



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: 25 February 2026

Appeal Ref: APP/F2605/W/25/3376412

Lower Homestead Farm Watton Road, Ashill, Norfolk IP25 7AH

- 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 and Mrs Mower against the decision of Breckland Council.
 - The application Ref is PL/2025/1220/FMIN.
 - The development proposed is 2 self build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development above from the planning application form, removing wording that does not form an act of development, in the interests of clarity.

Main Issues

3. The main issues are:
 - whether the site is in a suitable location for residential development, having regard to the spatial strategy of the development plan and the accessibility of services and facilities;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal qualifies as an exemption from biodiversity net gain requirements.

Reasons

Location

4. There is no dispute between the parties that the site is located outside of any defined settlement boundary as 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. LP Policy GEN 05 sets out that development outside the defined settlement boundaries will only be acceptable where it is compliant with all relevant policies set out in the development plan. The nearest settlement to the site is Ashill which is identified as a Local Service Centre (LSC) in the settlement hierarchy. LP Policy HOU 03 relates to development outside of the boundaries of LSCs.

5. LP Policy HOU 03 states that development outside of the boundaries of LSCs will normally be resisted where the Local Plan housing target (as set out in Policy HOU 02) is provided for unless supported by other policies within the LP, and where the LP does not identify sufficient sites, then further development will be allowed subject to meeting certain criteria, including that the development is immediately adjacent to the settlement boundary. Even if the LP does not identify sufficient sites, the site is not immediately adjacent to the settlement boundary and therefore the proposal would not comply with the requirements of LP Policy HOU 03. I now turn to consider the accessibility of services and facilities.
6. Although the site is not isolated, given there is existing development to the south and east, it is removed from the main built up area of Ashill and its services and facilities, which are limited to a primary school, small convenience store, public house, church, playground and community centre.
7. Whilst the edge of Ashill is not overly far from the site, and the road is restricted to 40mph, there is no streetlighting or pavement along Watton Road which would connect them. Whilst only a snapshot in time, during my site visit, I noted that there were fairly regular traffic movements in both directions along Watton Road. There is a grass verge to one side of the road, however, standing or walking on the verge, particularly in poor weather, or in the hours of darkness would not be an attractive option for most. I therefore find that the road conditions would be likely to put off pedestrians from making that journey regularly on foot.
8. I accept that there may be areas, including to the south of the site, where there are no pavements and residents walk along the road to access services and facilities. Nevertheless, the proposal would exacerbate this situation. The appellant indicates that they offered to provide a new footway which would enhance pedestrian connectivity for both future occupants and existing occupants of nearby dwellings. Whilst some illustrative drawings are provided, I have no specific details about the proposed footway, it is not shown on the submitted drawings, and I have not been referred to any policy basis for such works. As such, I cannot attribute any weight to this matter in my consideration of the proposal.
9. Cycling along the road would be possible for those who are confident cyclists, but not for all, particularly those who are taking children to school or those wishing to return home with shopping. I am not referred to any bus services that operate within the vicinity of the site.
10. I therefore find, that due to the lack of pedestrian infrastructure, future residents would be highly likely to use the private vehicle to access day to day needs. Whilst I accept that these journeys would be relatively short to access the limited services and facilities in Ashill, journeys to other larger settlements further away would be necessary to meet a wider range of day to day needs.
11. I therefore find that the site would not be a suitable location for residential development. The proposal would undermine the strategy for the distribution of housing and lead to an over reliance on the use of private vehicles. The proposal is contrary to Policies GEN 01, GEN 03, GEN 05 and HOU 03 of the LP. These policies seek, amongst other things, 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.

Character and appearance

12. The site sits to the south of the village of Ashill, removed from the main built up area of the village, with agricultural land located in between. To the east is the remainder of the grass field where a number of trees are located and set further back from the road is a contractor's yard and dwelling. To the south is a single storey dwelling and garage, with further development beyond including dwellings and a care home. Directly opposite is a fruit farm.
13. The site is currently rural in character, comprising part of a grass field bound by a mixture of post and rail fencing and hedgerows. The open and verdant character of the site is clearly discernible in public views from Watton Road and the site contributes positively to the rural character and appearance of the area which sits between the village and the pocket of development to the south.
14. Notwithstanding that only a small section of existing hedgerow would be removed to enable access, the addition of two dwellings on the site along with two double garages and associated domestic paraphernalia would significantly erode the current rural character and appearance of the site. The garages would sit forward of the dwellings and would be a prominent feature within the site, adding to the amount of development overall. The development of the site would erode the undeveloped gap between the edge of the settlement and the group of buildings to the south.
15. The proposal would be set back from the road and seen in the context of the neighbouring development to the south and not as an isolated development. As such, it would not appear as an entirely unexpected element in the landscape. However, the development of an area of undeveloped land which appears spacious and rural in character, would result in additional development within the countryside, harmfully eroding the rural character of the area. A landscaping scheme, including a hedgerow along the frontage, would soften the appearance to some degree, nonetheless, I still find that the proposed development would diminish the open character of the site and this loss of spaciousness would be discernible from Watton Road. The use of sympathetic materials would not overcome my concerns in this respect.
16. I do not consider that the proposal would appear as infill development, given there would be no development to the north of the site. This appears therefore to be a different situation to the appeal decision example referred to by the appellant at land north west of School Road, where the Inspector identified that the site would sit between dwellings.
17. I therefore find that the proposal would result in harm to the character and appearance of the area. The proposal is contrary to Policies ENV 05, COM 01 and GEN 02 of the LP. These policies seek, amongst other things, that developments contribute to and respect the distinctive character of the area and recognise the intrinsic character and beauty of the countryside.

Biodiversity Net Gain

18. The appellant asserts that the development is exempt from mandatory biodiversity net gain (BNG) requirements¹ as it would be a self-build development. However, to

¹ Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

qualify for such an exemption, the relevant legislation relating to self-build² requires that the primary purpose of the build must be for personal occupancy and that ownership must initially be retained by the self-builder. So as not to undermine the aims of the legislation, this is a matter that reasonably needs to be controlled.

19. The use of the term 'self-build' in the description of development would not provide sufficient control and there is no mechanism before me, such as a legal agreement, that would secure the development as a self-build scheme. Whilst it is not for me to ascertain whether the proposal would qualify for an exemption from BNG requirements, based on the evidence before me, I cannot be certain that the proposal would. I therefore cannot treat the proposal as being exempt from the BNG requirements.
20. Developments subject to BNG are required to meet the minimum information requirements set out in Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This includes information demonstrating the pre-development biodiversity value of the site and the completed metric calculation tool. Whilst the appellants state that ecological enhancements could be provided on site in line with the submitted Preliminary Ecological Appraisal, if the proposal was subject to the BNG requirements, the minimum information requirements as a whole, are not before me.
21. This leads me to conclude that without further evidence, the proposal would be contrary to Policy ENV 02 of the LP which states that all developments should demonstrate how net gains for biodiversity will be secured. I also find that it would fail to comply with the statutory requirements set out within Schedule 7a of the Environment Act 2021 and the Biodiversity Net Gain Requirements (Exemptions) Regulations 2023, as amended.

Other considerations

22. The proposal would contribute two additional dwellings to the housing stock. As a result, there would be social and economic benefits with occupants supporting services and facilities in the local area. There would also be economic benefits during the construction phase and I note the appellants intention to use local labour and trades. The provision of additional hedgerows and landscaping would also provide environmental benefits. I note that it is intended to provide a high quality build using energy efficient construction techniques as well as supporting the use of renewable technologies and rainwater harvesting, however, it is not unusual for new dwellings to be designed to high environmental standards. Given the limited scale of the proposal these benefits would be limited.
23. The appellant suggests that the Council has not demonstrated that its duties under the Self-Build and Custom Housebuilding Act 2015 (as amended) are being met and I am directed to some other appeal decisions which considered the evidence necessary to count permissions in respect of this duty. However, there is very little information before me from either party which identifies the current position of the Council in this respect.
24. I understand that it is intended for two family members to live in the proposed dwellings, enabling them to continue living in the locality promoting social sustainability as well as being present to support their existing business. It is

² The Self-Build and Custom Housebuilding Act 2015 (as amended)

confirmed that the family members are registered on the Council's Self-Build and Custom Housebuilding Register and that they have had direct input into the design of the dwellings. It is also contended that the scheme is viable and that the dwellings would be delivered quickly. However, as stated above, there is no mechanism before me, such as a legal agreement, which would secure the development as such. Therefore, I attach very little weight to the provision of a self-build development in this case.

25. I note that no concerns were raised about highway safety, flooding or protected species. However, a lack of harm in these respects are neutral considerations that weigh neither for nor against the proposal.
26. I have been referred to a number of other appeal decisions. In the cases of land between The Street and Sandy Lane and land north of Thistle Barn, the balancing exercises undertaken were different to that before me now because it was found that they would not be harmful in relation to character and appearance. In the cases of land north of Thistle Barn, land adjacent to 110 Ribchester Road and land at Fen Road, legal agreements were submitted to secure the proposals as self-build developments. Also, in the case of land adjacent to 110 Ribchester Road, the Inspector found the site to be in walking distance of a range of services and facilities and in the case of land to the northeast of Banbury Road the Inspector found the site was adjacent a settlement boundary, served by a footway and was considered to provide a natural extension to the village. For these reasons, the appeal decisions referred to are not directly comparable to the case before me now.
27. I have been referred to other schemes³ approved by the Council, one of which is within proximity of the site before me now. Nevertheless, I have no detailed information before me on those schemes or their specific locations, in order to make a comparison to the scheme before me now. I am told that the Local Councillor and Parish Council have been supportive of the scheme. Nevertheless, for the reasons given above, I have not reached the same conclusion on the main issues set out above.

Planning Balance

28. The parties agree that the Council cannot currently demonstrate a sufficient housing land supply. 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 and securing well-designed places.
29. Paragraph 83 of the Framework states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Framework also expects patterns of growth to be managed to promote walking, cycling and public transport use. At paragraph 135, the Framework states that development should be sympathetic to local character and paragraph 187 identifies the need to recognise the intrinsic character and beauty of the countryside as well as the need to provide net gains for biodiversity.

³ Council Refs: PL/2025/0911/FMIN; PL/2025/0628/FMIN; 3PL/2024/0722/F

30. In these respects, the LP policies referred to above are in general consistency with the Framework. Therefore, the conflict between the proposal and LP Policies GEN 01, GEN 02 GEN 03, GEN 05, HOU 03, COM 01, ENV 02 and ENV 05 should be given significant weight in this appeal. 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.
31. As identified above, the benefits associated with the provision of two dwellings along with additional landscaping 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.
32. In terms of adverse impacts, whilst the proposal would not be isolated, it would result in development located outside of and removed from the main built up area of a settlement. 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.
33. I have found that there would be harm to the rural character and appearance of the area through the provision of built form on the site which would not be supported by the aims of the Framework. It has not been demonstrated that the proposal would be exempt from BNG requirements and without sufficient information being provided it has not been shown that the BNG requirements would be met. This is also at odds with the Framework.
34. Consequently, I find that cumulative 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 and securing well-designed places. As a result, the presumption in favour of sustainable development does not apply in this case.

European sites

35. The Council's fourth reason for refusal related to the effect of the development on the integrity of protected European sites as identified in the 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

36. The proposal 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