
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/25/3375868

Land next to Serendipity, Bow Street, Great Ellingham, Norfolk 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/2025/0590/FMIN.
 - The development proposed is 2 bungalows in a garden plot.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the appellant's appeal form given that it is more accurate than that on either the application form or the Council's decision notice.
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;
 - the effect of surface water flood risk on the proposed development;
 - the effect of the proposed development on bats as a protected species; and
 - whether there would be future pressure to prune or fell trees close to Plot 2.

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 travel along it were at 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 (Bow Street decision) referenced by the Council, which sought permission for residential development on Bow Street and was dismissed.

¹ PINS Ref APP/F2605/W/20/3252139.

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.

Character and appearance

12. Whilst the appeal site may be functionally linked to the adjacent property known as Serendipity, it was observed on my site visit to be a field used for the grazing of livestock. It benefits from its own access off Bow Street and does not therefore appear as part of the domesticated garden attached to the adjacent dwelling. It forms part of a welcome break 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 bungalows and the space afforded between them would be aligned with adjacent properties, and the low height of the dwellings would reduce the visual prominence of the proposal. However, introducing built form to this important gap would erode the area's rural character, which the field contributes significantly towards, thereby diminishing the intrinsic beauty of the countryside. Although the existing mature vegetation along the front and side boundaries of the field would provide some concealment, the presence of the dwellings would still be tangible, particularly when viewed from Bow Street in the vicinity of the site entrance and between existing trees from the more open countryside surroundings beyond.
14. The appellant asserts that the Inspector in the Bow Street decision suggested that the development in that case would not harm the rural character of the area due to being modest in scale and being adjacent to existing built form. However, having reviewed the decision, I am not convinced that the appellant's interpretation of the Inspector's findings is wholly accurate. The Inspector notes that the scheme would result in some degree of harm caused by the further erosion of the essentially rural character of the area, which aligns with my findings.
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.

Flood risk

16. The proposal is for new residential development, which is a use classified as being more vulnerable in flood risk terms. Although no site-specific flood risk assessment has been provided and it is accepted that the proposed dwellings themselves would be positioned to avoid areas at risk of flooding, the appellant acknowledges that a small strip of land by the sole proposed access onto Bow Street is at risk of surface water flooding. This position is confirmed by their flood map overlay diagram that demonstrates the width of the access is at risk.
17. In circumstances where any part of the developed area of the site is at risk of flooding, which includes site access and egress arrangements, as is the case in this instance, the Sequential Test should be applied. Development should not be

permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. There is no substantive evidence before me to demonstrate that the requirements of the Sequential Test have been satisfied in this instance. The appellant claims that the proposed development would not increase surface water run-off, displace flood water or worsen off-site conditions. However, in the absence of a detailed site-specific flood risk assessment, I am not convinced that this would be the case. Regardless, it does not alter my findings regarding the need to comply with the Sequential Test.

18. For the above reasons, I am not convinced that the proposal demonstrates that inappropriate development would be avoided in areas at risk of flooding, contrary to LP Policy ENV09, which, amongst other things, requires development to be located to minimise the risk of flooding.

Bats

19. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) impose a duty on me to consider whether European Protected Species, including bats, would likely be affected by the proposed development.
20. It is noted that the appellant's Preliminary Ecological Assessment² (PEA) confirms that the hedgerows, tree lines and ditches just outside the site boundary were assessed to be of moderate value to foraging and commuting bats. I am therefore content that the trees fronting Bow Street have been adequately assessed for their potential to provide habitat for bats. However, the PEA makes no reference to the proposed removal of two Sycamore trees in this location (Refs T001 and T016 of the appellant's Arboricultural Impact Assessment³ (AIA)). Although the removal of T016 would be required due to its poor condition and therefore risk to people and property, the removal of T001 is simply required to allow construction of the proposed access.
21. I am therefore not convinced that the PEA adequately assesses the effect of the proposed development, which the removal of two trees is an integral part of, on foraging and commuting bats and consequently fails to sufficiently consider whether further surveys would be required in such circumstances.
22. For the above reasons, the proposed development would fail to accord with LP Policy ENV02, which, amongst other things, requires all development with the potential to affect biodiversity to demonstrate how effects have been considered, avoided and where effects cannot be avoided, minimised or compensated for.

Trees

23. Trees exist within the field hedgerow boundary beyond but close to the limits of proposed Plot 2. The appellant's Tree Asset Plan⁴ confirms that a Category A2 Oak (Ref T036), a Category B2 Field Maple (Ref T033) and a Category B2 Sycamore (Ref T035), as identified in the AIA, would create shade across a large portion of Plot 2. Furthermore, the AIA confirms that the Sycamore would be of most concern given that it has the potential to grow tall.

² Version 2, prepared by BiOME Consulting Limited, dated April 2025.

³ Prepared by Norfolk Wildlife Services, dated September 2023.

⁴ Prepared by Norfolk Wildlife Services, dated September 2023.

24. The categories confirm that the trees are of either high quality in terms of the Oak or moderate quality in terms of the Field Maple and Sycamore, which should be retained where possible. Of particular importance is the Oak, which as a Category A tree, has the potential to contribute to the landscape and the local area. It was observed on my site visit that the trees form part of a prominent linear field boundary feature within its more open landscape surrounds when viewed from Bow Street. Consequently, the trees contribute positively to the verdant and rural appearance of their surroundings.
25. Given the extent of shading that would occur to Plot 2, particularly during the Spring and Summer months, there is a risk that substantial and potentially damaging pruning, or removal, of the trees would ensue. However, I am mindful that this is a speculative assertion, that the proposal itself seeks to retain the trees in question, there is no evidence before me to demonstrate that the trees are specifically protected in any way and indeed some of Plot 2 would remain out of shade.
26. Consequently, I am not convinced that the proposed development would lead to future pressure to prune or fell trees close to Plot 2 and the proposal would therefore comply with LP Policy ENV06, which, amongst other things, seeks to ensure trees are retained as an integral part of the design of development.

Other Considerations

27. 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.
28. The appellant claims on their application form that the 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 before me, such as a legal agreement, 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 holds limited weight.
29. The proposal would bring forward two bungalows, which would have the potential to benefit the elderly or those with mobility limitations. The appellant states that the Council's strategic housing documents demonstrate a need for housing to accommodate the elderly. However, the documents are not before me, and I am therefore not convinced that this is the case.
30. Furthermore, 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, existing trees and hedgerows would largely be retained and reinforced. 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.
31. Overall, I attribute moderate weight to the above benefits.

32. 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.
33. The Council raised concerns regarding the appellant's Biodiversity Net Gain (BNG) submissions, which resulted in one of the reasons for refusal on the Council's decision notice. If I had found the concerns to be valid, it would have followed that the statutory BNG condition could not have been discharged successfully. However, given that I am dismissing this appeal on other matters, I am not required to consider BNG in this instance.
34. 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.

Planning Balance and Conclusion

35. 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, flood risk and bats as a protected species. The proposal therefore conflicts with the development plan taken as a whole and should be refused unless other material considerations indicate otherwise.
36. 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.
37. Although I have identified benefits of the proposed development relating to housing supply, the provision of accommodation that would potentially support the elderly or those with mobility challenges, 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, would have an unacceptable effect on the character and appearance of the area and on bats as a protected species, and fails to demonstrate that inappropriate development would be steered away from areas at risk of flooding. Collectively these considerations weigh substantially against the scheme.
38. 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.

39. The Inspector in the Bow Street decision hypothetically determined that had there been a lack of a five-year supply of deliverable housing sites at that time, the adverse impacts found would have significantly and demonstrably outweighed the small social and economic benefits of the proposal, which is consistent with my approach in this case. The Inspector also referenced two other cases approved by the Council on Bow Street, which were granted in the context of a lack of five-year deliverable housing land supply. However, details of them are not before me and I am therefore unable to draw any comparisons between them and this case.
40. 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