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## Appeal Decision

Hearing held on 11 February, 8- 9 April 2025

Site visit made on 9 April 2025

**by Louise Nurser BA (Hons) MA Dip UP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> June 2025

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**Appeal Ref: APP/F2605/W/24/3351737**

**Coughtrey Industrial Estates (Units 1 - 17), Church Road, Griston, Norfolk, IP25 6QB**

- 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 Eastern Attachments Ltd against the decision of Breckland Council.
  - The application Ref is 3PL/2022/0368/F.
  - The development proposed is the demolition of Units 1-6 (whole block Western boundary) and Units 7-13 (part of North Block), extensions to units 14 and 15 (large extension to North block), extension to unit 16 (small extension to South Block), external fascia changes, refurbishment to Unit 17. Change of use of whole site to mixed B2 and Class E (offices). The reconfiguration of parking and creation of a new loading and unloading area.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. During the hearing an application for partial costs was made by Eastern Attachments Ltd against Breckland Council. This application is the subject of a separate decision.

### Preliminary Matters

3. The appeal proposal has been subject to three Screening Directions. The most recent dated 31 January 2025 confirms that the proposal is not Environmental Impact Assessment development.
4. I am aware that Eastern Attachments Ltd is currently operating from the site. However, for the avoidance of doubt, I have determined the appeal based on the application before me.
5. The Breckland Local Plan was adopted in 2023. The policies to which I have been referred remain consistent with the 2024 version of the Framework, and as such I have afforded full weight to them as part of my decision making. Both main parties are agreed that I should not attribute any weight to the emerging plan, a position with which I concur.

## **Procedural Matters**

6. The hearing opened on 11 February 2025. However, it was immediately adjourned as the venue was not appropriate due to the number of those who wished to attend. The hearing resumed on 8 April 2025 and sat for two days.
7. The Council refused the application for three reasons. The first has fallen away as sufficient information has been provided to demonstrate that the proposal is not EIA development. The Council no longer considers that it is able to sustain its refusal of the proposal on the basis of amenity considerations, and whilst it retains its position that the proposal remains contrary to policy EC04 of the Breckland Local Plan (2023), it now concludes that the development accords with the development plan as a whole, and that taking into account other material considerations which weigh in favour of the development that the proposals are considered to be acceptable. Nonetheless, notwithstanding the Council's position, it falls to me to determine the appeal.
8. Following the close of the hearing I was provided with additional information (ID:7) which in the interests of fairness has been circulated to both main parties and their views sought. My acceptance of this has not resulted in any procedural unfairness.

## **Background Main Issues**

9. The appeal site encompasses what is known as the Coughtrey Industrial Estate. The substantial site has an extensive planning history. However, it is not formally allocated as an employment site within the Breckland Local Plan (LP) adopted in 2023. It lies within the village of Griston. As it stands it is made up of a gatehouse, and buildings located on the northern, western, and southern boundaries of the site, with an area of open hardstanding and parking in the centre. From what I have seen and read it appears that the site had developed incrementally with a number of businesses of different sizes encompassing a range of employment types operating from the site.
10. There is housing immediately to its north and south, and Wayland's Prison lies to the west. The estate is accessed by Church Road, with housing opposite the gated entrance. As such, albeit the site is extensive at around 1.3 ha, I consider it to fall within a residential area. The appellant has applied for a change of use of the whole of the site to B2 and Class (E) offices and to operate as a single development. Detailed reference is made within the description to demolition, refurbishment and extensions of the existing buildings on site. This would result in significant investment and the consolidation of the use on the site.
11. From what I have read, heard and seen, the main issues in this case are:
  - Whether the appeal site represents an appropriate location for general industrial and office development, with regards to the Council's adopted development strategy; and
  - the effect of the proposed development on the living conditions of nearby residents as a result of noise, smell and air quality; and
  - whether any development plan conflict and harm arising is outweighed by other material considerations.

## Reasons

### *Appropriate location*

12. Policy GEN 01, Sustainable Development in Breckland, of the Breckland Local Plan (LP) adopted in 2023, sets out the overall context for the development strategy of the Plan. It relates how the strategy is to be implemented through development plan policies and reiterates the approach to decision making set out in the Framework, taking a permissive approach in the absence of a relevant LP policy.
13. The appeal site lies in a residential area within a small village. The proposed development would result in a net increase of the existing floorspace by around 1,250 square metres and result in substantial investment within the appeal site and bring the operation of the site within the control of one user.
14. The appeal proposal is not on a site which benefits from Policy EC01 of the LP, which distributes new employment allocations over five settlements consistent with the Plan's spatial strategy to reflect sustainability principles and the needs of local communities. Part of the rationale of this policy is to build on and take advantage of infrastructure improvements. This remains consistent with the objectives of the Framework that sufficient land of the right type is available at the right time, and in the right places to support growth, and the co-ordination of the provision of infrastructure.
15. The appeal site which is located close to housing, including relatively recently permitted and constructed housing to the north (3PL/2019/0405/F) is an employment site which has been developed incrementally. It has not been identified as a General Employment Area under Policy EC03 and therefore does not fall to be determined by its provisions. These General Employment Areas include extant employment allocations together with established employment sites which are to be protected for a wide range of employment uses and where further employment uses are appropriate subject to a number of criteria relating to amenity issues.
16. As such the proposal for the change of use to a general industrial operation and office development, which includes new build of around 3,000 square metres (around 1,250 square metres net gain) falls to be considered against policy EC04 of the LP.
17. This policy is both permissive, in that it allows development to take place on sites outside the allocated employment sites subject to criteria and the replacement of rural buildings, and restrictive in that it protects existing employment areas. The relevant element of the policy relating to the appeal proposal is the criteria based permissive element.
18. As previously noted, I am determining the appeal on the basis of the scheme before me. The appellant operates on the site. However, this operation in its entirety does not benefit from planning permission. As such criterion b1) is not relevant.
19. Similarly, with reference to criteria b2) notwithstanding that a sizeable proportion of its market lies in East Anglia, and that its employees live within commuting distance, there is no specific locational advantage to be gained from this particular

site, particularly given the company's national reach to which I have been referred. Criterion 3b) is not applicable as the site falls within a settlement, near residential development. Moreover, I have not been presented with any other compelling reasons to suggest that the proposal could not be located on sites within settlements covered by policies EC01 and EC03. In the absence of any technical highway evidence to the contrary criterion c) is satisfied.

20. This leaves criterion a) that there are no other suitable sites available on identified or allocated employment sites. The appellant's case has been that there are no other suitable sites within Norfolk. This position is reiterated within document ID: 9 asserting that there are no existing buildings within Norfolk which could provide the requisite floor area, electrical capacity and a B2 use without major change of use or planning delay. However, given that the proposed development at the appeal site requires planning permission for both change of use and an extension in floor area, there is no comparative advantage to be given to this site. Therefore, on this basis I give this limited weight in my decision making.
21. The nub of the issue is that due to the energy load requirement of the industrial use, access to a consistent supply of high voltage electricity, which could not be provided reliably through an on-site generator, is vital for the operation of the precision engineering undertaken by Eastern Attachments Ltd.
22. I have been referred to a number of sites which have been discounted and am aware that a sale of land at Attleborough fell through, together with the historic discussions between the appellant and the operators of Snetterton Business Park. Indeed, at the time of the application in March 2022, a lack of capacity at Snetterton which is a location identified in EC01, was a significant constraint. Nonetheless, my understanding is that, following investment to address market failure, the Council led construction of a new primary substation (PSS).
23. According to the Council (ID:8), there is capacity to deliver up to 36 MVA on the site, subject to further upgrades to the PSS at Snetterton. This has not been contradicted by the appellant, At the time of writing my decision no evidence has been provided to me setting out the length of time any upgrade to the PSS would take. Consequently, in the absence of compelling evidence to suggest that any delay would be such as to result in the site not being available and infrastructure barriers rendering it undeliverable, it has not been demonstrated that there are no other suitable sites identified or allocated for employment uses which can provide for a steady supply of high voltage power. As such, the appeal is contrary to Policy EC04 of the LP and the wider employment strategy of the LP which remains consistent with the overarching economic objectives, and Chapters 6 and 11 of the Framework in relation to both making effective use of land and building a strong competitive economy.

### *Living Conditions*

24. The application has been accompanied by a number of technical documents which demonstrate, subject to the application of appropriate conditions, including strict operating hours, that there would be no adverse impact on the living conditions of those living nearby in relation to noise, smell and air quality. As such the proposed development would be consistent with Policies COM02 and COM03 of the LP.

### *Other Considerations*

25. Eastern Attachments Ltd is an established company which operates nationally and internationally, including as part of the supply chain to companies such as JCB. It employs a significant number of skilled employees and wishes to expand and could provide further employment opportunities locally. However, I am also aware that the site previously operated with a mix of employers which in turn would have provided a range of jobs. Therefore, I attribute the economic benefits of the proposed development moderate weight in favour of the development.
26. I have been referred to the possibility of the appellant being required to move the business outside of the district. However, given my conclusion above, in relation to alternative suitable sites, I am not convinced this is a likely eventuality.
27. The proposal would enable Eastern Attachments Ltd to operate from modern facilities using the latest technologies to increase the efficiency and quality of its manufacturing process as part of a wider supply chain, to which I accord significant weight.
28. I have been referred to the existing permitted uses within the site and that the appellant could operate, albeit not as set out in the proposed planning application, from the site without requiring further planning permissions. However, from the detailed discussion which took place at the hearing together with the additional evidence which, at my request, had been provided prior to the hearing sessions including copies of decision notices and plans identifying the relevant buildings, it appears that only a limited part of the site benefits from a general industrial use.
29. This includes the range of eight small units in two blocks on the western side of the site 3pl/1987/0910/F, units 1 and 2 as set out in the appellant's Statement of Case, and the unit 5 to the south of the site, 3PL/2001/143/F which is restricted in its hour of operation. The rest of the buildings on the site either have light industrial, storage or office uses. Moreover, the appellant has applied for a net increase in floorspace of around 1,250 square metres.
30. As such, I conclude that the fallback position set out by the appellant would not readily provide for the efficiency and operational advantages delivered by the proposed reconfiguration and expansion of the site to meet the appellant's requirements. Nor would the fallback position provide for the quantum of proposed general industrial and office uses for which the appellant has applied. Therefore, I give limited weight to this.
31. I note that the appeal site had operated as a mix of employment uses under a number of different operators and, were all the units to be utilised at full capacity, this intensification may result in adverse impacts on the highway and adverse impacts on the living conditions of those living nearby. Consequently, the overall management of the site, and rationalisation of planning conditions within the control of one operator would be a benefit to which I would accord moderate weight in favour of the development.
32. In addition, I have been referred by the Council to sections 9 and 12 of the Framework. However, whilst I accept that the proposal is consistent with these elements of the Framework this does not weigh in favour of the development.

## **Other Matters**

33. I have been referred to a planning permission at a site in North Pickenham (3PL/2023/1218/F). However, I do not consider it impacts on the way in which I have determined the appeal in relation to Policy EC04 of the LP.

## **Planning Balance**

34. The proposed development would provide continuity for a significant local employer and its retention within the district. However, for the reasons set out above I cumulatively accord this economic benefit moderate weight in favour of the development.
35. I have attributed significant weight in favour of the development to the introduction of leading-edge technology and operating practices within the steel pressing industry, and the business' role in the wider manufacturing sector. In addition, there would be some advantage in rationalising the control of the site within one operator, to which I accord moderate weight.
36. However, I have given limited weight to the fallback position relating to the planning status of the existing units and give no weight to the proposal's consistency with sections 9, 11 and 15 of the Framework.
37. A part of the overall strategy of the LP, which includes a number of policies referenced by the Council, and remains consistent with the Framework, is to provide for allocated employment sites, located on the basis of sustainability and infrastructure requirements, together with established employment sites which have been identified through the plan making process as being appropriate for the consolidation of employment uses. Employment uses are also appropriate elsewhere subject to specific criteria. For the reasons set out above the proposed development, which neither lies within an allocated nor an identified employment site, does not meet the provisions of Policy EC04 of the LP, and as such is contrary to the policy.
38. Given the statutory requirement to determine the appeal in accordance with the development plan as a whole I consider that the benefits of the scheme do not outweigh the harm in allowing this development which would be contrary to the requirement of the Framework to deliver land of the right type and in the right place and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure. Therefore, for the reasons set out above, I conclude on balance, that the appeal should not succeed.

## **Conclusion**

39. For the reasons given above the appeal should be dismissed.

*Louise Nurser*

INSPECTOR



## **APPEARANCES**

### **FOR THE APPELLANT:**

Charles Merrit – FTB Chambers – Legal Support

Jason Parker – Director, Meadows Services Ltd, (formerly of Parker Planning Services) -

Phil Leslie – representative from the appellant

Edward Tyrer – Planner and Business Advisor

Ian Rees - Adrian James Acoustics – Associate (Noise)

Jonathan Cage – Create Consulting Engineer – Air quality/Odour and dust

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mike Horn – Solicitor to the council

Rebecca Collins – Head of Development Management (Breckland Council)

Chris Fitzgerald – Technical support officer (Breckland Council)

### **INTERESTED PARTIES:**

John Heath (lead for Griston Community Action Group)

Cllr Lee Steventon (Vice chair for Griston PC)

Kate Steventon – local resident

Trevor Scott – local resident

Simon Spanyol – Caston Parish Council

Cllr Claire Bowes – County Councillor Watton and Griston division

Cllr Shane Barber Griston Parish Council

## DOCUMENTS

ID-1: List of agreed conditions

ID-2: Proposed condition relating to the position of extraction stacks.

ID-3: Document relating to the emerging plan

ID-4: Statement provided by Mr Heath on behalf of Griston Community Group.

ID-5: Ventilation flue drawing Proposed Elevations North Block (25/A/20018/E)

## DOCS AFTER CLOSE OF HEARING

ID6: Revised agreed noise mitigation condition 30 April 2025

ID-7: Email from Mr Spanyol dated 22 May 2025

ID-8: Email from Council dated 12 June 2025

ID-9: Email from appellant dated 12 June 2025

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