



Appeal Decision

Site visit made on 3 February 2026

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2026

Appeal Ref: APP/L2630/W/25/3372923

Land to rear of 25 Coronation Crescent and land to rear of 2-10 Roland Drive, Hempnall, Norfolk NR15 2RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mrs Rachel Shreeve against the decision of South Norfolk District Council.
- The application reference 2024/2027 was approved on 15 May 2025 and planning permission was granted subject to conditions.
- The development permitted is change of use of land from agricultural to residential gardens.
- The conditions in dispute are Nos 3, 4 and 5 which state that: -
 - 3. No provision within the approved extended curtilage of the dwellings of any building or enclosure, swimming or other pool [Class E]; and any other works as defined by Class E of Part1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the local planning authority.
 - The reason given for the condition is: In the interests of the satisfactory appearance of the development and the amenities of adjoining residents in accordance with Policies DM3.8 and DM3.13 of the South Norfolk Local Plan Development Management Policies Document 2015.
 - 4. No solar PV or solar thermal equipment [Part 14 Class A]; Solar equipment within the approved extended curtilage [Part 14 Class B], ground source heat pump [Part 14 Class C]; water source heat pump [Part 14 Class D]; flues [Part 14 Class E, F] air source heat pumps [Part 14 Class G]; wind turbine [Class H, I] or any other works as defined in Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the local planning authority.
 - The reason given for the condition is: In the interests of the satisfactory appearance of the development and the amenities of adjoining residents in accordance with Policy DM3.13 of the South Norfolk Local Plan Development Management Policies Document 2015.
 - 5. No provision along the entire new field boundary (other than what has been approved) of gates, fences, walls etc as detailed within Class A of Part2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), shall be erected unless an appropriate planning application is first submitted to and approved by the local planning authority.
 - The reason given for the condition is: In the interests of the satisfactory appearance of the development and the amenities of adjoining residents in accordance Policies DM3.8 and DM3.13 of the South Norfolk Local Plan Development Management Policies Document 2015.

Decision

1. The appeal is allowed and the planning permission Ref 2024/2027 for Change of use of land from agricultural to residential gardens at Land to rear of 25 Coronation Crescent and land to rear of 2-10 Roland Drive, Hempnall, Norfolk NR15 2RB granted on 15 May 2025 by South Norfolk District Council, is varied by deleting conditions 3, 4 and 5.

Preliminary Matters

2. I have used the address of the proposal as it appears on the Council's Decision Notice, as this identifies the site more clearly, but have added the postcode provided by the appellant for further clarity.
3. The appellant identified on the appeal form that they were appealing against a refusal of planning permission. However, the evidence provided by the parties clearly relates to the removal of conditions (3, 4 and 5) attached to the planning permission, Council Reference 2024/2027, dated 15 May 2025. I have considered this as an appeal seeking to remove these conditions from the extant permission and I do not consider that any party would suffer injustice by my so doing.

Main Issue

4. The Council have granted planning permission to allow the change of use of the land into residential gardens. The use of the land was historically associated with agriculture, and the land formed part of an open field abutting the rear of gardens of residential properties. The proposal seeks permission to carry out the development without complying with Conditions 3, 4 and 5.
5. The main issue in this appeal is whether Conditions 3, 4 and 5 attached to the planning permission, Council Reference 2024/2027, are necessary and reasonable to safeguard the character and appearance of the site and the surrounding area and the living conditions of neighbours.

Reasons

Background

6. Granting of the planning permission changes the permitted use of the land from agricultural use to residential. In doing so there would be a fundamental change to the character and appearance of the area associated with the enclosure of the land and activities carried out on it. This was acceptable to the Council, subject to the imposition of Conditions 3, 4 and 5. The permission allows for a new boundary along the southern side of the appeal site and the introduction of residential activity and domestic paraphernalia into the site and these changes would be readily observable from public rights of way close to the appeal site. These changes would, however, be seen in the context of residential development that forms a backdrop in such views.
7. Policies DM3.8 and DM3.13 of the South Norfolk Local Plan Development Management Policies Document (2015) (the DMPD) together seek to protect and enhance the environment and existing locally distinctive character. Policy DM3.13 also seeks to ensure a reasonable standard of amenity reflecting the character of the local area with particular regard to avoiding, amongst other things, overlooking and overbearing impact, and disturbance from noise and vibration.

Condition 3

8. This condition removes the permitted development rights for development defined by Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. Class E permitted development rights allow the development of outbuildings and other structures within residential curtilage.

9. Outbuildings lie within the surrounding gardens and the land within the gardens is plainly urbanised. This is plainly visible from the public rights of way. The Council has identified that it would be possible, as permitted development, for each of the future occupiers of the plots to build an outbuilding that extends across the entire rear width of their plot.
10. Were each of the plots to do so, there would be a cumulative increase in built form along the boundary with the open field. However, I note that each of the neighbouring plots could carry out development along their boundaries, with similar effect, yet they, including the new build property to the east of the site, retain their permitted development entitlement. Such intensive development, although feasible, would, in any event, be unlikely. Given this context, the development within the appeal site of similar structures to those in adjacent gardens would have minimal effect on the character or appearance of the neighbourhood.
11. The Council also considers that such extended development along the previously open boundary would result in an overbearing sense of enclosure in the rear gardens of 2 and 4 Roland Drive. Even were a building of extended form to be built on the boundaries of 2 and 4 Roland Drive, any building that would qualify as permitted development would be relatively low. I do not, therefore, find that such development within the appeal site would be unacceptably enclosing for persons within the rear gardens of adjacent plots, whilst those looking out of rear-facing windows would be further away, with clear views over the outbuildings.
12. It is notable that buildings of similar scale could be built as permitted development within any of the adjacent plots, including No 11 Willow Drive, adjacent to shared boundaries, with similar effect. The parameters of permitted development accept such consequences and the results of allowing Class E permitted development rights within the appeal site would not be exceptional.
13. It has been asserted that persons using a building located on the new rear boundary of 10 Roland Drive would have views into rear bedroom windows of the two-storey neighbouring property and a photograph has been provided of the view from one of these windows.
14. The sight line from an outbuilding would be oblique and the observer some distance away. Given that persons using the land as a residential garden could, in any case, use this area for normal residential activity, there would be minimal increased surveillance from a person standing at such a window when compared to the development permitted by the Council.
15. I therefore find that, were Condition 3 to be removed, there would be no more harmful impact on the area or the neighbours than the fundamental changes to the land associated with its change of use. Were it to be removed the proposal would therefore still comply to the same extent as previously with the aims of Policies DM3.8 and DM3.13 of the DMPD.
16. I therefore find that Condition 3 is neither necessary, relevant to the development permitted, nor reasonable to safeguard the character and appearance of the site and the surrounding area or the living conditions of neighbours.

Condition 4

17. This condition removes the permitted development rights for development defined by Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015, relating to renewable energy installations. The permitted development rights allow development of standalone solar arrays, heat pumps and wind turbines within residential curtilage.
18. Again, the potential for similar development exists within each of the surrounding plots, including the original garden areas of the extended plots. Thus, such plant could already appear in locations close to the neighbouring plots and the buildings within them.
19. The extension of the gardens would allow the positioning of plant further away from the dwellings fronting Roland Drive. Thus, there is a potential benefit from such a location in terms of siting plant away from the buildings themselves. As identified above, such plant would appear against the backdrop of existing urban development. Given this context, I see no material level of additional harm that could result to the character or appearance of the site or its surroundings from the proposal, nor, in terms of noise disturbance, to the living conditions of neighbours were such development to take place.
20. In regard to potential disturbance from glare, any solar arrays would face south, away from the residential properties. I can see no reason for concern in such a situation.
21. Consequently, I find that, were Condition 4 to be removed, there would be no more harmful impact on the area or the neighbours than the fundamental changes to the land associated with its change of use. Were it to be removed the proposal would therefore still comply to the same extent as previously with the aims of Policy DM3.13 of the DMPD.
22. I therefore find that Condition 4 is neither necessary, relevant to the development permitted, nor reasonable to safeguard the character and appearance of the site and the surrounding area or the living conditions of neighbours.

Condition 5

23. Condition 5 removes permitted development rights for development defined by Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, relating to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. Allowing the appeal site to enjoy these permitted development rights would enable the development of a gate, fence, wall or means of enclosure of up to 2m in height on this boundary. The condition only relates to the boundary with the open field to the south.
24. The boundary to earlier development on this frontage is currently formed by an informal mix of fencing and planting and retains a rural appearance in keeping with its edge of settlement location. Development to the west is able, under permitted development, to replace their boundaries with the open land. The more recent residential development to the east is subject to planning controls, seeking to retain the informal, edge of settlement character of the settlement boundary. It is

stated that they still retain permitted development rights, however, it is unclear whether those could be used to alter their boundaries.

25. The appellant refers to the extension of the garden to the east of the appeal site. The Council identify that this development included a detailed landscaping plan to ensure a soft appearance to the agricultural field boundary. Whilst the Council identify that the residential garden, enclosed by a boundary fence, of 11 Willow Drive has been extended further into the countryside, they further identify that this development requires retrospective planning permission and that this matter is under consideration by the Councils Planning Compliance Team. The Council identify that they would seek to restrict permitted development rights for this land as well. That, however, is a matter for the Council, and I have assessed this proposal on its own merits.
26. Whilst a more formal or solid boundary would undermine the low-key appearance of the boundary, harmfully undermining the rural aspect of the location, such could occur on the older plots facing onto the field under permitted development.
27. Again, having regard to the potential change that could occur on this boundary, even if limited to the boundaries to the west of the appeal site, Condition 5 would, in isolation, be insufficient to safeguard the appearance of the character and appearance of the surrounding area.
28. Whilst I recognise the Council's aspirational intent to maintain the informal appearance of this boundary, there is potential for significant alteration of this boundary already. Whilst retention of Condition 5 would minimise potential for harmful change, overall such change could not be prevented. The Condition, therefore, would achieve little in terms of planning benefit. The removal of the condition would, therefore, not prevent harmful change of the character and appearance of the area, would fail to achieve the aims of Policy DM 3.8 of the DMPD and is therefore unnecessary and unreasonable.
29. Whilst the Council site the need for the condition to safeguard residential amenity, no specific harm to neighbours' living conditions has been identified associated with the boundary treatment to the field frontage and therefore the removal of the condition would not undermine the aims of Policy 3.13 of the DMPD
30. I thus find that, were Condition 5 to be removed, there would be no more harmful impact on the area or the neighbours than the fundamental changes to the land associated with its change of use. Were it to be removed the proposal would therefore still comply to the same extent as previously with the aims of Policies DM3.8 and DM3.13 of the DMPD.
31. I therefore find that Condition 5 is neither necessary, relevant to the development permitted, nor reasonable to safeguard the character and appearance of the site and the surrounding area or the living conditions of neighbours.

Conclusion

32. For the reasons given above the appeal should be allowed.

I A Dyer

INSPECTOR