



Appeal Decisions

Site visit made on 3 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 09 March 2026

Appeal Ref: APP/F2605/W/25/3375876

Land adjacent to Bens Cottage, Bow Street, Great Ellingham NR17 1JB

- 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/2025/0617/FMIN.
 - The development proposed is 2 dwellings in an infill plot.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An additional plan was submitted by the appellant with their appeal that was not before the Council at the time they made their decision. The plan does not change to the proposed development and simply provides annotated distances between the proposed dwellings and trees. I have therefore considered it in my appeal deliberations. Furthermore, the Council has been afforded the opportunity to comment on it in their appeal case, so I am content that they have not been prejudiced by its submission.
3. A Unilateral Undertaking (UU) was submitted with the appeal, which seeks to provide a financial contribution towards the Norfolk Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS). I consider it later in my decision.

Main Issues

4. The main issues are:
 - whether the appeal site provides a suitable location for the proposed development having regard to local and national planning policy and accessibility;
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on trees.

Reasons

Location and accessibility

5. Policy GEN01 of the Breckland Local Plan (2023) (the LP), amongst other things, seeks to direct growth towards the most sustainable locations. 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.

6. LP Policy HOU03 confirms that development outside of settlement boundaries 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.
7. The appeal site is located on Bow Street, a rural lane including sporadic residential development in groupings along its length that are interspersed with agricultural land. Built development along Bow Street and the appeal site are physically separated from the settlement of Great Ellingham by fields. Although I consider the matter of accessibility later in my reasoning, I find that there is little tangible connection between the appeal site and the settlement. For the purposes of assessing the appeal site against LP Policy HOU03, it is not immediately adjacent to a settlement boundary due to the intervening distance and fields.
8. 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 against the first criteria, I am not required to consider the other three.
9. The appeal site is not in an isolated position being adjacent to existing built development and it is acknowledged that rural locations do not necessarily have the same level of accessibility as urban environments. However, it is disconnected from Great Ellingham and the services, facilities and public transport links that it offers. Although being a relatively short distance from the settlement, it is by no means easily accessed by foot. Bow Street and Watton Road, which would provide a route for residents into Great Ellingham village from the appeal site, are unlit and do not have dedicated footways. Whilst it was observed that Bow Street was relatively quiet at the time of my site visit, it is particularly narrow. Furthermore, it was noted that Watton Road is much busier, and vehicles were travelling along it at much faster speeds, creating a greater level of danger for pedestrians. The route is unlikely to be attractive, safe or convenient for pedestrians to use, particularly in the dark, which would result in residents being heavily reliant on use of the private car.
10. My findings on this matter are consistent with the appeal decision¹ referenced by the Council, which sought permission for residential development on Bow Street and was dismissed.
11. 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, GEN03, GEN05 and HOU03.

¹ PINS Ref APP/F2605/W/20/3252139.

Character and appearance

12. The appeal site forms part of an agricultural field that has an open front aspect and is therefore highly visible from Bow Street. It forms part of a welcome undeveloped gap between existing built form and assists significantly in reinforcing the rural character of the area.
13. It is noted that the height, massing and scale of the dwellings and the space afforded between them would be aligned with the adjacent two-storey property and the proposal would therefore sit comfortably next to existing built development. However, introducing built form to this important gap would erode the area's rural character, which the field contributes positively towards, thereby diminishing the intrinsic beauty of the countryside.
14. Although the existing mature vegetation along the side boundaries of the field would provide some relief, the front boundary would be particularly open, exacerbating the visual presence of the proposed two-storey buildings when viewed from Bow Street.
15. For the above reasons, I find that the proposed development would have an unacceptable effect on the character and appearance of the surrounding area. Consequently, the proposal conflicts with 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.

Trees

16. LP Policy ENV06 states that where development occurs within a tree root protection area, provision must be made for the tree's care and protection throughout the duration of the development. Accordingly, the Council may require further information to be provided, including a tree survey and arboricultural impact assessment to fully assess whether there would be any harmful effects upon existing trees.
17. Whilst the red line boundary does not contain any trees, the field edges on two sides include off-site trees, which although located a substantial distance from the location of the proposed buildings themselves, are close to other areas requiring groundwork such as the vehicular access. It was observed on my site visit that the nearby trees play an important part in defining the rural and verdant character of the area and are integral to the visual amenity of their surroundings.
18. The appellant has submitted tree related plans associated with a separate appeal case² that provide some assessment of the trees on the shared field boundary. However, it fails to assess the trees on the opposite field boundary that are close to the proposed access in this case.
19. Accordingly, in the absence of a tree survey and arboricultural impact assessment that are specific to this site in its entirety, I am not convinced that off-site trees have been thoroughly considered and that they would be protected from harm. Thus, the proposed development conflicts with LP Policy ENV06.

² PINS Ref APP/F2605/W/25/3375868.

Other Considerations

20. 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 2 dwellings would contribute positively to the Council's housing supply, to which I attribute significant weight.
21. 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 does not involve the removal of existing trees and hedgerows, the proposal would bring forward the mandatory 10% biodiversity net gain, and it is noted that the proposal avoids areas at risk of flooding. There is also potential for the proposed dwellings to include energy and water efficient technologies. However, I am mindful that the proposal is for a small number of homes and therefore the benefits are limited, and some of the above considerations would be required in any case to ensure the proposal would be acceptable in planning terms.
22. Overall, I attribute moderate weight to the above benefits.
23. 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. If I was minded to allow this appeal, an appropriate assessment would have been required, and I note that a UU has been submitted that seeks to secure the necessary financial contribution towards the GIRAMS. However, given that I am dismissing the appeal on other matters, I am not required to consider this matter further.
24. The appellant refers to various appeal decisions that consented residential development outside of settlement boundaries. Having considered them all, I have determined that they are not wholly comparable to the proposal before me, primarily due to their site-specific contexts and physical relationships with the settlements in question. I have therefore determined this appeal on its own merits.
25. I note that the issue of trees appears to have been identified by the Council late in the application process. However, the Council asserts that this matter was not raised earlier due to fundamental issues relating to the principle of the proposed development. Nevertheless, the Council's conduct is not a matter for me to deliberate in the context of a planning appeal, and I have based my decision on the planning merits of the scheme.

Planning Balance and Conclusion

26. The National Planning Policy Framework (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 location, accessibility, character and appearance and trees. The proposal therefore conflicts with the development plan taken as a whole and should be refused unless other material considerations indicate otherwise.

27. The Council cannot demonstrate a five-year supply of deliverable housing sites and paragraph 11 d) of the Framework explains that in such circumstances, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. 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 and on trees. Collectively these considerations weigh significantly against the proposal.
29. Consequently, the identified harm would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development as articulated in paragraph 11 d) of the Framework.
30. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons above, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR