



Appeal Decision

Site visit made on 30 April 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/Y2620/W/23/3328267

School Farm, Fakenham Road, Great Snoring, Norfolk NR21 0HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tim Schofield, Raven Development Company Ltd against the decision of North Norfolk District Council.
 - The application Ref is PO/23/1216.
 - The development proposed is one detached two storey private dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is outline with all matters reserved. I have taken any indication of any reserved matters shown on the submitted drawings to be illustrative.
3. The Government published a revised National Planning Policy Framework (Framework) in December 2023. I have sought comments from the main parties on the revised Framework and have taken them into account in considering the appeal.
4. A Unilateral Undertaking (UU) has been submitted with the appeal which seeks to secure the delivery of self-build and custom housebuilding (SBCH) at the appeal site. I will return to this matter later in this decision.

Main Issue

5. The main issue is whether the site is a suitable location for development having regard to the Council's spatial strategy, the vitality of the rural community and the accessibility of services and facilities.

Reasons

6. Policy SS1 of the North Norfolk Local Development Framework Core Strategy September 2008 (CS) sets out the spatial strategy for the area and directs housing developments to towns and certain larger villages. Great Snoring is not a settlement identified for growth by Policy SS1 and is therefore designated as countryside for the purposes of the spatial strategy.
7. Policy SS1 restricts development in the countryside to only particular types of development which would support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS2 of the CS goes on to state that development within countryside locations will be limited to that which

- requires a rural location and where it complies with one or more of a list of exceptions. SBCH housing is not identified as an exception under Policy SS2.
8. The proposal would therefore be contrary to Policies SS1 and SS2 of the CS and would not comply with the requirements of the spatial strategy for the district.
 9. The appeal site is part of an agricultural field which is bound to the east and west by existing dwellings, with frontage onto Fakenham Road. Whilst the wider field appeared to have been worked at the time of my visit, the appeal site was laid to grass. I have not been made aware of nor did I witness any services and facilities within Great Snoring that would meet the day to day needs of future occupants.
 10. The settlement of Little Snoring is located approximately 1.5 miles to the south, which provides a limited number of services and facilities including a primary school, pre-school, village store and post office. Removed from Great Snoring to the north is Little Walsingham, a settlement which also provides a limited number of services and facilities.
 11. However, the routes to both nearby settlements where some day to day needs could be met are along narrow rural lanes, subject to the national speed limit. There are no dedicated footways or street lighting. Whilst I note there are verges in some locations where people could take refuge, there are also areas where it would not be possible for people to stand clear of the road. The nature of the routes and the distance entailed mean that it is unlikely that walking and cycling would be an attractive option to most, particularly those with young children or those with mobility issues.
 12. I have not been made aware of any public transport options that would be available to any future occupants. As a result, residents would be unduly reliant on the private car for even basic services and facilities, even if some journeys would be relatively short.
 13. To promote sustainable development in rural areas the Framework promotes that housing should be located where it will enhance or maintain the vitality of rural communities, this includes where there are groups of smaller settlements, development in one village may support services in a village nearby. However, as stated above, there are no identified services and facilities within Great Snoring that future occupants would support and given the scale of the proposal, any maintenance or enhancement of the vitality of nearby settlements would be very limited.
 14. The appellant has referred me to an appeal decision at North Walsham. I accept that the appeal site before me would not be isolated in terms of the Framework test, given its proximity to other dwellings. However, from reading the appeal decision for North Walsham, that site was considered by the Inspector to be in suitable proximity of a principal settlement, identified for significant levels of growth. That relationship with a larger settlement is not apparent in the case before me and therefore the two are not directly comparable.
 15. I therefore find that the appeal site would not be a suitable location for the proposed development, having regard to the Council's spatial strategy, the vitality of the rural community and with regard to the accessibility of services

and facilities. The proposal would be contrary to Policies SS1 and SS2 which are set out above and Policy CT5 of the CS, which seeks, amongst other things, that developments reduce the need to travel and maximise the use of sustainable forms of transport.

16. The appellant asserts that the Council has incorrectly referenced Policy SS4 in its reason for refusal. However, this policy states that development, as well as being designed to reduce carbon emissions, it should also be located in a way which would achieve this aim. Given my findings above, I find that the proposal would be contrary to Policy SS4 of the CS.
17. Given the overarching aims of CS Policies SS1, SS2, SS4 and CT5 as set out above, I find that they are in general consistency with the Framework.

Other considerations

18. Under the Self-build and Custom Housebuilding Act 2015 (as amended) relevant authorities are required to keep a register of individuals seeking SBCH plots. Relevant authorities are also required to grant sufficient permissions to meet the demand for SBCH in their area.
19. Paragraph 63 of the Framework highlights the need for housing for different groups in the community including those people who wish to commission or build their own homes. I acknowledge the case at Droitwich Spa that I have been directed to by the appellant which sets out the importance of the delivery of SBCH and I acknowledge that it is a particular type of development, that needs to be considered.
20. The appellant asserts that the proposal would be a SBCH dwelling and that if the appeal was allowed, it would be advertised for sale as such. I am not aware of any restrictions that preclude the appellant from taking this route to provide a SBCH plot, which could be taken up by someone on the Council's register, should permission be granted. I am also not aware of any requirement for the appellant to be on the Council's register in order for the provision of a SBCH plot to be identified as a benefit.
21. Whilst in other appeal decisions put to me, it appears as though there was not any significant information provided in relation to the Council's performance in meeting SBCH plot provision requirements, the appellant in this case has submitted headline figures from the Right to Build Registers from 2016-2022. This states that there were 13 individuals on the register in the 7th base period.
22. The data set provided identifies that only 1 SBCH plot has been granted planning permission. However, whilst not identified on the register, the Council has confirmed that 30 SBCH plots have been secured by a s106 agreement on a development in Fakenham which would exceed the current demand. No further information is provided by the Council in this regard. It is not clear why these figures have not been identified or if there have been other omissions from the data that would impact on the figures.
23. The appellant asserts that the nature of the Fakenham permission, being a large scale development, which would be phased, with no identified developer, means that whilst it might meet needs in the longer term, it is not meeting the current demand. Whilst I acknowledge this point, the Council are required to grant sufficient permissions, rather than ensure delivery by a certain date.

24. The Council has confirmed that policies in the draft plan will deal with the provision of SBCH plots moving forward. However, the draft plan, whilst it has been submitted for examination, it is yet to be adopted and therefore I attach limited weight to this consideration.
25. The Council suggest that there are instances where permission for small scale windfall plots have the potential to be classified as SBCH, even if the applicant is not on the Council's register or there is no legal mechanism in place. However, I have not been provided with any figures or information on this potential source of SBCH plots, if any have been permitted and which base period they would count against.
26. I have been referred to appeal decisions at Hempstead and Tunstead where it was noted that the proposals were not supported by any mechanism for securing SBCH provision, which meant that limited weight could be attached to the matter as a benefit. In the case before me a UU has been submitted. However, it has not been signed or dated and therefore could not take effect should the appeal be allowed.
27. I therefore find that the information before me on SBCH figures does not provide clarity on the current situation. Without further details, such as raw data and more detailed analysis, it is not clear if the demand on the register is being met. It is not obvious when the 30 SBCH were granted and which base period these should be counted against. However, given the UU provided is not complete, the weight I can attribute to the provision of a SBCH plot is limited.
28. The appellant states that the parcel of land that makes up the appeal site is difficult to utilise for farming purposes, given the size and scale of modern farming equipment. Nevertheless, this matter would not outweigh the conflict I have found above.
29. The appellant asserts that a vehicular access into the site would not be harmful to highway safety and that there would be sufficient space to park and turn within the site. They also state that the site would not be at risk of flooding and that a suitable scheme could be designed in terms of the character and appearance of the area. It is also put to me that there are no objections to the proposal from the Parish Council or Local Highway Authority. Nonetheless, these are neutral considerations that weigh neither for nor against the proposal.
30. The Council has provided a plan showing the Great Snoring Conservation Area (CA) boundary which identifies the appeal site within it. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
31. The significance of the CA relates to its rural setting, the presence of trees and hedgerows, traditional buildings, the use of local materials and the linear arrangement of buildings along the narrow rural roads. The proposal is outline with all matters reserved, but I am satisfied, given the size of the appeal site, and the relationship with the road frontage and neighbouring development, that a proposal could be designed that would respect the character and appearance of the CA. I therefore consider that the proposal would preserve or enhance the character and appearance of the CA and that it would not be harmful to its significance.

Planning Balance

32. I am referred to appeal decisions at Takeley and Briston where the presumption in favour of sustainable development, set out in the Framework, was applied. Whilst there may be some similarities to the case before me, it appears from reading the decisions that other issues are at play relating to character and appearance and the status of the relevant policies in the development plan. In any case, each appeal must be determined on its individual merits.
33. In the context of the development plan, I have found that the proposal would be in conflict with Policies SS1, SS2, SS4 and CT5 of the CS. In this respect, I have found these policies to be generally consistent with the relevant aims of the Framework, in the main issues above. I therefore find that the proposal would not accord with the development plan when considered as a whole.
34. In this case the Council accepts that it cannot demonstrate a sufficient housing land supply at the present time. Therefore paragraph 11 d) ii) of the Framework is engaged. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
35. The provision of a new dwelling would assist in boosting the supply of homes as supported in paragraph 60 of the Framework. As a small site, it could be developed quickly. There would be some benefit to the local economy during the construction phase of the development, and subsequently from future occupiers in terms of supporting services and facilities in the wider local area. Given the scale of the scheme however, these benefits would be limited.
36. If the proposal was a SBCH plot it would provide an opportunity for people wishing to commission or build their own homes, which is supported by the Framework. However, given the UU is not complete, I attribute only limited weight to this benefit.
37. The Framework sets out, at paragraph 109, that development should be focussed on locations that are sustainable through limiting the need to travel and offering a genuine choice of transport modes. The paragraph goes on to recognise that opportunities for sustainable transport will vary between urban and rural areas. Nonetheless, by being in a location which would mean occupants are largely reliant on their private cars, the proposal would conflict with this paragraph, and this is a matter which carries significant weight.
38. Paragraph 83 states that housing should be located where it will enhance or maintain the vitality of rural communities. Given that the appeal site is removed from the nearest settlement that would provide services and facilities, that public transport or opportunities for other sustainable modes of travel to those other settlements are very limited and the small scale of development proposed, I am not satisfied that it has been demonstrated that the proposal would enhance or maintain the vitality of the rural community. The conflict with this paragraph also carries weight.
39. Consequently, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

40. The Council has confirmed that a payment has been made in order to mitigate the effects of recreational disturbance on European sites. However, as the appeal is to be dismissed, there is no need to undertake an appropriate assessment or to have regard to the Conservation of Habitats and Species Regulations 2017 (as amended).

Conclusion

41. The proposal would be contrary to the development plan and the Framework, taken as a whole, and there are no other considerations that indicate a decision other than in accordance with them. Accordingly, the appeal is dismissed.

G Dring
INSPECTOR