



Appeal Decision

Site visit made on 30 June 2026

by **C Housden BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2026

Appeal Ref: APP/F2605/W/26/3377434

Land adjacent to Appletree Close, Attleborough, Norfolk NR17 2SQ

- 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 Gary Duthie of Tingdene Group against the decision of Breckland Council.
 - The application ref is PL/2024/1119/FMIN.
 - The development proposed is change of use of land for the siting of 9no. residential park homes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Revised plans have been provided which show a reduced scheme of eight park homes. The appellant sets out that these plans were provided to the Council during the planning application. However, it is clear from the evidence, including the description of development on the Council's decision notice, the officer report and emails between the parties that the proposal was determined as originally submitted as a development for nine park homes.
3. In relation to whether these revised plans should be accepted at the appeal stage, substantively the amendments would result in fundamental changes to the development, including the description which would ultimately result in a different application to that considered by the Council. In addition, supporting evidence such as the Drainage Assessment and Biodiversity Net Gain information relates to the nine-unit scheme so I do not have a full package of evidence before me relating to this revised scheme. Therefore, I have based my decision on the plans which the Council made its decision on for nine units.

Main Issues

4. The main issues are:
 - flood risk, with particular regard to surface water flooding; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Flood risk

5. The evidence before me demonstrates that a considerable portion of the site is at a medium and high risk of flooding from surface water. Whilst this application is for a material change of use of the land, having regard to the indicative site plan and

the extent of the site which is subject to a high risk of surface water flooding, I have no convincing evidence before me that demonstrates all nine of the proposed units, which are defined as highly vulnerable¹, could be sited within an area of low probability of surface water flooding within the site.

6. In these circumstances, paragraph 175 of the National Planning Policy Framework (the Framework) sets out that a sequential test should be used. However, the PPG² advises in applying paragraph 175, a proportionate approach should be taken. In particular, it advises where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere, then the sequential test need not be applied. The PPG provides further advice of what to consider when determining whether a proposed development will be safe for its lifetime³.
7. In relation to the characteristics of possible flood events, the appellant has provided calculations in relation to units 6, 7 and 8 of the indicative site plan, all of which would be sited within the area of high surface water flood risk within the site. The evidence sets out that any future surface water flooding around these affected units would be shallow and slow moving, and that the overall danger to people is classified as a very low hazard based on anticipated depth, velocity and debris. In these circumstances it is suggested that the flood water could be managed by allowing it to run under the void beneath the effected park homes where it would not be high enough to rise into the homes. The appellant therefore considers that the development would be safe from current and future surface water flood risk for the lifetime of the development.
8. However, the affected units would be surrounded by water with no dry access or exit for future residents during a flood event. Floodwater is shown to be at depths⁴ which could still conceal hazards, posing a danger for future occupiers when navigating through the water, particularly to those who are less mobile or who have a physical impairment as highlighted by the PPG. This is particularly relevant for the appeal scheme as the appellant highlights that older people⁵ are likely to be the future occupiers of the units⁶. In addition, as the depth of the flood water has only been measured at the individual plots, the hazard of travelling through the flood water away from the plots has not been demonstrated. In addition, I have no evidence before me demonstrating how a flood would impact the services provided to the homes and if they would be adequately resilient to ensure the safety of occupiers of the site. Therefore, it follows that based on the evidence before me, I cannot conclude that the change of use of the site would be safe from current and future surface water flood risk for the lifetime of the development.
9. In relation to the effect of the development on flood risk elsewhere, the homes would likely be supported by four wheels and two supports making limited contact with the ground. The appellant's evidence sets out that on this basis this would have a negligible effect on the displacement of water during a flood event and

¹ Annex 3 of the National Planning Policy Framework

² 027 Reference ID: 7-027-20220825

³ 005 Reference ID: 7-005-20220825

⁴ Unit 6 240mm, Unit 7 240mm and Unit 8 200mm.

⁵ As defined in Annex 2 of the Framework.

⁶ Paragraph 9.2 Appellant Statement of Case

would not increase flood risk elsewhere. I see no reason to reach a different conclusion.

10. Nevertheless, a sequential test is required based on the risk to future occupiers and users. The appellant considers that given the proposal is to extend an existing residential park home site which they own, the scheme would not otherwise come forward and that it is more preferable than other sites within their portfolio. However, the PPG is clear that in considering whether alternative lower-risk sites would be capable of accommodating the proposed development, such alternative sites do not need to be owned by the appellant to be considered reasonably available⁷. This is therefore inadequate justification to avoid the requirement for a sequential test. I also have not been provided with any details of the other sites within their portfolio so I cannot compare them.
11. The appellant also contends that the proposed development has been sequentially designed insofar as it can be taking into account the site constraints. However, vulnerable uses are still nevertheless depicted in an area at high risk of surface water flooding within the indicative site plan with no alternative layout before me or overriding reasons for these three units to be situated within this area.
12. The appellant has not undertaken a sequential test which meets the guidance contained within the PPG and the Framework. It therefore cannot be concluded that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 174 of the Framework sets out that development should not be permitted in such circumstances. This is a material consideration that weighs against the proposal in the balance.
13. Whilst I note Norfolk County Council as the Lead Local Flood Authority did not raise a specific objection to the proposal, it is clear from their response that they do not provide bespoke comments for applications of the size of the appeal scheme and therefore only provided standing advice to the Council. This lack of objection from this consultee does not alter my findings
14. I cannot conclude that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development and that it could not be located in a lower-risk area. The proposal would therefore conflict with Policy ENV09 of the Breckland Local Plan (2023) (LP). This policy, amongst other matters seeks to ensure development is located to minimise the risk of flooding.

Character and appearance

15. Development along Norwich Road is mixed in character and appearance but predominantly comprises residential dwellinghouses facing the road with modest frontages, and further suburban development at depth situated behind. On the same side as the appeal site, there is a notable frontage of built form along Norwich Road running towards the centre of Attleborough. The Breckland Landscape and Settlement Character Assessment (2022) highlights open spaces as contributing to the distinctive character of Attleborough.
16. The appeal site forms part of a green field which contributes to a gap within the built frontage. A number of the park homes of Oak Tree Park are visible from

⁷ 028 Reference ID: 7-028-20220825

Norwich Road, although these are set further back in the streetscene and the appeal site which provides some separation from the more utilitarian design of these units.

17. The Inspector of the previous appeal at the site for 23 units⁸ found that this development would create a highly regimented layout, and the siting of such homes within this scheme would be prominent and the incongruous nature of the development would dominate an important and busy approach into the centre of Attleborough.
18. In the case of the current proposal, the much-reduced number of units and smaller site area would not have an imposing effect on the streetscene. The site plan shows building the line would be set broadly level with the existing furthest forward park home and adjacent dwelling. Space at the front of the site would be retained, as would the rest of the field outside within the blue line which would retain a gap within the built frontage of Norwich Road. The appearance of the units, whilst not defined by this appeal, would clearly be distinct from the nearby permanent dwellinghouses. However, given the modest scale of the proposal, and its siting adjacent to the existing site, it would appear as a modest in keeping extension of the existing park. I am therefore satisfied that on this basis the appeal proposal adequately overcomes the concerns of the previous Inspector in relation to matters of character and appearance.
19. The proposal would be in keeping with the character and appearance of the area. It therefore would comply with Policies GEN02 and COM01 of the LP. These policies, amongst other matters, seek to ensure development respects and is sensitive to the character of the surrounding area and responds to and is completely integrated with the existing layout of buildings, streets, open spaces and pattern of development.

Other Matters

20. The evidence shows that the appeal site is situated within the zone of influence of the Norfolk Valley Fens SAC and The Brecks SAC and SPA which are subject to statutory protection under the Habitats Regulations. The third reason for refusal relates to the development resulting in a likely significant effect to these sites through additional recreational disturbance. As part of the appeal, the appellant has submitted a unilateral undertaking securing a contribution towards the Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan (2024) to provide mitigation for the development in relation to these protected sites. If I was to allow the appeal, I would be required to undertake my own Appropriate Assessment. However, since I am dismissing it for other reasons, I do not need to consider this matter further as the Habitats Regulations indicate that an Appropriate Assessment is only required when the competent authority is minded to grant consent.
21. The appellant has raised a number of concerns regarding the Council's handling of the planning application. However, this is a matter that lies outside the scope of my determination as it does not affect the planning merits of the proposal.

⁸ PINS ref APP/F2605/W/16/3162211

Planning Balance

22. The proposed development is not in accordance with the aforementioned policies of the LP, by virtue of the matters related to flood risk. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework.
23. Policy ENV09 of the LP is consistent with guidance contained within section 14 of the Framework, in particular paragraphs 170, 174, 175 and 181 as described above. On this basis, the conflict with this policy carries significant weight against the development. Given this significant conflict with this policy, the proposal would conflict with the development plan as a whole.
24. However, the evidence before me shows that the Council can only demonstrate a housing land supply of 3.25 years. Therefore, the provisions of paragraph 11d) of the Framework are engaged. Footnote 8 confirms in these circumstances, the policies which are most important for determining the application are deemed to be out-of-date.
25. Paragraph 11d)i) of the Framework sets out that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 confirms that this includes policies relating to areas at risk of flooding. The application of the policies of the Framework in relation to areas at risk of flooding provides a strong reason for refusing the development for the reasons given. Therefore, the proposal does not benefit from the presumption in favour of sustainable development.
26. The Government's objective is to significantly boost the supply of housing, including through small and medium schemes. The proposal would contribute towards this objective by providing nine homes towards the Council's deficient housing land supply and could accommodate the needs of older people. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. It would also result in a biodiversity net gain. Considering the scale of the development, this results in important but modest benefits attracting moderate positive weight in favour of the proposal. Overall, these benefits do not outweigh the harm identified.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

C Housden

INSPECTOR