



Appeal Decision

Site visit made on 25 June 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 5 August 2025

Appeal Ref: APP/F2605/W/24/3352273

Springfield, The Street, Great Hockham, Norfolk, IP24 1NH

- 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 G and S Property Development Norfolk against the decision of Breckland Council.
 - The application Ref is 3PL/2024/0383/O.
 - The development proposed is 1 no. self-build dwellings with associated parking and garden/amenity area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development that was included on the application form to take account of the fact that during the application process the number of dwellings was reduced from two to one. I have also removed matters that are not acts of development.
3. The planning application was submitted in outline with all matters except access reserved for future consideration. I have assessed the proposal on that basis and with the exception of the access drawings I have treated all other drawings as illustrative.
4. The fourth reason for refusal relates to a lack of a suitable unilateral undertaking necessary to satisfactorily mitigate adverse impacts on designated protected habitat sites within Norfolk as set out in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy (GIRAMS) Given my findings in relation to the other main issues I will deal with this issue in the "Other Matters" section of the decision.

Main Issues

5. The main issues are;
 - Whether or not the appeal site is an appropriate location for the proposed development taking account of development plan and national policies that deal with proposals outside settlements; and
 - Whether or not the proposal would cause an unacceptable impact to highway safety.

Appropriate Location

6. It is common ground between the main parties that the appeal site is located immediately adjacent to the defined settlement boundary of Hockham village. Policy HOU 04 of Breckland Local Plan, September 2023 (BLP) sets out that in such a location, appropriate development will be allowed that meets certain criteria and that are supported by other policies within the BLP.
7. The Council accept that the proposed development meets all criteria except for criterion 2 which says that the proposal 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. According to the policy, the settlement refers to the number of dwellings inside the defined settlement boundary. Although the proposal is for outline planning permission, I also do not have any concerns about the other criteria.
8. The Council highlight that since that number was set the number of dwellings which have been completed and or have planning permissions has increased by 167 representing a 64% increase. They point out this is significantly more than 5% and clarify that even if all outstanding permissions lapsed, the total number of completions stands at 32 which again is significantly above the 13 anticipated by the policy.
9. The appellant does not specifically question these figures but points out that 60% of the figures relate to a residential caravan park located outside the settlement boundary and consider those units should not be taken into account.
10. I can understand the point the appellant makes. However, I do not agree with that interpretation. Reading the policy in a straightforward and common-sense way, I take the reference to the number of dwellings in the settlement which will not increase by more than 5% as being the starting point which refers to the number of dwellings inside the defined settlement boundary at the relevant date. Whereas the restriction to 5% is in relation to any additional dwellings over that number whether within the settlement boundary or outside of it where Policy HOU 04 applies.
11. Policy HOU 04 of the BLP specifically deals with proposals immediately adjacent to the settlement boundary but outside of it and although the explanatory text has less weight than the policy itself it nevertheless makes it clear that growth in each settlement should not lead to the number of dwellings in the settlement increasing by significantly more than 5%. So, to my mind for the purposes of Policy HOU 04, any development proposals that are considered under the policy potentially increase the number of dwellings in the settlement itself. It follows that if new dwellings outside the settlement boundary, but immediately adjacent to it are excluded from this 5% figure, this would undermine the purpose of the policy to restrict the growth of the settlement as each new proposal would be compared to the starting point and any previous approvals/completions adjacent to the settlement boundary would be ignored.
12. The explanatory text supports my interpretation as it refers to Appendix 5 of the BLP which sets out the detailed methodology regarding the calculation of this 5% increase and provides a table, which indicates the number of new dwellings for each settlement which for Hockham is 258.

13. Appendix 5 goes on to explain that the 258 number is the total dwellings within the settlement boundary including planning permissions to 31 March 2018. The table also sets out that the number of dwellings to be built over the plan period to 2036 to meet the 5% threshold would be 13. The appendix further clarifies that the 5% figure includes proposals inside and outside of the settlement boundary, which again supports my interpretation. On that basis, taking account of the other dwellings either approved or completed, the proposed development would not comply with criterion 2 of Policy HOU 04 of the BLP.
14. I acknowledge that the proposal is for a self-build dwelling. However, Policy HOU 04 of the BLP sets out that opportunities for self-build dwellings will only be supported if they meet the relevant criteria. Given my findings above the relevant development plan policy does not support residential development at the appeal site even if the proposal is for a self-build dwelling.
15. The appellant highlights that Policy HOU 04 does not have a sustainability element in terms of access to facilities and services. However, the National Planning Policy Framework (the Framework) sets out that the planning system should actively manage patterns of growth, and that development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
16. I note that Hockham contains some limited facilities including a primary school and nursery, a public house and there is a bus stop within 300 metres of the appeal site. However, given the lack of a local shop and the relatively limited services and facilities in the village, on balance I consider it likely that future occupants of the proposed dwelling would rely on their private motor vehicles to access facilities and services.
17. It follows that the appeal site is not in a sustainable location as it would not limit the need to travel. Taking account of the relevant case law that has been brought to my attention, given the Framework's support that the planning system should actively manage growth combined with the fact that I have found that the appeal site is not in a sustainable location as it would not limit the need to travel, the fact that the proposal would only be at odds with one of the criterion set out in Policy HOU 04 does not justify development on a site that is not in an appropriate location.
18. I therefore conclude that the appeal site does not represent an appropriate location for the proposed development taking account of development plan and national policies that deal with proposals outside settlements. Consequently, the proposal is at odds with Policy HOU 04 of the BLP and the Framework for the reasons set out above. However, given that the proposal would accord with the other criteria of the relevant policy and is located within the garden of an existing property and meets the definition of previously developed land I afford this issue moderate weight in the determination of the appeal.

Highway Safety

19. The proposed access is not a reserved matter. It would use an existing access road that links to The Street. The existing access already serves a number of dwellings, and it is common ground between the main parties that the proposal would generate an additional six movements per day.

20. I observed at the site visit that visibility to the north is adequate and this is not disputed by the highway authority. However, visibility to the south is constrained by an existing wall. Due to the nature of the restriction, I am not satisfied that additional visibility could be provided in the future.
21. I accept the appellant's traffic survey data in terms of the number of vehicles and their relative speeds along this stretch of the road. On that basis, according to Manual for Streets, based on the safe stopping distance for a vehicle travelling at the recorded average 85th percentile for cars traveling at just over 28 mph southbound the recommended visibility splay in that direction would be 2.4m x 37m.
22. The maximum achievable visibility splay would be 2.4m x 27m. Although I accept that ultimately whether or not a particular access is safe or not is a matter of judgement, this is significantly below the recommended distance looking to the south and to my mind would result in an unacceptable risk to those drivers using the access.
23. I accept that several dwellings already use the access, and the appellant points out that the increase of six movements a day would be negligible. However, the fact that some properties are served by a sub-standard access does not justify an intensification of the use which would exacerbate the existing situation. As a result the proposal would have an unacceptable impact on highway safety.
24. The Framework sets out that safe and suitable access to a site should be achieved for all users. The proposal fails to do so. Further, I have had regard to the fact that development should only be refused on highway safety grounds if it would have an unacceptable impact on highway safety which again is the case here.
25. I have taken account of the crash data provided by the appellant and the anecdotal information provided by some local residents which suggest that the existing access does not result in highway safety concerns. However, only crashes which involve personal injuries are recorded by the Police. Although anecdotal information can be helpful, to my mind the proposal would unacceptably add to the risk posed by an existing sub-standard access, and it follows that the proposal would have an unacceptable impact on highway safety.
26. I therefore conclude that the proposed development would cause an unacceptable impact to highway safety, and I afford that unacceptable impact significant weight. Consequently, the proposal would conflict with Policies COM 01 and TR 02 of the BLP which among other things seek to ensure that development does not compromise highway safety, enables safe access for vehicles and provides safe access for all users. The proposal would also be at odds with the Framework as set out above.

Other Matters

27. I turn first to consider housing supply. The Council can only demonstrate a 3.25-year supply of housing land against a current requirement to demonstrate a 5-year supply. That is well below Government expectations.
28. The proposal would be valuable in boosting housing stock. However, given that the proposal would only result in one additional dwelling that tempers the weight of this matter.

29. I accept that the proposal would have a cumulative effect in the supply of housing and would make efficient use of the site which meets the definition of previously developed land. The proposal would also have limited economic, social, and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase and would broaden the availability of much needed housing in the area.
30. The Council has a duty under the Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet identified demand for the district. The appellant has provided evidence that a Mr Grant is included on the relevant register. I note Mr Grant submitted the original application on behalf of G and S Property Development Norfolk and that the appeal is made on behalf of that company. Consequently, Mr Grant is not the actual appellant. However, I accept that this information does indicate a desire on behalf of the appellant to proceed with a self-build development.
31. The Framework supports small sites to come forward for self-build and custom-build housing. The addition of a self-build dwelling on the appeal site would help to meet the demand for such housing in the area where I accept there is a shortfall. However, again the weight afforded is tempered by the fact that the proposal would only result in one additional dwelling. Moreover, and more importantly there is no planning obligation to secure some means of ensuring the proposal would be constructed for such use.
32. I note that the appellant accepts that a planning obligation would usually be required, but due to the prohibitive costs involved they suggest a condition could be imposed. In this regard, the Council have suggested conditions which would aim to ensure that the dwelling would meet the definition of a self-build dwelling. I have sought comments from the main parties on whether the imposition of such conditions would meet the tests set out in the relevant Planning Practice Guidance.
33. I have considered the submissions from both main parties, including an example of a condition imposed by a Council in relation to a self-build/custom build dwelling provided by the appellant. However, in my view monitoring and enforcing the proposed conditions would be extremely difficult, and consequently I am not satisfied that such conditions would meet the necessary tests. I note the appellant's willingness to enter into a planning obligation. However, no obligation has been provided to secure the proposed dwelling as self-build. Consequently, this significantly reduces the weight afforded to this matter.
34. The appeal site is located within the zone of influence of the Norfolk Valley Fens and The Brecks and The Wash. These European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (The Habitat Regulations).
35. The appellant accepts that the proposal is likely to have a significant effect on these European sites and consequently, in accordance with the strategic approach outlined in Norfolk Recreational Impact and Avoidance and Mitigation Strategy Action Plan has submitted a unilateral undertaking to make a financial contribution to secure relevant mitigation measures. The Council have indicated that as the monitoring and administration fees have been paid, and a completed unilateral

undertaking received their previous concerns in relation to this matter have been resolved.

36. 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. Since I am dismissing the appeal, it is unnecessary for me to undertake an AA. That said, I have no reason to consider that the proposed mitigation measures would not address this matter and consequently it does not weigh against the proposal.
37. I am satisfied that at the reserved matters stage a dwelling could be designed that would be compatible with its surroundings that would not have any adverse impact on the living conditions of neighbouring residents or the future occupants. Subject to the imposition of appropriate mitigation measures, the proposal would not harm the ecology, protected species or trees of particularly high amenity value on or in the vicinity of the appeal site. Rather the proposal would increase the value of habitats on the appeal site. Although given the limited scale of the proposed measures, I do not agree with the appellant that these measures should weigh heavily in favour of the proposal, but they do have positive weight.
38. On that basis, taking account of the contribution the appeal scheme would make in addressing the housing land supply shortfall and the other matters that weigh in favour of the proposal, I afford the totality of the benefits moderate weight.

Planning Balance and Conclusion

39. I have afforded some matters weight as outlined above and overall, I afford the totality of the benefits moderate weight in the determination of the appeal. On the other hand, I afford moderate and significant weight respectively to the fact that the appeal site does not represent an appropriate location for the proposed development and highway safety harm.
40. As set out above, the Council can only demonstrate a housing land supply of 3.25 years. This is below Framework requirements and as a result Paragraph 11(d) of the Framework is relevant.
41. However, given the relative benefits weighed against the harm and having had particular regard to key policies directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes I nevertheless 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.
42. In reaching that view I have taken account of the recent planning appeal for a site in Wilden, Bedford that has been brought to my attention¹. However, that case is materially different from the case before me. For example, in that case the appellant had submitted a completed unilateral undertaking to ensure that the dwelling is built and occupied as a self-build dwelling. That is not the case here. Moreover, the Inspector in that case did not find that the proposal would cause an unacceptable impact to highway safety. As a result, the weight given to the different ingredients of the matters included in the overall planning balance are materially

¹ APP/K0235/W/25/3360479

different. That limits the weight of the previous appeal decision in the determination of this appeal.

Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged and the scheme should be considered under a normal planning balance. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.²

43. 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. The appeal should therefore be dismissed.

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