



Appeal Decision

Hearing held on 25 February and 25 June 2026

Site visits made on 26 February and 25 June 2026

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 July 2026

Appeal Ref: APP/F2605/W/25/3374558

Ambleside Farm (aka Mobile Home at Agricultural Hay Barn, Whissonsett Road, Colkirk NR21 7FB

- 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 Philip Sheldon of Ambleside Farm Limited against the decision of Breckland Council.
 - The application Ref is PL/2024/1030/FMIN.
 - The development proposed is the construction of agricultural unit for the breeding and rearing of pigs and temporary agricultural workers dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Both main parties have made application for costs against the other. These are subject to separate decisions.

Preliminary Matters

3. Although originally there was some disagreement about the description of development between that included on the application form and that included on the appeal form and the Council's decision notice, at the hearing it was agreed that the latter was an accurate description of the appeal proposal and I have determined the appeal on that basis.
4. The temporary dwelling has already been completed and is in-situ on the appeal site. I observed at the site visit that excavated trenches for the agricultural unit have been created. I have determined the appeal on that basis.
5. During the appeal process, the appellant submitted additional evidence in an effort to address some of the Council's concerns. These included some additional information in relation to nutrient neutrality, information about the historic access arrangements, a draft unilateral undertaking in relation to the Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan, a flood risk assessment (FRA), a letter from a local vet and an access and splay assessment. In relation to all of these matters I was satisfied that the information provided was material to my decision and I also ensured that no party was prejudiced by me accepting this evidence. To that end, in relation to the FRA which was received on the day before the opening of the first hearing session it was necessary to adjourn the hearing to ensure that relevant parties could be consulted on this new information.

6. The appellant confirmed at the hearing that the septic tank is not part of the development before me and it is subject to an entirely separate planning process and I have determined the appeal on that basis.
7. There has been some confusion about the access arrangements. The Council's decision notice set out that a new access has been created to the north of the site and the submitted plans show a new access point to the south of a second existing access. I observed at the site visit that there are two existing access points, one to the north and the other further south but to the north of the Oxwick Lane junction with Whissonsett Road. The appeal statement sets out that the location plan shows two access points, which are existing and have been in place since before the appellant purchased the land.
8. However, the relevant appeal plan is clear and shows that although there are two access points the one to the south is, as set out in the Council's decision notice to the south of the second existing access opposite Oxwick Lane. At the first hearing session the appellant confirmed this was an oversight and they did not intend to propose a new access. However, no alternative plan showing access from the existing southern access was submitted and the appellant subsequently confirmed that the appeal should be determined based on the submitted plans, which is what I have done.
9. Reasons for refusal 1 and 2 relate to the fact that the Council were not satisfied that adequate information had been submitted to demonstrate there would be no likely significant effect on the River Wensum Special Area of Conservation and the Broads Special Area of Conservation due to nutrient pollution or on the protected sites in Norfolk due to adverse recreational impacts. However, given my findings in relation to the other main issues I will deal with these issues in the "Other Matters" section of the decision.

Main Issues

10. The main issues are;
 - Whether or not having regard to national and development plan policies that seek to avoid isolated new homes in the countryside and deal with development in rural areas whether the appeal site is an appropriate location for the development having regard to whether there is an essential need for a rural worker to live at or near their place of work and whether sufficient justification has been provided for an agricultural unit in this location;
 - The effect of the development on the character and appearance of the area including any trees or hedgerows of high amenity value;
 - Whether adequate information has been provided to demonstrate whether or not the development would result in an unacceptable flooding risk;
 - Whether or not the development would have an unacceptable impact on highway safety;
 - Whether or not the appeal site is suitable for the development taking account of ground conditions, pollution and risks arising from contamination.

Reasons

Essential need for a rural worker and associated matters

11. The appeal site is located outside any defined settlement boundary. Policy GEN 05 of the Breckland Local Plan, September 2023 (BLP) sets out that within such an area development is restricted to recognise the intrinsic character and beauty of the countryside and will only be acceptable where it is compliant with all relevant development plan policies including Policies HOU 05 and HOU13 of the BLP.
12. Policy HOU 05 of the BLP deals with small villages and hamlets outside of settlement boundaries. This sets out that development will be limited apart from where it would comply with other policies within the development plan and if several other criteria are met. This indicates that farmsteads and sporadic small-scale groups of dwellings are considered as lying in the open countryside and are not classed as small villages and hamlets and are unlikely to be considered acceptable. Moreover, the development does not comprise sensitive infilling or the rounding off of a cluster of dwellings. As a result, Policy HOU 05 does not support the development on the appeal site.
13. The temporary dwelling is an isolated home in the countryside as it is physically separate or remote from a settlement. The National Planning Policy Framework (the Framework) sets out that decisions should avoid the development of isolated homes in the countryside unless certain criteria are met.
14. A relevant exception to justify an isolated dwelling is if there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Policy HOU 13 of the BLP deals with rural workers dwellings. This sets out a number of criteria, and I shall consider ones that are relevant to this main issue in the following paragraphs. Others are relevant to other issues, and I shall deal with them as necessary below.
15. Policy HOU 13 of the BLP sets out that the dwelling should be no larger than that required to meet the functional needs of the enterprise. The appellant explained that they had opted for the largest unit possible under the Caravan Sites Act 1968 (as amended). They have also indicated that the temporary dwelling has been designed for ease of removal. I observed that it has two double bedrooms and an office as well as an open plan living room/kitchen. Although the appellant accepts that it could have been smaller, on balance I am satisfied that the size of the temporary dwelling is modest and is not excessive.
16. It is also necessary for the appellant to demonstrate that the dwelling is essential for the functional needs of the business, i.e. that there is a need for one or more full time workers to be readily available on-site at most times.
17. The appeal site comprises a 7.2-hectare area of agricultural land. As outlined above the temporary dwelling is already on the site. The appellant sets out that they intend to establish a small-scale, self-contained pig breeding enterprise.
18. The appellant moved onto the site in March 2023 and have now been living on the appeal site for over three years. According to the appeal statement at the time the appeal was submitted in October 2025 there were 18 pigs on the site which they say was in keeping with the business plan to increase the herd and in particular the number of breeding sows.

19. At the time of the first hearing session in February 2026 the appellant indicated that there was still a total of 18 pigs living outdoors with appropriate shelter with 11 of these pigs breeding sows. In terms of the numbers that was generally consistent with my observations at the first site visit. However, I observed that there were 9 younger pigs that could not be considered ready for breeding, 3 were for meat and four were mature sows. Consequently, strictly speaking 11 were either breeding sows or were intended for breeding in the future. There were also sheep, five of which the appellant highlighted were ewes that were lambing. There were also hens, geese and turkeys.
20. At the second hearing session the situation had not significantly changed. At that time there were 6 mature sows and 5 gilts that would be ready to go to boar within 2-6 months, 8 pigs for meat and 3 boars. Consequently, again 11 pigs were either breeding sows or were intended for breeding in the future. Again, there were also other animals including sheep of which 11 were breeding ewes, 8 to breed in October 2026 and 3 at the end of 2027.
21. To my mind, the agricultural enterprise is very modest. Bearing in mind that the appellant has been living on site for over three years and has had pigs on site for at least a year I am not satisfied that the existing number of breeding sows or females intended for breeding in the future, which has stayed constant during the appeal process, provides adequate justification that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
22. I accept that the appellant is very concerned about the welfare of the animals on the appeal site and provides day and night care particularly during farrowing. However, they also accept that other pig farmers do not manage their farms in the same way and do live off site. To my mind, the appellant has made a choice to run this enterprise in this way and in terms of the number of animals it is not essential for a rural worker to live permanently on the appeal site.
23. I accept that this appeal is in respect of a temporary dwelling where Policy HOU 13 says where the proposal involves a new business that cannot yet demonstrate financial soundness, a temporary dwelling may be acceptable provided all the other criteria listed under the policy are met.
24. One criterion is that the enterprise has been established for at least three years and is and should remain financially viable. Clearly, it is not a pre-requisite that when considering a temporary dwelling the enterprise needs to have been established for three years, as the whole point is to consider a new business. However, in this case I accept the appellant's evidence that they have been registered with the Animal and Plant Health Agency as livestock keepers since 2023 and that an agricultural enterprise has been established on the appeal site since that time, albeit not pig breeding/rearing for all of that time.
25. In July 2025 there were 6 pigs on the appeal site. That number has increased, but as outlined above the number of breeding sows or potential breeding sows has stayed reasonably constant. A business plan was submitted in support of the development. This indicates that the appellant would procure an initial livestock of 25 breeding sows. Ignoring the injected capital, over the first year these sows would produce 300 progeny, 25 gilts would be kept back to grow the breeding herd, and 275 pigs would be sold with a total profit before tax of £19,250 assuming sales

- of £57,750. The proposed budget for year 2 assumes 50 breeding sows growing to 75 breeding sows in year 3. Profits would increase accordingly.
26. The business plan sets out that the appellant and his wife would each take a wage of £9800 which is significantly below the minimum wage. While I accept that the appellant is willing to subsidise the enterprise by using pension income, as it is necessary for the appellant to demonstrate that the enterprise would be financially viable it is appropriate to consider viability using objective standards as this leads to more consistent decision making and accords with the principle that planning permission runs with the land.
27. That said, even if I accept the appellant's income and expenditure figures, the number of pigs produced and sold has fallen well short of that suggested in the business plan during the first year since pigs have been introduced onto the appeal site. While the herd may grow over time, I am not satisfied that based on the current trajectory the number of breeding sows would reach the predicted number of 50 breeding sows in year 2 or 75 breeding sows in year 3 which would be required to achieve the financial return figures set out in the business plan. In my judgement, based on the available evidence I am not confident that the enterprise is currently viable or will remain viable for the foreseeable future.
28. I appreciate that an integral component of the business is the agricultural unit which would provide indoor farrowing facilities. However, based on the available evidence the appellant has prioritised constructing the dwelling rather than constructing the agricultural unit. At the outset the appellant lived in a modest sized caravan with an awning. The appellant accepts that they prioritised building the temporary dwelling as they wanted somewhere comfortable to live. They also highlight health and financial considerations which has delayed the implementation of the agricultural unit.
29. It is understandable that the appellant wanted somewhere comfortable to live. However, that was a choice they made instead of pursuing the erection of the agricultural unit which in my view would have helped grow the pig breeding and rearing business. I am obviously sympathetic to the health issues that affected the appellant, but much work has been undertaken at the appeal site including construction of the temporary dwelling. Consequently, I am not persuaded that health issues would have prevented construction of the agricultural unit if the appellant had chosen to prioritise that element of the development.
30. I bear in mind that planning permission has not been granted for the agricultural unit being used as a farrowing barn. However, the Council had confirmed that prior approval was not required for an agricultural hay barn and in my judgement pursuing the erection of the agricultural unit would have been a more straightforward way to proceed rather than moving on site and constructing the temporary dwelling, which also did not have planning permission.
31. In terms of financial considerations, I note that the business plan indicates that the estimated cost of the agricultural unit was £30,000 and it has already been purchased. Consequently, I consider that financial constraints were not so significant as to prevent the agricultural unit being constructed if the appellant had chosen to do so.
32. I fully appreciate that the appellant actively prioritises the welfare of the animals and this leads to them working around the clock. However, that is largely a

personal choice. The appellant explained that he and his wife work shifts over night to ensure that the welfare of the animals are protected. To my mind, even though I do not consider it essential for a worker to be on site at all times, given this arrangement it would be possible for them to implement a similar shift system while living off site.

33. The appellant considers that a shift arrangement would not work as the one person who remains on site may need the help of the other in an emergency. However, in my view having one person on site would provide appropriate oversight and that person would be able to call for help/backup if required. I also consider that even if the appellant lives off site adequate biosecurity arrangements could be put in place to prevent disease from entering the farm and to limit any spread of disease within the herd.
34. Similarly, although I accept there are some valuable items on the appeal site including solar panels to provide power to the water bore hole, farm machinery and the animals themselves, I am satisfied that alternative arrangements such as security gates at the entrance, the provision of CCTV, secure storage arrangements and securing the solar panels to the ground could be implemented so that it is not essential for a worker to live permanently on site.
35. Moreover, if the appellant continues to manage the enterprise as they currently do in shifts, there would be one worker permanently on the site in any event which would address any security concerns.
36. Bringing these matters together, I am not satisfied that it has been demonstrated that the temporary dwelling is essential for the functional needs of the business, i.e. there is not a need for one or more full time workers to be readily available on-site at most times.
37. In reaching that view I have taken account of the fact that a vet has provided a letter of support due to animal welfare and biosecurity. This highlights that the appellant plans to manage a breeding herd of up to 75 sows producing in the region of 900 piglets per year. The letter indicates that pig mortality in an outdoor unit can be significant and that based on the planned herd size, the production system and welfare risk a constant presence on site would significantly improve the welfare of the animals.
38. I have addressed biosecurity above. In relation to animal welfare, this proposal also involves an indoor pig breeding unit rather than an outdoor unit as indicated in the letter. That said, if I was satisfied that the appellant was on course to produce a financially viable herd of that size producing in the region of 900 piglets per year and generating a turnover in the region of £183,750 and a net profit in the region of £61,250 the weight afforded to the functional need for a temporary dwelling on the appeal site may have been greater.
39. However, for the reasons set out above I am not satisfied based on the available evidence, including progress made in expanding the herd to date that it is reasonably likely that the agricultural enterprise on the appeal site would produce in the region of 900 piglets per year as estimated in the business plan and as referenced in the vet's letter. Moreover, as highlighted above the appellant and his wife already look after the animals in a shift pattern. While I do not think this way of working is essential it is how they choose to operate and this working arrangement

largely addresses the vet's points in any event as one or other of them would be on site to provide a constant presence.

40. Notwithstanding any concerns I may have about the financial viability of the enterprise or the functional need for a temporary dwelling I am satisfied that the appellant is undertaking an agricultural enterprise on the appeal site. Consequently, I have no in principle concerns about the construction of an agricultural unit for the breeding and rearing of pigs on the appeal site. It follows that sufficient justification has been provided for an agricultural unit in this location. I will deal with any other potential implications of that element later in the decision.
41. The appellant also indicates that there is no alternative suitable accommodation within a reasonable distance. However very limited information has been provided about whether alternative suitable accommodation has been considered including the search area, the budget and whether properties to rent or purchase were considered. At the hearing the appellant accepted that Fakenham, a market town and South Raynham village were both about 10 minutes away and the villages of Colkirk and Whissonsett were closer but nothing suitable was available.
42. Given my finding that there is not a need for one or more full time workers to be readily available on-site at most times and the fact that there are a number of settlements within a ten-minute drive the lack of suitable alternative accommodation is not a factor that weighs in favour of the development. Moreover, given that there are settlements within a 10-minute drive in my view it is more likely than not that suitable accommodation could be found within a comfortable commute of the appeal site that would allow the appellants to continue with a shift pattern of looking after the animals if that is how they would like to continue to operate the agricultural enterprise.
43. Given my finding that the appellant has not demonstrated that the temporary dwelling is essential for the functional needs of the business, I turn now to consider whether the appeal site represents a sustainable location.
44. Land use patterns that are most conducive to walking are where there are a range of facilities and services within a 10-minute walk or about 800 metres. Although as indicated above there are some settlements within a ten-minute drive, services and facilities necessary for day to day living fall well beyond the 10-minute walk/800 metres range and there are not convenient footpaths that link to such services and facilities. Moreover, cycling to these services and facilities would not be a practical solution.
45. The Framework highlights that priority should be given first to pedestrian and cycle movements and second to access to high quality public transport. Consequently, taking these factors together, the appellant would very likely be reliant on the private car. The proposed development would therefore not represent a location which is sustainable as contrary to the Framework it would not be located where the need to travel would be limited. That said, as indicated above there would be a need for the appellant to commute to the appeal site if they live off site. As a result, this finding does not weigh against the development in the determination of the appeal. However, that does not alter my overall view on whether or not the appeal site is an appropriate location for a temporary dwelling.
46. I therefore conclude that having regard to national and development plan policies that seek to avoid isolated new homes in the countryside and deal with

development in rural areas there is sufficient justification for an agricultural unit in this location. However, the appeal site is not an appropriate location for a temporary dwelling as there is not an essential need for a rural worker to live at or near their place of work. I afford this issue significant weight. Consequently, the proposal would be at odds with the relevant parts of the Framework and Policies GEN 05, HOU 05 and GEN 13 for the reasons set out above.

47. The Council's reason for refusal also made reference to Policy GEN 01 which deals with sustainable development and is consistent with paragraph 11(d) of the Framework which I will consider later in the decision.

Character and appearance

48. The appeal site is located in a rural location on agricultural land. There are currently two existing access points, one to the north and the other further to the south. The appeal site is being actively managed for agricultural use and has some associated development including some storage for hay, some pig enclosures, fencing and beehives. I also observed that the appellant has planted some trees. There is a mature hedge along part of the Whissonsett Road frontage of the appeal site. I observed that the hedge sits on a bank which increases its height and this attractive feature makes a significant contribution to the character and appearance of the area and helps to screen the temporary dwelling from the road.
49. I agree with the Council that development would be acceptable in principle for agricultural buildings. As outlined above I am satisfied that sufficient justification has been provided for an agricultural unit in this location. The Council accept that given the proposed location of the unit it would likely blend into the landscape in this location and be a common feature that one would expect in a rural landscape. I agree.
50. Moreover, although the appellant has not submitted a tree survey, I am satisfied that the proposed agricultural unit would not unacceptably harm any trees or hedgerows of high amenity value. There are no trees or hedgerows within the footprint of the proposed unit. Further, although there are some trees and other vegetation to the south-east of the proposed unit these are on the other side of a ditch which creates a break to separate them and their roots from the proposed agricultural unit.
51. As outlined above, Policy HOU 13 of the BLP deals with rural workers dwellings and among other things seeks to ensure that any dwelling is sensitively designed and in keeping with its rural surroundings, is well landscaped and is sited to minimise visual intrusion.
52. The temporary dwelling is more centrally located than the proposed agricultural unit. It is therefore prominently located on the appeal site. Although I observed that public views from the north are limited and the existing hedge provides important screening, views are possible across the more open areas along the frontage near the junction of Whissonsett Road and Oxwick Lane.
53. The temporary dwelling is a modest single storey building which has been timber clad. In terms of its scale, mass and overall design it is compatible with this countryside location. Although there is some decking surrounding the dwelling this is not unacceptably extensive. However, the introduction of the temporary dwelling introduces a more domestic development onto this countryside site and given its

prominent location it has not been sited to minimise visual intrusion and would cause a degree of harm to the character and appearance of the area. However, this harm is tempered by the screening provided by the attractive hedgerow along the Whissonsett Road boundary. It follows that any harm is limited.

54. Given the importance of the frontage hedgerow, I now turn to consider whether the development would unacceptably harm this feature. As further explained below, access to the appeal site would be from a new access point opposite Oxwick Lane. Significant visibility splays in both directions would be required. Given the appearance of the vegetation to the south/east, the visibility splay in that direction could be accommodated without causing unacceptable harm to the character and appearance of the area.
55. However, the same cannot be said for the visibility splay to the north which would require a distance of 120m. This would have a dramatic impact on the appearance of the hedgerow as it would need to be maintained free from any obstruction exceeding 1.05 metres above the level of the adjacent highway. Bearing in mind that the hedge to the north of the proposed access is on a bank, the impact of retaining such a long visibility splay at that height would dramatically open up the site to significantly greater public views for anyone walking or driving along the road. This would create a harmfully urbanising impact, would remove the majority of this important feature where affected by the visibility splay and would exacerbate the harm caused by the temporary dwelling being sited in such a prominent position on the appeal site.
56. The combination of these factors would unacceptably harm the character and appearance of the area. Moreover, I also consider that an assessment on the impact on the health of the hedgerow would be necessary given that it would need to be cut down to such a low-level bearing in mind the existence of the bank along the relevant part of the road. Without such an assessment there is insufficient information to satisfy me that the development would not harm the health of the important frontage hedgerow which as outlined makes such an important contribution to the character and appearance of the area.
57. I appreciate that a landscaping scheme could potentially mitigate the harm to a certain extent. However, very little details are before me and to my mind such mitigation measures possibly involving significant frontage planting outside the visibility splays may involve a fundamental change to the appeal scheme, and I do not consider that it would be appropriate to address such fundamental matters by imposing conditions.
58. I therefore conclude that the development would unacceptably harm the character and appearance of the area and insufficient information has been provided to satisfy me that the development would not harm the health of the important frontage hedgerow which has high amenity value. I afford these matters significant weight.
59. Consequently, the development conflicts with the relevant parts of Policy HOU 13 of the BLP as summarised above as well as Policies COM 01, GEN 02, ENV 05, ENV 06 and GEN 05 which among other things seeks to ensure development takes account of the intrinsic character and beauty of the countryside, respects, contributes and is sensitive to the distinctive character of the surrounding area and seeks to retain significant hedges as an integral part of the design of development

and where any hedges are to be retained provision should be made for their care and protection throughout the duration of development.

Flood Risk

60. Although the appeal site is located within Flood Zone 1, as set out in a footnote to the Framework a site-specific flood risk assessment (FRA) should be provided for all sites of 1 hectare or more. An FRA was not submitted at the application stage and the appeal statement incorrectly set out that there was no requirement for one. However just before the first Hearing session, the appellant submitted an FRA.
61. The FRA set out that the single source of flood risk that may affect the site is surface water flooding and went on to indicate that the site access is not affected by surface water flooding. However, that is not the case as agreed by the appellant at the Hearing. The FRA included Surface Water Flood Risk Maps (SWFRMs). These clearly show that the new access is located in an area where there is a risk of surface water flooding. Moreover, the proposed new access road that would provide access to the agricultural unit crosses an area identified on the SWFRMs as being susceptible to surface water flood risk.
62. The Framework is clear at paragraph 175 that a sequential test should be applied in areas known to be at risk now or in the future from any form of flooding, except in situations where a site specific flood risk assessment demonstrates that no built development within the site boundary including access or escape routes would be located on an area that would be at risk of flooding from any source now and in the future.
63. The FRA indicates that the site is located in Flood Zone 1 and the built development is not within an area at risk of flooding and consequently the site is considered to pass the sequential test. However, that ignores the fact that built development includes access or escape routes. Based on the available evidence I am not satisfied that the sequential test has been satisfied.
64. I acknowledge that the relevant Planning Practice Guidance – Flood risk and coastal change (PPG) indicates that a proportional approach should be taken to the application of paragraph 175 of the Framework when considering surface water flood risk and where a site specific FRA 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. However, the FRA does not propose any specific mitigation measures that deal with the surface water flood risk.
65. As a result, the proportional approach set out in the PPG cannot be applied in this case and a sequential risk-based approach is required. The Framework sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
66. The appellant has not provided adequate information to compare the appeal site with other available sites to show whether these would have a lower flood risk. It follows that I cannot be satisfied that the proposal has passed the sequential test

67. Bearing in mind that it is not necessary to undertake the exception test for sites that do not pass the sequential test and for sites within flood zone 1, it is not necessary to move onto consider the exception test in this case. That said, as I am not satisfied that adequate information has been provided to demonstrate that the proposal would pass the sequential test, I am also not satisfied that the principle of development is acceptable in terms of flood risk.
68. I therefore conclude that adequate information has not been provided to demonstrate that the proposed development would not be at an unacceptable risk of flooding. I afford this issue significant weight. Consequently, the proposal would conflict with Policy ENV 09 of the BLP which seeks to ensure that development will be located to minimise the risk of flooding and any risk should be mitigated.

Highway Safety

69. As outlined above, I have determined the appeal on the basis of the submitted appeal plans which shows two access points, one to the north and the other to the south opposite Oxwick Lane. The main parties disagree about whether the northern access was pre-existing and authorised. I have received conflicting evidence in relation to this matter. However, it is unnecessary for me to resolve this matter, as the appellant confirmed at the first hearing session that they agreed with the highway authority that no vehicular traffic should enter or exit the appeal site from the northern access.
70. Prior to the second hearing session, the appellant submitted an access and splay assessment (ASA). Despite this including an assessment of the northern access the appellant reconfirmed that this would not be used for vehicular access. The highway authority accept that the ASA demonstrates that adequate sight lines could be provided from the proposed southern access and subject to the imposition of suitably worded conditions including that an appropriate visibility splay would be provided, agreed that the appellant had addressed their highway safety concerns. I agree with that analysis, and I am satisfied that appropriate visibility splays could be provided on land within the control of the appellant to ensure vehicles could enter and exit the appeal site safely.
71. I therefore conclude that the development would not have an unacceptable impact on highway safety. Consequently, the development accords with Policies TR 02 and the relevant criterion of HOU 13 of the BLP which among other things seek to ensure that development does not compromise highway safety and that a rural workers dwelling has satisfactory access.

Contamination

72. As outlined above, the appeal site is in agricultural use and among other things is currently used for the keeping and breeding of pigs as well as other animals. The Framework sets out that decisions should ensure that a site is suitable for its proposed use taking account of any risks arising from contamination. The relevant PPG that deals with land affected by contamination indicates that contamination is more likely to arise in former industrial areas but may also be present in other locations including the countryside (e.g. by inappropriate spreading of materials, or contamination being moved from its original source).
73. The appellant has made reference to some of the Council's documents in relation to contaminated land, including Contaminated Land – Breckland Council (CLBC)

and Development on Land Affected by Contamination – July 2023 (DLAC) which has been adopted by the Council.

74. This information pulls in different directions. For example, in the CLBC it sets out that where the proposed use would be particularly vulnerable to contamination, such as housing the Council will require a desk study and walk over report to be submitted at the time of the initial application as a minimum. Whereas the DLAC sets out that where there is the potential for contamination, the relevant planning officer will consult with the relevant contaminated land officer who will assess the application and may recommend that further information be submitted or that conditions be imposed and that the planning officer will consult with the applicant/agent regarding any possible pre-commencement conditions.
75. On that basis, while I can understand the Council's approach, particularly as the appellant has already moved onto the appeal site, if in all other respects the development had been acceptable taking a proportionate approach, I would have imposed an appropriately worded condition to ensure that there was no unacceptable contamination risk.
76. I therefore conclude that appropriately worded conditions could be imposed to ensure that the appeal site is suitable for the development taking account of ground conditions, pollution and risks arising from contamination. Consequently, the development is not at odds with Policy COM 03 which among other things seeks to ensure that development will not have an unacceptable impact on the living conditions of occupants due to contaminated land.

Other Matters

77. I turn first to consider housing supply. The Council accept that they are unable to demonstrate a 5-year supply of housing land. The proposal would provide one temporary dwelling which significantly tempers the weight I afford to this matter.
78. I accept that the proposal would have a cumulative effect in the supply of housing. The overall development has economic and social benefits as I am satisfied that the appellant has created an agricultural business which would supply some food into the food chain. Overall, I afford the provision of one temporary dwelling limited weight and afford the totality of all the benefits associated with the development modest weight.
79. I observed other rural workers accommodation near the appeal site on my site visit. However, I do not have any significant details about the circumstances of these, for example I am unaware whether they are temporary dwellings, or permanent dwellings for rural workers. There were a number of chalet type buildings set back some distance from the road and well screened. They appeared to be associated with a large agricultural enterprise. As a result, the circumstances of these other examples are materially different to the development before me. Moreover, I have determined this case on its particular merits and the existence of other rural workers accommodation does not justify harmful development at the appeal site.
80. The proposed development could have a significant effect, either alone or in combination, on the River Wensum Special Area of Conservation and the Broads Special Area of Conservation due to nutrient pollution or on the habitat sites in Norfolk due to adverse recreational impacts. These European sites are afforded

protection under the Conservation of Habitats and Species Regulations 2017 as amended (The Habitat Regulations).

81. I note that in relation to recreational impacts the appellant has submitted an executed unilateral undertaking to provide a contribution to mitigate the impact as set out in the Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan. In relation to nutrient pollution during the appeal process the appellant submitted a Nutrient Neutrality Assessment which set out that appropriate mitigation would be provided by a septic tank. This was accepted by the Place Services who the Council consulted on ecological matters. However, as outlined above the septic tank is not part of the development before me and it is subject to an entirely separate planning process.
82. Regulation 63 of the Habitat Regulations requires the competent authority to carry out an Appropriate Assessment (AA). However, an AA is only required where the competent authority is minded to grant consent for the proposal. Given my conclusion below, it follows that there is no need to further consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.
83. I note that the appellant has indicated that it is open to me to allow either the temporary dwelling or the agricultural unit. As outlined above I do not have any in principle concerns about the agricultural unit. However, I am not satisfied that it would be possible to sever the two elements without creating the issues that I do have concerns about. For example, both elements use the same access point and would have the same unacceptable impacts on the frontage hedgerow. Similarly, my concerns about flood risk would remain. As a result, I do not consider it would be appropriate to use my discretion in this case and issue a split decision.
84. The appellant has drawn my attention to a recent judgment¹ involving flood risk. However, that judgment involved a case that is materially different from the case before me. For example, in that case, the proposal would deliver betterment by reducing off site flood risk and the proposal was for 644 dwellings. The Court's main concern was that the Inspector in that case did not undertake an adequate planning balance or explain why the lack of a sequential test and the associated policy conflict outweighed the benefits of the proposal. I have not taken the same approach and as will become apparent the flooding issue has formed part of my overall planning balance.

Planning Balance

85. I have afforded some matters weight as outlined above and overall, I afford the totality of the benefits modest weight in the determination of the appeal. On the other hand, I have afforded significant weight to each of the following factors, that the appeal site is not an appropriate location for the temporary dwelling as there is not an essential need for a rural worker to live at or near their place of work, that the proposal would unacceptably harm the character and appearance of the area and that adequate information has not been provided to demonstrate that the proposed development would not be at an unacceptable risk of flooding. Overall, I afford substantial weight to those matters that weigh against the proposal.

¹ Gladman v Secretary of State for Homes, Communities and Local Government (1) Lancaster City Council(2) [2026] EWHC 51

86. As set out above, the Council cannot demonstrate a 5-year supply of housing land. This is at odds with Framework requirements and as a result Paragraph 11(d) of the Framework is relevant.
87. However, given the relative benefits weighed against the harm and having had particular regard to relevant key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
88. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework and as set out in Policy GEN 01 of the BLP is disengaged and the scheme should be considered under a normal planning balance.
89. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.²
90. In this case, the proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

Overall Conclusion

91. I appreciate that the appellant is currently living at the appeal site along with family members and running his agricultural business. I am sympathetic to the family's situation but have also taken account of the fact that the appeal relates to a temporary dwelling and in my view, there is no reason why an agricultural use cannot continue at the appeal site. As a result, I attach moderate weight to the family's situation.
92. Dismissing the appeal would interfere with the appellant's and their family's rights to peaceful enjoyment of their possessions, and to a private and family life and home under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998. However, these are qualified rights; interference with them in this instance would accord with the law and be in pursuance of well-established and legitimate aims namely the protection of the countryside and flood risk. Even taken account of the weight I afford to this matter the harm caused by the development still significantly and demonstrably outweigh the benefits. The protection of the public interest cannot be achieved by means that are less interfering with their rights.
93. As a result, I consider it is proportionate and necessary to dismiss the appeal.

S Rawle

INSPECTOR

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

APPEARANCES

For the Appellant:

Peter Cruikshank	Counsel for the appellant
Phil Sheldon	Appellant
Judith Sheldon	Appellant

For the Council

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Rebecca Collins BA (Hons) PG Dip MRTPI	Breckland Council
Gary Collins	Breckland Council
Jon Hanner	Norfolk County Council

DOCUMENTS

1. Access and Splay Assessment
2. Letter from Wensum Valley Veterinary Surgeons
3. Letter from Place Services dated 5 May 2026 in relation to Nutrient Neutrality
4. Letter from Lead Local Flood Authority dated 14 April 2026
5. Executed Planning Obligation
6. Ambleside Farm – Livestock List as at June 2026
7. Rebuttal to appellant's cost application prepared by the Council
8. Rebuttal to Council's cost application prepared by appellant