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## Appeal Decision

Site visit made on 29 January 2026

**by Jennifer Wallace BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 February 2026**

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**Appeal Ref: APP/G2625/W/25/3374482**

**Land to the East of Holt Road, Norwich, Norfolk NR6 6FD**

- 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 David Utting of Donald Utting and Son Limited against the decision of Norwich City Council.
  - The application Ref is 24/00367/U.
  - The development proposed is change of use of agricultural land to Class E for the servicing and maintenance of smartshops, improved vehicular access and associated works.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs has been made by David Utting of Donald Utting and Son Limited against Norwich City Council. This application is the subject of a separate decision.

### Preliminary Matters

3. I have taken the description of development in the banner heading from the appeal form, as this more accurately describes the development proposed.

### Background and Main Issues

4. The application was refused for two reasons both of which related to highway safety. Since then, the local highway authority has updated its position in light of the progression of a highway improvement scheme and no longer objects to the proposal. The Council therefore no longer wishes to defend its reasons for refusal and considers the proposal is in accordance with the provisions of the development plan subject to conditions. There were no objections to the proposal from other interested parties, also subject to conditions.
5. However, I am mindful of the advice in Circular 06/2005<sup>1</sup> (the Circular) that It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
6. As a result, the main issue in this appeal is the effect of the proposed development on protected species.

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<sup>1</sup> ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

## Reasons

7. The application and appeal were accompanied by a Preliminary Ecological Appraisal (PEA). This identifies that the site offers suitable habitat for reptiles and notes it is a 'fair assumption' that reptiles could be present within the site, albeit a small population. It further goes on to note that avoidance and mitigation measures could address the effects on reptiles. However, it nonetheless sets out that a reptile survey should be carried out to confirm presence/absence.
8. I acknowledge that this recommendation is not set out in either the executive summary or the recommendations for further surveys and that no evidence of reptiles was observed. However, this does not negate the fact that the recommendation is present in the sections of the PEA setting out the results of the habitat survey and evaluation and recommendations. As the PEA identifies the potential for there to be reptiles on site and recommends further surveys, there is evidence before me to indicate a reasonable likelihood of reptiles being present. I cannot be certain that the proposal would only affect reptiles during the construction phase as the presence or otherwise of reptiles has not been established.
9. I note that the main parties are in agreement this is a matter which could be addressed by condition. The Circular is clear that surveys should only be secured by condition in exceptional circumstances. None of the circumstances before me could be considered exceptional. Consequently, there is nothing that would justify the use of such a condition in light of the clear advice in the Circular.
10. I therefore cannot conclude that the proposed development would not have an adverse effect on protected species contrary to Greater Norwich Local Plan Document 1 – The Strategy (adopted March 2024) Policy 3 and Norwich Development Management Policies Local Plan (adopted December 2014) Policy DM6 which requires development proposals to undertake relevant assessments and seek to avoid harm, and protect and enhance the natural environment.

## Other Matters

11. There would be economic benefits that would arise from the employment use of the site, including the direct employment of around 5 people. I also acknowledge there are social benefits that arise from employment. Other biodiversity enhancement measures are recommended which could be secured. Landscaping has been proposed which would integrate the use of the site into the surrounding area while having regard to the requirements imposed by the adjacent airport. Fewer large vehicles would have to travel to the appellant's existing premises located more centrally in Norwich. These are benefits which would attract limited weight.
12. The site lies proximate to the urban area of Norwich. I note that no objections were received from consultees, subject to the imposition of conditions and there were no representations from surrounding occupiers. There would be no adverse effect on living conditions or the operation of surrounding commercial uses. The proposal would have an acceptable effect on the character and appearance of the area. However, these are to be expected of any well-designed development and so would be neutral in my assessment.

## Conclusion

13. I cannot be certain that the proposed development would not have an adverse effect on protected species. This harm would outweigh the benefits set out above. The appeal proposal would therefore conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jennifer Wallace*

INSPECTOR