



Land at Church Road
Witherley
Leicestershire

PLANNING STATEMENT

Project: Erection of a single self-build dwelling (Use Class C3)

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EXECUTIVE SUMMARY

This **Planning Statement** supports a full planning application for the **erection of a single self-build dwelling and ancillary detached garage (Use Class C3)** on land off Church Road, Witherley.

The proposal before the Council has developed since the original pre-application scheme. It is a fundamentally redesigned development prepared by a new architect and project team, supported by a substantial evidence base, commissioned specifically to respond to the Council's pre-app concerns and to ensure a robust, policy-led application.

The site lies within the Witherley Conservation Area, engaging the statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is supported by a Historic Environment Assessment (HEA) that scrutinises the Conservation Area Appraisal (CAA) and assesses the proposal against heritage significance and key views, concluding that, given the scheme's siting, its relationship to topography, and the retention of the mature boundary tree belt, the development would be largely screened in public views and would preserve the Conservation Area's character and appearance, maintaining the "landscape appearance" objectives relied upon in the Appraisal.

The Council's pre-app response confirms the authority cannot demonstrate a five-year housing land supply (5YHLS) and explicitly advises that the tilted balance (NPPF paragraph 11(d)) is engaged. The Council's most recent documentation also records an indicative 3.89-year supply as of 29 July 2025, which reinforces the paragraph 11(d) decision-making framework.

A central public benefit is that the scheme delivers a genuine self-build dwelling. The application is supported by a detailed Self and Custom Build Housing Need Assessment for Hinckley and Bosworth and Witherley Parish, evidencing a substantial, persistent unmet need and demonstrating that delivery of a self-build plot carries material weight, particularly when secured through an appropriate legal mechanism. The applicant is registered on the Hinckley and Bosworth Self-Build register, and a Unilateral Undertaking has been to secure the self-build delivery intent, ensuring the benefit is implementable and enforceable.

The scheme is supported by additional robust technical work, comprising highways, ecology, arboriculture and archaeology, confirming that impacts are acceptable in planning terms and can be controlled through proportionate, standard conditions.

Overall, the proposal represents sustainable development. It provides a deliverable, high-quality self-build home addressing evidenced unmet need in a Borough where 5YHLS cannot be demonstrated, and it does so without unacceptable heritage harm whereby the proposal responds to the existing landscape and has been specifically designed to preserve the Conservation Area's defining characteristics, including the retained tree belt and the restrained presence of built form in public viewpoints.

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1. INTRODUCTION

- 1.1. This Planning Statement accompanies a planning application for the erection of a single self-build detached dwelling with ancillary detached garage (Use Class C3) on land off Church Road, Witherley.
- 1.2. The Statement is intended to: (i) describe the proposal and its evolution; (ii) present the site and heritage context; (iii) identify and assess the relevant planning policy framework; (iv) summarise the technical evidence base; (v) respond directly to pre-app matters; and (vi) provide a robust planning balance demonstrating why permission should be granted.
- 1.3. The Statement should be read alongside the submitted drawings and the supporting documents, including (among others): the Historic Environment Assessment; the Self and Custom Build Housing Need Assessment; the Transport Technical Note; the Phase 1 Ecology Appraisal; the Arboricultural Report; and the archaeology assessment work.

2. THE SITE AND SURROUNDING AREA

- 2.1. The application site is located off Church Road, Witherley, within the Witherley Conservation Area. The site's topography is a defining characteristic, whereby land levels fall away toward the river. The site measures circa 0.3ha and is characterised by open grassland with mature vegetation, with the River Anker bordering the western boundary.
- 2.2. The Witherley Conservation Area Appraisal (CAA) identifies "key private green spaces" including the grounds of The Old Rectory, Witherley Hall and the application site, described as having been carefully landscaped and falling gently toward the river. The applicant recognises that the Appraisal is a material consideration; however, decision-making must be grounded in an evidence-led understanding of the site's actual function and its contribution to public experience of the Conservation Area.
- 2.3. A relevant baseline matter, addressed directly in the HEA, is that the current condition of the site does not reflect a carefully landscaped, designed "key private green space" in the manner described by the Appraisal. Instead, the HEA identifies that the site's positive contribution rests largely in the mature planting surrounding

the site and, in particular, the significant belt of mature trees and established boundary vegetation along the Church Road frontage. This vegetation forms a strong verdant edge in the street scene, contributes to filtered views into the plot, and is therefore central to how the site is experienced from public viewpoints. The HEA also notes that this context provides an opportunity to enhance Conservation Area character through improved boundary treatment and landscaping management.

- 2.4. In addition, evidence is available demonstrating that the land has been used for residential purposes by neighbouring residents for an extended period (since at least 2011). This includes a signed licence arrangement with the Diocese (as landowner) allowing neighbouring residents to have sole use of the land, together with historic Google imagery showing domestic apparatus such as a football goal and trampoline. This evidence is not advanced to displace or “override” the CAA’s intent; rather, it is material to establishing a realistic and accurate baseline. It supports the judgement that the proposal consolidates an already domestically associated parcel while retaining the landscape framework, particularly the mature boundary planting, which underpins the public-facing experience of the Conservation Area and the character objectives identified in the Appraisal.

3. PLANNING HISTORY AND LOCAL CONTEXT

- 3.1. Recent decisions in Witherley have seen proposals being assessed against countryside strategy alongside heritage, design, landscape, highways and amenity, with conditions used to secure acceptable outcomes where impacts are capable of mitigation.
- 3.2. The applicant has also identified relevant planning history on adjoining/nearby land associated with the same “key space” landscape context and shared access arrangement. In particular, the applicant understands that:
- 99/00163/COU granted change of use to garden land (1999); and
 - 21/00048/FUL granted change of use of vacant field to cemetery with associated car parking (not implemented – expired on 16th December 2025).

- 3.3. These decisions are material in the sense that they show the “key space” identification is not an absolute policy prohibition. They demonstrate that where impacts are assessed and addressed, changes of use and associated development have previously been accepted in this landscape context. This supports a consistent approach now: the present scheme is a single dwelling with strong screening and a robust heritage evidence base concluding preservation of Conservation Area character.

4. DESCRIPTION OF DEVELOPMENT

- 4.1. The proposal seeks permission for the erection of a single detached self-build dwelling with ancillary detached garage (Use Class C3). The applicant is registered on the Hinckley and Bosworth Self-Build register.
- 4.2. The scheme has been developed through a client-led detailed design process. It has been specifically designed to respond to the Witherley Conservation Area context so that it is read as modest and contextual from Church Road, with a restrained and appropriate public-facing frontage, while allowing a more contemporary articulation and increased glazing to the private rear elevation where it can exploit long views across open countryside and the river corridor in a manner that is not prominent in primary public viewpoints.
- 4.3. The design is explicitly landscape-led and responds to the existing topography, using the site’s sloping landform to reduce perceived mass from the public realm by integrating the building into the slope. The submitted drawings confirm a split-level, stepped accommodation approach, including a lower ground floor, consistent with a topography-led design strategy.
- 4.4. The submitted house design drawing records the total floor area as 556.9m² (Lower Ground Floor 87.43m²; Ground Floor 294.2m²; First Floor 175.3m²). However, the important planning consideration is not the internal area but how the scheme’s scale and massing are perceived externally, particularly from public vantage points. In that regard the fundamental basis for how the design has been developed, both in respect of the sites existing landscape and topography, are central to reducing perceived scale and visual presence in Church Road views (as assessed in the relevant design, landscape and heritage sections).

- 4.5. The proposal includes a detached garage designed as a traditional ancillary outbuilding, clearly subservient in scale and appearance and visually secondary to the main dwelling. The garage assists good placemaking by consolidating car parking and associated domestic paraphernalia within the site, reducing the risk of visual clutter at the frontage and supporting the Conservation Area objective of maintaining a verdant, semi-rural character.
- 4.6. An access drive and on-site turning and parking are also proposed to ensure vehicles can enter and leave in a safe manner and to avoid overspill or highway inconvenience.
- 4.7. A Design and Access Statement has been prepared and will be submitted with the application, explaining the design evolution, architectural rationale, access and inclusive design considerations, and the site's response to context.
- 4.8. In addition, a Unilateral Undertaking has been prepared and will be submitted with the application to secure the dwelling as self-build, ensuring that the self-build benefit can attract significant weight in the planning balance.
- 4.9. The following images show the proposal from the front elevation, the rear elevation, and finally the view from Church Road:



Image 1: Front elevation



Image 2: Rear elevation showing stepping with landform and limited wider visibility



Image 3: Church Road view demonstrating retained tree belt screening

5. RESPONSE TO PRE-APPLICATION ENQUIRY

- 5.1. The applicant sought pre-application advice from Hinckley & Bosworth Borough Council. The Council's response is a critical material document because it identifies the principal concerns raised at that stage and confirms the relevant decision-making framework, including the Council's position that it could not demonstrate a 5YHLS and that the tilted balance in NPPF paragraph 11(d) is engaged. The Council's pre-app response therefore acknowledged that the application must be assessed through a full planning balance, rather than as a purely policy-compliance exercise, albeit with appropriate weight still applied to the constraints identified.
- 5.2. The Council assessed an earlier, materially different scheme at pre-app stage. The Council described that scheme in detail, including that the dwelling externally measured approximately 28.3m wide by 14.1m deep (footprint 315m²) with a hipped roof (ridge height 9.8m; eaves 5.9m) and a triple-gabled treatment to front and rear.
- 5.3. The earlier scheme also included a substantial quantum of hard surfacing (approximately 925m²), including an access drive and turning circle around a 37m² fountain feature. The access arrangement was described as a new gated entrance with wrought iron gates set back behind the kerb line and bounded by 2m high brick walls with brick piers and stone capping.
- 5.4. Against that earlier proposal, the Council raised specific concerns that the overall scale and the engineered character of the frontage/access arrangement would introduce an overly formal and suburbanised visual character, with adverse effects on countryside character and on the Conservation Area's identified green/open qualities.
- 5.5. The Council also identified countryside/settlement boundary conflict, referencing the settlement strategy and the SADMP countryside policy (DM4) as key constraints. Notwithstanding the engaged tilted balance, the Council concluded at that time that the earlier scheme's public benefits did not outweigh what it considered to be significant detrimental impacts, and it did not identify heritage benefits associated with that earlier proposal. Importantly, unlike this current proposal, the earlier pre-app scheme was not a proposal for a self-build dwelling. As such, any public benefit resulting from the delivery of a self-build dwelling would not have formed part of the pre-app assessment.

- 5.6. In heritage terms, the Council's pre-app response relied on the Witherley CAA and highlighted that the application site was identified as part of the "key private green spaces" (including The Old Rectory grounds, the adjacent paddock and Witherley Hall), described as carefully landscaped and contributing to character by falling gently towards the river. The Council's concerns were therefore not simply about "development in a Conservation Area", but specifically about the perceived erosion of the Conservation Area's landscape character and the suburbanisation of that space through built form and engineered access/boundary works.
- 5.7. The current application is a direct, solution-led response to those points and is not a resubmission of the pre-app scheme. A new architect has been appointed and wholly revised plans have been prepared; the changes are not cosmetic but address the core criticisms relating to character, visual presence, relationship to the Conservation Area, and the treatment of access and boundaries. The provision of a self-build dwelling is also a fundamental alteration from the original scheme.
- 5.8. The revised scheme has responded to the existing landscape and topography of the site, with the dwelling set back within the plot and designed so that it is read as modest and contextual from Church Road, while a more contemporary articulation is directed to the private rear where it engages views over the countryside and river corridor without being prominent in primary public viewpoints.
- 5.9. The accompanying HEA directly scrutinises the CAA, assesses significance, contribution and views, and confirms that the defining tree belt and mature boundary vegetation filter views from Church Road and underpin the Conservation Area character in this location. In doing so, the HEA provides a robust, evidence-led response to the pre-app concern that earlier frontage works, and formalised features would urbanise the site, and it concludes that the Conservation Area is preserved.
- 5.10. The HEA also provides specific context on the access expression, confirming that a set-back entrance arrangement is consistent with the established pattern of entrances along this part of Church Road, including those associated with No. 3 Church Road and The Old Rectory. This directly addresses the Council's concern about an incongruous access treatment by embedding the access/boundary approach within the character of the street.

- 5.11. Further, where the pre-app response placed weight on the “key private green space” theme, the HEA provides a more nuanced and pragmatic position which assists decision-making: while the site is marked as key private green space in the Appraisal, the current condition does not reflect a designed landscape character; the positive contribution is primarily derived from mature planting and boundary vegetation; and there is an opportunity to enhance character and appearance through improved boundary treatment and careful landscaping management. This is the appropriate route for the decision-maker—respecting the Appraisal’s intent, establishing the realistic baseline, and securing the detailed landscape and boundary management necessary to maintain and, where possible, enhance the Conservation Area’s appearance.
- 5.12. In addition to addressing the Council’s design and heritage concerns, the applicant has responded to the wider “planning balance” context flagged in the pre-app response, namely the engaged tilted balance, by commissioning a Self and Custom Build Housing Need Assessment.
- 5.13. In planning terms, this evidence is directly relevant to the paragraph 11(d) balance and is supported by a Unilateral Undertaking to secure the dwelling as a self-build/custom-build home.
- 5.14. Beyond heritage, design and self-build matters, the application is supported by a full technical evidence base. The Transport Technical Note confirms that a single dwelling will result in negligible traffic generation and that safe access and on-site parking/turning can be achieved. The ecological and Arboricultural evidence identifies constraints associated with the river corridor and mature vegetation and provides deliverable mitigation and protection measures which can be secured by condition, ensuring the scheme avoids harm.

6. POLICY FRAMEWORK

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2. Given the site lies within the Witherley Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged and

requires “special attention” to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

National Planning Policy Framework (2024) (NPPF)

- 6.3. The NPPF sets the Government’s overarching objective of achieving sustainable development and provides the principal decision-taking framework. It requires decision-makers to significantly boost the supply of homes, to support economic and social objectives, to achieve well-designed places, and to conserve and enhance the natural and historic environment.
- 6.4. Housing delivery and meeting the needs of different groups are central NPPF decision principles. The applicant’s self/custom build need evidence summarises that NPPF paragraph 63 requires the size, type and tenure of housing needed for different groups to be assessed and reflected, including those wishing to commission or build their own homes, and that NPPF paragraph 71 supports mixed tenure delivery which can include plots sold for custom or self-build.
- 6.5. The NPPF also requires decisions to be based on proportionate evidence. In highways terms, the NPPF approach is that refusal is only justified where residual cumulative impacts would be unacceptable, meaning that a single dwelling should not be opposed on highways grounds unless evidence demonstrates a genuinely unacceptable effect.

The Development Plan

- 6.6. The Development Plan comprises the Hinckley & Bosworth Core Strategy (adopted 2009) and the Site Allocations and Development Management Policies DPD (SADMP) (adopted 2016).
- 6.7. The Council’s pre-application response identifies the key locally relevant Development Plan policies and guidance for a proposal of this nature, including (in particular) countryside restraint/settlement strategy policy and the development management policies addressing design, heritage, highways and related matters.
- 6.8. The Witherley Neighbourhood Development Plan was rejected at referendum and is not a made plan; it does not form part of the statutory Development Plan.

Hinckley & Bosworth Core Strategy (2009)

6.9. The Hinckley & Bosworth Core Strategy provides the strategic planning framework for the Borough and is to be read alongside the more detailed criteria-based policies in the Site Allocations and Development Management Policies DPD (SADMP).

6.10. For this proposal, the following Core Strategy policies are the most relevant:

- Policy 12: Rural Villages: The Core Strategy supports housing delivery within the settlement boundaries of rural villages (and enables boundary review through subsequent plan-making), and confirms that housing in rural villages should: (i) be capable of achieving high environmental standards (linked to Policy 24); (ii) deliver an appropriate mix in line with Policies 15 and 16; and (iii) support delivery of schemes meeting local need in line with Policy 17. It also supports home working in rural locations.
- Policy 17: Rural Needs: This policy provides the strategic basis for supporting small-scale housing to meet local needs outside settlement boundaries where it is within or adjacent to rural villages and subject to defined safeguards (including securing the homes as affordable and applying local occupancy criteria), unless an unacceptable impact would result. Hinckley & Bosworth Borough Council
- Policy 14: Rural Areas – Transport: Policy 14 sets the Core Strategy's transport objectives for rural areas, including maintaining and improving accessibility and ensuring development is supported by safe and suitable access and movement arrangements.
- Policy 24: Sustainable Design and Construction: Policy 24 establishes the Core Strategy's expectation that development should achieve high environmental standards, including sustainable design and construction principles.

Site Allocations and Development Management Policies DPD (2016) (SADMP)

6.11. The Site Allocations and Development Management Policies DPD (SADMP) sits alongside the Core Strategy and forms part of the statutory Development Plan. Whereas the Core Strategy establishes the Borough's strategic approach, the

SADMP provides the detailed, criteria-based development management policies used to assess planning applications on a day-to-day basis and, where relevant, identifies site allocations.

6.12. For this proposal, the following SADMP policies are the most relevant:

- Policy DM4: Safeguarding the Countryside and Settlement Separation: This policy sets out the Council's approach to protecting the open countryside and maintaining settlement separation. It seeks to resist development that would result in unjustified new built development in the countryside, unless it falls within specified categories or can be supported by material considerations.
- Policy DM10: Design and Amenity: This policy requires development to achieve a high standard of design, respond positively to its context, and protect the amenities of neighbouring occupiers. It typically covers matters such as layout, scale, massing, appearance, privacy, outlook, overbearing impacts, and noise/disturbance.
- Policy DM11: Designated Heritage Assets and their Settings: This policy seeks to conserve and, where appropriate, enhance designated heritage assets and their settings. It requires proposals affecting designated heritage assets to be supported by appropriate assessment and to demonstrate that significance has been understood and taken into account.
- Policy DM12: Conserving and Enhancing the Historic Environment and Heritage Assets: This policy addresses the wider historic environment (including conservation areas and non-designated heritage assets). It requires development to preserve or enhance the character and appearance of conservation areas and to avoid harm to heritage significance.
- Policy DM6: Biodiversity and Geodiversity: This policy seeks to protect and enhance biodiversity and geodiversity interests. It requires potential ecological impacts to be assessed, protected habitats/species to be safeguarded, and mitigation/compensation and enhancement measures to be incorporated where necessary.

- Policy DM13: Archaeology: This policy seeks to protect and appropriately manage archaeological remains. It requires proportionate assessment where archaeological potential exists and, where necessary, provision for investigation, recording and/or preservation, often through a Written Scheme of Investigation.
- Policies DM17 and DM18: Highways, Access and Parking: These policies require development to provide safe and suitable access arrangements and ensure adequate parking and turning provision. They aim to avoid unacceptable highway safety impacts and ensure development does not create undue impacts on the operation of the highway network.

Witherley Conservation Area Appraisal

- 6.13. The Witherley CAA is a material consideration. It identifies “key private green spaces” as contributing to the Conservation Area’s character and appearance. The Council relied on this at pre-app stage to express concern that development on the site could erode the green/open qualities and “suburbanise” the space through built form and engineered boundaries.
- 6.14. The application’s policy case is that the Appraisal’s intent is respected and addressed directly through an evidence-led baseline (including the HEA’s assessment of the site’s contribution and public experience), coupled with a design that retains the mature boundary structure that underpins the Conservation Area’s perceived character from Church Road, while delivering enhancement opportunities through improved boundary treatments and managed landscaping.
- 6.15. Heritage decision-making must be applied against the relevant heritage context. Case law confirms that decision-makers must give “considerable importance and weight” to the desirability of preserving the setting of listed buildings (section 66) and the character/appearance of conservation areas (section 72). This principle is associated with *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] EWCA Civ 137 and *Forge Field Society v Sevenoaks DC* [2014] EWHC 1895.
- 6.16. Importantly, the “considerable importance and weight” does not pre-determine refusal. It requires that heritage considerations are not treated as a balancing factor of equal status to ordinary planning issues. Where robust evidence demonstrates

that a proposal preserves a conservation area (i.e. causes no harm), the statutory duty is properly discharged and the decision turns on the overall planning balance through the NPPF framework, applying appropriate weight to all material benefits and any residual impacts.

- 6.17. The application is supported by a HEA, which provides the clear and convincing evidence base required to inform the heritage element of the overall planning balance.

Five Year Housing Land Supply

- 6.18. A decisive part of the decision-making framework in this case is the lack of 5YHLS and that the tilted balance in NPPF paragraph 11(d) is triggered. The pre-application response expressly states that the Council has applied the revised standard method as required by NPPF paragraph 62 and is unable to demonstrate 5YHLS; it then confirms that paragraph 11(d) applies “in accordance with Footnote 8 and Paragraph 11 of the NPPF”.
- 6.19. Where paragraph 11(d) applies, the presumption in favour of sustainable development means permission should be granted unless: (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.
- 6.20. In this application, the “asset of particular importance” engaged in the paragraph 11(d) test is the Witherley Conservation Area. The application evidence base, particularly the HEA, is therefore critical because it enables the Council to lawfully and robustly determine whether there is a “strong reason for refusal” on heritage grounds, or whether the proposal preserves the Conservation Area such that the decision proceeds through the full paragraph 11(d) balance.

Self-build and Custom Housebuilding

- 6.21. The Self-build and Custom Housebuilding Act 2015 and subsequent regulations require authorities to maintain a register and have regard to demand. Policy and guidance also make clear that self/custom build represents a distinct housing need

group that should be planned for and supported. The applicant's Self and Custom Build Housing Need Assessment sets out this legal and policy framework and is structured to align with the relevant national approach to evidence.

6.22. Government PPG (Self-build and Custom Housebuilding) advises that local planning authorities should use register demand data, supported as necessary by secondary sources and wider market signals, to understand and consider future need. The report also identifies the PPG's requirement that authorities must grant sufficient suitable development permissions to meet register demand over the relevant base periods. The submitted assessment applies this framework locally, including:

- summarising national register/delivery trends;
- scrutinising local delivery and shortfall; and
- identifying that the Council's own evidence points to a materially higher unmet need than the authority has sometimes relied upon, thereby strengthening the case that a securely-delivered self/custom build dwelling attracts significant weight as a public benefit.

6.23. The report also records appeal context and Inspector decision-making behaviour in relation to self/custom build claims, including the point that Inspectors scrutinise whether self-build is properly secured; where no mechanism exists, the benefit has been treated as limited, whereas where a robust legal mechanism is provided, greater weight can attach. This application is supported by a Unilateral Undertaking to secure self/custom build delivery, ensuring the benefit is genuine and enforceable for decision-making purposes.

Biodiversity Net Gain (BNG)

6.24. The proposal is exempt from mandatory Biodiversity Net Gain because it is a self/custom build scheme meeting the exemption criteria in national guidance.

6.25. Government guidance confirms that self-build and custom build applications qualify for an exemption where the development: consists of no more than 9 dwellings; is on a site no larger than 0.5 hectares; and consists exclusively of dwellings that are self-build/custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

- 6.26. This proposal is a single dwelling, and the site measures circa 0.3ha. The submitted Unilateral Undertaking secures self/custom build delivery.

7. STRATEGIC HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT (SHELAA)

- 7.1. The site was submitted into the SHELAA and identified as a developable site (reference AS582), concluded as capable of delivering up to 9 dwellings in the 6-10 year period. While this does not allocate the site, it is a relevant part of the evidence base showing that the Council's own land availability work has previously considered the site capable of residential delivery in principle (subject to constraints).
- 7.2. The Council's pre-app response notes that SHELAA findings are not, by themselves, determinative or an "allocation". That is accepted. The point is not to elevate AS582 into a policy allocation; it is to demonstrate that the site has an established evidence-base history as a potentially developable residential location, which sits comfortably alongside the present proposal being a single dwelling (substantially less intense than the SHLAA estimated capacity) designed specifically to address the key constraints through evidence-led mitigation.

8. SELF BUILD AND CUSTOM BUILD HOUSING NEED

- 8.1. The application is supported by a detailed Self and Custom Build Housing Need Assessment (October 2025) for Hinckley & Bosworth and Witherley Parish.
- 8.2. The report explains that national policy explicitly includes people wishing to commission/build their own homes as a housing needs group and places this within the NPPF's objective to boost the supply of homes of all types and tenures.
- 8.3. The evidence base goes beyond the Council's register alone (consistent with PPG) and uses secondary sources to provide a more complete picture of demand. The report cites Custom Build Homes / Build demand evidence, indicating 329 individuals registered across the Borough, 42 within Witherley Parish, and 420 within a 5-mile radius of the site.
- 8.4. The report scrutinises supply and delivery performance and demonstrates a persistent gap between registrations and delivered/recorded serviced plots. It identifies cumulative delivery since 2016 at 14 plots and explains that even using

the Council's "rationalised" list a shortfall remains, while using the un-rationalised register position produces a substantially larger deficit.

- 8.5. The report also references the legislative changes under the Levelling Up and Regeneration Act 2023, noting that unmet demand is "rolled over" and remains an ongoing obligation, further strengthening the relevance of small, deliverable self-build sites.
- 8.6. Critically, the report includes and discusses recent appeal material and Inspectorate reasoning, including appeal decision APP/K2420/W/25/3364808 (Desford, 15 September 2025), where the Inspector recorded that the Council accepted its statutory duties were not being met and identified a shortfall. The report uses this appeal and other material to demonstrate that Inspectors do attribute material weight to self-build delivery where the evidence base is robust and, crucially, where delivery is properly secured.
- 8.7. The importance of securing self-build status is a key theme in appeal decisions. The Planning Inspectorate has repeatedly scrutinised whether self-build benefits can properly attract significant weight if not secured through an enforceable mechanism. This application directly addresses that issue, whereby a Unilateral Undertaking has been prepared and will be submitted with the application to secure the self/custom build commitment, maximising the weight that can properly be given to the self-build public benefit.
- 8.8. In the paragraph 11(d) tilted balance, the delivery of a secured self-build dwelling that addresses an evidenced and persistent deficit is not a marginal benefit. It is a strongly policy-aligned public benefit that legitimately attracts significant weight in the overall balance, particularly because it is a small, deliverable site that can come forward promptly.

9. UNILATERAL UNDERTAKING

- 9.1. A Unilateral Undertaking has been prepared and will be submitted with the application. The Undertaking will secure the dwelling as self-build/custom build, ensuring that the scheme's self-build benefit is not merely claimed but is genuine, enforceable and capable of attracting full weight in the planning balance.

- 9.2. This approach directly addresses a key issue identified in appeal reasoning (as referenced within the submitted self/custom build need assessment): namely, that where no suitable securing mechanism is provided, Inspectors may treat the claimed benefit of a “self-build” unit as limited because delivery is uncertain or not reliably tied to a qualifying self/custom build occupier. By providing a robust legal mechanism, the applicant’s approach maximises certainty, weight and decision resilience, aligning with Inspectorate reasoning that self-build benefit is strongest when properly secured.

10. ASSESSMENT OF KEY PLANNING MATTERS

Design

- 10.1. A Design and Access Statement accompanies this application, and explains the design evolution, architectural rationale and the site’s response to context, including access and inclusive design. The revised design has been produced through a detailed, client-led process consistent with self-build objectives and has been developed specifically to address the Council’s pre-application concerns about scale, suburbanisation and the need to respect Witherley Conservation Area character.
- 10.2. The design approach is intentionally contextual and evidence-led, responding to the Conservation Area street scene at the frontage while also responding to the site’s landscape setting, topography and longer views to the rear toward the open countryside and river corridor.
- 10.3. The design strategy is dual-aspect in character: first, a more formal, Georgian-influenced public-facing expression to Church Road (the Conservation Area streetscape), with ordered fenestration, traditional proportions, brick architecture and a clear entrance hierarchy; and second, a more open and contemporary rear expression, using glazing and a lighter architectural treatment to engage private views over the landscape and river corridor where those elevations are not experienced as part of the Conservation Area street scene.
- 10.4. This approach ensures that what is publicly experienced within a heritage context is restrained, coherent and aligned with local characteristics, while allowing a bespoke

self-build home to respond to internal living requirements and exceptional private views where public visibility is limited. It therefore directly addresses the Council's pre-app concern that earlier iterations risked an overly engineered or suburbanised frontage character, ensuring that the primary public elevation sits comfortably within the Conservation Area's grain and avoids formalised, suburban "statement" elements.

- 10.5. The HEA supports this approach by confirming that properties on this side of Church Road are generally larger detached dwellings and that the proposed building would sit back within the plot, respect the topography and, with retention of existing trees, filter views from Church Road and retain the character of the Conservation Area.
- 10.6. The design takes cues from the local architecture identified within the HEA, which records late 18th / Georgian characteristics within Witherley and recognises the importance of proportion, restraint and rhythm in the Conservation Area streetscape, such as regular window rhythms, sash-like proportions and a hierarchy to entrances and principal elevations. While the Design and Access Statement will set out the precise external detailing and material palette, the key planning argument is that the public elevation has been developed to read as contextual and ordered within the Conservation Area, rather than introducing an overtly suburban or engineered frontage presence.
- 10.7. The design exploits the site's topography as a mitigation tool. From Church Road the dwelling reads as more modest as the building is integrated into the slope, and as the land falls away, accommodation can be expressed to the rear without creating public visual dominance. In combination with the siting of the proposed dwelling within the site, and the retention of mature vegetation, the dwelling is therefore largely screened and visually filtered in Church Road views, reducing perceived scale and limiting change to the Conservation Area's public-facing landscape character.
- 10.8. The proposal also includes a detached garage designed as a traditional ancillary outbuilding, subservient in scale and appearance and supporting the main house without competing visually. The design is characteristic of larger detached plots in this part of Witherley and helps manage the visual effects of vehicles by consolidating parking and associated paraphernalia within the site, reducing the risk of visual clutter at the frontage.

- 10.9. Finally, the submitted CGIs demonstrate the scheme's true visual impact, including the extent of retained screening and the way the dwelling steps with land levels.

Heritage

- 10.10. The site lies within the Witherley Conservation Area. Special attention must therefore be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This is reinforced by case law, which confirms that the conservation of designated heritage assets must be given considerable importance and weight in the planning balance.
- 10.11. The proposal's heritage case is not based on assertion: it is founded on the submitted HEA, which provides a methodical assessment of significance, contribution and impact, enabling the Council to assess the proposal on a clear, evidence-led basis.
- 10.12. At pre-application stage, the Council placed reliance on the Witherley CAA and, in particular, its identification of the application site as part of the "key private green spaces", expressing concern that development would erode the Appraisal's intended landscape function and suburbanise the space through built form and engineered boundary/access works.
- 10.13. The applicant has responded by commissioning a specialist HEA that scrutinises the CAA and tests the proposal against the site's actual heritage contribution and public experience, including visibility, siting, retained landscape structure and key views.
- 10.14. The HEA acknowledges the designation but records that the current condition of the site does not reflect a carefully landscaped, designed space as described in the Appraisal and, crucially, that the site's positive contribution to Conservation Area character and appearance is primarily derived from the mature planting and boundary vegetation along Church Road, together with the sense of a verdant, set-back and filtered frontage.
- 10.15. This distinction is material, whereby any forthcoming decisions should focus on what genuinely underpins Conservation Area character at this location, namely mature boundary planting, filtered views and a landscaped edge condition, and to ensure these are retained and strengthened.

- 10.16. The proposed plans achieve this by retaining the boundary tree belt and associated vegetation, using set-back siting and topography-led massing to limit perceived scale, and providing the opportunity to improve boundary treatments that currently detract from the street scene.
- 10.17. In this context, the HEA confirms that the site is well screened by mature trees and that the proposed dwelling would be largely screened in views from Church Road by mature trees and hedgerow, such that key views are not affected.
- 10.18. The HEA also confirms that the site is not within the setting of any designated heritage assets insofar as that setting contributes positively to appreciating the asset's value, reinforcing that the core heritage sensitivity in this case relates to Conservation Area character and appearance rather than the setting of specific designated buildings.
- 10.19. Importantly, the HEA identifies that the current gate is modern/utilitarian and a detracting element on Church Road, and it recognises the potential for enhancement through improved boundary treatment and managed landscaping. This is in line with the Council's pre-app concern that boundary/access works could suburbanise the streetscape. In response to this, the HEA provides a route to a more contextual and Conservation Area-aligned access expression, with set-back gates consistent with established entrances in this part of Church Road.
- 10.20. The HEA further supports the siting of the proposed dwelling within the site, by concluding that the development would be consistent with the grain of built form in this part of the Conservation Area, continuing the extent of the village to the west along the line created by No. 3 Church Road and the tennis courts to The Old Rectory.
- 10.21. This is material to the assessment of the application, whereby the proposal is established as a contained infill that respects the established edge condition and built grain. The HEA's conclusions support this conclusion, particularly given the retained landscape structure and the limited public visibility.
- 10.22. The heritage evidence also aligns with the established baseline evidence regarding domestic association of the land. That baseline reinforces the HEA's analysis because it demonstrates that the proposal does not remove a publicly experienced open space; instead, it rationalises an already domestically associated parcel while

retaining the landscape framework that is the principal contributor to Conservation Area character in public views.

- 10.23. On balance, the HEA concludes a neutral effect on the Conservation Area, taking into account the potential loss of some “key open space” contribution in CAA terms but also recognising that this is offset by the proposal’s limited visibility, retention of the mature landscape framework, consistency with local grain, and the tangible opportunity to enhance character and appearance through improved boundary treatment and careful landscaping management.
- 10.24. In summary, the heritage evidence supports that the proposal preserves the Conservation Area’s character and appearance, whereby it remains largely screened in key public views, does not affect key views, retains the landscape structure that underpins public experience, and provides enhancement opportunities.
- 10.25. On that basis, the statutory duty is properly discharged, and the Conservation Area does not provide a clear reason for refusal; the proposal is therefore capable of being assessed through the paragraph 11(d) planning balance in the manner the NPPF intends, with heritage considerations having been given the appropriate elevated weight.

Landscape and Visual Impact

- 10.26. Both the Council’s pre-app response and the HEA recognise that the Conservation Area’s significance in this location is strongly tied to the perception of carefully landscaped private grounds falling toward the river corridor. The scheme has therefore been heavily influenced by the existing landscape of the site, where landscape retention, reinforcement and long-term management are not ancillary components but fundamental to the proposal’s acceptability.
- 10.27. The proposal addresses landscape and visual sensitivities through the retention of the mature tree belt and boundary vegetation, which are not treated as incidental site features but as essential design infrastructure providing substantial screening and maintaining public views. The HEA confirms that the proposed dwelling would be largely screened in views from Church Road by mature trees and hedgerow and would not affect key views. This aspect ensures that any potential harm is effectively mitigated by the existing mature vegetation, and the scheme is designed specifically

to retain and work with that screening, alongside topography-led siting and massing, so that the public experience remains predominantly defined by landscape enclosure.

- 10.28. The Arboricultural evidence is important in this regard as it provides the professional and implementable framework for securing the retained screening that the HEA relies upon. The submitted Arboricultural Report identifies the existing tree stock and sets out the need for robust tree protection measures and an Arboricultural method statement to ensure that retained trees and root protection areas are safeguarded during construction. This ensures the screening underpinning the HEA's "largely screened" conclusion is not assumed at assessment stage but can be secured through conditions at implementation stage, giving decision-makers confidence that the landscape framework will remain effective over the lifetime of the development.
- 10.29. The landscaping strategy should therefore be understood as both mitigation and enhancement. It mitigates landscape and visual effects through retention and protection of existing mature vegetation and, where appropriate, supplementary planting to reinforce long-term screening and resilience. Equally, it provides enhancement opportunities through improved boundary management and a coherent approach to domestic landscape that avoids clutter and suburbanising features at the frontage. This directly aligns with the HEA's observation that there is potential to enhance Conservation Area character through improved boundary treatment and managed landscaping.
- 10.30. Taken together, the evidence demonstrates that the public experience of this part of the Conservation Area will remain substantially defined by landscape and enclosure, and that built form will be a limited, filtered component in public views rather than a dominant new feature.

Residential Amenity

- 10.31. The proposal must protect the amenity of neighbouring occupiers and provide a high-quality living environment for future occupiers. The Council highlighted the relevance of amenity considerations in its pre-application response under the relevant local policy framework. Amenity impacts must therefore be assessed both

in relation to neighbouring residential properties and in terms of the quality of accommodation that would be created for the future occupants of the new self-build home.

- 10.32. The development comprises a single dwelling within a large, set-back and visually contained plot. As such, the baseline intensity of activity, comings and goings and associated domestic noise is inherently limited when compared to more intensive forms of residential development. This is consistent with the transport evidence, which anticipates low trip generation for a single residential unit. The scheme is not of a type that typically gives rise to unacceptable overlooking, overbearing effects or undue disturbance, particularly given the generous plot context, the containment provided by vegetation, and the limited scale of activity associated with one dwelling.
- 10.33. The design has been deliberately configured so that the more open and contemporary elements, where larger glazing and stronger “open” architectural gestures are proposed, are oriented to the private rear facing open countryside and the river corridor. This not only meets the self-build objective of maximising outlook and views for the occupier but also limits the potential for overlooking neighbouring properties and ensures that the most visually expressive parts of the scheme are directed away from sensitive shared boundaries. The topography-led form further assists in amenity terms by reducing perceived mass and helping to avoid overbearing effects in the direction of the public realm and neighbouring land. At the frontage, the fenestration and architectural expression are more ordered and restrained, consistent with the Conservation Area context and avoiding the perception of a highly glazed or suburban façade facing Church Road.
- 10.34. Mature boundary vegetation provides an additional and highly effective amenity buffer: it reduces intervisibility, filters views, and lowers the perception of domestic activity both within the site and from neighbouring land. The scheme’s retention and protection of this vegetation is fundamental and is supported by the submitted Arboricultural and landscaping measures, ensuring that this privacy and visual buffer is not only retained but can be secured through condition at implementation stage. In addition, the scheme includes on-site access, parking/turning and a detached garage, enabling domestic activity (parking, storage and servicing) to be contained

within the plot and reducing the risk of overspill, roadside clutter or street-side activity that could otherwise affect neighbour amenity or the Conservation Area's character.

Arboriculture and Trees

- 10.35. The proposal is accompanied by an Arboricultural Report prepared in accordance with BS5837:2012, which identifies the site's Arboricultural constraints and sets out how development can proceed while retaining and protecting key trees, including important mature trees that make a positive contribution to the character and appearance of the Witherley Conservation Area. The report includes an extensive tree survey (recording 75 trees inspected) and provides the professional framework for tree categorisation, constraints mapping and the protection methodology necessary to ensure that retained trees are appropriately safeguarded.
- 10.36. The retention of the mature frontage tree belt and associated boundary vegetation is fundamental to the scheme's acceptability. These trees are not merely an incidental site feature, they are the principal elements that underpin the screening and the verdant edge character experienced from Church Road, and they support the HEA's conclusions regarding filtered views, limited visibility and the preservation of Conservation Area character.
- 10.37. In that context, the report confirms the likely need for Arboricultural input through both the design and construction stages, including the preparation and implementation of an Arboricultural Method Statement, the identification and protection of Root Protection Areas, and appropriate phasing and construction constraints to demonstrate that retained trees will not be harmed during enabling works or the build process. These measures are essential because the retained landscape structure is the key mechanism by which potential heritage, landscape and visual impacts are mitigated and controlled.
- 10.38. Accordingly, the proposal commits to robust tree protection and long-term management, capable of being secured through proportionate planning conditions.

Ecology and Biodiversity

- 10.39. The application is supported by a Phase 1 Ecology Appraisal, which establishes baseline ecological conditions and identifies a clear, proportionate and deliverable package of mitigation and enhancement measures. The appraisal identifies the River Anker corridor as being of high local ecological importance and notes nearby records of otter and water vole, advising that development should be located as far from this valuable habitat as reasonably possible and should demonstrate careful consideration of potential impacts on the river corridor.
- 10.40. In response, the proposal has been developed to retain boundary vegetation and to avoid unnecessary encroachment toward the river, ensuring that the scheme is inherently sensitive to the corridor and that potential effects are reduced at source through layout and design.
- 10.41. In respect of Biodiversity Net Gain (BNG), mandatory BNG requirements do not apply due to the self-build nature of the proposal.

Highways and Access

- 10.42. The application is supported by a Transport Technical Note, which confirms that a single dwelling will generate negligible traffic impact and that the site can be served safely with appropriate access geometry, visibility and on-site parking/turning provision.
- 10.43. The Technical Note identifies that the access for the development will retain key components of the existing arrangement, including a retained access width and vehicle crossover, and it demonstrates that visibility splays can be achieved at 2m x 43m to the south and 2m x 39m to the north. These sightlines provide the technical basis for concluding that safe access and egress can be achieved for the development.
- 10.44. The Technical Note also records that collision history analysis indicates no recorded personal injury collisions in the vicinity of the access or within the village of Witherley over the relevant assessment period. This is an important contextual point because it indicates there is no existing pattern of highway safety issues that would be exacerbated by a single additional dwelling, further supporting the conclusion

that there is no defensible basis for alleging severe or unacceptable impacts arising from the proposal.

- 10.45. Parking and turning are provided within the site, consistent with a single dwelling and with the objective of ensuring that vehicles can enter and leave the site safely in a forward gear where appropriate, avoiding undue on-street pressure and maintaining the free flow and safety of the local highway network. This aligns with the relevant development management policy objectives relating to parking provision and highway safety.
- 10.46. In decision-making terms, the NPPF approach is clear, whereby development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. On the evidence available, the submission does not support any conclusion of unacceptable or severe highway impacts.

Flood Risk and Drainage

- 10.47. The Council's pre-application response noted that a small part of the earlier red line fell within Flood Zones 2 and 3 due to proximity to the River Anker and, on that basis, raised the potential need for a Flood Risk Assessment (FRA). The current application boundary has been amended, and the proposed built form is confirmed to lie outside Flood Zones 2 and 3 and within Flood Zone 1.
- 10.48. National policy and guidance set out when a site-specific FRA is required. As a general principle, an FRA is required for development in Flood Zones 2 and 3, and in Flood Zone 1 only where the site is 1 hectare or more. The site is circa 0.3Ha, and therefore below the threshold relevant to Flood Zone 1. A FRA is therefore not required for validation for this proposal.
- 10.49. Notwithstanding that position, the applicant will adopt a proportionate and responsible approach to surface water management. This will include appropriate drainage design to manage runoff and avoid increased flood risk elsewhere, together with construction pollution prevention and management measures.

Archaeology

- 10.50. The application is supported by the HEA, which recognises that there is archaeological potential associated with the site. The HEA identifies potential for Roman, medieval and post-medieval remains, having regard to the site's proximity to known Roman activity and its position within/close to the historic core of Witherley. It also notes previous archaeological work in the wider area which has identified Roman and medieval features, indicating that there is a credible prospect of below-ground interest being present.
- 10.51. The HEA sets out a proportionate, standard and deliverable mitigation pathway which can be secured by planning condition, requiring an agreed Written Scheme of Investigation (WSI) and any necessary evaluation, investigation and recording in accordance with that WSI. This is the pragmatic and appropriate approach for a single-dwelling development, as it ensures that any archaeological interest is properly addressed and recorded in accordance with policy expectations, while maintaining deliverability and ensuring that heritage considerations do not prevent appropriate sustainable development.

11. PLANNING BALANCE

- 11.1. During the assessment of this application, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the tilted balance in NPPF paragraph 11(d) should both form key considerations in the decision-making process.
- 11.2. The constraints are recognised and have been addressed through a redesigned scheme and a comprehensive evidence base. The site lies within the Conservation Area, and the CAA identifies the land as part of a "key private green space". The assessment should therefore determine whether the constraints result into actual harm, or whether any residual impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 11.3. In this case, the evidence demonstrates that the identified sensitivities are either avoided at source through the scheme's siting and design, or are mitigated and

controlled through measures that can be controlled at condition, meaning the proposal is capable of being approved within the paragraph 11(d) presumption.

- 11.4. The submitted HEA provides a robust evidential basis for concluding that the proposal preserves the character and appearance of the Witherley Conservation Area and should be given significant weight in the paragraph 11(d) balance.
- 11.5. The revised scheme is a response to the Council's pre-app concerns about scale, engineered frontage and suburbanisation. The dwelling's perceived mass is reduced via careful siting of the dwelling within the site, retention of mature screening and a designing a scheme that works with the existing sloping topography, so that from Church Road the building reads as modest. This is a direct and pragmatic response to earlier concerns about an overly formal, engineered or suburban character, and it reinforces why the scheme's acceptability is based on how it is experienced in real public views.
- 11.6. The approach to retain and protect the mature tree belt and boundary vegetation is a further response to the pre-app response, to ensure that the public experience of this part of the Conservation Area remains substantially defined by landscape and enclosure, with built form remaining filtered and limited in views rather than a dominant new feature.
- 11.7. The policy conflicts identified by the Council at pre-app stage are also acknowledged. However, the tilted balance is engaged, and the decision must focus on actual adverse impacts rather than theoretical conflict that has no evidential basis.
- 11.8. The proposal is a single dwelling, visually contained and set back within the site, and the HEA supports that it follows an established line of built form and is not within the setting of designated heritage assets in a manner that would generate harm. In the context of a planning balance, the correct approach is to weigh any residual countryside-policy conflict against the proven acceptability of effects on the ground and against the secured public benefits. Where the evidence demonstrates that the Conservation Area is preserved and impacts are limited and controllable, there is no rational basis to conclude that a policy conflict of principle alone should override the presumption in favour of sustainable development.

- 11.9. Furthermore, where the Council is unable to demonstrate a 5YHLS, the delivery of a dwelling attracts enhanced weight, particularly where the development is deliverable and capable of coming forward promptly. A single dwelling on a small site is inherently deliverable and makes a positive contribution to housing delivery in circumstances where the Council has accepted paragraph 11(d) applies. The provision of a self-build dwelling, secured through the Unilateral Undertaking and supported by the submitted need assessment, therefore attracts significant weight in the planning balance.
- 11.10. The transport evidence indicates safe and suitable access with appropriate visibility splays, on-site parking and turning in line with the development's scale, and negligible traffic impacts for a single dwelling. The Technical Note also records that collision history analysis identified no recorded personal injury collisions in the vicinity of the access or within the village over the period assessed. There is therefore no basis to conclude that the proposal would result in unacceptable highway safety impacts or "severe" residual cumulative effects, and there is no defensible policy basis to refuse on highways grounds under the NPPF test.
- 11.11. The ecological appraisal identifies the sensitivity of the River Anker corridor and the need for robust construction pollution controls. These measures are deliverable and conditionable and provide a clear pathway to ensure there are no adverse ecological effects. In parallel, the Arboricultural evidence provides the mechanism to secure retention and protection of key trees, ensuring that the landscape framework which supports screening, heritage preservation and amenity is maintained in implementation and in the long term. Together, the ecological and Arboricultural evidence demonstrates that environmental constraints are understood and can be addressed through proportionate controls.
- 11.12. Archaeological potential is acknowledged. The HEA identifies potential for Roman, medieval and post-medieval remains and provides a proportionate and standard mitigation route through condition, requiring an agreed Written Scheme of Investigation and any necessary evaluation/recording. This ensures below-ground interest is responsibly managed without undermining the deliverability of a small, single-dwelling site.

- 11.13. When assessed against the NPPF as a whole, the proposal's adverse impacts are limited, capable of mitigation and control, and do not amount to harms of a scale or nature that significantly and demonstrably outweigh the benefits. The proposal delivers material public benefits including housing delivery and a secured self-build dwelling meeting a demonstrable unmet need. The planning balance is therefore firmly in favour of approval.

12. SUMMARY OF BENEFITS

- 12.1. The proposal delivers a strong package of benefits for a single-dwelling application, especially when assessed against the 5YHLS shortfall and the engaged tilted balance.
- 12.2. A central public benefit is that the proposal delivers a self-build home, widening housing choice and responding directly to a demonstrable deficit in self/custom build provision as evidenced by the submitted Self and Custom Build Housing Need Assessment. That evidence is supported by robust primary and secondary data sources and a clear demonstration of supply underperformance, meaning the self-build benefit is not a generic aspiration but a substantiated planning benefit capable of carrying material weight. Importantly, the self-build benefit is secured through a prepared Unilateral Undertaking, ensuring it is genuine and enforceable and maximising the weight that can properly be attached. This also directly addresses Inspectorate concerns from past Appeals elsewhere, that where self-build claims are not secured by an appropriate mechanism, the benefit may attract reduced or limited weight.
- 12.3. The proposal also delivers a strong heritage benefit, whereby it preserves the character and appearance of the Witherley Conservation Area, with the HEA concluding that the dwelling is largely screened, does not affect key views, aligns with the local built grain and results in an overall neutral effect, while also identifying tangible opportunities for enhancement through improved boundary treatment and careful landscaping and long-term management. The scheme has explicitly responded to the existing landscape and topography of the site, reducing perceived mass in public views by integrating the building into the slope and retaining the

mature boundary vegetation and tree belt which defines the character of this part of Witherley and underpins the filtered public experience from Church Road.

- 12.4. The proposal is supported by a robust technical evidence base, demonstrating acceptability in highways terms and providing clear, conditional mitigation pathways in relation to ecology, trees, and archaeology.
- 12.5. Finally, the application demonstrates positive engagement, whereby the applicant sought pre-application advice, fundamentally redesigned the scheme in response to concerns, prepared a Design and Access Statement, commissioned strong technical evidence to allow the LPA to determine the application on a complete and robust basis, and prepared a Unilateral Undertaking to secure the key public benefit.

13. CONCLUSION

- 13.1. This submission presents a robust, evidence-led application for the erection of a single self-build dwelling within the Witherley Conservation Area. The scheme has been materially redesigned following pre-application advice and is supported by a comprehensive suite of specialist reports, enabling the Local Planning Authority to determine the proposal on the basis of a complete and properly evidenced submission.
- 13.2. The correct decision-making framework is decisive, whereby the Council is currently unable to demonstrate a 5YHLS and that the tilted balance is engaged. The Council's published reporting also records an indicative 3.89-year supply as of 29 July 2025, reinforcing that the application must be determined through NPPF paragraph 11(d). In doing so, the decision-maker must apply heritage duties fully and properly but must also undertake a transparent planning balance within the paragraph 11(d) framework.
- 13.3. Heritage duties have been addressed directly and robustly through the submitted HEA. Applying Section 72(1) and the considerable importance and weight required, the evidence demonstrates that the proposal would be largely screened from Church Road, would not affect key views, and would be consistent with the local grain of built form. On balance, the HEA predicts a neutral effect, with clear and tangible opportunities to enhance character and appearance through improved boundary treatment and careful landscaping and long-term management, an

approach that directly supports the objectives of preservation of the Conservation Area.

- 13.4. The proposal's benefits are clear, deliverable and secured. It delivers a genuine self-build home in a Borough with an evidenced self/custom build deficit and acknowledged statutory delivery pressures. That benefit is supported by a comprehensive need assessment and will be secured by a Unilateral Undertaking, to ensure that full weight can properly be attributed.
- 13.5. The constraints have been recognised and pragmatically overcome through a design that responds to the existing landscape and topography, and the retention and protection of mature screening vegetation that defines the public experience of this part of Witherley. Other impacts, including highways, ecology, trees, archaeology and drainage, are either acceptable on the evidence or are capable of being controlled through proportionate planning conditions.
- 13.6. Taking the application as a whole and assessing it against the NPPF through the paragraph 11(d) tilted balance, the adverse impacts do not significantly and demonstrably outweigh the benefits. The proposal therefore constitutes sustainable development and planning permission should be granted, subject to appropriate planning conditions and the submission of the Unilateral Undertaking.