



Appeal Decision

Site visit made on 3 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeal Ref: APP/F2605/W/25/3376235

Land north of Bell Road, Bell Road, Rocklands, Attleborough NR17 1UQ

- 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 Jamie Tubby against the decision of Breckland Council.
 - The application Ref is PL/2025/0173/FMIN.
 - The development proposed is a chalet bungalow.
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Decision

1. The appeal is allowed, and planning permission is granted for a chalet bungalow at land north of Bell Road, Bell Road, Rocklands, Attleborough NR17 1UQ in accordance with the terms of the application Ref PL/2025/0173/FMIN and subject to the conditions in the attached schedule.

Preliminary Matters

2. The road adjacent to the appeal site is labelled on the plans as Chapel Street. However, I observed on my site visit that it is Bell Road, as is reflected in the address in the banner heading above. I have referred to it as such in my decision.
3. Two Unilateral Undertakings were submitted, which seek to provide a financial contribution towards the Norfolk Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) (the GIRAMS UU) and to secure the proposal as self-build and/or custom-build (SBCB) housing (the SBCB UU). I consider them later in my decision.
4. Additional evidence, dated 19 February 2026, was submitted by the Council in relation to the UUs, which was declined due to being submitted outside of the specified appeal timescales. For the avoidance of doubt, I have not had sight of its contents and have therefore not considered it in my appeal deliberations.

Background and Main Issues

5. The Council's third reason for refusal on their decision notice claimed the appellant had failed to provide a financial contribution towards the GIRAMS. However, subsequent correspondence from the Council confirms that a mistake had been made and there are no longer concerns regarding this matter. I find no reason to disagree. Given that this matter is no longer in dispute, I have not considered it as a main issue.

6. The main issues are therefore:

- the effect of the proposed development on the character and appearance of the surrounding area;
- whether the appeal site is a suitable location for the proposed development having regard to local and national planning policy and accessibility; and
- whether there is a valid exemption to otherwise mandatory biodiversity net gain (BNG) and whether there is a requirement for administrative, monitoring and title check fees to be paid in relation to the SBCB UU.

Reasons

Character and appearance

7. The appeal site is a field that sits opposite a row of predominantly one and a half storey chalet style bungalows that front onto Bell Road. A limited amount of sporadic development exists further along this side of Bell Road that is interspersed with fields, such as the appeal site, that help to define its more rural character. The most closely related locationally consists of a cluster of buildings known as Bower's Farm that is set back a considerable distance from the road and within substantial grounds, thereby sitting comfortably within its countryside surrounds.
8. Although close to existing properties within the village, the proposal would introduce built form beyond the established and legible extent of the settlement, and the proposal would therefore be contrary to the prevailing pattern of development on this side of Bell Road.
9. In recognition of the site's location beyond the existing village boundary and within a more open rural context, I acknowledge that the proposal would be set within a reasonably sized plot, larger than those on the opposite side of Bell Road. Notwithstanding, it would not be dissimilar in size and form to the chalet bungalows close by that form part of the existing village. It would also benefit from existing and proposed boundary vegetation that would help assimilate it within its rural context. However, I am conscious that new landscaping would take time to mature.
10. For the above reasons, I find that the proposed development would have a moderate harmful effect on the character and appearance of the surrounding area and would therefore conflict with LP Policies COM01, GEN02, GEN05 and ENV05. These policies, amongst other things, require high quality design that is sensitive to the character of the surrounding area and makes a positive contribution to the area's distinctive context and location. They also seek to protect the rural character of the landscape.

Location and accessibility

11. 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 is restricted to recognise the intrinsic character and beauty of the countryside and that such development will only be acceptable where it is compliant with all relevant development plan policies, including LP Policy HOU04.

12. LP Policy HOU04 confirms that development outside of settlement boundaries of villages such as Rocklands will be allowed where it is immediately adjacent to the settlement boundary, is subject to being supported by other policies within the development plan and where it would meet all the criteria set out in the policy. The policy also shows specific support for self-build dwelling proposals which meet the criteria requirements.
13. Both main parties acknowledge that the existing residential development on the opposite side of Bell Road is within the settlement boundary and that the appeal site is separated from it by the road itself. The appeal site is not therefore immediately adjacent to the settlement boundary as is required prescriptively by LP Policy HOU04.
14. I note that the Council does not express concern regarding compliance with criteria 1, 2 and 4 of LP Policy HOU04, which require development to be of an appropriate scale and design to the settlement, would not lead to the number of dwellings in the settlement increasing by significantly more than 5% from the date of adoption of the LP, and would avoid coalescence of settlements. As demonstrated in the previous main issue, although set within a larger plot, the proposal is of a similar scale and design to the bungalows on the opposite side of Bell Road that form part of the village. Despite interested parties stating that Rocklands has grossly exceeded 5% growth, there is no evidence before me to substantiate such a claim. Furthermore, the appeal site is close to the edge of the settlement and is not of a sufficient size to materially reduce the rural gap to the next settlement, thereby avoiding coalescence. I therefore find no reason to disagree with the Council on these matters.
15. Compliance with criteria 3 is however in dispute. It requires the design to contribute to preserving, and where possible enhancing, the historic nature and connectivity of communities. As previously articulated, whilst the proposal would be outside of the current confines of the village, it closely relates to it and would not be isolated from the community.
16. Furthermore, the appeal site is within a reasonable walking distance (approximately 800m) of facilities within Rocklands village such as the primary school, village shop, church and community hall, that would provide for some of the day-to-day needs of future residents within the existing community. In addition, bus stops are relatively close (approximately 500m away) that would enable residents to access services to larger higher tier settlements such as Attleborough. Whilst the pedestrian route to the above services and facilities would include negotiating Bell Road and Church Street, which are unlit and narrow roads with no footway, they were observed to be relatively quiet at the time of my site visit and pedestrians were travelling along them effectively. Whilst the pedestrian route could be better and accessibility improved, I am mindful that the existing conditions are established in the surrounding area and are not uncommon for rural locations.
17. It is likely that future residents would use private car travel given the site's rural location. However, I am not convinced that they would be heavily reliant upon it given the availability of some facilities and services nearby and that they would have access to the public transport network. I am therefore content that the proposal would preserve the historic nature and connectivity of communities, in compliance with criteria 3.

18. For the above reasons, I find that the appeal site conflicts with LP Policies GEN01, GEN03, GEN05 and HOU04, but to a limited degree based on the prescriptive requirement for the site to be immediately adjacent to the settlement boundary.

BNG

19. The signed SBCB UU was made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and is dated 22 October 2025. The SBCB UU contains provision to secure the proposed development as SBCB housing. There is no dispute between the parties relating to the provisions in the SBCB UU in that regard and I am satisfied that its content is fit for purpose and secures the SBCB housing status of the proposal to justify its exemption from otherwise mandatory BNG requirements.
20. The Council has raised concern that the appellant did not make payment of their administrative or monitoring fees prior to determination of the planning application, and nor does the SBCB UU make provision for the later payment of such fees. The deed in this case was entered into unilaterally by the landowner without the requirement for the Council to be directly involved from a negotiation, preparation or completion perspective, regardless of the contents of their published guidance on such matters. No substantive evidence is before me to demonstrate the Council required such fees prior to determination of the planning application. Nor is there any substantive evidence to confirm that the fees would be proportionate and reasonable taking account of the Council's existing statutory duty to monitor SBCB housing within their administration.
21. Furthermore, the SBCB UU includes a recent copy of the HM Land Registry entry for land that includes the appeal site. I am content that it provides satisfactory evidence of its ownership and I am therefore not convinced that it would be necessary for the Council to undertake its own title check. Consequently, there is no substantive evidence to justify payment of an associated title check fee.
22. For the above reasons, I am satisfied that there is a valid exemption to otherwise mandatory BNG and I am not convinced that there is a requirement for administrative, monitoring or title check fees to be paid in relation to the SBCB UU. The SBCB UU is necessary to make the development acceptable in planning terms, is directly related to the development, and fairly and reasonably related in scale and kind, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations).
23. Consequently, the proposal complies with LP Policy ENV02 that, amongst other things, requires all development to demonstrate how net gains for biodiversity are being secured.

Other Considerations

24. The Council accepts that it cannot demonstrate a five-year housing land supply (5YHLS). In such circumstances, even the provision of a single additional dwelling would contribute positively to the Council's housing supply. Whilst the appellant claims that the Council has an unmet need for SBCB housing based on the Council's own monitoring records, there is no evidence before me to substantiate this assertion. Nevertheless, the dwelling would be SBCB housing, secured by the SBCB UU, which is supported by the National Planning Policy Framework (the Framework) regardless of the position the Council finds themselves in.

25. Furthermore, there would be economic advantages to the proposed development, including through the creation of jobs and supply chain spend during the construction phase, which I acknowledge may be reduced to a degree due to the appellant's claimed skills set and intention to undertake some of the work themselves. Future residents would also likely support the local rural community and economy. However, I am mindful that the proposal is for a single dwelling and therefore these benefits are limited. Overall, I attribute moderate weight to the scheme's benefits.
26. Concern has been raised by interested parties regarding highway safety. Whilst Bell Road and Church Street are narrow, include tight bends and do not benefit from readily available passing places, the proposal is for a single dwelling and therefore any increase in traffic is anticipated to be minimal. I also note that the Council's highways team raised no objection to the proposal subject to the imposition of conditions, which require the submission of details associated with the off-site highway works, visibility splays and access treatment to ensure safe access is established and that highway safety is maintained.
27. Although the proposed development would result in the loss of a field, the Council's ecology team has not objected to the proposal having reviewed the appellant's ecological submissions. In addition, the mitigation measures outlined in the appellant's Ecological Report and Ecological Update letter could be secured by condition.
28. I acknowledge the apprehension surrounding the potential for this decision to set a precedent and to encourage further development in the vicinity such as stables and outbuildings. However, any future proposals would be determined on their own merits. Furthermore, property value, inconsistent water pressure and access to services for maintenance are not matters for deliberation in a planning appeal.
29. Representations have been received claiming that there are more appropriate sites for the proposed development within the existing settlement boundary. However, details are not before me and in any case, I am not required to consider the merits or otherwise of alternative sites in relation to this case.
30. Concerns have been expressed regarding potential disturbance to visitors of the cemetery during the construction phase. However, the cemetery is separated from the appeal site by part of the adjacent field and construction activities would be relatively minimal, given that the proposal is for a single dwelling and would not be permanent. Accordingly, I am not convinced that there would be harm caused in this respect.
31. The Council has directed me to various appeal decisions in support of their case. However, copies are not before me, and I am therefore unable to determine whether compelling comparisons can be made with this case.

Appropriate Assessment

32. The proposal lies within the zones of influence (Zoi) of habitats sites under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). The Breckland Special Protection Area (SPA) and Special Area of Conservation (SAC), Norfolk Valley Fens SAC, The Broads SAC, North Norfolk Coast SPA and SAC, The Wash SPA and the Wash and North Norfolk Coast SAC (the habitats sites) provide coastal habitats that support population

assemblages of breeding and non-breeding seabirds as well as mammals such as otter and common seal, and petalwort. They also include fen, heath, grassland, inland dune, meadow, bog and forest habitats supporting populations of great crested newt, stone curlew, nightjar, woodlark, various noteworthy species of snail, fen orchid and otter.

33. The Habitats Regulations require that the competent authority, taking a precautionary approach, must ensure that there are no significant adverse effects from the proposed development on the integrity of the habitats sites, either alone or in combination with other projects. Residential development is likely to lead to increased recreational pressure, which could, both alone and in combination with other development within the ZoI, have a likely significant effect on the special qualifying features of the habitats sites; likely significant effects cannot be ruled out.
34. The Council has a strategic mitigation strategy (GIRAMS) in place, prepared collaboratively with other relevant local planning authorities and in conjunction with nature conservation organisations, including Natural England (NE). This sets out a strategy for the avoidance and mitigation of additional recreational disturbance through measures such as site management, visitor education and diversion of activity away from the most vulnerable locations. The appellant has submitted a legal obligation (GIRAMS UU) containing provision for the requisite contribution to fund the measures set out in the GIRAMS, which has been calculated based on a formula that recognises the recreational pressure arising from residential development.
35. The contribution would be necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind, in accordance with the CIL Regulations. As such, the GIRAMS contribution would count as mitigation towards maintaining the integrity of the habitats sites.
36. Having consulted NE, I am satisfied that the mitigation secured through the GIRAMS UU would ensure that the proposal would avoid an adverse effect on the integrity of the habitats sites.

Conditions

37. I have had regard to the planning conditions suggested by the Council and considered them against the tests in the Framework and the Planning Practice Guidance. I have consolidated numerous similar conditions and omitted any excessive and unnecessarily prescriptive text and requirements for conciseness.
38. In addition to the standard time limit condition, it is necessary to impose a condition specifying the approved plans for clarity. A condition relating to materials is required to safeguard the character and appearance of the surrounding area. Conditions requiring the submission and approval of details relating to the off-site highway works, vehicular access and visibility splays are required in the interests of highway safety. Also, conditions requiring the submission and approval of an ecological enhancement strategy and the implementation of the construction working practices set out in the appellant's ecological evidence are needed to safeguard protected species. Similarly, a condition is needed to ensure the development complies with the requirements and recommendations of the appellant's tree related assessments and plans to ensure existing trees are protected. Finally, a condition is necessary to ensure any contamination found

during construction is appropriately dealt with in the interests of protecting future occupants of the dwelling, the public and the natural environment.

39. The Council has suggested the imposition of conditions relating to construction worker and future resident parking and associated on-site vehicular manoeuvrability. These are unnecessary given that the site is relatively large and there would be ample space within the site for parking. Furthermore, Bell Road is narrow and unlikely to be able to accommodate parked vehicles without blocking the highway, which could be dealt with under separate legislation.
40. It is also unnecessary to impose a condition requiring the submission and approval of contaminated land assessments. The Council has not identified any specific concerns regarding the development of this field in this respect, which corroborates with the appellant's evidence, and therefore a condition that deals appropriately with any contamination found during construction would suffice in this case.

Planning Balance and Conclusion

41. 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 character and appearance and location in terms of its physical relationship with the settlement boundary. The proposal therefore conflicts with the development plan taken as a whole and should be refused unless other material considerations indicate otherwise.
42. However, the Council cannot demonstrate a 5YHLS and in such circumstances, paragraph 11 d) of the Framework is engaged. Following an AA, the proposal would not adversely affect the habitats sites. Hence, the evidence does not show that there are any protected areas or assets of particular importance where the Framework provides a strong reason for refusing the development under paragraph 11 d) i).
43. Therefore, the balance in paragraph 11 d) ii) of the Framework applies. This states that 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
44. Overall, I have found a moderate level of harm regarding the effect of the proposed development on the character and appearance of the surrounding area, and the suitability of the appeal site for the proposed development in terms of its physical locational relationship with the settlement boundary, and associated conflict with the development plan. As discussed above, I have found that the proposal would contribute positively to housing supply where there is a shortfall of deliverable housing sites and deliver SBCB housing within a sustainable location that benefits from access to community facilities within Rocklands and is close to bus services. There would also be some limited economic benefits. Overall, I attribute moderate weight to these benefits.
45. Taking account of the circumstances of this case, I conclude that the moderate harm found does not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the

proposal benefits from the presumption in favour of sustainable development as articulated at paragraph 11 d) of the Framework.

46. The proposal conflicts with the development plan taken as a whole. However, material considerations indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be allowed.

L Fern

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 194/PP/151 Rev B – Site Location Plan; 194/PP/101 Rev C – Proposed Site Plan; 194/PP/203 – Proposed Floor Plans and Elevations.
- 3) No development shall take place above ground level until details of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
- 4) No development shall take place above ground level until a detailed scheme for the off-site highway improvement works has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 5) No development shall take place above ground level until a biodiversity enhancement strategy, based on the recommendations of the Ecological Report (July 2023) and the Ecological Update Letter (June 2025), both prepared by Norfolk Wildlife Trust, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved strategy.
- 6) The development hereby permitted shall not be occupied until a detailed scheme for the vehicular access and associated surface water drainage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation of the dwelling and retained thereafter.
- 7) The development hereby permitted shall not be occupied until a plan showing the visibility splays has been submitted to and agreed in writing by the local planning authority. The approved visibility splays shall be kept free of any obstruction exceeding 0.225m in height and shall be retained as such thereafter.
- 8) The development hereby permitted shall be carried out in accordance with the construction working practices and methods set out in the Ecological Report (July 2023) and the Ecological Update Letter (June 2025), both prepared by Norfolk Wildlife Trust.
- 9) The development hereby permitted shall be carried out in accordance with the approved Arboricultural Impact Assessment, the Tree Protection Plan and the Arboricultural Method Statement, prepared by Oakfield Arboricultural Services and dated April 2025, for the duration of construction activity.

10) Any contamination that is found during construction of the development hereby permitted shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing to the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

*****End of Conditions*****