

Planning Statement

**8 Cadeby Court, Sutton Lane, Cadeby,
Nuneaton, Leicestershire, CV13 0AR**

**Subdivision of the existing dwelling
into two dwellings, formation of
parking areas and the erection of
boundary treatments**

Client Name: Mr and Mrs Cullen

Date of Issue: September 2025

Local Authority: Hinckley and Bosworth Borough Council

Prepared by: JJ M Planning Ltd



J J M Planning

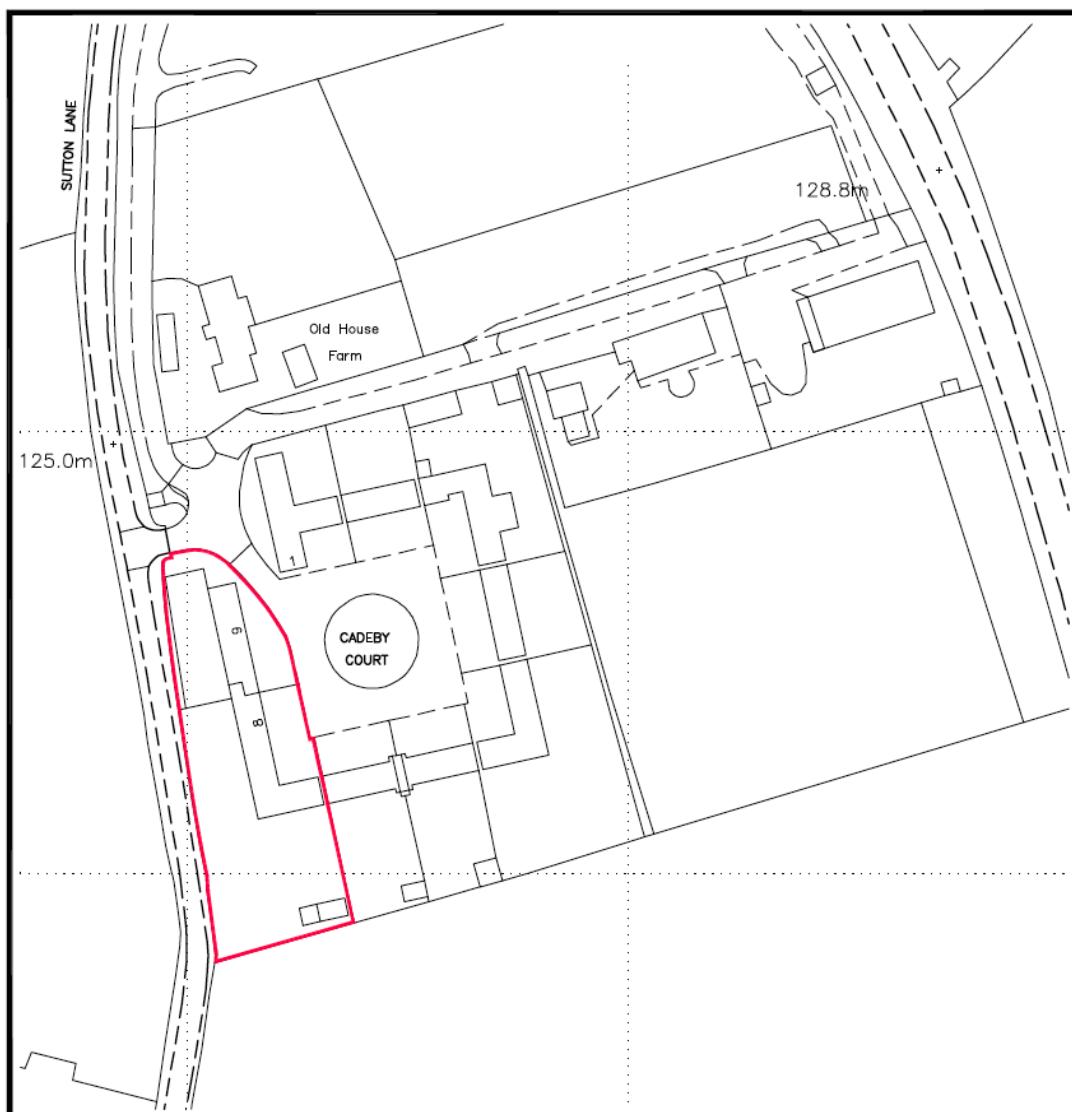
Independent Planning Consultancy Services

Contents

1.0	Introduction and Site Description	3 - 4
2.0	Planning History	5
3.0	Proposed Development	6
4.0	Main Issues	7
5.0	Planning Policies	8 - 11
6.0	Planning Assessment	12 - 18
7.0	Conclusion	19 - 20

1.0 INTRODUCTION AND SITE DESCRIPTION

- 1.1 This planning statement has been prepared on behalf of Mr and Mrs Cullen in support of a planning application for the subdivision of the existing dwelling into two dwellings, formation of parking areas and the erection of boundary treatments at 8 Cadeby Court, Sutton Lane, Cadeby, Nuneaton, Leicestershire, CV13 0AR.
- 1.2 This statement should be read in conjunction with the accompanying documents which include:
 - Plans from David Granger Architectural Design Ltd; and
 - Application form.
- 1.3 This statement describes the application site, the locality and comments on the relevant Development Plan and national policy framework policies. It goes on to provide an assessment of the proposal in relation to the relevant policies.
- 1.4 The site is to the south-east of the rural hamlet of Cadeby off Sutton Lane at a distance of around 187 metres from the defined settlement boundary for Cadeby (identified as CAD01 in the adopted Local Plan) and therefore is an isolated location in the countryside outside the Limits to Development.
- 1.5 No. 8 Cadeby Court lies within a residential development of 8 dwellings which are arranged in a square around a large central courtyard. The overall scheme was designed to resemble a two and a half storey farmhouse with almost continuous two-storey and single storey courtyard barns to respect the rural location and character of the site. No. 8 occupies the south-western corner of the development and has an 'L' shaped footprint being single storey with habitable accommodation within the roof space.
- 1.6 Vehicular access is achieved off Sutton Lane which is shared with the other seven properties which comprise Cadeby Court.
- 1.7 The application site is not located in a Conservation Area and is not located in close proximity to any Listed Buildings.
- 1.8 The site and its surroundings are shown in more detail in the images below:



2.0 PLANNING HISTORY

2.1 The application site has been subject to the following planning applications:

14/00286/FUL – CONVERSION OF EXISTING BUILDINGS TO FORM 5 RESIDENTIAL DWELLINGS WITH ASSOCIATED WORKS – PERMITTED 12.01.2015

15/00416/FUL – CESSATION OF THE ARCHITECTURAL SALVAGE AND RECLAMATION YARD AND REMOVAL OF EXISTING POULTRY BUILDINGS FOR THE ERECTION OF 8 DWELLINGS AND ASSOCIATED WORKS – PERMITTED 19.02.2016

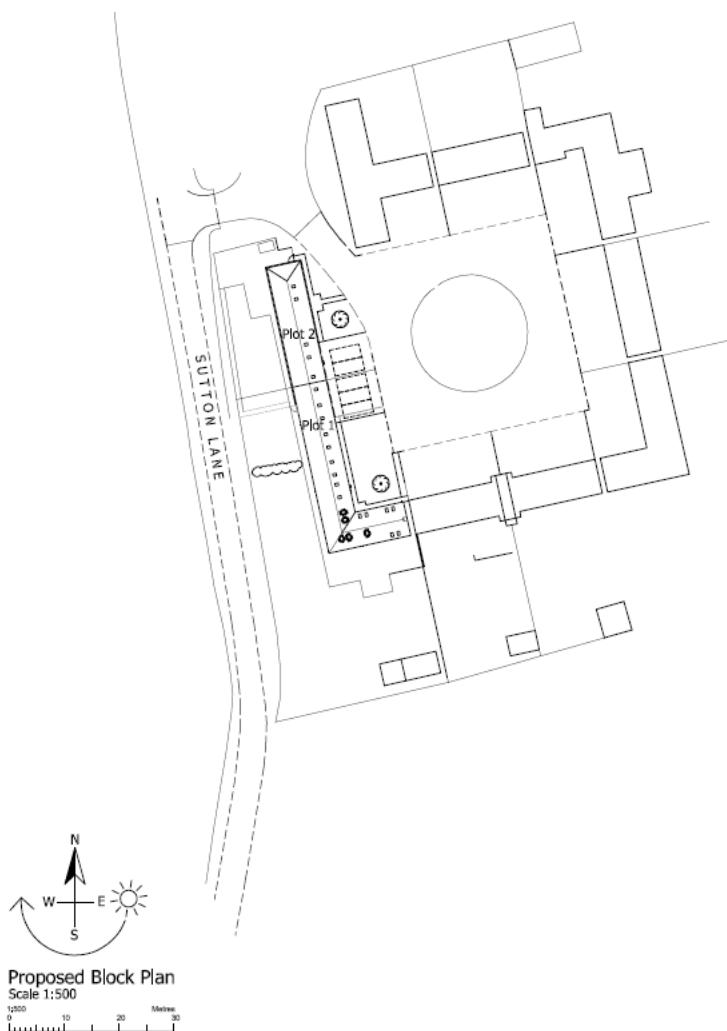
19/00543/HOU – LOFT CONVERSION AND THE INSERTION OF ROOF LIGHTS – PERMITTED 27.09.2019

23/00219/HOU – INTERNAL AND EXTERNAL ALTERATIONS TO INCLUDE NEW DOOR OPENINGS AND ROOFLIGHTS – PERMITTED 04.05.2023

23/00221/HOU – GARDEN ROOM WITH CANOPY AND CHILDREN'S PLAY EQUIPMENT (RETROSPECTIVE) – PERMITTED 04.05.2023

3.0 PROPOSED DEVELOPMENT

- 3.1 The proposal is for the subdivision of the existing dwelling into two dwellings, formation of parking areas and the erection of boundary treatments.
- 3.2 The proposed layout plan below demonstrates how the existing property would be split into two separate residential properties with Plot 1 to the south and Plot 2 to the north:



- 3.3 Each property would benefit from its own rear amenity space and parking for both properties would be provided to the east from the existing courtyard.
- 3.4 The existing seven bedroom house would be sub-divided into one x five bedroom and one x three bedroom houses. The proposal involves subdivision of the existing building footprint and does not include any extension of the existing structure.
- 3.5 Access for the proposed dwellings would be taken from the existing access off Sutton Lane and parking would be provided in the existing courtyard.

4.0 MAIN ISSUES

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 requires that when dealing with an application for planning permission, Local Planning Authorities must have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section S38(6) of the Planning and Compensation Act 2004 requires that decisions on planning applications should be made in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 4.2 Having regard to the above, it is considered that the main issues raised by the application are:
 1. Principle of the development
 2. Design and visual amenity
 3. Access and parking
 4. Living conditions of neighbouring properties
 5. Other matters
- 4.3 The main planning policies that are relevant to these main issues are included in Section 5.0 below.

5.0 PLANNING POLICIES

- 5.1 The (revised) National Planning Policy Framework (2024) (NPPF) confirms that it does not change the statutory status of the development plan as the starting point for decision making. It also confirms its status as a material consideration in determining planning applications. The NPPF continues to advise that proposed development which accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF also advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 5.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 5.3 The policy context for this application is provided by the development plan and national planning policy in the NPPF as well as Planning Practice Guidance issued in April 2014 (as subsequently amended) (PPG). The development plan includes the Core Strategy (adopted 2009) (CS) and the Site Allocations and Development Management Policies DPD (adopted 2016) (SADMP).
- 5.4 Those policies which are the most important for determining this planning application are set out below:

Core Strategy (2009)

- 5.5 *Policy 13: Rural Hamlets.*

Site Allocations and Development Management Policies DPD (2016)

- 5.6 *Policy DM1 – Presumption in Favour of Sustainable Development* repeats the presumption in favour as found in the Framework.
- 5.7 *Policy DM4 – Safeguarding the Countryside and Settlement Separation* seeks to protect the intrinsic value, beauty, open character and landscape character from unsustainable development and lists suitable sustainable development, subject to satisfying certain criteria.
- 5.8 *Policy DM6 – Enhancement of Biodiversity and Geological Interest* seeks to ensure that development proposals demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management.

- 5.9 *Policy DM7 – Preventing Pollution and Flooding* seeks to ensure that any adverse impacts from pollution and flooding are prevented by ensuring that development proposals demonstrate compliance with eight criteria (labelled (a) to (h)).
- 5.10 *Policy DM10 – Development and Design* provides a series of design-based criteria which new development is required to meet.
- 5.11 *Policy DM17 – Highways and Transportation* confirms that development proposals should be in accordance with highways design standards as set out in the most up to date guidance adopted by the relevant Highway Authority.
- 5.12 *Policy DM18 – Vehicle Parking Standards* confirms that new development proposals will be required to provide an appropriate level of parking provision justified by assessment.

The National Planning Policy Framework 2024 (NPPF)

- 5.13 At the heart of the NPPF is a presumption in favour of sustainable development. There are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. These are an economic objective, a social objective, and an environmental objective. The economic objective seeks to ensure sufficient land of the right types is available in the right places at the right time to support growth. The social objective seeks to support strong, vibrant, and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of the present and future generations and by fostering a well-designed and safe built environment. The environmental objective seeks to contribute to protecting and enhancing our natural, built, and historic environment, including making effective use of land.
- 5.14 Amongst other things, Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay.
- 5.15 Paragraph 48 of the NPPF indicates that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 5.16 Paragraphs 56 - 58 set out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all

other respects. Planning obligations must only be sought where they are a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

- 5.17 Paragraphs 61 and 63 of the NPPF are concerned with delivering sufficient homes to support the Government's objective of significantly boosting the supply of homes. The size, type and tenure of housing needed for different groups should be reflected in planning policies.
- 5.18 Paragraph 110 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, 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.
- 5.19 Paragraph 116 of the NPPF states that 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.
- 5.20 Paragraphs 124 and 125 of the NPPF seeks to make the effective use of land. They state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. They also go on to say that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 5.21 Paragraphs 131 to 135 of the NPPF seeks to achieve well-designed places. They state the creation of high-quality buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live. Planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place using streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. They also state that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.22 Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 181 states that Local Planning Authorities should ensure that flood risk is not increased elsewhere when determining planning applications.
- 5.23 Paragraph 187 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It also requires a contribution towards remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 5.24 Paragraph 193 is concerned with the protection and enhancement of habitats and biodiversity. It advises that development which results in significant harm to biodiversity should be refused unless it can be adequately mitigated, or, as a last resort, compensated for.

Other Policy and Guidance

- 5.25 Although not having the formal status and weight of adopted planning policy there are a number of other pieces of guidance relevant to decision-making within Hinckley and Bosworth including:
- National Planning Practice Guidance - March 2014 (as amended)
 - Good Design Guide SPD – 2020
 - The Conservation of Habitats and Species Regulations 2017
 - Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
 - National Design Guide – October 2019
 - Leicestershire Highways Design Guide (Leicestershire County Council)
 - Technical Housing Standards – Nationally Described Space Standards - 2015

6.0 PLANNING ASSESSMENT

The principle of development

- 6.1 The site is located outside of the limits to development where development is more strictly controlled under Policy DM4 of the SADMP which protects the countryside from unsustainable development. The policy provides a list of uses which are considered sustainable and these are listed below:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation; and / or diversification of rural businesses; or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 6.2 The proposal is generally in accordance with DM4 (b) as the proposal would reconfigure the existing dwelling to provide an additional residential unit through subdivision. However, Policy DM4 (b) is clear that this is only acceptable where the proposal would lead to an enhancement of the immediate setting.
- 6.3 The approach set out in DM4 (b) is out of date in respect of the latest advice in the NPPF. Paragraph 84 of the NPPF sets out that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
 - d) *the development would involve the subdivision of an existing residential building.*
- 6.4 The NPPF makes a clear distinction between the re-use of redundant or disused buildings and the subdivision of an existing property. It is therefore clearly the case that the NPPF offers support for the subdivision of an existing isolated residential property, such as the application site, without the need to enhance its immediate setting. The need to enhance the immediate setting is only relevant

where proposals involve the re-use of redundant or disused buildings, which is not the case in this instance.

- 6.5 Policy DM4 of the SADMP is the most important development plan policy for determining this application. However, it is clearly more restrictive than national planning policy set out in the NPPF as detailed above. Given that this policy is inconsistent with the NPPF, it is out of date in respect of assessing proposals involving subdivision in isolated locations.
- 6.6 In addition, in terms of housing land supply, using the revised standard method in national planning practice guidance as required by Paragraph 62 of the NPPF, Hinckley and Bosworth Borough Council are unable to demonstrate a five-year supply of land for housing.
- 6.7 In light of the housing land supply position **and** the out-dated nature of Policy DM4 of the SADMP in respect of proposals involving subdivision, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered. Among other things, this says that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. This balancing exercise is carried out in the conclusion section below.
- 6.8 The SADMP provides encouragement towards the re-use or conversion of existing rural buildings and the NPPF contains specific guidance which supports the subdivision of existing residential properties in isolated locations. It is therefore clear that the principle of the development is acceptable.
- 6.9 The remainder of this statement assesses compliance with various technical matters and then provides a conclusion in respect of the 'tilted' balance as to whether any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.

Design and Visual Amenity

- 6.10 The need for good design in new residential development is outlined not only in adopted Local Plan Policies DM4 and DM10 and the Council's Good Design SPD but also within the NPPF. The policies in the adopted Local Plan require that development in the countryside does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and that it does not undermine the physical and perceived separation and open character between settlements.

- 6.11 In terms of the subdivision of the property, there would be very few external alterations proposed to carry out this element of the proposal. These would consist of the insertion of one door (inserted in the western elevation) and five rooflights (two in the eastern elevation and three in the southern elevation). Overall, these elements of the proposal would be very small scale and would have no impact on surrounding visual amenity.
- 6.12 It is also noted that the five rooflights to be inserted have previously been assessed to be acceptable by the Council in the assessment and determination of application reference 23/00219/HOU where the officer report concluded (at Paragraph 8.7) the following:

"By virtue of their siting, design, small proportion, conservation style and matching appearance, the proposed roof lights and bi-fold doors would respect and complement the character and appearance of the existing dwelling and the wider courtyard complex and would not result in any significant adverse visual impacts on the rural appearance or open character of the surrounding countryside."

- 6.13 Based on the above it is considered that there are no planning grounds for a different conclusion to be reached regarding the acceptability of the alterations in relation to design and visual amenity.
- 6.14 Overall, it is considered that the proposed scheme would respect the character and appearance of the surrounding area and would have a suitable design. The proposal would comply with Policies DM4 and DM10 of the SADMP, the provisions of the NPPF, the National Design Guide and the Good Design SPD.

Access and Parking

- 6.15 Paragraph 116 of the NPPF states that 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.
- 6.16 Access for the proposed dwelling would be from the existing approved access off Sutton Lane which was deemed acceptable to be utilised in connection with residential development during the determination of application reference 15/00416/FUL. In this respect the Committee report determined that the cessation of the reclamation yard to allow for the residential development would be more appropriate than the alternative allowed for under application reference 14/00286/FUL which enabled the creation of five dwellings but did not require the reclamation yard use to cease.
- 6.17 The proposed subdivision of the existing seven bedroom dwelling to 1 x 5 bedroom and 1 x 3 bedroom dwellings would not result in a significant intensification in the use of the existing vehicular access which would impact

adversely on highway safety, nor would the traffic movements generated be on a scale that would exceed the capacity of the highway network.

- 6.18 Overall, the proposed development would not have an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe. On this basis the highway safety aspects of the scheme are considered acceptable. The proposal is considered acceptable in relation to Policies DM17 and DM18 of the SADMP, the advice in Paragraph 116 of the NPPF and the LHDG.

Living conditions of neighbouring properties

- 6.19 It is considered that the only residential properties that have the potential to be impacted upon would be nos. 1 and 7 Cadeby Court with no. 1 being set to the north-east and no. 7 being set to the immediate east.
- 6.20 As is outlined above the only physical alterations to the external appearance of the building would be the insertion of a door and five rooflights, with the insertion of the five rooflights previously being considered acceptable by the Council in the determination of application reference 23/00219/HOU. In this respect the officer report determined, at Paragraph 8.9, that:

"The proposed new rooflights and ground floor doors would not face directly towards any sensitive private amenity areas of any neighbouring dwellings and together with separation distances to all boundaries would not result in any significant impacts on the residential amenity or privacy of any neighbouring occupiers."

- 6.21 There are no planning grounds for a different conclusion to be reached regarding the acceptability of overlooking impacts to the nearest residential receptors.
- 6.22 As the building would not be enlarged, it is also considered that no overbearing or overshadowing impacts would arise.
- 6.23 In addition, as the proposal would only result in the creation of one additional dwelling, it is also considered that any comings and goings associated with the property would not result in significant detriment to residential amenities.
- 6.24 The Council's Good Design Guide seeks to ensure that development will exceed the internal space standards set by the Nationally Described Space Standards (NDSS) wherever possible.
- 6.25 Five bedrooms are proposed to be double bedrooms and therefore paragraph 10(d) of the NDSS indicates that each bedroom should have a floor area of at least 11.5 square metres. In line with paragraph 10(e) of the NDSS a master bedroom should have a width of 2.75 metres with all other double bedrooms having a width of 2.55 metres. As proposed, each of the five double bedrooms across the two units would have widths in excess of 2.75 metres and a floor area greater than

11.5 square metres. The remaining two bedrooms in plot 2 would have an overall area of 9.32 and 10.99 square metres which would also accord with the paragraph 10 (a) and 10 (c) of the NDSS.

- 6.26 It is also considered that the submitted floor plans demonstrate that the gross internal floor area (GIA) and built-in storage area would comply with the figures specified within Table 1 associated with Paragraph 10(a) of the NDSS.
- 6.27 The submitted layout plan demonstrates that each of the subdivided plots would benefit from a dedicated amenity space that would not be overlooked.
- 6.28 Having regard to the above, the proposals would not have a significant impact on the living conditions of occupiers of nearby dwellings. The impact on the living conditions of existing residents close to the proposals would be minimised and their amenity would be safeguarded in accordance with Policy DM10 of the SADMP. The proposals also comply with the general thrust of the NPPF so far as it seeks to ensure acceptable living standards.

Other matters

Trees

- 6.29 The application site does not contain any trees which are protected by a Tree Preservation Order and the site is not located in a Conservation Area. The trees which exist on the application site would not need to be removed as part of the proposed development.

Drainage / Flooding

- 6.30 The Flood Map for Planning identifies that the site is located in Flood Zone 1 which is classified as an area of low probability to fluvial flooding.
- 6.31 In terms of surface water (pluvial) flooding, the Flood Map for Planning identifies an isolated location which is subject to a high (1 in 30), medium (1 in 100) and low (1 in 1000) risk of surface water flooding around the southern extent of the existing building. The extent of the area of surface water flooding decreases from low to high.
- 6.32 Paragraph 173 of the NPPF specifies that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding.
- 6.33 It is, however, stated at Paragraph 176 of the NPPF that applications for 'changes of use' should not be subject to sequential test, nor the exception test with footnote 75 (referenced in Paragraph 176) stating that the only 'changes of use' not exempted would be those associated with "*changes of use to a caravan, camping*

or chalet site, or to a mobile home or park home site.” These are not applicable in this instance.

- 6.34 Whilst not directly applicable, footnote 75 also specifies that “*small non-residential extensions (with a footprint of less than 250m2)*” are also exempt.
- 6.35 Paragraph 176 of the NPPF highlights that whilst ‘changes of use’ may be exempt, there may still be a requirement for a site-specific flood risk assessment to be provided as set out in footnote 76.
- 6.36 Footnote 76 states that in Flood Zone 1 a site-specific flood risk assessment would only be required (amongst other things) where the application site is greater than 1 hectare, which is not the case in the instance, or where the land “*may be subject to other sources of flooding, where its development would introduce a more vulnerable use.*” In this respect the proposal relates to the subdivision of an existing dwelling to form two dwellings and where the vulnerability of the proposed development would not be materially different to that of the existing development.
- 6.37 When accounting for the above it is considered that there is no requirement for the proposed development to be subject to the sequential test, nor is there a requirement for a site-specific flood risk assessment to be submitted.
- 6.38 In line with criterion (h) of Policy DM7 of the SADMP it is also considered that whilst an isolated area of the site is at a high, medium and low risk of surface water flooding, the remainder of the application site is at a very low risk of surface flooding with it likely being the case that the risk which arises to the site is due to a topographic depression. On the basis that the proposal would not result in the physical extension of the existing building, the risk of surface water flooding occurring would not be exacerbated, nor would the development create a new risk of surface water flooding occurring.
- 6.39 Matters in relation to surface water drainage would need to be considered as part of any subsequent Building Regulations approval. Such matters should not form planning conditions on any approval as this would duplicate a requirement for compliance with other regulatory requirements and be contrary to the advice in Paragraph 56 of the NPPF (see APP/F2415/W/22/3303898 for further information).
- 6.40 Overall, the proposal would not conflict with Policy DM7 of the SADMP or Paragraphs 173, 176 and 181 of the NPPF.

Ecology

- 6.41 The proposal would be exempt from BNG requirements because it would be subject to the de minimis exemption. This is as set out in Paragraph: 003 Reference ID: 74-003-20240214 and Paragraph: 004 Reference ID: 74-004-20240214 of the NPPG which includes development “*that does not impact a priority habitat and*

impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, and 5 metres of linear habitats such as hedgerows.” It is further stated that the ‘exemption’ is designed to cover planning permissions for “changes of use to development where there is no or only a de minimis impact on onsite habitat.”

- 6.42 The paragraphs above of the NPPG provide the following similar example of development that would be considered to be de minimis:

Scenario 2: A development which only marginally impacts on a garden habitat

The development is a new residential dwelling largely on the footprint of an existing dwelling which will be demolished but there would be a small loss of a grass lawn (of 20 square metres) in the garden. The red line boundary for the development includes two large trees at the end of the garden which are not affected by the development. The development would be exempted from biodiversity net gain by the de minimis exemption as:

- *The development does not impact on any onsite priority habitat;*
- *The existing dwelling would be classified as developed land: sealed surface which has a biodiversity value of zero under the statutory biodiversity metric;*
- *The grass lawn would be classified as vegetated garden and would have a biodiversity value of greater than zero under the statutory biodiversity metric but the size of this habitat lost is less than 25 square metres; and*
- *The trees within the red line boundary would be classified as individual urban trees and would have a biodiversity value of greater than zero under the statutory biodiversity metric but are not impacted by the development.*

- 6.43 For the proposed development it should be noted that:

- 1) The development results in no impact on any priority habitat;
- 2) The subdivision of the existing dwelling would be classified as developed land: sealed surface with a biodiversity value of zero;
- 3) The proposed off-street car parking provision for the dwellings would be provided on an existing hard surfaced area which would also be classified as developed land: sealed surface with a biodiversity value of zero;
- 4) The raised planting proposed for removal, as identified on the submitted proposed site and roof plan, would be result in a habitat loss of less than 25 square metres; and
- 5) The development results in no impact on the existing vegetated garden, which would remain unaffected and still be vegetated garden, or existing trees.

- 6.44 On the basis of the above it is considered that there is no conflict with Policy DM6 of the SADMP, relevant Paragraphs of the NPPF and Circular 06/05.

7.0 CONCLUSIONS

- 7.1 At the heart of the NPPF is a presumption in favour of sustainable development such that development proposals that are in accordance with the development plan should be approved. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Section S38(6) of the Planning and Compensation Act 2004 requires that any decision on a planning application should be made in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 7.2 In terms of the principle of development, Policy DM4 of the SADMP is the most important development plan policy for determining this application. However, it is clearly more restrictive than national planning policy set out in the NPPF as Paragraph 84 specifically allows for the subdivision of existing residential dwellings in isolated locations. In addition, Hinckley and Bosworth Borough Council are unable to demonstrate a five-year supply of land for housing.
- 7.3 In light of the housing land supply position **and** the out-dated nature of Policy DM4 of the SADMP in respect of proposals involving subdivision, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered. Among other things, this says that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 7.4 The proposal would provide a small but meaningful contribution towards addressing the Council's housing shortfall. The additional dwelling would not result in any significant adverse impacts on the character and appearance of the area, the residential amenity of the occupiers of neighbouring properties, highway safety, biodiversity or flooding. There are no other material planning considerations that indicate that planning permission should not be granted.
- 7.5 The sustainable development objectives of the NPPF require economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways.
- 7.6 The economic objective in Paragraph 8 of the NPPF is achieved by the proposals through the development of an additional dwelling which would result in the support for local construction work and jobs, an additional ongoing contribution towards council tax and where new occupiers of the dwellings would use and support local services which would help them to be maintained.
- 7.7 The social objective in Paragraph 8 of the NPPF is achieved by the proposals through the provision of additional smaller housing. There would also be social

benefits in terms of new residents supporting the existing services in the surrounding area.

- 7.8 The environmental objective in Paragraph 8 of the NPPF is achieved by the proposals as they would not result in any unacceptable impacts on the natural, built or historic environment. The proposal would redevelop previously developed land and utilise an existing building. This planning statement has demonstrated that the application would have an acceptable impact on highway safety, visual amenity, residential amenity, trees, drainage and flooding, and ecology.
- 7.9 In conclusion, the proposal is generally in accordance with the relevant policies of the development plan, and it is in accordance with the NPPF taken as a whole and the presumption in favour of sustainable development. When viewed in their wider context, the proposals make a positive contribution towards each of the three objectives of sustainable development in a mutually supportive way. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and any outstanding concerns that the Council might have are capable of being addressed by negotiation and / or the imposition of conditions.