

This matter is being dealt with by
Sally Stroman

One Colton Square
Leicester LE1 1QH

Planning Department
Hinckley and Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

Our ref: 2529742.1
Your ref: 25/01224/FUL

21 April 2026

For the attention of: Sullivan Archer

**Planning Application Reference: Proposed Self- Building Dwelling
At Shericles Farm, Kirby Road, Desford**

1. We write on behalf of Ms Hannah Hufford (“the applicant”) following our recent discussions concerning the above planning application. As you have confirmed the ‘informal’ officer recommendation will be to refuse the application for the following reasons:-

- The scheme’s significant harm to the character of the area; and
- The unsustainable location of the development.

2. Clearly, this is a disappointing outcome for the applicant given the detailed planning application submission provided in this proposal following the pre-application engagement with yourself. In light of the issues that you have raised, we set out below a rebuttal to the points raised which should be carefully considered prior to a decision being made by the Council.

a. Impact upon the character of the area

3. The application site has an established residential use through the existing farmhouse and associated buildings. The proposed development is to be sited on an area of hardstanding (gravel) and grass with a dense boundary of mature trees and hedgerows (deciduous and evergreen) which is regularly maintained, to the north and west.

4. Whilst we are aware that you have previously visited the application site during the pre-application stage in July 2025, this enquiry was not supported with a LVIA. With this in mind, given that a detailed LVIA has now been provided in support of this

application, it provides you with the opportunity to revisit the site in the context of the findings of this report in order to fully assess the proposal's impact on the local surroundings. We would be happy to meet with you on site to review the findings of the LVIA undertaken in support of this proposal.

5. To confirm, when assessed properly against the existing baseline position—characterised by a visually contained parcel of land to which Shericles Farm is located—the change resulting from a single, coherent dwelling will be minor and localised. In landscape and visual terms, the effects are properly understood as negligible. In these circumstances, any identified conflict with countryside-related development plan policies is modest and is clearly outweighed by the benefits of the scheme, including the delivery of an additional dwelling (secured as self-build/custom build).

6. Furthermore, we would draw your attention to the concluding section of the LVIA which states that:

*“Due to the location of the site, views are almost completely enclosed. Retaining and introducing some key landscape features within the site such as trees and hedgerows, integrates the proposed development into the landscape while the design, scale and mass will be sympathetic to the local vernacular. Therefore, this assessment has concluded that there will be a **minor beneficial effect** from the proposals”*

7. We therefore dispute the view that the proposed dwelling will cause significant harm to the character of the area, the adverse effects alleged are not supported by the submitted Landscape and Visual Impact Assessment.

8. Finally, we are aware that the area in the locality of the application site is changing dramatically with substantial housing developments including Ashfield Farm (120 dwellings), the current outline application for up to 75 dwellings on land to the north of Hunts Lane as well as allocations being sought within the new Local Plan. Whilst we acknowledge that these developments are of different scale to this proposal, we have clearly demonstrated within this submission that there will be no detrimental impact to the character of the surrounding area and the proposal is therefore in accordance with the development plan policies and the NPPF.

b. The unsustainable location of the development.

9. The proposal involves the erection of a two-storey, self-build dwelling. Under Section 2A of the Self-Build and Custom Housebuilding Act 2015 and associated secondary legislation, local planning authorities are under a duty to grant a sufficient number of suitable permissions to meet the demand for self- and custom-built housing within their area. This demand is to be measured by the number of new applicants entered on the local Self-Build Register in each base period; and that number must be matched by new suitable permissions granted within 3 years of the end of each relevant base period. Under Section 2 of the same Act, authorities must have regard to the Register when carrying out their planning functions, including making decisions on planning applications.
10. Paragraph 63 of the National Planning Policy Framework (the Framework) identifies 'people wishing to commission or build their own homes' as a distinct section of the community, for which the size, type and tenure of housing needed should be assessed and reflected in planning policies. The Council has not met its statutory duty to have issued a sufficient number of permissions to meet demand arising from its Self-Build Register and in light of the shortfall in provision the need to increase the supply of self and custom-build housing is an important planning consideration which must carry substantial weight.
11. It is our understanding that the Council will soon publish an updated 5-year housing land supply calculation. It is estimated that the Council has up to 3.95 years supply and therefore the Council cannot demonstrate a 5 year housing land supply. In light of the lack of a five-year housing land supply, NPPF paragraph 11(d) tilted balance is engaged. In this context, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The tilted balance is also triggered as a result of the council failing to meet its statutory duty to permit a sufficient number of custom and self build plots. Appeals have consistently demonstrated that where a council is failing to meet its statutory duty paragraph 11d is enacted.
12. Attention in this regard is drawn to the following appeals (copies of the Inspector decision letter are attached to this letter).

i) Appeal Decision: APP/G2435/W/24/3343890 72 Main Street, Osgathorpe, Leicestershire LE12 9TA.

13. The main issue of this case was *'whether the location of the development would be appropriate for housing having regard to the spatial strategy of the development plan with particular regard to the accessibility of the site'*. The proposal was for a self-build dwelling and there was a shortfall of self-build plots (29) which the Inspector considered represented a significant unmet need.

14. The Inspector confirmed at paragraph 18 that,

"..whilst only for 1 dwelling, would make a positive contribution to addressing the significant shortfall in self-build plots, particularly considering the increasing shortfall of such plots and the appellant's compelling evidence in relation to the lack of multiplot schemes receiving approval. Mindful that there is no current plan led solution to addressing this shortfall, I attribute the benefit of the provision of a self-build dwelling moderate weight."

15. The Inspector also added that there would be some economic benefits both short term in relation to the construction of the dwelling and longer term with future occupiers spending in the local economy, supporting nearby services and facilities. In conclusion, the Inspector stated that the proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. The appeal was allowed.

ii) Appeal Decision: APP/G2435/W/25/3360649 Land between 118 and 124 Battram Road, Ellistown

16. The main issue is whether the appeal site provides a suitable location for the proposed development, having regard to the spatial strategy of the development plan, the accessibility of the site as well as whether the site constituted previously developed land (PDL).

17. Whilst this case was located within a settlement, it is reasonable to draw comparison with the application since the settlement benefited from very few services and facilities. However, the Council had an unmet need for self-build and/or custom-build housing and the provision of housing in this respect, the Inspector attributed significant weight.

Despite the proposal being for just a single dwelling, the Inspector added that this would assist in reducing the Council's deficit.

18. The Inspector identified that there would be also associated social and economic benefits during the period of construction and once the dwelling is occupied. Within the planning balance, the Inspector outlined that whilst the proposal would conflict with the local plan policies by providing a dwelling in an unsuitable location with poor accessibility to services, facilities and public transport networks, the titled balance was engaged and the contribution the proposed development would make towards the provision of SBCB housing in a location where there is a shortfall weighed in strong favour of the proposed development. The Inspector also attributed moderate weight to the benefits of the proposed development. In concluding, the Inspector stated:

“Taking account of the circumstances of this case, I conclude that the harm arising from the provision of a single dwelling in this location, when considering accessibility, does not significantly and demonstrably outweigh the benefits when assessed against policies of the Framework taken as a whole. Therefore, the proposal does benefit from the presumption in favour of sustainable development as articulated in paragraph 11 d) of the Framework.”

iii) Appeal Decision: APP/Q4625/W/24/3353109 land at Netherwood Lane, Chadwick End, Solihull

19. Whilst this scheme was for a total of five self-build plots, issues considered at the appeal included the effect of the proposal on the character and appearance of the area and whether the appeal site was an appropriate location for the proposed development regarding accessibility and reliance on private motor vehicles. Whilst the Inspector stated the proposed development would encroach into the countryside, located in a poorly accessible location with reliance on the private car, the shortfall in self-build plots, to which the scheme made a meaningful contribution, was afforded substantial weight. When taken together, these factors were considered to amount to very special circumstances, and the appeal was allowed.
20. Paragraph 110 of the NPPF recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision making. Whilst, the applicant will be dependent on the use of private vehicles to access everyday services and facilities,

the provision of a single dwelling in this location, when considering accessibility, does not significantly and demonstrably outweigh the benefits when assessed against policies of the Framework taken as a whole.

Summary

21. Evidence demonstrates a clear and significant demand for self-build and custom build plots within Hinckley and Bosworth. The proposed development will contribute towards the Borough's housing supply, meeting a local need for a self-build and custom build plot which as confirmed in the appeal decisions referred to in this letter should be afforded significant weight in the consideration of this proposal.
22. The proposal is a modest, single-dwelling scheme on a contained site. The adverse effects alleged are not supported by the submitted Landscape Visual Impact Assessment, which predicts overall minor beneficial effects on the site's landscape character and no effect on local receptors as detailed within the LVIA. When assessed against the NPPF as a whole, the benefits of delivering a self-build dwelling, in the context of housing land supply shortfalls and the Council's self-build duty are not significantly and demonstrably outweighed by any adverse impacts.
23. As detailed within the planning application submission, this proposed self-build dwelling would allow the applicant (and her family) to reside within close proximity to their family and childhood home.
24. To reinforce there are no technical objections to the proposed development as confirmed by the local highway authority, the Council's ecologist, drainage and environmental health officers.
25. There are no impacts which would significantly and demonstrably outweigh the clear and substantial benefits the development would deliver. The Council is currently unable to demonstrate a five year supply of deliverable housing land and there are no constraints to the development of the proposed dwelling.
26. We would request that the matters addressed within this letter together with the comprehensive planning application submission documentation are taken into account when assessing this proposal.

Yours sincerely,

Sally Stroman MRTPI

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Appeal Decision

Site visit made on 12 August 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/G2435/W/24/3343890

72 Main Street, Osgathorpe, Leicestershire LE12 9TA

- 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 Miss Grace Beesley against the decision of North West Leicestershire District Council.
 - The application Ref is 24/00233/OUT.
 - The development proposed is for the erection of a self build detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a self build detached dwelling at 72 Main Street, Osgathorpe, Leicestershire LE12 9TA in accordance with the terms of the application, Ref 24/00233/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application sought outline planning permission with all matters reserved. I have considered the appeal on this basis and have treated any details in relation to the reserved matters as illustrative.
3. A Unilateral Undertaking (UU) was submitted during the course of the appeal, which seeks to secure the self-build status of the proposed dwelling. This matter will be dealt with later in my decision.

Main Issue

4. The main issue is whether the location of the development would be appropriate for housing having regard to the spatial strategy of the development plan with particular regard to the accessibility of the site.

Reasons

5. The development plan for the area is the North West Leicestershire Local Plan (2021) (LP). Policy S2 of the LP sets out the settlement hierarchy for the district, with growth being directed to settlements higher up the hierarchy than those lower down.
6. A principal aim is to direct growth to settlements with the greater access to a range of services and facilities, including accessibility by public transport and non-car modes. This is consistent with the objective of the National Planning Policy Framework (the Framework) to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

7. Outside of the settlements, in designated countryside, development is strictly controlled by Policy S3 of the LP, bar a number of exceptions, and subject to those exceptions meeting a number of criteria. Only if a scheme falls within one of the exceptions, does the subsequent criteria apply.
8. The appeal site comprises an open area within the settlement of Osgathorpe, surrounded by existing residential properties and contained by mature trees and hedging. Osgathorpe is identified as a 'small village', towards the bottom of the settlement hierarchy. These are defined as having very limited services and facilities where development is restricted to conversions of existing buildings, redevelopment of previously developed land or affordable housing in accordance with Policy H5 of the LP. As the appeal site is undeveloped and the proposal is not for affordable housing, the proposal would be contrary to Policy S2 of the LP. Moreover, as the proposal does not fall within any of the exceptions listed in Policy S3, the scheme would be contrary to this policy.
9. Turning to accessibility, Osgathorpe appears to have very limited services and facilities; there is a church and recreation ground which are within walking distance, albeit a small section of the route would have no pavements. The Council set out that because of the limited services, future occupiers would be reliant on a car to access basic services for day-to-day needs. The Council refer to the Leicestershire County Council Highways Design Guide Document which sets out that development should be within a 10 minute walk to a village centre offering access to key services. However, this constitutes only guidance, and is not a prescriptive requirement of development plan policy.
10. The site is directly adjacent to a footway with connections to public rights of way. Moreover, a map provided by the appellant shows the village being sited in close proximity to the national cycle network which links to Thringstone and Coalville, both principal towns in the settlement hierarchy. Whilst the public rights of way may present challenging terrain for some users and cycling may not be an attractive option for all potential future occupiers, there is a bus stop located directly in front of the appeal site. This provides a, not infrequent, two-hourly service Monday to Saturday to a number of surrounding centres, including both Loughborough and Ashby-de-la-Zouch. These would have a large variety of services and facilities and would be accessible for all future occupiers. In this regard, future occupiers would not be wholly reliant on the use of a private car.
11. I am also mindful that Paragraph 109 of the Framework indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-making. Considering the above points, I find that the site would be accessible via a range of sustainable transport modes.
12. For the reasons set out above, I conclude that the site would not be suitable for the development having regard to the spatial strategy of the development plan. The proposal would therefore conflict with Policy S2 and Policy S3 of the LP read together. However, given that the location would be acceptable with regard to the accessibility of services and facilities, the weight I attribute to the conflict with the spatial strategy is tempered in this case.

Other Matters

13. My attention has been drawn by the Council to several recently dismissed appeal decisions. In the appeal at Chapel Lane¹, it appears that there was drainage issues, there was no footway adjacent to the development and harm was found to character and appearance. In the Loughborough Road appeal², paragraph 14 of the Framework was engaged and harm found to character and appearance. The circumstances in these cases are therefore not the same.
14. I have very limited information before me on the Coleorton³ and Belton⁴ appeals. Notwithstanding this, each appeal is determined on its own planning merits and the weight to be applied is a matter of planning judgement for the decision-maker, based upon the issues and site specific circumstances in any one given case.

Planning Balance

15. There is clear conflict with the spatial strategy under Policy S2 and S3 drawing the proposal into conflict with the development plan read as a whole. However, as previously set out, given that the appeal site is sufficiently accessible via a range of sustainable travel modes, I attach limited weight to this conflict.
16. The proposal is for a self-build dwelling. The Self-build and Custom Housebuilding Act 2015 (as amended) ('the Act') places a statutory duty on the Council 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 this demand. The Council acknowledges that during the current base period of 31 October 2023 to 30 October 2024, there is a shortfall of 29 self-build plots, this is a notable increase on the previous year where there was a shortfall of 21 self-build plots. The current shortfall represents a significant unmet need.
17. As both parties have noted, the development plan does not have any policies on self-build. Paragraph 11 d) of the Framework advises that where there are no relevant development plan policies, permission should be granted, unless i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or ii) 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. As the appeal site does not fall within any areas identified within paragraph 11d)i, it is paragraph 11 d)ii which applies in this case.
18. The appeal scheme, whilst only for 1 dwelling, would make a positive contribution to addressing the significant shortfall in self-build plots, particularly considering the increasing shortfall of such plots and the appellant's compelling evidence in relation to the lack of multiplot schemes receiving approval. Mindful that there is no current plan led solution to addressing this shortfall, I attribute the benefit of the provision of a self-build dwelling moderate weight.

¹ APP/G2435/W/23/3324219

² APP/G2435/W/24/3336951

³ APP/G2435/W/23/3324297

⁴ APP/G2435/W/23/3330838

19. The appeal site is adequately accessible via a range of sustainable transport options; thus, future occupants would not be wholly reliant on the use of a private car. There would also be some economic benefits, both short term in relation to the construction of the dwelling and longer term with future occupiers spending in the local economy, supporting nearby services and facilities.
20. Drawing the above points together, I find that in this particular case, the harm arising from the conflict with the development plan to be limited and the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development applies and this indicates that permission should be granted.

Planning Obligation

21. A Unilateral Undertaking (UU) pursuant to Section 106 of the Act is before me, dated 29 August 2024. The UU contain a provision related to self-build and custom build housing. There is no dispute between the parties relating to the provisions of the UU.
22. I am satisfied that its content is fit for purpose and secures the self-build nature of the proposal. With reference to Paragraph 57 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.

Conditions

23. The Council suggested a number of conditions, which I have considered in the light of the advice in the Framework and Planning Practice Guidance. In some cases, I have edited the suggested condition for clarity and enforceability.
24. In the interests of certainty and clarity, I have imposed conditions 1, 2, 3 and 4 relating to the approval of reserved matters, the commencement of development as well as the approved plans.
25. Condition 5 is necessary for reasons relating to the safeguarding of the character and appearance of the site and area.
26. A condition requiring Tree 30 to be inspected for bat roosts prior to soft felling is not necessary at this stage and would be for future reserved matters.
27. I have deemed a legal agreement to be the most appropriate method in order to secure the self-build status of the proposal, as such the suggested self-build condition is not necessary.
28. A pre-commencement condition requiring tree protection measures to be set out is not necessary at this stage as the application is outline with all matters reserved and as such no development can currently take place. This would be for consideration at the appropriate reserved matters stage.

Conclusion

29. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Accordingly, I conclude that the appeal should be allowed.

T Bennett

INSPECTOR

****Schedule of Conditions****

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. Development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan dated May 2024.
5. When application is made for approval of the reserved matters that application shall include details of the finished ground and floor levels of the dwelling.



Appeal Decision

Site visit made on 2 June 2025

by L Fern BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 JULY 2025

Appeal Ref: APP/G2435/W/25/3360649

Land between 118 and 124 Battram Road, Ellistown, Coalville, Leicestershire LE67 1GB

- 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 M Waring against the decision of North West Leicestershire District Council.
 - The application Ref is 23/00152/OUT.
 - The development proposed is erection of a self-build dwelling.
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Decision

1. The appeal is allowed, and outline planning permission is granted for erection of a self-build dwelling at land between 118 and 124 Battram Road, Ellistown, Coalville, Leicestershire LE67 1GB in accordance with the terms of the application Ref 23/00152/OUT and subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Mr M Waring against North West Leicestershire District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The address in the banner heading above has been taken from North West Leicestershire District Council's (the Council) decision notice. It differs slightly from that on the application form. However, it has been used by the appellant on their appeal form and I am therefore content that it has been accepted as accurate by the main parties.
4. The appeal relates to an outline proposal. The application form states that appearance is to be considered at this stage, with all other matters reserved for future consideration. However, the decision notice, the appellant's appeal form and the evidence before me from both main parties indicates that all matters are reserved for future consideration, which fits with the lack of detail submitted in relation to appearance. I have therefore considered the appeal on this basis.
5. A Unilateral Undertaking (UU) was submitted during the appeal process, which seeks to secure the self-build status of the proposed dwelling. This matter is dealt with later in my decision.

Main Issue

6. The main issue is whether the appeal site provides a suitable location for the proposed development, having regard to the spatial strategy of the development plan, whether the site constitutes previously developed land (PDL) or not and the accessibility of the site.

Reasons

7. Policy S2 of the Council's Local Plan (2021) (the LP) sets out a settlement hierarchy to be used when assessing the suitability of a settlement for new development. Battram is identified as a 'Small Village', which are considered as settlements with very limited services, and where development will be restricted to, amongst other things, the redevelopment of PDL.
8. Policy S3 of the LP relates to land outside the defined 'Limits to Development'. It confirms that in such locations, the redevelopment of PDL in accordance with Policy S2 will be supported subject to six considerations (i-vi), which relate to environmental, locational, built-form, retail and accessibility matters.
9. The appeal site comprises a plot of land between No 118 and No 124 Battram Road (No 118 and No 124 respectively). In the absence of defined Limits to Development in this location, it is not disputed that the site falls within the countryside. However, both main parties agree that the site is located within the built-up area of the village of Battram.
10. The main parties disagree with regards to whether the site constitutes PDL or not. The land is currently disused and has become significantly overgrown. However, some ornamental planting, a greenhouse and hardstanding towards the middle of the site were observed during my site visit. The remainder of the land was inaccessible. The hardstanding observed fits with the description and location of some of the former pigsties that are referenced in the Statutory Declaration (SD) submitted with this appeal.
11. The Council asserts that the site is part of the residential curtilage of No 124. The personal accounts set out in the SD confirm that ownership and use of the land was linked to the residential occupation of No 124. The 2006 aerial image in the SoC shows that a large proportion of the site was landscaped as a continuation of the formal lawned area of the rear garden to No 124. Furthermore, I cannot be convinced that the area of hardstanding and the then grassed area to the front did not also sit within the residential curtilage of No 124.
12. In addition, the appellant's evidence is clear that the most recent use of the former pigsties, that were adjacent to the garage to No 124, was for storage and a workshop associated with the residential occupation of No 124.
13. Having regard to the above, and all submitted evidence, I am not convinced that the appeal site constitutes PDL in this instance.
14. Even if I had found that the site constituted PDL, it is located within a settlement that contains few services and facilities, which are limited to a village hall and recreation ground, and poor access to public transport networks. Future residents of the proposed development would inevitably be heavily reliant on use of the private car. Furthermore, no evidence has been forwarded by the appellant to suggest otherwise. For these reasons, the proposed development would have

failed the test at point (vi) of Policy S3 in any case, which supports proposals for the redevelopment of PDL in accordance with Policy S2 that are accessible or will be made accessible by a range of sustainable transport.

15. The appellant has drawn my attention to three decisions by the Council¹. However, from the information before me, the first of these relates to development of PDL, the second was considered under different development plan policies and the third determined at a time when the Council could not demonstrate a 5-year supply of deliverable housing sites. As such, they are not directly comparable to the appeal proposal before me, and I am required to consider the appeal on its own merits.
16. It therefore follows that the appeal site would not provide a suitable location for the proposed dwelling having regard to the spatial strategy of the development plan, whether the site constitutes PDL or not and the accessibility of the site. As such, it would be contrary to Policies S2 and S3 of the LP, the aims of which I have outlined above.

Other Considerations

17. It is common ground between the main parties that the Council has a significant unmet need for self-build and/or custom-build housing (SBCB housing), which is required by the Self-Build and Custom Housebuilding Act 2015 (as amended) (the Act). This is a matter of serious concern and the provision of housing in this respect should be attributed significant weight. Despite the proposal being for just a single dwelling and the Council advising of other applications currently being considered for SBCB housing, it would assist in reducing the Council's deficit and would be secured by the UU submitted with this appeal.
18. The proposal would also make a positive contribution to general housing supply and make efficient use of a currently underused plot of land within the built-up area of an existing village, with associated social and economic benefits during the period of construction and once the dwelling is occupied. However, I am mindful that the proposal is for only a single dwelling and any facilities and services that may benefit from an increase in population are limited locally.

Planning Balance

19. The National Planning Policy Framework (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 LP, with the associated conflict leading to the provision of a dwelling in an unsuitable location with poor accessibility to services, facilities and public transport networks. This would cause unacceptable harm, although qualified to some extent by the small scale of the proposal, seeking the provision of only one dwelling with associated limited numbers of additional residents.
20. The proposal conflicts with the development plan taken as a whole and should be refused unless other material considerations indicate otherwise.
21. Both the Council and the appellant agree that the development plan is silent with regards to the provision of SBCB housing, which is what is proposed in this instance and therefore is most important for determining this appeal.

¹ 18/00413/FUL, 15/00349/FUL and 13/00672/OUT.

22. Paragraph 11 d) of the Framework explains that in such circumstances, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. Nevertheless, I have taken account of the fact that the proposed development is within the built-up area of an existing village and that a dwelling on this site has the potential to sit comfortably as an infill between existing residential properties. It would also make use of a currently unused plot of land. These factors, together with the contribution that the proposed development would make towards the provision of SBCB housing in a location where there is a significant shortfall of serious concern, weigh in strong favour of the proposed development. Overall, I attribute moderate weight to the benefits of the proposed development.
24. Taking account of the circumstances of this case, I conclude that the harm arising from the provision of a single dwelling in this location, when considering accessibility, does not significantly and demonstrably outweigh the benefits when assessed against policies of the Framework taken as a whole. Therefore, the proposal does benefit from the presumption in favour of sustainable development as articulated in paragraph 11 d) of the Framework.

Planning Obligation

25. A UU pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) is before me, dated 5 February 2025. The UU contains provision to secure the proposed development as SBCB housing. There is no dispute between the parties relating to the provisions of the UU and I am satisfied that its content is fit for purpose and secures the SBCB nature of the proposal. With reference to the Framework, the UU is necessary to make the proposed development acceptable in planning terms, is directly related to and is fairly and reasonably related in scale and kind to the proposed development.

Conditions

26. I have had regard to the planning conditions suggested by the Council in their final appeal comments and I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance.
27. In the interests of certainty and clarity, I have imposed the standard conditions relating to the approval of reserved matters, the commencement of development and the approved plans.
28. In the interests of mitigating any effects of the proposed development on biodiversity and ensuring the development brings about an associated enhancement, I have imposed a condition requiring a mitigation and enhancement strategy to be submitted and approved. I have removed any specifics as they are unnecessarily prescriptive.
29. The Council has suggested the imposition of a condition requiring detailed evidence of how and when the purchaser has had primary input into the design and layout of the dwelling to be submitted with all subsequent applications for reserved matters. This condition is considered unnecessary given that the UU adequately secures the SBCB housing status of the proposed development in-line with the requirements of the Act.

30. The Council has also suggested the imposition of a condition requiring full details of the existing and finished floor levels to be submitted with the application for approval of reserved matters, and subsequently requiring the development to be carried out in accordance with the approved levels. No detailed plans are before me at this stage, and this is a standard matter for consideration at reserved matters stage. Such a condition would therefore be unnecessary.

Conclusion

31. The proposal would conflict with the development plan taken as a whole. However, there are material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be allowed.

L Fern

INSPECTOR

Schedule of Conditions

- 1) Details of the access, layout, scale, appearance and landscaping, (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan.
- 5) The first application for approval of reserved matters shall be accompanied by a biodiversity mitigation and enhancement strategy. The biodiversity mitigation and enhancement measures shall thereafter be implemented in accordance with the approved details and shall be retained thereafter.

*****End of Conditions*****



Appeal Decision

Hearing held on 4 February 2025

Site visit made on 4 February 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/Q4625/W/24/3353109

Land at Netherwood Lane, Chadwick End, Solihull B93 0BD

- 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 Keith Baker against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/02504/PPOL.
 - The development proposed is five self-build plots and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for five self-build plots and associated works at Land at Netherwood Lane, Solihull, B93 0BD in accordance with the terms of the application, Ref PL/2023/02504/PPOL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Outline planning permission is sought with only access and landscaping to be considered. The appellant confirmed at the Hearing that with regard to access, at this stage permission is sought for the sight lines and bell mouth, not the internal road. With regard to landscaping, further details would be required and the plans provided were to indicate the strategic level principles of where planting would take place. The appellant also confirmed that the Design Code setting the parameters of the dwellings were to be considered. Other than details relating to these matters, I have regarded all other elements as illustrative.
3. I have removed words that are not acts of development from the description above and taken the address from the application form as these are sufficiently precise.
4. As part of their initial appeal submissions, the appellant provided amended plans altering parts of the proposed landscaping. These changes were reflected in other documents such as those relating to drainage and biodiversity. The documents and plans were submitted at the outset of the appeal, did not relate to significant changes to the scheme considered by the Council at the time of their decision and parties have had the chance to comment on them. As such, no one would be prejudice by my taking them into account and the Hearing discussions were based on the revised plans.
5. Following the Hearing, a completed obligation was provided to secure the proposed properties as self-build and in relation to management of the

landscaped areas outside of the individual plots. This obligation followed the wording of the previous completed and draft obligations discussed at the Hearing.

Main Issues

6. The main issues of the appeal are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies,
- The effect of the proposal on the openness and purposes of the Green Belt,
- Whether the appeal site is an appropriate location for the proposed development regarding accessibility and reliance on private motor vehicles,
- The effect of the proposal on the character and appearance of the area,
- The effect of the proposal on highway safety; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

7. Policy P17 of the Local Plan¹ sets out that inappropriate development in the Green Belt, will not be permitted except in very special circumstances. It states that in addition to national policy further provisions apply to development in the Borough's Green Belt. To my mind, this wording allows the policy to reflect changes to the Framework, such as Grey Belt.
8. While the 'Broad Area' the appeal site is in performed well in the Green Belt Assessment², this covers a large area. Not all parts within it will make the same contribution. The appeal site is not part of a large built-up area and would have clearly defined boundaries, not extending beyond the development opposite. The site is also some distance from, and not viewed with any other towns, including any historic ones. A considerable distance would remain between the site and any towns. Therefore, as the site does not strongly contribute to the relevant purposes, it is Grey Belt.
9. The Council confirmed at the Hearing that for this scheme there was no need for improvements to local or national infrastructure or the provision of new, or improvements to existing, green spaces that are accessible to the public.
10. Nevertheless, the scheme would not meet the Golden Rules set out in the Framework with regards to affordable housing provision. Therefore, even if it met the other criteria in paragraph 155 of the Framework, it would still be inappropriate development.

¹ Solihull Local Plan Shaping a Sustainable Future December 2013

² Solihull Strategic Green Belt Assessment – Assessment Report July 2016

11. Unlike the Framework, Policy P17 provides a definition of limited infilling. The latest iteration of the Framework has made changes to how development in the Green Belt is considered. The Framework indicates that the exceptional circumstances where Green Belt boundaries should only be altered include where an authority cannot meet its identified need for homes, commercial or other development through other means.
12. The Local Plan Review has been withdrawn. The WSM³ acknowledges an acute and entrenched housing crisis and need for Green Belt review and release. The Council are also currently not able to provide a 5-year supply of housing land. However, it is not for this appeal to consider whether the site should or would be designated as Green Belt or whether definitions in the development plan should be changed. Furthermore, the WSM and Framework did not and does not state that additional clarification or definition of what is inappropriate development within a development plan is prohibited. Therefore, in regard to defining limited infilling, Policy P17 is not inconsistent with the Framework, and I give it full weight.
13. There is no settlement limit or boundary for Chadwick End. But this is not determinative as to whether the site is part of the village or settlement. As you travel towards the site from the nearby crossroads, the built form is at times sporadic and there is no consistent grain to development. The regularity of built form on the opposite side of Netherwood Lane varies. However, plots are relatively continuous up to the far end of the appeal site and on that side of the road still feels part of the village.
14. In contrast, on the appeal site side there is thick vegetation along the roadside boundary and a lengthy gap in visible built form before reaching the appeal site. The appeal site appears as part of a larger open field, with no boundary feature along the site edge at present. In views from the nearby roads and public rights of way the site appears as part of the undeveloped and open agricultural landscape beyond. Currently, it feels that the village has already ended on that side of the road before you reach the appeal site as you travel from the crossroads. Arriving from the other direction along Netherwood Lane and from the public rights of way, the appeal site appears, with the dense vegetation behind it, as the end, and part of, the countryside. Therefore, it is not within a village.
15. While there are properties on the opposite side of the road, the appeal site is some distance from the nearest built form on the same side of the road. It is separated by a long tapering garden and vegetation to one side with open fields to the other side and rear. As such, it would not infill an existing small gap or larger gap as there would still be an expanse of fields beyond the rear and one side boundary of the site. Being for 5 dwellings it would also exceed the maximum of 2 set out in Policy P17. The appeal site itself is also a relatively large area of land. As such, in this context, it would not be limited infilling.
16. The scheme fails to meet the limited infilling in villages exception in Policy P17 or the Framework. Consequently, the proposal would be inappropriate development having regard to the Framework and development plan policy.

³ Written Ministerial Statement - Building the homes we need – December 2024

17. Therefore, there is no need for me to consider the effect on character and appearance as part of whether the proposal is inappropriate development as it would not lead me to a different finding. As such, although that criterion is an additional requirement to the Framework and that element is inconsistent with the Framework, for the purposes of this appeal, Policy P17 is given full weight.

Openness

18. As the appeal site is currently an undeveloped field with no built form, the introduction of 5 properties of up to 999sqm of floor area and several storeys, hard surfacing, parked vehicles and other domestic paraphernalia would undoubtedly reduce the spatial openness of the Green Belt. Some elements such as parking would be temporary however, the built form would be permanent. While the area of enclosure created would be more comparable to the previous smaller field sizes than at present and areas of woodland that enclose parts nearby, the domestic nature and additional spatial openness lost would be harmful.
19. A single break in the existing frontage hedgerow for the access point would allow the roadside trees to be retained. There would be extensive planting proposed to the boundaries of the site. This would, increasingly so as planting matures, help to, in part, screen the proposal and limit locations it would be seen from. Moreover, gaps between properties would break up the built form. The site would also be seen with properties opposite and nearby in many views rather than separate and distant from the existing built form.
20. Nevertheless, there are currently views of and over the site of the wider landscape from the nearby public rights of way, roads and properties. Consequently, the proposal would erode the existing visual openness of the Green Belt.
21. Not every part of the 'Broad Area' will necessarily have the same level of contribution to Green Belt purposes. Nonetheless, the site is a field at present that appears and feels part of the countryside as set out above. While a new landscaped boundary would be formed and large areas of countryside remain, the development would result in some encroachment into the countryside.
22. It would have a greater impact on the openness of the Green Belt and lead to encroachment of the countryside. Although the harm would be small, this would be contrary to the Framework where it states openness is an essential characteristic of the Green Belt.

Accessibility

23. Policy P5 of the Local Plan states that new housing will be supported on unidentified sites in accessible locations where they contribute towards meeting identified borough-wide housing needs and towards enhancing local character and distinctiveness. Unless there are exceptional circumstances, new housing will not be permitted in locations where accessibility to employment, centres and a range of services and facilities is poor.
24. Policy P7 of the Local Plan sets out that all new development should be focused in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access. Specific distances from new housing to certain services and facilities are set out in the policy. The Council indicated that there are circumstances where sites that do not achieve all of

the criteria would still be acceptable dependant on their context. The policy itself has a degree of flexibility saying the distances should be met unless justified by local circumstances.

25. The Framework does not prevent development plan policies providing more specific criteria for assessing accessibility and it is not for this appeal to consider whether such criteria may be altered in the future. The policies follow the general principles of accessibility with local and exceptional circumstances providing scope to go outside of the set distances and recognise context. So, they are not inconsistent with the Framework and attract full weight.
26. The site meets the criterion regarding distance to a bus stop. However, it would not accord with the frequency element of that part of the policy. It would also not meet the distances for the other relevant services and transport options, with them often being some considerable distance beyond those set in Policy P7.
27. There is a public house/restaurant and village hall in Chadwick End, but few, if any, other services, facilities or employment opportunities that would likely be accessed by foot due to distance alone. The route to the bus stop is along a relatively narrow part of road up to the crossroads. There is no separate footway, intermittent street lighting and no crossing point nearby along the route. Notwithstanding this, it is not a significant distance. There are some passing places and wide verges, which although sometimes disturbed, provide an area for pedestrians to take refuge from vehicles so this in itself would not be overly off-putting. At times of darkness and inclement weather the likelihood of pedestrians using the route would be reduced. The conditions also mean that it would be more difficult and less attractive to some people, such as the elderly, those with or children themselves and those with reduced mobility.
28. Nevertheless, the bus route, whilst somewhat limited in terms of the times of day and week in which the services run would be an option for future occupiers. While the bus may not run to services in Warwickshire, it would provide access to other locations including railway stations that in turn connect to wider locations and associated facilities. Moreover, although it varies by user and time of day/year, at the Hearing I heard from local residents that there is some use of the route for walking by residents and visitors. Due to the conditions of the area, this would also be the case for cyclists.
29. Chadwick End is not identified on the Spatial Portrait Diagram in the Local Plan, but the Local Plan does not indicate this defines the site as automatically unsuitable or not accessible. The Call for Sites assessments identified the site as having a very low level of accessibility. While related to a larger number of dwellings, there is no compelling evidence before me that the accessibility of the location has improved since that time.
30. Some trips by car to services and facilities would not be of a great distance and the number of properties means the number of journeys would not be significant. However, given the limited options in Chadwick End and bus routes, there would be a reliance on private vehicles for many of the journeys associated with the proposed dwellings and the choice of modes of transport would be somewhat limited. Electric vehicle charging points would provide the potential for such vehicles to be used and would go some way to prioritising

sustainable modes of transport, but I cannot be certain that they would be used.

31. The Framework identifies that decisions should take account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Given the scale of the scheme and number of existing properties in Chadwick End, the development would not be significant with regard to paragraph 110 of the Framework. While only small, the proposal could help support services and facilities in Chadwick End and in villages nearby.
32. Notwithstanding the above, the site is not in an accessible location. There is a considerable shortfall in housing land supply and also specifically for self-build plots in the Borough. I discuss these and the weight afforded to them in more detail below. Nevertheless, it has not been shown that these and the other considerations in favour of the scheme are exceptional with regard to Policy P5 of the Local Plan.
33. Therefore, the appeal site would not be an appropriate location for the proposed development regarding accessibility and reliance on private motor vehicles. It would fail to accord with Policies P5 and P7 of the Local Plan where they seek to focus development in accessible locations.
34. Due to the number of properties, and therefore movements associated with them, and that there are some alternative options to private motor vehicle, the harm that would result from this issue and weight afforded to it is small.

Character and appearance

35. The winding lanes with verges and mature trees within hedgerows near the site are typical of the Sub Area identified in the Solihull Borough Landscape Character Assessment. The rising land and large fields on the appeal site side of the road gives an open feel rather than the sense of enclosure identified for the Arden Pastures landscape in the Warwickshire Landscapes Guidelines.
36. While previously made up of smaller fields that were then characteristic of the area, the appeal site is currently part of a large undeveloped field. The lack of development and clear boundary edges of the field are typical of those around it. The site contributes positively to the open agricultural and verdant character and appearance of the wider area.
37. The new boundary would appear somewhat arbitrary, not follow the historic smaller field boundary and the remaining field would be an irregular shape. In addition, rather than a field, the new boundary would enclose houses and not lead on from the existing tapering vegetation line to one side. As a result, it would be discordant with the pattern of development and fields nearby.
38. A single shared access would allow much of the roadside hedge and trees to be retained and the layout would reflect the general ribbon form. While layout is not to be agreed, the indicative details suggest more regular and rigid gaps and plot widths than those in the area at present. Although a low density, it would also be higher than the general pattern nearby and plot depths far greater than those on the same side of the road. These factors, mean the scheme would appear discordant with the informality and individuality of plots and the varied grain of development it would be seen with.

39. The introduction of 5 properties, hard surfacing and domestic paraphernalia including parking would undoubtedly change and urbanise the character and appearance of the existing undeveloped field.
40. Notwithstanding this, the scheme would be seen with existing properties and other domestic features in many views. From the rear of the site, the large gap between properties on the same side of the road would be obvious and the scheme would appear disjointed and more compact. Nonetheless, there would be some gaps between properties and planting that would, although not completely, increasingly screen and soften the appearance of the developed area over time. At present views from the rear of the site include the properties opposite with vegetation between and in the foreground. The appeal scheme would be viewed in much the same way once the extensive planting had matured.
41. In views along Netherwood Lane and from the public right of way opposite, the site would appear as the new edge of built development on that side of the road. It would be seen with the existing properties of varying size, design and layout opposite. As such, the proposal would not appear wholly separate or disconnected from the existing built form on the approach to the site. Subject to appropriate design, the scale of development indicated in the Design Code would not appear incongruous with the sometimes-large existing properties along Netherwood Lane.
42. Initially the scheme would appear as a stark intrusion into the field and countryside. As the large areas of planting mature, details of which are to be agreed to ensure species are appropriate and managed separately to the areas within the plots themselves, the scheme would partly assimilate into the existing settlement edge.
43. The area was relatively quiet when I visited the site. However, there was some passing traffic, pedestrians using the lane and activities within gardens typical of residential properties. There are a number of residential properties nearby, including ones with external lighting. Given the scale of the scheme the comings and goings associated with it would not be significant. A condition is also imposed regarding details of external lighting to be agreed. For these reasons, even if gardens to the rear would be seen from the public rights of way, such movements and activities would not be unexpected or have a harmful effect on the character or tranquillity of the area.
44. Nevertheless, the proposed development would harm the character and appearance of the area. It would be contrary to Policies P5 and P15 where they seek to conserve and enhance local character and distinctiveness. These elements of the policies are broadly consistent with the design aims of the Framework where it requires schemes to be sympathetic to local character, so I give them full weight.
45. As the development would be seen in many views with existing properties and over time the proposed planting would mature and in part screen the proposal, the harm from this issue and weight afforded to it would be moderate.

Highway Safety

46. Being for 5 properties, and that there are considerably more existing properties nearby, the additional traffic generated from the scheme would not be significant. There are relatively frequent passing places along Netherwood Lane. While narrow, the road does widen in parts. There would be sufficient opportunities for vehicles to pass and if necessary, wait if they meet for only a short time, without needing to use existing driveways or cause increased damage to the verges. The proposal would, therefore, not adversely affect the free flow of traffic.
47. While there are no separate footways or continuous street lighting at and near the site, the often-wide verges provide appropriate space for pedestrians, cyclists and horse riders to temporarily take refuge. Although only a snapshot in time, I saw this happening at my site visits before and after the Hearing where vehicle speeds were sufficiently low to allow time for them to take refuge. This would be more difficult for certain people depending on characteristics such as age and mobility. Nonetheless, from my observations and discussions at the Hearing, this appears to be what already happens along Netherwood Lane and while local residents referred to incidents, there is no Personal Injury Collision Data for the last 5 years at the site.
48. Traffic movements and speeds will vary at different times of day, week and year. However, recorded speeds at the site in the automatic traffic count demonstrate that the visibility splays proposed would be sufficient. These would allow road users to see and adjust accordingly to vehicles emerging from the proposed access and vice versa. The scheme would not result in a significant increase in vehicle or pedestrian movements at peak time or in total.
49. As such, the proposed development would not harm highway safety. It would accord with Policy P8 of the Local Plan where it states development will not be permitted where it reduces safety to highway users and seeks to minimise impacts on the efficiency of the highway network.
50. It would also comply with the Framework where it states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
51. This would be a neutral factor.

Other considerations

52. There is no specific policy for self-build housing in the Local Plan. The Framework seeks to ensure that the type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Notwithstanding this, the absence of such a policy does not make the Local Plan inconsistent with the Framework. Despite this, along with the withdrawal of the Local Plan Review, and no specific timeline for a new one to be completed, this provides uncertainty as to how and when the Council would be able to meet the demand for self-build plots.
53. While the parties disagree with the level of the shortfall, demand was not clearly disputed, and the parties acknowledged that there is currently an

undersupply of self-build plots. This shortfall would be between approximately 471 and 606 dwellings. The Council provided little evidence of what self-build permissions had been granted, which permissions they were and how they were secured, to demonstrate they met the legislative requirements. Furthermore, the Council were not able to confirm if, or how many of those permissions had been delivered.

54. A planning obligation is provided to secure the proposed properties as self-build. This is necessary to ensure the plots remain self-build and is directly and fairly related to the proposal in kind. While the scheme would only provide 5 dwellings, given the considerable level of shortfall, even if taking the Council's figure, the proposal would make a valued contribution towards addressing it. I therefore give this substantial weight.
55. The Council stated that they currently only have a 2.14 year supply of housing land. While the appellant questioned the evidence behind that figure, no alternative one has been put forward or detailed breakdown of why it should be considered incorrect. The Framework outlines that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. It also seeks to significantly boost the supply of homes. As above, despite the scale of the scheme, and due to the lack of any forthcoming revised or new plan to address this shortfall, the extent of this shortfall means that the contribution towards housing supply attracts substantial weight.
56. There would be benefits to biodiversity from the scheme through on-site enhancements and net gain even if these only achieve policy compliant levels. Due to the extent of the site, and that the exact nature of the enhancements and net gain are yet to be confirmed this attracts small weight.
57. There would be economic and social benefits associated with the build and occupation of the dwellings. As the benefits during construction would be temporary and given the number of dwellings proposed, these benefits each attract small weight.

Other Matters

58. The significance of Low Ceilings comes, in part, from its traditional design, materials and features. Its setting includes the immediate undeveloped area which allow it to be appreciated away from other properties and this setting contributes positively to its significance. The wider area has a number of relatively modern properties of varied design, and the appeal site is some distance from Low Ceilings. The area close to Low Ceilings would not be affected and any views with the appeal scheme would include the existing mix of property types, ages and scale. Therefore, the significance and setting of Low Ceilings would be preserved.
59. Other than the details in the Design Code, the layout, scale and appearance of the site is not to be agreed at this stage. Given the separation between the site and existing properties, subject to appropriate design and conditions including those relating to boundary treatments and lighting, the scheme would not lead to harm to the living conditions of nearby occupiers. A construction management plan is conditioned which would address potential disturbance during that phase.

- 60. Sufficient space exists at the site to ensure that appropriate separation could be provided so that future occupiers had satisfactory living conditions.
- 61. While there have been problems with electricity supply in the area, there is no compelling evidence to indicate that the appeal scheme would lead to increased issues. It is not for the proposal to rectify any existing issues. This is also the case for drainage matters, for which a condition is imposed, and no clear evidence of infrastructure lacking has been provided.

Planning Balance

- 62. The proposal would be inappropriate development in the Green Belt. It would also lead to a small loss of openness to the Green Belt and encroach on the countryside. The Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, as no affordable housing is proposed in accordance with the Golden Rules where there is such a need, this attracts moderate weight. There would be moderate harm to the character and appearance of the area which attracts moderate weight.
- 63. With regard to accessibility, the conditions of the surrounding area would have a greater limiting effect on the options for the elderly and those less mobile. The potential to access services would be more challenging to the elderly, disabled and less mobile. This would not advance equality of opportunity for accessing new homes. Even taking this into consideration, due to the options that are available, the harm and weight to the lack of accessibility is small.
- 64. The benefits of the scheme and the weight afforded to them are set out above. While having due regard to the disadvantage that may be caused to some people with protected characteristics in terms of their choice to live in this particular development of new housing, the other considerations in this case clearly outweighs the harm identified. Looking at the case as a whole, very special circumstances exist which justify the development.
- 65. The Council do not have a 5-year supply of housing land. Policy P17 of the Local Plan allows for inappropriate development in the Green Belt to be permitted in very special circumstances. Therefore, the scheme complies with it and the development plan as a whole. As a result, there is no need to apply paragraph 11 d) of the Framework as doing so would lead to the same outcome.

Conditions

- 66. Conditions are imposed relating to the timing of reserved matters and commencement of the development. The conditions have been worded to allow for the shared areas to be provided initially and separate to the plots coming forward, which are also likely to come forward individually.
- 67. In the interest of certainty, a condition requiring compliance with the submitted plans, insofar as they relate to the matters being considered, is imposed. The Design Code is also included setting the parameters for the reserved matters details.
- 68. To prevent increased risk of flooding and to ensure appropriate measures are in place, a condition requiring details of the surface water disposal system is imposed. A construction management plan is required to prevent harm to living conditions, highway safety and the character and appearance of the

area. A separate condition requiring any repairs to highway verges is not necessary or reasonable as it may be uncertain how any such damage would have been caused.

69. A construction ecological management plan is conditioned to prevent harm to biodiversity during that period. A landscape and ecological management plan is necessary to protect the character and appearance of the area and biodiversity features as are details of external lighting. The ongoing management and maintenance of the areas outside the plots are secured in the planning obligation. This is necessary, directly related to the scheme and reasonable in kind to prevent harm to the character and appearance of the area. Landscaping for areas within the plots are covered by a separate condition.
70. The pre-commencement conditions are so as they relate to and/or affect the early part of the development.
71. A condition limiting the total floor area of the properties is required so it remains below the threshold for affordable housing contributions, which have not been proposed. Details of parking spaces and electric vehicle charging points are needed to ensure sufficient off-road provision is made and to promote more sustainable modes of transport. The provision and retention of sight lines and the access is conditioned to prevent harm to highway safety.
72. Conditions relating to the submission of materials and levels have not been imposed as they relate to the reserved matters. I have not imposed a condition requiring the completion of the development as no particular time scale has been suggested and it has not been shown that this condition is necessary. The Council also outlined at the Hearing other powers they have to deal with the development if it were not completed.

Conclusion

73. For the reasons given above the appeal should be allowed.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, layout and scale, ("the reserved matters") for the area outside of the plots shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved prior to the occupation of any dwelling hereby approved.
- 2) Details of the appearance, layout and scale, ("the reserved matters") for each dwelling shall be submitted to and approved in writing by the local planning authority before any development takes place for that plot and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) The development hereby permitted shall be carried out in accordance with drawing nos: Location and Layout (Block) Plans 21096(10)M-101-C and Development Zone Plan 21096(10)M-102-B, insofar as they relate to the bell mouth access and strategic landscaping as well as the Design Code within (x) of the Planning, Design & Access Statement.
- 6) Prior to the commencement of any other part of the development, the bell mouth access and visibility splays as shown on DTA Drawings 25200-01 and 25200-02 shall be provided and shall thereafter be retained.
- 7) No development shall take place until a detailed surface water drainage scheme for the site, including a management and maintenance plan, and implementation timetable, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 8) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.
- 9) No development shall take place until a Construction Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Ecological Management Plan shall be adhered to throughout the construction period for the development.
- 10) No development shall take place until a Combined Ecological and Landscaping Scheme for areas outside the individual plots, including hard and soft landscaping details and enhancements to demonstrate biodiversity net gain, based on the strategic landscaping in drawing 6310LMXXXXDRL1000B, and an implementation and management programme, have been submitted to and approved by the local planning authority. The scheme shall be carried out in accordance with the approved details. Any trees or plants which within a period of 5 years

from the completion of that element of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 11) Prior to the occupation of each dwelling, a landscape scheme and implementation programme for that plot shall be carried out in accordance with details that have first been submitted to and approved in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of that element of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 12) Prior to the occupation of each dwelling, parking spaces and electric vehicle charging points for that dwelling shall be provided in accordance with details that have first been submitted to and agreed in writing by the local planning authority. Thereafter they shall be retained for that purpose only.
- 13) Prior to installation, details of any external lighting shall be submitted to and agreed in writing by the local planning authority. The lighting shall be implemented as agreed.
- 14) The combined total external floor space of the dwellings hereby approved shall not exceed 999sqm.

APPEARANCES

FOR THE APPELLANT:

James Corbet Burcher: Counsel

David Carter: Tyler Parkes

Seb Kouyoumjian: Tyler Parkes

Douglas Allenby: Landscape Matters Design LLP

Tom Mais: David Tucker Associates

Keith Baker: Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jon Hallam: Planning Delivery Team Leader

Mr Wright: Landscape Officer

INTERESTED PARTIES:

Andrew Murphy: Stansgate Planning

Robert Horsefield: Local Resident

Stuart Jones: Local Resident

Chris Jacob: Local Resident

Hazel Reeves: Local Resident

Richard Ashford: Local Resident

Michael Parks: Local Resident

DOCUMENTS

Spatial Portrait Diagram: Local Plan fig 2

Suggested Walking Route

Suggested Driving Route