



Appeal Decision

Site visit made on 10 February 2026

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal Ref: APP/F2605/W/25/3374511

Cutbush Barns Common Road, Ashill, Norfolk IP25 7BB

- 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 Tim Allen against the decision of Breckland Council.
 - The application Ref is PL/2025/0342/FMIN.
 - The development is erection of 1no. dwelling and annex.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The buildings had been constructed at the time of my site visit. I will deal with the appeal accordingly.
3. The description of development provided on the planning application form was described as 'regularising application for replacement dwelling and annex, following previous granting of planning for conversion of existing barns'. The Council states that the appellant agreed to an amended description and whilst the appellant has confirmed on the appeal form that the description of development has not changed from that stated on the application form, the amended description used by the Council is provided. Given the appellant's amended description provided on the appeal form more clearly describes the development, I have used it in the banner heading above, although, I have removed wording which does not form an act of development in the interests of clarity.

Main Issue

4. The main issue is whether the development is in a suitable location for residential development, having regard to the spatial strategy of the development plan and the accessibility of local services and facilities.

Reasons

5. The site is located in open countryside, removed from the village of Ashill. A line of trees are located directly to the north with agricultural land situated to all sides. There is no dispute between the parties that the site is situated outside of any defined settlement boundary identified in the Breckland Local Plan September 2023 (LP) and is therefore not within any settlement referred to by LP Policy GEN 03 which sets out the settlement hierarchy where new development will be focused.

6. LP Policy GEN 05 states that development outside the defined settlement boundaries will only be acceptable where it is compliant with relevant LP policies. I do not consider the site to form part of a smaller village or hamlet, given it stands alone, removed from any other development. As such it does not accord with LP Policy HOU 05 which allows for sensitive infilling and the rounding off of a cluster of dwellings in smaller villages and hamlets outside of defined settlement boundaries, subject to certain considerations.
7. The Council refer to LP Policy HOU 03 as a policy which may support development outside of the boundaries of Local Service Centres, which includes the settlement of Ashill. However, given the location of the site in the open countryside, removed from the settlement, the development does not accord with this policy.
8. Consequently, I do not find that the site meets the relevant criteria set out in the policies of the spatial strategy, in relation to development outside defined settlement boundaries. Turning now, to access to services and facilities. The nearest settlement is Ashill, a village which benefits from some limited services and facilities, including a primary school, small convenience store, public house, church, playground and community centre.
9. The route from the site to Ashill is along a narrow rural road without streetlighting or pavement. Whilst I noted during my site visit that Common Road appeared lightly trafficked, the road conditions in combination with the distance to the services and facilities means that many would be discouraged from accessing Ashill by walking or cycling. This would be especially so, for those who struggle with mobility or those with young children and would be the case for many in inclement weather or in the hours of darkness.
10. I witnessed bus stops on Hale Road, but I have no information on which bus services run through Ashill, or the frequency of any such services. The bus stops are also a fair distance from the site, meaning that occupants of the site would not be encouraged to use what public transport may be available.
11. Consequently, I find it highly probable that the majority of journeys to and from the site, are made by private vehicle. Whilst some journeys may be relatively short, particularly when accessing the limited services and facilities in Ashill, other journeys, necessary to meet other day to day needs, will be longer.
12. I note the appellant's response to a number of example appeal decisions referred to by the Council in relation to locational issues. I have not been provided with the specific details of these cases in order to make a full comparison. In any case, I must deal with the appeal before me on its individual merits.
13. I therefore conclude that the development is not in a suitable location for new residential development. Permitting the development would be harmful in that the strategy for the distribution of housing would be undermined, leading to an over reliance on the use of private vehicles. The development is therefore contrary to Policies GEN 01, GEN 03, GEN 05 and HOU 05 of the LP, the aims of which, amongst other things, is that residential development is directed towards the most sustainable locations and that development is co-ordinated with transport provision to ensure good access to facilities and services.

Other considerations

14. The appellant asserts that the Council has accepted the principle of residential development at the site through the granting of planning permission¹ in January 2019 for the change of use of two agricultural buildings to a dwelling and annex.
15. The Council state that the conversion scheme was granted on the basis that the buildings were substantially intact and capable of conversion without significant extension or rebuilding works being necessary. However, the appellant has confirmed that due to the extent of structural remediation required, the barns were reconstructed instead of converted.
16. In my view the conversion of a building does raise different material planning considerations to new build development. Conversion schemes make use of existing buildings, rather than introducing new built form and as a result they retain and reuse the embodied carbon already invested in the building when originally constructed. Conversions therefore offer different benefits to a new build development.
17. The conversion scheme approved in 2019 cannot be implemented because both buildings were substantially removed and therefore the re-use of the original buildings cannot occur. The two new buildings now constructed cannot form a replacement dwelling and annex, because, whilst the conversion scheme was approved, it was not completed. Therefore, in planning terms there was no dwelling present on the site which could be replaced. Consequently, the previous conversion scheme approval does not represent a legitimate fallback position.
18. Information provided shows that there has been development at the site since 1840. A photograph also shows a two storey dwelling on the site previously which was removed at some point before 1999. Whilst this may be so, there were no obvious signs of a farmhouse to the front of the site at the time of my site visit, and this does not alter my findings set out above.
19. The appellant asserts that the same scale and type of development has been provided that was approved through the conversion scheme and that the historic building footprints have been re-used. It is contended that benefits result from the rebuild, including ensuring the longevity and useability of the buildings, improved energy efficiency and the use of traditional flint and brick. However, as I have set out above, the previous approved conversion scheme does not represent a viable fallback position and consequently a comparison between the approved conversion scheme and the appeal scheme does not attract any weight in favour of the appeal.
20. The appellant asserts that a scheme could have been advanced under Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of the barns, and following approval, a full planning application could have been submitted to provide a higher quality new build dwelling in their place which would have been approved by the Council. There is no compelling evidence provided which suggests this would have occurred. There is also no substantive evidence before me that suggests that had a scheme been advanced for a new dwelling

¹ Council Ref: 3PL/2018/1167/F

with annex in place of the approved conversion scheme prior to the removal of the buildings, that the Council would have approved it.

21. I am referred by the appellant to three appeal decisions elsewhere, in other areas of the country, where different planning policies will have been considered, which limits the weight afforded to them as a consideration in this case. I also do not have the specific details or evidence presented in those cases before me. In the cases of Petteril Barn Farm² and Dengie Manor Barn³ the Inspectors found there to be an extant permission in place which formed a realistic fallback position, which as discussed above, is not the case here. With regard to The Barn, Elenors Grove⁴, the main issue related to character and appearance and the Inspector stated that the site was in an accessible location, walkable to the centre of the settlement and nearby bus stops. Therefore, these other appeal decisions are not directly comparable to the case before me now.
22. The appellant also refers to other development sites on Dunnetts Close which is the road that leads onto Common Road. Some were identified through a call for sites exercise and another was granted permission by the Council for eight dwellings in 2021. However, I am not provided with the specific location of these sites, and I noted during my site visit that part of Dunnetts Close is located within the existing built up area of Ashill and therefore these sites referred to may well be in a different type of location to the site before me now.
23. The development contributes a single dwelling with detached annex towards the housing stock. As a result, there are social and economic benefits with occupants supporting services and facilities in the local area. The appellant asserts that significant hedgerow planting, restoration of an on-site pond and management of a wildflower meadow provide environmental benefits, although the precise details are not provided. I note that the construction methods used include energy efficient measures, however, it is not unusual for new dwellings to be designed to high environmental standards. Overall, given the scale of the development these benefits are limited.
24. The Council did not raise objection to the development on design, character, appearance, transport impacts or highway safety grounds, but a lack of harm in these respects is a neutral consideration that weighs neither for nor against the proposal. I note the concerns raised by the appellant regarding the level of engagement provided by the Council during the application process, however, this is not a matter which I can consider through this appeal.

Planning Balance

25. Both parties agree that the Council cannot currently demonstrate a sufficient housing land supply. The appellant contends that the supply figure is currently 2.8 years. Consequently, Paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged which states that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having regard to key policies, including directing development to sustainable locations.

² APP/H0928/W/17/3191159

³ APP/X1545/W/22/3298163

⁴ APP/P2114/W/22/3302552

26. The Framework recognises that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities, however the site is within the open countryside, removed from the nearest settlement. The Framework also expects patterns of growth to be managed to promote walking, cycling and public transport use. In these respects, the LP policies referred to above are in general consistency with the Framework. Therefore, the conflict between the development and LP Policies GEN 01, GEN 03, GEN 05 and HOU 05 should be given significant weight in this appeal.
27. As there are no policies in the LP which positively favour development in this location and as the development is contrary to the policies referred to above, there is a conflict with the development plan as a whole.
28. As identified above, the benefits associated with a single dwelling and annex are limited even when considering the Framework objective of significantly boosting the housing supply and even if the Council's housing land supply position is significantly below the five year requirement.
29. In terms of adverse impacts, the development is located in open countryside, removed from any settlement, and it has not been demonstrated that it meets any policies in the Framework where new homes in the countryside would be supported. The development does not meet the expectation set out in the Framework, that development should be actively managed to promote the use of sustainable forms of transport, even when considering that opportunities do vary between rural and urban areas.
30. Consequently, I find that the adverse impacts in this case significantly and demonstrably outweigh the cumulative limited benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to directing development to sustainable locations. As a result, the presumption in favour of sustainable development does not apply in this case.

Other Matter

31. The Council's second reason for refusal related to the effect of the development on the integrity of protected European sites as identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy. However, Regulation 63(1) of The Conservation of Species and Habitats Regulations 2017 (as amended) indicates that the requirement for an appropriate assessment is only necessary where the competent authority is minded to give consent. As the appeal is being dismissed on other grounds it is not necessary for me to consider this matter further.

Conclusion

32. The development conflicts with the development plan when read as a whole. There are no material considerations, including the Framework, that indicate a decision other than in accordance with it. The appeal is therefore dismissed.

G Dring
INSPECTOR