



Appeal Decision

Site visit made on 2 December 2025

by **R Gee BA (Hons) Dip TP PGCert UD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Appeal Ref: APP/F2605/W/25/3374581

Woodfield House, Herne Lane, Beeston, Norfolk PE32 2NE

- 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 H Dennett against the decision of Breckland Council.
 - The application Ref is PL/2025/0857/OMIN.
 - The development proposed is described as “Outline application with all matters reserved except for access for the demolition of the existing disused barn and its replacement with 1 no. self-build dwelling with a new access, associated garden / amenity area and parking”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters, except for access, reserved for subsequent approval. The appeal is determined on that basis and, therefore, the plans submitted are taken into account for indicative purposes only.
3. As part of the appeal the appellant has submitted two signed Unilateral Undertakings (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) containing obligations to secure the proposed dwelling as self-build / custom build and for financial contributions to mitigate likely significant effects arising from recreational disturbance on the qualifying features of proximate protected habitats. The Council has had an opportunity to comment on the submitted UU's. I return to this later in my decision.
4. My attention has been drawn to a previously dismissed appeal on the site¹. Whilst this decision is a material consideration, I have reached my own conclusions in this appeal based on the circumstances of the present case.

Main Issues

5. The main issues are:
 - i) whether the site represents a suitable location for residential development having regard to the settlement strategy of the development plan and the accessibility of services and facilities;
 - ii) whether the proposal would comprise self-build / custom build housing;

¹ APP/F2605/W/21/3276116

- i) whether the proposal would be exempt from Biodiversity Net Gain (BNG); and
- ii) the effect of the proposal on the integrity of habitats sites.

Reasons

Location

6. The Council's spatial strategy is based on a settlement hierarchy defined in Policy GEN03 of the Breckland Local Plan (BLP). Settlements are categorised according to the availability of services and facilities. Most new development is directed towards towns and villages in the upper tiers of the hierarchy. This approach to the distribution of development accords with relevant aspects of the Framework, including the section on rural housing, which advocates locating housing where it will enhance or maintain the vitality of rural communities. The parties agree that the appeal site is located outside of a defined settlement.
7. Outside settlement boundaries, Policy GEN05 of the BLP allows for limited development, including housing compliant with Policy HOU05. This Policy in turn lists four qualifying criteria, all of which should be met.
8. Policy HOU04 of the BLP requires new development, including self-build dwellings, to be immediately adjacent to the settlement boundary. The proposal does not meet this test.
9. Paragraph 110 of the National Planning Policy Framework (the 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.
10. From the evidence before me access to the settlements, and their services, are limited. Dairy Drift is a narrow, unlit road with no pavement, as are Herne Lane and Dereham Road. The local road conditions would discourage pedestrians and cyclists from using them to access the nearby settlements, particularly in the hours of darkness and in periods of inclement weather. This would be especially so for those with reduced mobility or with young children. Whilst I understand there is a bus stop within Beeston the frequency of buses would limit their attractiveness to users, and in any event, the rural roads would need to be used to reach the bus stop. Consequently, it is highly likely that the majority of journeys to and from the site would be made by private motor vehicle. Visitors to the site would also be likely to be reliant on the private motor car.
11. It is understood that the nearest settlements of Dereham and Swaffham would involve a round trip to the town centres of approximately 14 miles and 19 miles respectively. This represents a significant distance.
12. For these reasons, the site would not represent a suitable location for housing having regard to its accessibility to services and would be contrary to the development plan and Framework in this regard. This weighs significantly against the proposal.

13. I, therefore, conclude on this issue that the proposal would not be a suitable location for residential development having regard to the settlement strategy of the development plan and the accessibility of services and facilities. This draws the proposal into conflict 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 would not comply with chapter 9 of the Framework, as detailed above.

Self-build / custom build housing

14. The application has been presented as a self-build proposal. There are provisions within the submitted UU to commit to the housing plot being constructed as self-build or custom build.
15. The Council's evidence suggests that the UU is unsigned. However, I have seen a signed and dated version. The Council queries the degree to which the appeal proposal would meet any legal or planning definition of self-build or custom build, given the limited matters of detail which are sought to be established as part of the permission. In addition, they suggest financial information should have been presented, amongst other things, to demonstrate that the project would be viable as a self-build project.
16. The Planning Practice Guidance (PPG)² states that a benefit of self-build and custom housebuilders is the ability to choose the design and layout of their home and that it can be innovative in both its design and construction. It seems to me, that matters such as external appearance and internal layout are arguably primary inputs for those wishing to influence the design of their own home that would be undertaken at the reserved matters stage.
17. Although the proposal is an outline application the Appellant advances that they have had an influence on the design submitted at the validation stage and that they would be involved at the reserved matters stage. The UU reinforces the Appellant's commitment to the delivery of the proposal as a self-build project which could be enforced as such.
18. There is no dispute that there is an unmet need for such housing. As such I give significant positive weight to the scheme's self-build credentials in terms of its potential to contribute towards an identified unmet demand in the district.

Biodiversity Net Gain (BNG)

19. The Appellant submits that the appeal development would be exempt from the BNG requirement because the proposed dwelling would be self-build.
20. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) introduced a statutory framework for BNG, and it applies to all planning applications for non-major development submitted on or after 2 April 2024. Under the statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which requires that at least a 10% increase in biodiversity value is met. The proposal is advanced on the basis that, as a self-build dwelling, it is exempt from the BGC.

² paragraph 57-16a-20210208

21. The appeal has been accompanied by a UU containing provisions relating to self-build and custom build housing. With reference to paragraph 58 of the Framework, the UU is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.
22. The UU would ensure that the proposed development would comprise a self-build dwelling and on this basis the proposal would secure an exemption from BNG. On this basis, there would be no conflict with Policy ENV02 of the BLP, which, amongst other matters, seeks to secure biodiversity protection and enhancement.

Habitats Sites

23. I understand that the appeal site lies within the zone of influence of one or more European designated sites³. The Conservation of Species and Habitat Regulations 2017 require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone, or in combination with other plans and projects.
24. Due to the proximity of the appeal site, there is a reasonable likelihood that the Habitats Sites would be accessed for recreational purposes by future occupiers of the development. Although this may be minimal by itself, a significant effect on the integrity of the Habitats Sites would occur, when considered in combination with other residential development in the surrounding area.
25. The Council has adopted a mitigation strategy and imposes a tariff on developments in the form of financial contributions set out in the Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan 2024.
26. Had I been minded to allow the appeal, it would have been necessary to carry out an appropriate assessment in order to establish whether or not the proposal would be likely to affect the protected sites. This would have included whether these adverse effects could be mitigated through the submitted UU. However, as I have found that the proposal would be otherwise unacceptable, this has not been necessary. However, as the proposed development is unacceptable for other reasons, an Appropriate Assessment is unnecessary as doing so would not change the outcome of the appeal.

Other Matters

27. I appreciate that the Appellant wishes to construct the dwelling to enable them to downsize to a smaller property capable of adaption for any future needs so that family can continue to reside in the locality. However, I have not been provided with any substantive evidence that the personal circumstances of the Appellant would be enough to outweigh the harm associated with the location of the development.
28. The Appellant indicates the aspiration to create a low carbon energy efficient dwelling with reference to a wide range of sustainability measures being considered, including connection to the existing solar panels located proximate to the appeal site. Whilst the aspiration to create a low carbon dwelling is welcomed,

³ Breckland SPA & Breckland SAC; The Broads SAC & Broads SPA; Breydon Water SPA; Winterton-Horsey Dunes SAC; Great Yarmouth and North Denes SPA; North Norfolk Coast SAC; North Norfolk Coast SPA; The Wash and North Norfolk Coast SAC; Roydon Common and Dersingham Bog SAC; Roydon Common Ramsar; Dersingham Bog Ramsar; Norfolk Valley Fens SAC and The Wash SPA; The Wash Ramsar.

given the proposal is at outline stage and such matters have not been secured I attribute this only limited positive weight.

29. The proposal would utilise an existing access and the Council considers this aspect of the proposal to be acceptable subject to suitable conditions. Based on the evidence before me I have no reason to disagree. No harm has been alleged to the living conditions of nearby occupiers. However, these are all neutral factors which weigh neither for nor against the proposed development.
30. The Appellant has submitted copies of appeal decisions⁴ which have allowed self-build and custom housing outside of identified settlement boundaries, where the balance has been in favour of the benefits of providing self-build and custom build housing over the conflict with the development plan and settlement boundaries. By the same token the Council has submitted numerous appeal decisions to the contrary within its area⁵.
31. Whilst there may be similarities in the quantum of development at the site at Wilden, Bedford I have relatively few details on the circumstances at the appeal. Nevertheless, the proposal appears to be an application for permission in principle and was determined under a different local plan to the appeal before me, as the site lies in the jurisdiction of a different authority. In respect of the case at Fairfield Lane this relates to the provision of 6 no. self-build dwellings, and thus a comparison between the schemes is extremely limited.
32. In respect of the appeal decisions presented to me, with the exception of the recent appeal decision at the appeal site none of sites referred to lie within the immediate context of the appeal site. The transport sustainability, or otherwise, of a site is dependent to a great degree on its spatial context and so I do not consider that they are directly comparable to the site that is the subject of this appeal. In any event the weight to be attributed to the material planning considerations is for the decision maker based on the merits of each particular case. I have, in any case, determined this appeal on its own merits.

Planning Balance and Conclusion

33. 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.
34. 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 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.
35. 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

⁴ APP/R1845/W/243352115 Land at OS 381890 279050, Fairfield Lane, Wolverley DY11 5QJ and APP/K0235/W/25/3360479 65A Renhold Road, Wilden, Bedford MK44 2PX

⁵ APP/F2605/W/25/3369304 - Land at East Cottage, Watton Road, Shropham, Norfolk NR17 1DY, APP/F2605/W/24/3349863 - Willow Barn (Clinton Willows), Cutthroat Lane, Yaxham, Dereham, Norfolk NR19 1RZ, APP/F2605/W/25/3370815 - Land at Woodlands Farm, West Carr Road, Attleborough, Norfolk, NR17 1AN, APP/F2605/W/24/3350022 - Land at The Gables, 7 The Green, North Lopham, APP/F2605/W/24/3344783 - 1 Sandfield Cottages Sandfield Lane, Eccles, Quidenham, Norwich NR16 2PB, APP/F2605/W/25/3361894 - Park House, The Street, Beachamwell PE37 8BD and APP/F2605/W/24/3352273 - Springfield, The Street, Great Hockham, Norfolk, IP24 1NH and APP/F2605/W/21/3276116 Woodfield House, Herne Lane, Beeston PE32 2NE

aforementioned policies of the Local Plan, with harm in respect of an unsustainable location. I have concluded that 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.

36. Whilst such matters are reserved for subsequent approval, the Appellant indicates that the proposed dwelling would be built on the existing footprint of a disused barn. The re-development of this previously developed site would make efficient use of the site. Furthermore, the proposal would deliver one additional dwelling in the district, contributing to the Framework's objective of significantly boosting the supply of housing. This is particularly relevant given the Council's acknowledged shortfall. This benefit, however, would be tempered due to the quantum of development. As the proposal would be secured as a self-build dwelling, in a district whereby there is an identified need for such housing, I attach moderate positive weight to this matter.
37. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services through additional consumer spending. Whilst these elements weigh in favour of the proposal, given the proposal is for one new dwelling these benefits would be limited.
38. 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, self-build, dwelling, in supporting both services within the village and nearby settlements, would be very limited.
39. The Appellant advances a benefit of the proposal would be the incorporation of sustainable technologies, including connection to the existing solar panels. However, considering the emphasis of the Framework on using natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for new dwellings to be designed to high environmental standards. For these reasons, and given the proposal is for an additional dwelling I give only moderate weight to this benefit.
40. I have carefully considered the benefits advanced by the Appellant. However, having regard to paragraph 11 d ii) of the Framework, I am of the view that the adverse impacts of the proposal 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.
41. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal is dismissed.

R. Gee

INSPECTOR