footprint of the proposed house would be set back from the road and its access would cross into flood risk zone 3, being land at the highest risk. Therefore, in line with the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG), a sequential test would normally be required.

7. Despite this, the PPG now supports a proportionate approach and states that the sequential test need not be applied where a flood risk assessment (FRA) demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere.
8. An updated FRA has been submitted with the appeal¹ and it is the appellant's case that the new dwelling would be positioned on the highest part of the site, as supported by the datum levels on the proposed plan. No existing plan, showing comparative existing ground levels and how they may be altered by the development, has been provided. Based on the evidence, it appears the house would be positioned partially in flood zone 2 but with its access entirely in zone 3. The appellant considers that the site's flood risk does not necessarily correspond to the changes in level in the site, and I appreciate the site's current levels may have impacted its risk. Nonetheless this is not supported by substantive evidence which would lead me to conclude that the proposal, and its access, would not be at risk of flooding.
9. In terms of design and layout, the FRA sets out the finished floor level should be no lower than 43.0m AOD. However, this is not reflected on the proposed drawings, in particular the elevations or proposed site plan, where the centre of the house is shown to be at 42.0m. The new home would have its bedrooms on the first floor providing some area for refuge, however, other design and layout measures have not been demonstrated having regard to the measures and suggestions set out in the PPG. At the point of access the appellant finds flood depths are anticipated to be up to 0.4m. This is not insignificant and could still be impassable for some future occupants and their vehicles as the only means of escape from the site. The draft Emergency Response Plan contains generalised measures and falls short of the Environment Agency advice for these documents. Taken as a whole, the appellant's case lacks sufficient detail to demonstrate clearly that the proposed layout, design and mitigation measures would ensure future occupiers would remain safe for the lifetime of the development, as set out in the PPG. Given the importance of these matters to the principle of the development, and potential for effects on other aspects of the proposal, it would not be appropriate to address these matters by condition at a later date.
10. The circumstances where a sequential test may not be required have therefore not been met. In the absence of a sequential test which meets the requirements set out in the Framework and the PPG, it cannot be established that there are not other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

¹ Reference ECL0183-2b/MDSDA dated September 2025

11. Flood risk was not a main issue in the appeal for the adjacent new homes² and the decision states that the parts of the site to be occupied by dwellings were at low risk of flooding. There is not sufficient certainty that this would be the case for this appeal scheme and, in any event, that decision pre-dates the current Framework and PPG. Overall, I am not satisfied that those homes provide justification for the risks of the appeal scheme before me, which would bring new residents into an area of risk and where the effects could be significant and long lasting.
12. In conclusion on this main issue, and in the absence of substantive evidence to the contrary, the site would not be suitably located for the proposed new house in terms of its flood risk. The proposal would conflict with Policy ENV09 of the Breckland Local Plan 2019 (the BLP) which requires that development be located to minimise the risk of flooding and the provisions of the Framework set out above.

Other Matters

13. The Council's second reason for refusal relates to the effects of development on Norfolk's designated Habitat Sites. However, Regulation 63(1) of the Habitats Regulations indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is dismissed on other grounds it is not therefore necessary to address this in any further detail.
14. I am aware of other matters raised by third parties and touched upon by the Council in its officer report. However I have not considered these matters further since they would not alter the outcome of the appeal.
15. The main parties agree the Council cannot demonstrate a five year land supply for housing and the appellant considers the supply to be as low as 3.25 years. Accordingly, the provisions of paragraph 11d) of the Framework are relevant to the appeal. Having regard to 11d)i, even if the proposal were acceptable in terms of its effects on Habitat Sites, the policies in the Framework that protect areas at risk of flooding provide a strong reason for refusing the proposed development. The proposal does not, therefore, benefit from the presumption in favour of sustainable development set out in the Framework.
16. Nonetheless, the proposal would contribute to the local housing supply, which is particularly important given the recognised undersupply and the Framework acknowledges the important contribution which small sites can make to meeting the local need. It is not apparent, however, that the site is necessarily under-utilised land given its current use and location. The proposal is capable of delivering biodiversity net gain and there would be some economic benefit arising from the construction process and ongoing expenditure into the local economy from future occupants, in turn supporting the nearby settlements. However, the extent of these benefits is limited by the scale of the development as a single home. Together the benefits do not amount to material considerations of sufficient weight to make a decision other than in accordance with the development plan.

Conclusion

17. For the reasons given the appeal is dismissed.

² Appeal decision APP/F2605/W/21/3268777

C Shearing

INSPECTOR