
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: 04 March 2026

Appeal Ref: APP/F2605/W/25/3376061

Land Adjacent Westcliffe House, Barrows Hole Lane, Little Dunham, Kings Lynn PE32 2DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tom Kilvert against the decision of Breckland Council.
 - The application Ref is PL/2025/0930/OMIN.
 - The development proposed is erection of 4 residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with only access to be considered. I have therefore treated any drawings relating to the reserved matters of appearance, landscaping, layout and scale as illustrative, since they are not for consideration at this stage.
3. I have taken the description of development from the planning application form, removing any wording that does not form an act of development, in the interests of clarity.
4. The Council has confirmed that the countersigned Impact Assessment and Conservation Payment Certificate for the District Level Licence scheme operated by Natural England provided by the appellant has resolved its third reason for refusal which related to insufficient information being provided regarding protected species. Based on the evidence before me, I can find no reason to take a different view and therefore this is not a matter for me in consideration of this appeal.

Main Issues

5. 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, and the effect of the proposal on the character and appearance of the area.

Reasons

Location and accessibility

6. The site falls outside any defined boundary of any settlement referred to in Policy GEN 03 of the Breckland Local Plan September 2023 (LP) which identifies the settlement hierarchy for the area. 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. LP Policy HOU 05 allows some development in small villages and hamlets outside of settlement boundaries, subject to satisfying certain criteria and compliance with other policies within the LP.

7. The appellant does not dispute that the proposal would not fall under the definition of LP Policy HOU 05, meaning that it would not represent sensitive infilling or the rounding off of a cluster of dwellings. As a result, the criteria set out under Policy HOU 05 would not be met. The appellant also identifies that the proposal would not fall within any other categories of development normally considered acceptable as set out in the development plan. Having visited the site and reviewed the evidence before me, I can find no reason to disagree. Consequently, I find that the proposal would not accord with the spatial strategy set out in the development plan. Turning now to consider the accessibility of services and facilities.
8. There are very limited services and facilities within Little Dunham, with a playground, church and village hall present. The roads in and around Little Dunham are narrow in places and rural in character. There are no pavements present within the village. I accept that this is characteristic of this rural settlement, and existing residents are used to walking along the road to access the limited local facilities on foot. As a result of the road conditions, cycling would be possible for some, but not for all.
9. I note that the appellant has provided a permissive footpath in order to create a circular walk, connecting to the existing Public Right of Way (PRoW). I have no doubt that existing residents benefit from this for recreational purposes and in terms of promoting health and wellbeing, but there is no evidence before me which suggests this route provides access to services and facilities or is conducive for such purposes.
10. I am referred to the bus services that can be accessed within a short walk of the site. However, these appear to be limited and mainly for school children. I also note that a 'flexibus' service is operational Monday to Saturday whereby journeys can be booked, with flexible pick up and drop off points. It is not clear how often these services run, or how far in advance residents need to book. Consequently, it is not clear that it provides an adequate level of access to services and facilities in order to meet day to day needs.
11. The larger settlements of Necton, Litcham and Swaffham are some distance from the site, approximately two to four miles away. Whilst these settlements provide a more extensive range of services and facilities which would likely meet day to day needs, given the distance to them, the lack of pedestrian and cycle infrastructure and the more limited bus service, it is highly likely that residents would be substantially reliant on the private vehicle for the significant majority of journeys.
12. The appellant asserts that the Council is inconsistent in its approach to assessing the sustainability of Little Dunham, given permission was granted for four dwellings on Necton Road recently. However, it is identified that in that case, the development met the requirements of LP Policy HOU 05, being considered an infill development. Given the compliance with the spatial strategy, the matters for consideration are not comparable to the scheme before me now.

13. I therefore find that the site is not in a suitable location for residential development, having regard to the spatial strategy and the accessibility of services and facilities. 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 02, GEN 03, GEN 05, HOU 05, TR01 and TR02 of the LP. These policies seek, amongst other things, that residential development is directed towards the most sustainable locations, that development maximises connectivity and is co-ordinated with transport provision to ensure good access to facilities and services, the promotion of opportunities for sustainable transport modes and reducing the need to travel by private car.

Character and appearance

14. The appeal site comprises part of a grass field with frontage onto Barrows Hole Lane. The wider grass field that the site forms part of is relatively small in size, compared to adjacent agricultural fields to the rear. It is demarcated by hedging along three sides and at the northern boundary the site is open to the remainder of the wider grass field. Adjoining the site to the south and directly opposite is residential development set in spacious plots in a linear pattern fronting onto the road. To the west is agricultural land which is formed of large scale fields. Beyond the wider grass field, to the north is a PRow, and grass paddocks enclosed by mature trees.
15. Given the nature of the site, being an undeveloped grass field, the site is rural in character and appearance. As it sits adjacent and opposite established linear development, it appears as the rural edge of this part of Little Dunham. It provides a break in built form and also allows a connection between the settlement and the rural landscape beyond. It therefore contributes positively to the rural context of the settlement.
16. The site falls within the Beeston Plateau of the Plateau Farmland local landscape character type, as set out in the Breckland Landscape and Settlement Character Assessment April 2022 (LSCA). Settlements occur throughout the plateau, including small scale villages such as Little Dunham. The LSCA identifies Plateau Farmland as predominantly arable agricultural land that is relatively open and large in scale, interspersed with small blocks of woodland. Key characteristics are stated as strikingly flat terrain with a strong sense of exposure, large scale landscape predominantly defined by large geometric fields in a simple and regular pattern where views are long distance and panoramic.
17. Whilst the site appears fairly flat and exposed being undeveloped, it does not appear as part of a large scale landscape referred to in the LSCA, given it is enclosed by hedgerows on three sides, limiting its connection with the much larger agricultural fields beyond.
18. The site would not extend further west than other existing residential development along this part of Barrows Hole Lane which in my view would limit the outward expansion of the settlement into the open countryside. The illustrative details show frontage development along the road, which would continue an established linear pattern of development which has been reinforced by more recent development along the western side of Barrows Hole Lane.
19. The retention of an open and undeveloped area, closest to the route of the PRow in combination with the neighbouring paddocks would also retain some visual relief

and spatial connectivity to the agricultural landscape beyond from Barrows Hole Lane. Therefore, whilst I accept the gap between development along this side of the road would be reduced, it would not be entirely lost.

20. Nevertheless, the proposal would result in the development of an undeveloped area of land which currently appears rural in character. The rural edge of the settlement would be eroded, and the proposed built form would be visible in views from Barrows Hole Lane, above the front boundary hedgerow and in views from the PRoW that runs adjacent to the side boundary of the wider field. This discernible erosion of the rural edge of the settlement would be harmful to the character and appearance of the area.
21. However, in views from Barrow Holes Lane, the significant hedgerows along the front and rear boundaries of the site limit the visual connection between the site and the larger scale agricultural landscape beyond. The proposal would be capable of respecting the prevailing linear form of development and suitable control could be exercised over the design and layout of the proposal through subsequent reserved matters. The existing and replacement hedgerows would ensure that the development would be contained and integrated into the existing pattern of development. Whilst the replacement hedgerows may take some time to establish, the specification and extent of replacement necessary could be secured through the landscaping details.
22. When heading towards Little Dunham along the PRoW, the development would be clearly discernible above the rear boundary hedgerow, albeit some views would be more glimpsed where vegetation is intervening. However, where visible it would be seen as a continuation of the existing linear form of development along Barrows Hole Lane and in the immediate context of the existing development located within the settlement.
23. I note the findings of the Inspector who dealt with an appeal¹ for a residential scheme on the wider site in 2016. However, that decision was some time ago and it appears that the pattern of development along the western side of the road has changed since then. The Inspector at that time referred to much less development being present than what I witnessed during my site visit. There was also no boundary hedgerow along the rear boundary of the site. Given there are significant contextual differences, I have considered this appeal, based on the evidence before me and what I witnessed during my site visit.
24. Whilst I find that the above considerations would temper the harm to some degree, the proposal would still result in harm to the character and appearance of the area. As such, the proposal would be contrary Policies GEN 02, GEN 05, COM 01 and ENV 05 of the LP. These policies seek, amongst other things, that developments are sensitive to and contribute to the distinctive character of the surrounding area and the local environment and that the intrinsic character and beauty of the countryside is recognised.

Other Considerations

25. I am referred to policies set out in an emerging Local Plan which may change the approach to the delivery of new homes. The appellant identifies that there may be scope for further development in Little Dunham under the new approach. However,

¹ APP/F2605/W/16/3144628

I am not provided with a timeframe for the likely date of examination or adoption. Given the very early stage that the emerging Local Plan is at and that it may be subject to change, these draft policies cannot be afforded any significant weight.

26. I understand that there was a scheme in 2019, where the Council resolved to grant permission on the wider site for five dwellings, subject to a legal agreement relating to affordable housing, at a time that a sufficient housing supply could not be demonstrated by the Council. The legal agreement was not completed prior to the adoption of a new Local Plan later that year, at which time the Council's position changed and consequently, the appellants withdrew the application. Whilst I understand this previous situation must have been frustrating for the appellants, I must deal with the appeal before me now on its individual merits.
27. I am referred to five other planning permissions granted by the Council for residential development in Little Dunham between 2014 and 2023. Whilst I have the indicative location of these other sites provided, I have very little other information before me in order to compare them to the circumstances of the case before me now.

Planning Balance

28. The parties agree that the Council cannot currently demonstrate a sufficient housing land supply. Both parties identify that the current figure is 3.25 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 and securing well-designed places.
29. The Framework 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.
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 05, TR 01, TR02, COM 01 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. The appeal scheme would provide four additional dwellings on a small site which would add to the housing stock. Given the site would be adjacent to an existing settlement there would be social benefits from additional dwellings in this location, supporting the established rural community and settlements nearby. There would also be economic benefits during the construction phase and after with future occupants supporting local services and facilities.
32. Environmental benefits would result from the proposed landscaping scheme and the delivery of biodiversity net gain. It is also proposed that Barrows Hole Lane would be widened along the frontage of the site which would provide benefits to

the users of the highway improving accessibility in a limited way, given the size of the scheme. Given the scale of the proposal and taking into account the current housing land supply shortfall, I attribute medium weight to the social, economic and environmental benefits.

33. The appellant asserts that the site is not at significant risk of flooding and that it is outside of any heritage designations. A lack of harm or policy compliance in these respects are neutral considerations that weigh neither for nor against the proposal.
34. In terms of disadvantages, the proposal would not accord with the settlement strategy and would go against the plan-led approach endorsed by the Framework. However, the site is directly adjacent to the built up area of the settlement and would not be isolated and this in combination with the Council's current shortfall in housing land supply, means I attribute only limited weight to the conflict in this regard.
35. The proposal 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 taking account of the differences between sustainable transport solutions in rural and urban areas, the site location would result in future occupiers being overwhelmingly dependent on private vehicles. I attribute significant weight to this matter.
36. I have found that there would be harm to the character and appearance of the area due to the erosion of the rural character of the site. I consider this harm to be tempered by the considerations I have set out above, and therefore I attribute moderate weight to this matter.
37. Consequently, I find that adverse impacts in this case significantly and demonstrably outweigh the 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

38. 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 Norfolk Recreational Impact Avoidance Mitigation Strategy Action Plan. 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

39. I conclude that the proposal conflicts with the development plan when read as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

G Dring

INSPECTOR