



Appeal Decision

Site visit made on 30 November 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 DECEMBER 2021

Appeal Ref: APP/F2605/W/21/3274980

**Land East of Gooseberry Hill, Swanton Morley, Dereham NR20 4NZ,
Easting (x) 601809, Northing (y) 316723**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Kevin and Susan Daynes against the decision of Breckland Council.
 - The application Ref 3PL/2020/1245/F, dated 5 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed is erection of single-storey detached dwelling together with associated detached single-storey garage/workshop, solar panels and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the period since the appeal was submitted the Government has published the revised National Planning Policy Framework (the Framework) July 2021 which is being brought into immediate effect for the purposes of decision-making. The appellant has been provided with an opportunity to comment on this matter. I have had regard to the revised national policy as a material consideration in my decision-making.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy.

Reasons

4. The appeal site primarily relates to a grassed field. Trees substantively screen the site from a neighbouring public open space and the public realm on Greengate. Access to the site is taken via a shared access track off Greengate, the initial part of which sits within the settlement boundary for Swanton Morley as defined in the Breckland Local Plan (2019) (LP). However, the substantive part of the site, including the remainder of the access and the field where the buildings, solar panels and associated curtilage would be located, sit outside the settlement boundary and further east than the predominant pattern of development to this part of the village.
5. Policy GEN 03 of the Breckland Local Plan (2019) (LP) sets out a settlement hierarchy and lists Swanton Morley amongst its 'Local Service Centres'. HOU 02

- (Level and Location of Growth) of the LP sets out minimum targets for housing growth in the district and for Swanton Morley confirms a figure of 184 houses.
6. Policy HOU 03 of the LP confirms that development outside of the boundaries of Local Service Centres will normally be resisted where the Local Plan housing target is provided for unless supported by other policies within the Local Plan.
 7. Even though the housing target of 184 houses in the LP is a minimum, without any other adopted figure, it is pertinent to my assessment of whether or not the housing target is provided for. Otherwise, the target would be an unspecified number which could theoretically never be provided. The Council's statement of case sets out that its Five-Year Housing Land Supply Statement confirms that Swanton Morley has a supply of 392 dwellings when housing completions, commitments and allocations are taken into account. There is no substantive counter-evidence before me to dispute this. This figure indicates that housing supply in Swanton Morley significantly exceeds the minimum target. This persuades me that the housing requirements for Swanton Morley are already provided for and development outside the boundary should be resisted.
 8. Given that there are sufficient sites to achieve the housing target in Swanton Morley, the proposal does not fall to be assessed against the four criteria under the second part of Policy HOU 03. Even if it did, the second of these criteria seeks to resist the number of dwellings significantly exceeding the identified housing target which the evidence suggests would already be the case. Therefore, the proposal would not be able to meet this part of the policy.
 9. Opportunities for self-build dwellings are only supported by Policy HOU 03 where other criteria under the policy have been met. I have however considered the provision of a self-build dwelling as a separate matter under other considerations.
 10. I acknowledge that the limited level of services and facilities available within Swanton Morley would be easily accessible from the appeal site. Even so, this does not on its own make the site a suitable location having regard to the strategic objectives of the LP and the plan-led approach endorsed by the Framework.
 11. The appellant contends that the proposal would not conflict with Policy 1 (Protecting the Identity of Swanton Morley) of the 'Swanton Morley Neighbourhood Plan 2016 – 2036' (NP) insofar as the objective in the NP to prevent coalescence with Dereham. Even so, this policy specifically confirms that development outside the defined settlement boundary will not be supported. I acknowledge that Policy 1 is more restrictive than the Framework's guidance in respect of development in the countryside insofar as it limits development to a specific list of exceptions. However, even if I attach more limited weight to this policy, this does not override the conflict with the strategic objectives of the LP.
 12. I conclude the site is not a suitable location for the development. It would undermine and conflict with the strategic and sustainable objectives of Policies HOU 02 and HOU 03 of the LP and the Framework. Consequently, development outside the defined boundary should be resisted in accordance with Policy HOU 03 unless other policies in the LP specifically support it. I have

considered whether there are other policies supporting the development amongst the 'other considerations' below.

Other Considerations

13. Paragraph 134 of the Framework states amongst other things that great weight should be given to outstanding or innovative designs which promote high levels of sustainability. The dwelling would be of a relatively simple barn style. It would be constructed in 'low-carbon' materials and would incorporate high levels of insulation. The design seeks to maximise solar gain through the expanse of south facing glazing. A solar panel array and a hydrogen energy storage unit would be provided. The incorporation of such environmentally sustainable technologies and building techniques would be commendable. However, the features proposed are relatively well-known techniques for achieving sustainable construction. Overall, I do not find the proposal would be of an outstanding or innovative design.
14. My attention has also been drawn to Policy ENV10 (Renewable Energy Development) of the LP. However, this policy is not a policy which supports housing outside development boundaries provided that there is a subservient renewable element. In any case, whilst the proposal has the potential to address some or all of the energy needs of future occupiers of the proposal, there is no evidence before me to suggest there would be any wider benefits in terms of the amount and useability of energy generated say for the wider grid. Therefore, any benefits associated with the renewable energy element of the scheme are likely to be limited.
15. Policy ENV 02 (Biodiversity protection and enhancement) of the LP states amongst other things that all development should demonstrate how net gains for biodiversity are being secured as part of the development. Again, this is not a policy within the LP which specifically supports housing. The appellant's planning statement confirms amongst other things that there would be careful management across the site to increase biodiversity and encourage native flora and fauna. The ecology report provided also gives advice on increasing nesting and foraging habitat for local wildlife. However, the precise details of biodiversity enhancements to be provided and any associated biodiversity net gains are not before me. Overall, I consider it unlikely that biodiversity benefits that could be secured as part of the development would be of a significant magnitude in this instance.
16. The Framework recognises the need to provide housing for different groups including for people wishing to commission or build their own homes. The appellant has provided evidence to suggest that as of 2021 there are 383 individuals on the self-build register. In the absence of evidence that the Council has granted sufficient planning permissions to meet the demand for self-build plots, the provision of one self-build dwelling has the potential to make a modest but important contribution towards the housing mix and the need for such plots in the district. This has the potential to attract very positive weight in favour of the development.
17. However, there is no evidence before me to suggest that the appellants are on the self-build register. Therefore, I cannot be certain that the proposal would meet demand on the register. Furthermore, a planning obligation to secure a self-build dwelling has not been provided. This would be the appropriate mechanism to ensure the development of the dwelling would meet the legal

definition in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). These factors greatly diminish the positive weight which I afford to the potential provision of a self-build house.

18. The development of a single dwelling has the potential to bring some limited economic and social benefits to the local area through its construction, through the use of local services and facilities by future occupants and in terms of allowing family members to reside close to each other.

Conclusion

19. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations in a particular case indicate that the plan should not be followed.
20. I have concluded that development of a site which substantively sits outside the defined boundary of Swanton Morley would not be an appropriate location for development having regard to the strategic approach in the LP for distributing housing growth. In the context of the Council's positive housing land supply position, this is a matter which amounts to very significant harm and I have found that there are no other policies within the LP which specifically support the proposal.
21. I have found that the provision of a single self-build dwelling has the potential to attract very positive weight in favour of the development. However, this weight is somewhat diminished given it is unclear whether it would address any specific need on the self-build register for such plots and in any case could not be sufficiently secured in the absence of a planning obligation. Even if the proposal could be secured as a self-build unit and taking into account the other considerations including the sustainable aspirations of the design, these matters would not outweigh the very significant harm identified.
22. The development would conflict with the development plan as a whole and would not amount to sustainable development. There are no other considerations, including the policies in the Framework that would outweigh this conflict.
23. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR