

# **Design, Access & Planning Statement.**

Erection of single storey self-build custom dwelling, land north east of The White House, Bosworth Road, Wellsborough, Nuneaton, CV13 6PB.

**September 2023**

## **Introduction**

This statement is submitted in support of the erection of a single storey self-build custom dwelling, land north east of The White House, Bosworth Road, Wellsborough, Nuneaton, CV13 6PB.

The National Planning Policy Framework (NPPF; 2021) within Annex 2: Glossary, defines self-build and custom-build housing as:

***“Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.”***

This Statement has been prepared in accordance with the requirements of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the provisions of the Town and Country Planning (General Development Procedure) (Amendment) Order 2010 and Town and Country Planning (Development Management Procedure) (Amendment) Order 2015.

In accordance with the National Planning Policy Guidance (NPPG), the level of detail presented in this statement is proportionate to the scale and complexity of the application. References were made to the relevant planning policies. These are predominantly the adopted and saved Local Plan policies as they take primacy in the determination of such an application where they are NPPF & NPPG compliant.

## **Relevant Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **National Policy Guidance**

National Planning Policy Guidance (NPPG) April 2014  
National Planning Policy Framework (NPPF) Feb 2019  
Community Infrastructure Levy (CIL) Regulations 2010

## **Development Management Policies DPD**

Site Allocations and Development Management Policies DPD (2016)

Policy DM1: Presumption in Favour of Sustainable Development  
Policy DM4: Safeguarding the Countryside and Settlement Separation  
Policy DM6: Biodiversity and Geological Interest  
Policy DM7: Preventing Pollution and Flooding  
Policy DM10: Development and Design  
Policy DM17: Highways & Transportation  
Policy DM18: Vehicle Parking Standards

## **Principle and other material planning considerations**

The Written Ministerial Statement Planning for Growth and Laying the Foundations emphasized the Government's approach to house building and the need to provide action to build more houses and to boost economic growth. Although now superseded by the NPPG, it remains fully reinforced by the NPPF (July 2021) where the Government's aim remains to significantly boost the supply of housing.

The NPPF identifies three dimensions to sustainable development giving rise for the planning system to perform the roles below:

***“an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

***a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

***an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

Furthermore, LP policy should follow the approach of the presumption in favour of sustainable development where such development should be supported when weighing all of the provisions of the NPPF2 as a complete document.

The Government is committed to ensuring the planning system should not act as an impediment to housing provision. All Local Authorities need to significantly boost the supply of housing irrespective of the status of the immediate 5 YHLS. In reference to their report “Building More Homes” (July 2016) the cross-party House of Lords Economic Affairs Committee Chairman Lord Hollick stated:

*“We are facing an acute housing crisis with home ownership – and increasingly renting-being simply unaffordable for a great many people. The only way to address this is to increase supply. The country needs to build 300,000 homes a year for the foreseeable future.”*

This conclusion was reinforced in November 2016 when the RPTI released a Policy Statement on identifying new housing development opportunities entitled: *Where should we build more homes?* Under section “land within existing built up areas will not meet all our needs” the Statement concludes:

*“Even with an enhanced urban renewal and regeneration programmes of action and funding, land within existing built up areas will not meet all our housing needs in full. Some of the future housing needs will have to be met on greenfield land around our towns and cities. The experience of our members clearly indicates that this can be done without undermining the priority to be given to brownfield sites through a planned, managed and phased approach to development.”*

The 17<sup>th</sup> January 2023 Planning Committee report related to the outline planning application or up to 85 dwellings at Spring Acre (22/00192/OUT) Lychgate Lane, Burbage states:

***“The Emerging Local Plan for 2020-39 has been out for consultation at Regulation 19 draft stage (February to March 2022). The LDS as amended December 2022 anticipates that the Plan will be submitted in summer 2024, and an estimated date for examination in 2025.”***

And para 8.12

***“The most recent housing land monitoring statement for the period 2021 -2022 indicates, a 5-year supply of 4.89 years. A more recent appeal decision (Appeal Ref: APP/K2420/W/22/3301735 Land at Sketchley Lane, Burbage, determined 4th January 2023) updates the most recent monitoring position through a statement of common ground, the 5 year supply currently stands at 4.76 years.”***

Paragraph 62 of the Framework states that within the context of establishing the amount of housing to be planned:

***“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”.***

Paragraph 62 is supplemented by footnote 28 that confirms:

***“Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.”***

The thrust of the guidance arising from the Framework (2021) and the 2015 Act, is that Section 2A of the Act imposes on the Council a statutory **“duty”** on the LPA to grant permissions in respect of providing **sufficient suitable serviced plots** of land to meet the demand for self- build and custom housebuilding within the Borough on a rolling three year basis.

Case law demonstrates that self-build housing delivery does not form part of a 5 Year Housing Land Supply, and notwithstanding this, the LPA cannot currently demonstrate a 5YHLS. The LPA also concedes the 2009 Core Strategy will not be replaced and adopted until sometime during 2025, therefore it is currently the case the housing policies of the CS are out of date as they are more than 5 years old and the LPA cannot demonstrate a 5YHLS. It is also the case there is a deficit in the rolling 3 year supply of self-build / custom build plots, therefore the proposal can be supported in principle on this basis.

Research by McCarthy Stone found that 70% of over 65s would consider moving to a bungalow which equates to 8.4 million people across the UK. However while demand is rising supply is falling and in the year 2000 9,347 bungalows were built compared with just 2384 in 2019, this is equal to less than 1% of the new homes built in 2019/20.

In **“Too little, too late? Housing for an ageing population.”** the foreword by Michael Voges Executive Director, ARCO Associated Retirement Community Operators states:

*“Over the next two decades, the number of people aged over 65 in the UK is expected to increase by 41% to 18 million. While over-65s often choose to continue living in their existing homes, many wish to downsize when they reach retirement – including into age friendly accommodation that has been designed to boost independence, health and wellbeing.*

*At present, those who wish to take this path have little to choose from. Less than 3% of the UK’s housing stock is geared towards the retirement market, much of it built as traditional sheltered housing several decades ago. Such low provision is harmful not only for older people, but our country as a whole.*

*High-quality retirement housing has a crucial role to play in tackling the urgent housing, health and social care challenges facing us. At a time when many young families are struggling to get on to the housing ladder, more than half of the 15 million ‘surplus’ bedrooms lie within the homes of those over 65.”*

On this basis the Framework supports the efficient use of surplus residential garden land where there are clear social, economic and environmental benefits and that each application should be judged on its individual merits. As a result, there is a presumption in favour of sustainable development with regards to the current proposal particularly given there is a deficit in the rolling 3 year supply of self / custom build plots.

Furthermore, the Market Bosworth Neighbourhood Plan Housing Needs Assessment (December 2022) states:

*“32. Applying ONS household projections for Hinckley and Bosworth to the Market Bosworth population in 2011 suggests that population growth can be expected to be driven by the oldest households, with the 65+ age group nearly doubling to become the largest single group (at 49% of the total) while all other age bands grow at more modest rates.*

*33. In the 2021 Census Market Bosworth has a similar balance of single person to family households as is apparent at Borough and national scale. However, the NA diverges from wider averages in its larger proportion of households aged over 65 and smaller proportion of households with dependent children. While the latter group remains relatively small, it expanded by 26% since 2011. Note that the Census dataset relating to household composition is so far the only one relevant to housing that has been released for small areas.*

*34. As of the 2011 Census, more than 80% of households in the NA had at least one more bedroom than they would be expected to need, and 55% had at least two extra bedrooms. This is not surprising given the relatively large housing stock. Under-occupancy was most common among couples with no children, older households and single people. While not uncommon, this might suggest that Market Bosworth’s larger housing is not necessarily being occupied by households with the most family members, but by the people with the most wealth or by older people who have not chosen or been able to move to smaller properties.”*

In this particular instance the applicant wishes to downsize from the under occupied detached family home of the White House, by utilising existing surplus residential garden land to provide custom built and age proof accommodation using their own resources and financing thereby releasing The White House as a large family home into the local housing supply.

## **Local List Requirements**

Due to the scale and nature of the proposal, the level of detail submitted with the application is considered proportionate. Schedule 4 of the DMPO details the statutory consultations required *before the grant of permission*. If during the determination period the statutory consultees request additional information and this is not provided by the applicant, the LPA could refuse the application for this reason. On this basis this section forms a notice under Article 12(1) (DMPO Amended July 2015) as the applicant considers the submitted information meets the requirements set out in article 34(6)(c) and any other information contained in the adopted Local List should be waived allowing the immediate validation of the application.

## **Relevant History**

20/01095/FUL Replacement vehicular access.

Approved 6<sup>th</sup> January 2021

21/01121/FUL Outbuildings: garden storage, workshop & studio. Approved 9<sup>th</sup> March 2022

## **Amount, Layout & Design**

The Framework seeks to protect communities from inappropriate development but not to curtail development where it accords with Local Plan policy. Planning policies and decisions should no longer attempt to impose architectural styles however it is proper to seek to promote or reinforce local distinctiveness and reflect the adjacent built form.

In terms of the local landscape character area the proposal is located within the Sence Lowlands and occupies a position set back from Bosworth Road. Careful consideration was given to the local context so the overall design and choice of external materials will ensure the building is readily assimilated within the immediate setting ensuring the medium and long distance views into the site remain predominantly of the existing surrounding built form, meaning the existing vistas along Bosworth / Wellsborough Road are maintained preserving the overall landscape character of the area.

Indeed, the delegated report related to application 21/01121/FUL for the extant proposal for the proposed outbuildings to provide garden storage, workshop and studio concludes:

*“8.7. SADMP Policy DM4 and the Sheepy Neighbourhood Plan Policy S1 seeks to protect the intrinsic value, beauty, open character and landscape character of the open countryside.*

*8.8 Notwithstanding the above, the proposed building will be sited adjacent to established trees and will be screened from view from both the highway (Located approx. 150 metres from the proposal) and furthermore the proposal will not be sited in close proximity to countryside rights of way. By virtue of this, and the surrounding topography important landscape views and those identified in the Sheepy Neighbourhood plan will not be effected by the proposed development.*

*The proposed building will be of similar height, design, materials and scale to the existing timber storage building (proposed to be demolished); furthermore, the building will resemble the design, scale and materials typical of agricultural, equestrian and outbuildings located in the landscape surrounding the proposal site.*

*Therefore, I consider the proposed building will sit comfortably within the landscaped area it will be located within and will not introduce an alien and moreover, harmful feature within the surrounding landscape. In this regard, the proposal complies with*

*Policies DM1, DM4, and DM10 of the SADMP and Policy 21 of the Core Strategy and Policy S1 of the Sheepy Neighbourhood Plan."*

Paragraph 134 of the Framework that states:

*"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*

*Conversely, significant weight should be given to:*

*a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

*b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."*

The acceptance that the built form associated with the proposed outbuildings approved via application 21/01121/FUL, was translated into the concept of "The Walled Garden" design as submitted. The innovative design concept helps raise the standard of design far above the very often negative connotations associated with traditional bungalow accommodation, meaning the proposal will sit comfortably within the local landscape and therefore will not introduce an alien and moreover, harmful or incongruous feature within the surrounding landscape.

Related to this material consideration, a Public Inquiry appeal decision issued 18th December 2019 related to an outline application for up to 80 dwellings in Desford where Policy DM4 was central to the reason of refusal. On this issue of Policy DM4 the Inspector opined:

***"To conclude, the proposed development would cause some harm through the loss of a small part of the landscape character type identified. However, given the visual containment of the site, and with the use of conditions to secure the retention and enhancement of existing boundary vegetation, I am satisfied that the development would not be unduly intrusive to the wider countryside. As such, the harm would be limited. Nevertheless, this harm would mean that there would be some conflict with Policy DM4 of the SADMP.***

***There was some discussion as to whether Policy DM4 is consistent with the Framework, inasmuch as it sets out at the start that it seeks to protect the intrinsic character, beauty, open character and landscape character of the countryside. However, it is clear that it is protection from unsustainable development that is sought, rather than a blanket protection of all countryside.(my emphasis) In that regard, I find no conflict with the Framework, which sets out a presumption in favour of sustainable development."***

The principle driving the design of the current proposal has sustainability at its core and as the Inspector above opined, it is protection of the countryside from **unsustainable development**, rather than a blanket protection of all countryside that is the key material consideration. From this perspective the proposal is in accordance with paragraph 62 of the Framework, in that the associated footnote requires:

*“Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.”*

The most recent evidence base related to the Market Bosworth NP (December 2022) suggests that Market Bosworth’s larger housing is not necessarily being occupied by households with the most family members, but by the people with the most wealth or by older people who have not chosen or been able to move to smaller properties. The self-build and custom build model offered by the current proposal has the potential to encourage other residents within the Neighbourhood Plan (NP) area to adopt a similar approach to use their own resources and surplus residential land to build suitable accommodation for their retirement needs and to aid the release of under occupied detached family homes onto the local housing market.

Policy DM4 is currently considered to be out of date in this particular respect, as the site forms the lawful domestic ancillary / incidental use of land associated with the existing dwelling in accordance with the well established case law *Sinclair- Lockhart’s Trustees v Central Land Board* (1950) that held:

*“The ground which is used for the comfortable enjoyment of a house or other building may be regarded in law within the curtilage of that house or building and thereby as an integral part of the same although it has not been marked off or enclosed in any way. It is enough that it serves the purpose of the house or building in some necessary or useful way.”*

Based on this principle and when viewed in the round, it is considered the proposal represents a high level of sustainable development and can be supported by providing additional windfall sites and held as an achievable example that other developments can mirror whilst demonstrably and positively contributing to the LPA rolling 5YHLS.

In the overall policy context the scheme reflects and continues the existing residential built form and therefore represents an integrated and sustainable development that would be in accordance with paragraph 69 of the Framework that states:

*“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.”*

### **Access Parking & Sustainability**

The existing access will be utilised and improved as per application 20/01095/FUL, and parking can be accommodated within the scheme to meet the necessary requirements for the new dwelling that will include the charging facilities for the hybrid and electric vehicles to be used by the occupants.

PPG13 and associated guidance is replaced by the NPPF that states:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

When considering the above, the modest amount of development and the percentage impacts of this traffic are considered minimal meaning the impact of the development will

have effectively 'nil detriment' and will not therefore adversely affect the current road network capacity.

### **Affordable Housing & S106 Contributions**

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Any contributions sought by the LPA will have to provide a site specific analysis of the impact of the proposed development upon on existing services. A description of how the contributions would be spent to specifically address those impacts and the timeframe will also form part of the justification.

If the LPA can demonstrate that any contributions are necessary to make the development acceptable in planning terms, that they are directly related, are fairly and reasonably related in scale and kind to the development, then in accordance with Regulation 122, the applicant would agree to the request of the associated contributions. The contribution will be secured via a signed Unilateral Undertaking or S106 upon receipt of the detailed justification supplied to the applicant by the LPA.

### **Conclusion & Justification**

Paragraph 3.8 of the CS recognised in 2009 that some growth is required in the rural areas of the Borough by stating:

***“As with most rural areas, there is a lack of affordable housing (both market and social) in the rural villages and hamlets in Hinckley & Bosworth, particularly in the west of the borough. This, combined with an ageing population and high levels of out-commuting, provides a challenge to ensure that rural communities in the future provide a range of local services, housing and employment for people who work and live in rural areas.”***

Given the current policy context the LPA fully recognise the valuable contribution minor applications such as the current scheme make towards maintaining a rolling 5YHLS as highlighted by the HBBC Windfall Study (April 2022). However, by far the most important contribution the scheme would make is releasing under occupied family homes within the specific Market Bosworth NP area, by supporting those who have access to their own resources and wish to provide for their own retirement accommodation via self-build projects so local authority and state funds can be directed to those within the area who may require additional supporting assistance in requiring suitable accommodation in their old age.

Paragraph 177 of the Market Bosworth Neighbourhood Plan Housing Needs Assessment (December 2022) states:

***“While the VOA data mentioned above is not helpful in bringing the full mix up to date, that source helpfully splits bungalows out from the other categories. In the wider area that includes the NA, 13.7% of homes are bungalows. That is exactly the same share as across the Borough and moderately higher than the national average of 9.2%. This suggests that there is a segment of the housing stock that may hold appeal to older households and others with mobility limitations.”***

This example of self-build retirement accommodation could be actively cited by the Council as an innovative design model which will promote high levels of sustainability and help raise

the standard of design appropriate retirement accommodation more generally in the Borough whilst simultaneously contributing to the Council's 5 year rolling supply of housing. It is considered on balance that any perceived harm from the proposal would not significantly and demonstrably outweigh the clearly identified benefits of the scheme where the ONS household projections for Hinckley and Bosworth to the Market Bosworth population in 2011 suggests that population growth can be expected to be driven by the oldest households, with the 65+ age group nearly doubling to become the largest single group (at 49% of the total) while all other age bands grow at more modest rates.

Therefore, the presumption in favour of sustainable development applies in this instance and the material considerations do justify making a decision other than in accordance with certain elements of the development plan. As such the proposal represents the type of organic, integrated and sustainable development that is appropriate within the local context and is supported by the direction of travel in terms of Government policy, recent appeal decisions, the key policy objectives of the existing and emerging Core Strategy and Market Bosworth Neighbourhood Plan.

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