



Appeal Decision

Site visit made on 19 January 2026

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2026

Appeal Ref: APP/F2605/W/25/3375854

Land off West Carr Road, Attleborough, Norfolk NR17 1AN

- 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 Davidge Developments Limited against the decision of Breckland Council.
 - The application Ref is PL/2025/0514/FMIN.
 - The development proposed is construction of 5 No dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amendments to the proposed development were made during the planning application process, reducing the number of dwellings from 8 to 5. The Council determined the application based on the lower number. This is reflected in the description of development in the banner heading above, which I am content has been accepted by the appellant by its inclusion on their appeal form.

Main Issues

3. The main issues are:
 - whether the appeal site provides a suitable location for the proposed development having regard to local and national planning policies, and accessibility;
 - the effect of the proposed development on the character and appearance of the site and the surrounding area; and
 - the effect of the proposed development on the integrity of habitats sites.

Reasons

Location and accessibility

4. Policies GEN01, GEN02, TR01 and TR02 of the Breckland Local Plan (2023) (the LP), amongst other things, seek to direct growth towards the most sustainable locations, such as Attleborough and to a lesser extent Great Ellingham, and require developments to maximise accessibility to surrounding areas. These principles are reflected in the settlement hierarchy at LP Policy GEN03 and the resistance to development outside of settlement boundaries as articulated at LP Policy GEN05. The latter policy confirms that development outside of settlement boundaries will

only be acceptable where it is compliant with all relevant development plan policies, including LP Policy HOU03.

5. LP Policy HOU03 relates to development outside of settlement boundaries, something that is ordinarily resisted. However, the policy supports such development in circumstances where the LP does not identify sufficient sites to achieve the housing target. The Council is unable to demonstrate a five-year supply of deliverable housing sites and therefore this part of the policy is engaged. However, such support is subject to development meeting all four criteria set out within the policy, which includes criteria 1 that requires development to be immediately adjacent to a settlement boundary.
6. The appeal site is located a considerable distance from the closest identified settlements of Attleborough and Great Ellingham and their associated boundaries. It is situated adjacent to a small grouping of dwellings and agricultural buildings and is therefore not isolated. However, the site is located on the opposite side of the grouping to Attleborough, which is severed from the settlement by the A11 dual carriageway. The cluster does not form part of an identified settlement within the Council's hierarchy and is in its entirety situated within the countryside. For these reasons, the site is not immediately adjacent to a settlement boundary.
7. All four criteria would need to be met for the proposed development to benefit from the provisions within LP Policy HOU03 and given that it fails on the first criteria I am not required to consider the other three.
8. The appellant has provided little commentary regarding the accessibility of the site and distances to local services, shops, facilities and the public transport network. Although Attleborough is a large settlement that benefits from a town centre and significant provision for residents, the site is remote from it. The Council asserts that the town centre, primary and secondary schools, and bus stops are located a substantial walking distance away (between approximately 1 and 2 miles), beyond what is reasonable. These distances are not challenged by the appellant and having visited the site and its surroundings I find no reason to disagree with them.
9. I observed that West Carr Road (WCR) was quiet at the time of my visit, and I accept that rural development would inevitably be dependent on some private vehicle trips. That said, residents of the proposed dwellings would need to walk along a narrow, unlit country road with no designated footpath for a substantial distance to access the footbridge over the A11 to Attleborough and the benefits the settlement has to offer. The route is unlikely to be attractive and safe to use, particularly in the dark, and together with the substantial distance involved, would result in residents being heavily reliant on use of the private car.
10. Whilst the appellant has offered localised carriageway and verge improvements these would be in the vicinity of the appeal site and would not extend along the considerable length of WCR that pedestrians would need to use. Such improvements would therefore be limited in benefit.
11. I have been directed to various appeal decisions¹ on the matter of location and accessibility, none of which I consider to be wholly comparable to the case in hand. The Inspector in the Gaydon appeal case concluded that whilst the site was outside

¹ Including, PINS Refs APP/J3720/W/23/3336035, APP/Z1510/W/23/3327894, APP/F2605/W/25/3370598 and APP/T2350/W/23/3335737.

of the settlement boundary, it was adjacent to it and the proposed development would provide a natural extension to the defined village. In the Rayne appeal case there was a specific development plan policy that came into play, which was capable of making exceptions to inappropriate development outside of settlement boundaries where, amongst other things, it could be demonstrated that the proposal was for the filling of a gap with a single dwelling within a defined nucleus of at least ten existing dwellings. There is no such similar policy before me in this instance and in any case the circumstances are different. The Inspectors in the Old Buckenham and Clayton le Dale appeal cases indeed found conflict with the Councils' spatial strategies as I have. In both cases, the Inspectors formed the opinion that the level of conflict was not decisive taking account of the specific locational relationships between the sites and the defined settlements rendering them more accessible by means other than the private car.

12. For the above reasons, I find that the appeal site does not provide a suitable location for the proposed development having regard to local and national planning policies and accessibility. Consequently, the proposal conflicts with LP Policies GEN01, GEN02, GEN03, GEN05, HOU03, TR01 and TR02.

Character and appearance

13. The appeal site is a field located on the periphery of a cluster of buildings within the countryside, beyond a farmstead, which largely features as the development terminus on this side of WCR. Two dwellings are located further into the countryside towards Wroo Road. However, they are outliers to the general pattern of development and are separated from the cluster of dwellings by the appeal site. Most dwellings in the site's immediate surroundings are large but set back from the road within their own substantial grounds. Hedgerows and trees form three boundaries, including onto WCR, with the fourth boundary to the rear being largely open. The verdant appearance of WCR, the sporadic and widely distributed built form and the presence of fields and agricultural properties assist in defining the area's rural character.
14. Five large dwellings are proposed in a predominantly regimented building line, which would lie parallel to WCR. A single vehicular access would be provided set back from the hedgerow fronting onto the road.
15. Although the proposal includes variations in front elevational design, the dwellings would be set very close to one another and on a similar building line, the appearance of which would be more akin to an urban environment. The development would therefore be profoundly out-of-keeping with the prevailing sporadic, spacious and rural development that exists in the immediate surroundings. Whilst the existing hedgerows and trees would provide some relief from the development's built form when viewed from WCR, its presence and density would still be tangible. This would be the case when viewed from the site access, from neighbouring land and development and across the agricultural land beyond the rear boundary, which benefits from a largely open aspect.
16. Two appeal decisions² have been cited by the appellant as examples of development that has been approved that is in their opinion more visually intrusive than the appeal scheme. However, although the decisions have been provided, I am not in receipt of the approved plans, and I am therefore unable to determine

² PINS Ref APP/L2630/W/24/3356503 and APP/Z1510/W/23/3327894.

whether any convincing similarities can be drawn with this proposal from a design perspective.

17. For the above reasons, I find that the proposed development would have an unacceptable effect on the character and appearance of the site and the surrounding area. Consequently, the proposal is contrary to LP Policies GEN02, GEN05, COM01 and ENV05, which, amongst other things, require high quality design that is sensitive to the character of the surrounding area and makes a positive contribution to its distinctive context and location, and seek to protect the rural character of the landscape.

Habitat sites

18. The proposal lies within the zones of influence of several habitats sites under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Residential development is likely to lead to increased recreational pressure on the habitats sites and as such, in the absence of mitigation, there would be a likely significant effect on their qualifying features. An appropriate assessment (AA) is therefore required.
19. The main parties agree that a financial contribution would be required in this instance in-line with the tariff arrangement contained within the strategic mitigation strategy for Norfolk, aimed at combatting harmful recreational effects. The Council has confirmed that the requisite administrative and monitoring fees have been paid. However, there is no substantive evidence before me to demonstrate that the financial contribution towards mitigation has been paid. Although an extract from the appellant's bank account has been provided, which shows numerous payments made to the Council, it does not demonstrate what they are for. Furthermore, whilst the appellant has offered to prepare a unilateral undertaking legal agreement to secure the contribution, it is not before me. In the absence of a secured financial contribution towards mitigation, I cannot rule out an adverse effect on the integrity of the habitats sites.
20. As competent authority, I therefore find that the proposed development does not accord with the Habitats Regulations. Consequently, it is also contrary to LP Policies ENV02 and ENV03, which amongst other things, place the highest level of protection on habitats sites and require effective mitigation to be in place if required.

Other Considerations

21. As previously discussed, the Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances the provision of an additional 5 family dwellings would contribute positively to the Council's housing supply, to which I attribute significant weight.
22. The appellant asserts the proposed dwellings would be self-build and/or custom-build (SBCB), which is supported by the National Planning Policy Framework (the Framework). However, there is no mechanism, such as a legal agreement, before me to secure the SBCB status of the dwellings. Furthermore, a planning condition would not meet the test of enforceability in the Framework. In the absence of reassurance that the dwellings would genuinely be SBCB, this benefit is limited.

23. There would be some economic advantages to the proposed development, including through job creation and supply chain spend during the construction phase and through resident spend in the local economy once occupied. There would also be an increase in Council tax revenue. From an environmental perspective, the proposal would bring forward the mandatory 10% biodiversity net gain, existing trees and hedgerows would be retained, and it is noted that the proposed dwellings are positioned to avoid areas at risk of flooding. Furthermore, there is potential for the proposed dwellings to include energy and water efficient technologies. However, I am mindful that the proposal is for a relatively modest number of homes and some of the above considerations would be required in any case to ensure the proposal would be acceptable in planning terms.
24. Overall, I attribute moderate weight to the above benefits.
25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
26. The farmhouse at Corner Farm is a grade II listed thatched building that sits on the junction between WCR, Wroo Road and Long Street, a substantial distance from the appeal site. Due to the distance involved and the presence of intervening built development, and substantial gardens and vegetation, I am content that the appeal site does not fall within the setting of the listed building. For these reasons, the proposed development would preserve the setting of the farmhouse at Corner Farm as a listed building.

Planning Balance and Conclusion

27. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with LP policies relating to the location and accessibility of the site and the effect on character and appearance. For the reasons already outlined, the conflict with these policies attracts significant weight. The proposal therefore conflicts with the development plan taken as a whole and should be refused unless other material considerations indicate otherwise.
28. The Council cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework is engaged, which confirms that where the policies which are most important for determining the application are out-of-date, permission should be granted unless i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
29. Footnote 7 confirms that habitats sites are regarded as protect areas or assets of particular importance. The associated main issue above demonstrates that in the absence of a secured contribution towards mitigation I have been unable to rule out a significant effect on the habitats sites. I have therefore found conflict with the Habitats Regulations and the relevant LP policies, which provides a strong reason for refusal. Consequently, the presumption in favour of sustainable development does not apply in this case.

30. Although I have identified benefits of the proposed development relating to housing supply, its contribution towards the local economy and job creation and environmental enhancements, for the reasons provided above these attract only moderate weight overall. On the contrary, I have found that the site is not a suitable location for the proposal and would have an unacceptable effect on the character and appearance of the area, which weigh greatly against the scheme and put it in significant conflict with the development plan. I have also found that the effect of the proposal on the habitats sites is a strong reason for refusal, which I afford substantial weight.
31. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with the development plan. Thus, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR