
Appeal Decision

Site visit made on 14 October 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/F2605/W/25/3369304

Land at East Cottage, Watton Road, Shropham, Norfolk NR17 1DY

- 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 Raymond Smith against the decision of Breckland Council.
 - The application Ref is PL/2025/0268/OMIN.
 - The development proposed is Outline permission for 1 self build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is for outline permission for one dwelling, with all matters reserved.
3. It is noted in the Council's appeal questionnaire that it states that the proposal would not likely affect a SSSI or internationally designated site. However, from the Council's Delegated Report, Decision Notice and adopted policy, it is apparent the Council's position is that it would affect an internationally designated site. On this basis, I have kept this as a main issue of the appeal.

Main Issues

4. The main issues are:
 - Relevant policies for the location of housing in line with the Council's spatial strategy and its accessibility to services and/or facilities.
 - The effect on European protected habitat sites.
 - Whether the proposal meets the definition of a self-build dwelling and the requirements of Biodiversity Net Gain (BNG) exemption.

Reasons

Spatial strategy and accessibility to services and/or facilities

5. The site is located outside and is stated as not being immediately adjacent to the settlement boundary of Shropham. The proposal accesses onto a road with a national speed limit, which does not benefit from a public footpath or cycle lane leading towards Shropham.
6. Policies GEN01, GEN03 and GEN05 of the Breckland Local Plan September 2023 (Local Plan) seek to provide sustainable development and confirms that Shropham is a village with boundaries that means development outside of the settlement boundary must comply with Policy HOU4 of the Local Plan.

7. Policy HOU4 requires new development, including self-build dwellings, to be immediately adjacent to the settlement boundary. The proposal does not meet this test.
8. There are limitations on how sustainable development in the countryside can be regarding transport movements. Paragraph 110 of the National Planning Policy Framework 2024 (Framework) supports this by stating 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas'. However, this part of the Framework is not seeking to prevent some sustainable options for development in rural areas. The Framework also makes it clear in paragraphs 115 and 117 that there should be safe access for all users and priority should be given to pedestrian and cycle movements.
9. With the site having no access to a public footpath, or cycle lane, along a national speed limit road future residents would likely be reliant on private vehicles to access even the few services and facilities that the village provides. With priority not given to pedestrian and cycle movements, this weighs significantly against the proposal.
10. I therefore conclude on this issue that the proposal does not have sustainable access to services and facilities or accord with spatial strategy of the Local Plan. On this basis, the proposal does not accord with Policies GEN01, GEN03, GEN05 and HOU04 of the Local Plan that overall seek to provide sustainable growth and controls development outside settlement boundaries. The proposal also does not comply with chapter 9 of the Framework, as detailed above.

Protected habitat sites

11. The Council's Breckland Local Plan September 2023 (Local Plan) states that a significant amount of The Brecks are designated as European protected habitat sites. The ecological sites form part of a network across Norfolk.
12. The Council states that it along with the other Norfolk councils have adopted a Recreational Impact Avoidance and Mitigation Strategy (RAMS), in order to mitigate against additional recreational pressures harming biodiversity. Given that the appellant has not provided means to avoid or mitigate against harming protected European habitat sites, there would be significant harm to biodiversity.
13. I therefore conclude on this issue that the proposal would have detrimental harm to off-site biodiversity due to the impact on protected habitat sites. On this basis, the proposal does not comply with Policy ENV02 of the Local Plan that seeks to ensure adverse impacts either directly or indirectly to biodiversity are suitably mitigated. The proposal also does not to meet the requirements of the Conservation of Habitats and Species Regulations 2017.

Self-Build and BNG

14. The description of self-build in the description of development does not control the development, as the change between market home and self-build or custom build would not have any material change in the use of the land. Therefore, the change would not be development.
15. It is accepted that not all those who are seeking to construct a self-build dwelling would be on the self-build register. However, with no legal agreement to ensure

the proposal comes forward as a self-build plot, the potential benefit of this coming as a self-build plot and fulfilling a demand in the district only holds limited weight.

16. With the proposal not meeting the definition of a self-build dwelling, it is therefore not exempt from BNG. With no valid exemption, the proposal would be subject to the biodiversity gain condition and the minimum information requirements as detailed under Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The failure to provide the necessary information to satisfy the biodiversity condition significantly weighs against the application.

Other Matters

17. The appellant has stated that the Council has failed to provide good customer service. However, the way in which the Council has dealt with the application is not a matter for me to consider in an appeal under section 78.

Planning Balance

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
19. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by Paragraph 78 of the Framework. Consequently, paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states 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 of 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.
20. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the Local Plan, with the harm to biodiversity and unsustainable location. For these reasons, the proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
21. The Framework promotes residential development where it will enhance or maintain the vitality of rural communities and acknowledges that this might be in nearby settlements. The benefit of the single, potential self-build, dwelling in supporting both services within the village and nearby settlements is limited. There is also likely limited economic benefits during the construction phase.
22. However, I have concluded that there would be significant harm to biodiversity. In addition, the lack of suitable access to footpaths/cycle lanes for potential occupants to safely travel into the village and the heavy reliance on private motor vehicles significantly weighs against the application.
23. The adverse impacts would, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

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

A Phillips

INSPECTOR