



Appeal Decision

Site visit made on 19 March 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/F2605/W/24/3350022

Land at The Gables, 7 The Green, North Lopham

- 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 Gavin Brock against the decision of Breckland Council.
 - The application Ref is 3PL/2023/1173/O.
 - The development proposed is residential development of up to 3 Custom/Self Build Dwellings (All Matters Reserved Except Access).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline form with approval being sought in relation to the matter of access only. The matters of appearance, layout, scale and landscaping are reserved for later consideration. Therefore, whilst various plans have been submitted suggesting how three dwellings could be accommodated on the site, these have been provided for indicative purposes only.
3. An amended proposed site plan (005 Revision 0) has been submitted with the appeal. In comparison to the proposed site plan on which the planning application was determined, this plan includes two written dimensions of the proposed access and shows an amended layout which incorporates a turning head. These amendments do not represent a fundamental change to the application, in particular as layout is a reserved matter.
4. The amended plan has been submitted primarily to attempt to overcome the concerns of the Highway Authority (HA) and specifically to address what are technical matters arising from reason for refusal three. Given this and the nature of the differences between the two plans, I am satisfied that my acceptance of the amended plan would not cause procedural unfairness to anyone who has an interest in the appeal. It is clear also that interested parties have been able to view the plan during the appeal process and to make comment upon it.

Main Issues

5. The main issues are:
 - (i) the location of the proposed development;
 - (ii) the effect of the proposed development on the character and appearance of the area; and
 - (iii) the effect of the proposed development on highway safety.

Reasons

Location

6. The appeal site falls partly within the settlement boundary and partly outside. The proposed dwellings would be located immediately adjacent to the settlement boundary as they would share a common boundary with it. The appellant does not dispute that the proposal fails to meet criterion 2 of Policy HOU 04 of the Breckland Local Plan 2023 (LP). This allows for appropriate development immediately adjacent to the settlement boundary of North Lopham, providing that it would not lead to the number of dwellings in the settlement increasing by significantly more than 5% from the date of adoption of the plan. I concur that the 12.24% growth that has already taken place in North Lopham in that period is significantly more than the 5% stated in the policy.
7. That the appeal proposal would only increase the 12.24% existing growth that has taken place marginally, that other settlements may have grown more than 20% and that the three proposed dwellings would only make up a tiny proportion of North Lopham's dwelling stock as a whole are not relevant considerations when assessing criterion 2. Whilst it is entirely possible that criteria 1 and 3 of Policy HOU 04 could be met at reserved matters stage, and the proposal would not result in the coalescence of settlements, this does not overcome the failure to accord with criterion 2, with the policy requiring compliance with all of the criteria.
8. In conclusion, the proposal fails to accord with Policy HOU 04 of the LP for the reasons I have set out above. It therefore also fails to accord with the aims of the strategic policies of the development plan which seek to distribute new development sustainably across the plan area, especially Policies GEN 03 and GEN 05.

Character and appearance

9. The age and plot sizes of dwellings in the vicinity of the appeal site varies considerably. Even if all three dwellings were constructed, the density of development would be relatively low and each dwelling could have a spacious plot. In light of this and the variation that exists in the area, there would not be harm to the character and appearance of the area as a result of the density of the proposed development. It would, therefore, not represent an overdevelopment of the site.
10. Whilst interested parties have referred to the visual impact of the proposed development on the character and appearance of the area, where seen most prominently it would be viewed as adjacent to the newer dwellings which includes Drift View. In that context, subject to an appropriate design being secured at reserved matters stage, there would be no harm to the character and appearance of the area or to the intrinsic character and beauty of the countryside.
11. For these reasons, the proposal would accord with Policies ENV 05, COM 01 and GEN 02 of the LP where, taken together, they seek to protect character and appearance.

Highway safety

12. The HA has made formal representations in response to the appeal. They consider that their concern relating to emergency and service vehicle access has been

overcome and do not object to the proposed development subject to a planning condition relating to the resurfacing of the existing vehicular access crossing. The access to the appeal site is already a shared access serving a number of existing dwellings and I have no reason to disagree with the HA that its use to serve a further three dwellings would not result in harm to highway safety.

13. Although there is no footpath on the side of The Green on which the access to the appeal site is located, there is a footpath to the other side of the road. There is no lighting along this road, but this arrangement currently serves the existing dwellings located via the private drive. There is nothing before me to suggest that the provision of three additional dwellings would create a situation that was unsafe to pedestrians.
14. Therefore, there would be no conflict with Policies COM 01 and TR 02 of the LP, where they refer to matters of highway safety.

Other Considerations

15. The proposal would deliver up to three new dwellings, which would make a contribution to the Government's objective of significantly boosting the supply of homes which is set out in the National Planning Policy Framework (the Framework). This is in the context of a significant undersupply of housing land, to which I will return later. There would also be a time limited benefit to the local economy during the construction phase, and thereafter through spending by the future residents of the dwellings. Due to the quantum of the proposed development, these are considerations which offer moderate weight in its favour.
16. The Preliminary Ecological Assessment demonstrates that a benefit could be secured in the form of a net gain in biodiversity on the appeal site. Likewise, arboricultural benefits could be achieved through the provision of trees. These are benefits which collectively carry moderate weight in favour of the appeal proposal.

Self-Build

17. The Self-Build and Custom Housebuilding Act 2015 (The Act) requires local planning authorities to establish and publicise a local register of custom builders who wish to acquire suitable land to build their own home. The Housing and Planning Act of 2016 added a duty to grant planning permission subject to exemptions at S2A. This provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
18. It is stated that the proposal is for three self-build/custom dwellings. The appellant suggests that there is currently a shortfall in self-build/custom provision, with the Council having been unable to provide data beyond the 2021-2022 period. The Council has not sought to evidence that it is meeting its statutory duty under The Act. If it were not meeting this duty as the appellant suggests, the provision of a self-build dwelling is a consideration which would carry significant weight in favour of the proposed development.
19. However, there is no mechanism before me to secure the proposed dwellings as self-build or custom build. The reference to self/custom build in the description of the development would not suffice to secure it as such and whilst the appellant refers to the use of a planning condition, they have not provided any suggested

wording of this. But, in any event, I would have substantial concerns as to how a planning condition would meet the tests set out in paragraph 57 of the Framework, in particular in terms of enforceability. Therefore, I cannot be sure that the dwellings would come forward as self-build/custom build and consequently I afford only limited weight to this consideration.

Paragraph 11d)

20. Following the publication of the revised Framework in December 2024, the Council accepts that it can no longer demonstrate a 5 year supply of deliverable housing sites. They put the current figure at 3.25 years, which is a significant undersupply.
21. The absence of a 5 year housing land supply means that paragraph 11d) of the Framework is triggered. This states at paragraph 11d)ii) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
22. Reference is made by the appellant to the services and facilities available in North Lopham as being a primary school, a church, a public house and playing fields. In response to representations made by interested parties they do not dispute that the pre-school is now closed or that the bus service serving the village operates on a very limited basis, only once a day on Mondays, Wednesdays and Fridays. I have not been made aware that there are any shopping facilities in the settlement nor access to any other viable forms of public transport. It is likely therefore that residents of the proposed dwellings would be reliant to a great extent on private motor vehicles to access day to day services and facilities.
23. Paragraph 83 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
24. The cumulative growth of housing in North Lopham by 12.24% in the current plan period has served to meet with the aims of paragraph 83. This is a notable increase in the size of the settlement to which the proposal would add further. Whilst I note that the relevant strategic policies of the development plan have not been updated in the last five years, I am not persuaded on the basis of the evidence before me that this is such a sustainable location in which a large scale expansion of housing stock numbers is needed to enhance or maintain the vitality of rural communities. Indeed, the thrust of the Framework is to direct new development to locations supported by the necessary infrastructure and facilities, including a genuine choice of transport modes, with significant development being focused on locations which are or can be made sustainable.
25. Whilst the emerging Breckland Local Plan (eLP) could ultimately contain policies within it which may support further housing growth in North Lopham, I am not party to any evidence base which might underpin any such need as part of a wider strategic strategy. But in any event, the eLP has not been submitted for examination and the latest update provided states that it has been paused in order

that new housing requirements brought about by the revised Framework can be assessed. It is therefore far from certain as to what North Lopham's future housing requirements may be and there is no evidence before me to show that the permitting of the appeal proposal is necessary at the present time to ensure compliance with the aims of the relevant parts of the Framework, including paragraph 83.

26. The benefits of the proposed development lie principally in the provision of up to three new dwellings in the context of a significant undersupply of housing land. There would be associated economic and social benefits arising during the construction of the dwellings and thereafter once they are occupied. However, the adverse impacts of the location of the development in terms of its sustainability credentials would significantly and demonstrably outweigh those benefits. The presumption in favour of sustainable development does not therefore apply.

Other Matter

27. My attention has been drawn to a decision made by the Council to permit two new dwellings in North Lopham¹ which the appellant considers shows inconsistency in decision making. From the details that have been provided, that proposal was approved because the planning benefits of the application including the provision of single storey, small dwellings outweighed the non-compliance with Policy HOU04 of the Local Plan, but I have no further information beyond that before me. However, in any instance I am not bound by previous decisions of the Council, and I have made my assessment of this appeal on the merits of the case.

Planning Balance & Conclusion

28. The proposal fails to accord with the strategic policies of the development plan which collectively set out where new development is to be directed to. Although I have not found harm to character and appearance or highway safety, the conflict with those strategic policies means that the proposal would fail to accord with the development plan, taken as a whole.
29. The presumption in favour of sustainable development set out in the Framework does not apply for the reasons I have set out, and there is no mechanism before me to secure the dwellings as self or custom build meaning that that consideration carries limited weight. This and the moderate weight afforded to both the provision of new housing and to the biodiversity and arboricultural benefits do not outweigh the failure to accord with the development plan. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR

¹ 3PL/2022/0606/O