

Design, Access & Planning Statement.

Outline planning permission (access only) for the removal of existing static caravan (C3) and erection of a replacement single dwelling (C3 self-build) and associated amenity space and parking, Bank Farm, Shenton Lane, Dadlington, Nuneaton, Leicestershire, CV13 6JD.

May 2024

Introduction

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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 Framework (NPPF) (December 2023)
Planning Practice Guidance (PPG)
National Design Guide (2019)

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 DM7: Preventing Pollution and Flooding
Policy DM10: Development and Design
Policy DM14: Replacement Dwellings in the Rural Area
Policy DM17: Highways and Transportation
Policy DM18: Vehicle Parking Standards

Other Relevant Guidance:

Good Design Guide (2020)
Leicestershire Highway Design Guide (LHDG) (2022)
Technical Housing Standards – Nationally Described Space Standards (2015)

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 (2023) 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 Framework (Dec 2023) 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.”

Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

Relevant Planning History

23/00465/CLE: Lawful Development Certificate to establish the existing use of static caravan as primary and permanent residential dwelling (Use Class C3) with associated access and amenity space (Resubmission 23/00190/CLE). Approved: 26th July 2023.

The case of **DLA Delivery Ltd v SoS** highlights the critical need for consistency in decision making in terms of following previous decisions or to give clear reasons for reaching a different view.

Under application 19/00232/FUL that was approved 5th June 2019, the LPA supported a near identical proposal for the removal of existing residential chalet and erection of a replacement bungalow at Wood View, Shenton Lane, Shenton, Nuneaton, Leicestershire, CV13 0AA.

The delegated report associated with application 19/00232/FUL confirms:

“The proposed scheme would provide a replacement dwelling in the countryside. Policy DM14 of the SADMP supports the demolition and rebuild of an existing dwelling outside the settlement boundary where, it leads to an enhancement of the immediate setting and general character of the area; and the new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage; and accords with other policies, including Policy DM10.”

And:

“Policy DM14 recognises that the replacement of a dwelling in the rural area can result in significantly more benefits to the local area, such as modern design and construction standards leading to better energy efficiency. It can also provide accommodation and facilities which more appropriately accord with modern life. As stated above, the existing property is currently in poor condition, and thus is considered to have a detrimental impact on the visual amenity of the area. Therefore, removal of the existing dwelling would have limited impact upon the environment, and the provision of a new dwelling with modern design standards would enhance the area and the site accordingly.”

As a result, there is a presumption in favour of sustainable development with regards to the current proposal as the relevant material considerations with the Wood View approval are shared.

In these circumstances Paragraph 124 of the Framework that states planning policies and decisions should:

“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.”

Additionally, paragraph 127 of the Framework states Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed (PDL) but not allocated for a specific purpose in plans, where this would help to meet identified development needs such as a shortfall in the 5YHLS.

During the determination of application 24/00138/OUT on the 8th April 2024, the LPA confirmed:

“Whilst the Council require 19 suitable cumulative permissions to be granted by 30 October 2024, it must be noted that the Council has currently granted nine permissions for custom and self-build housing in this period so only ten further permissions need to be granted before 30 October 2024.”

In light of the supporting self-build registration form, it is taken as common ground the current application is for a self-build proposal in accordance with the legal definition below:

“(A1)In this Act “self-build and custom housebuilding” means the building or completion by—

(a)individuals,

(b)associations of individuals, or

(c)persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

(A2)But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”

The Right to Build Taskforce (March 2021) notes the difference between a self-build and a custom build where:

"Self-build involves the occupier of a new home taking responsibility for the design, construction and funding of the home on a single building plot, which may or may not have some form of planning permission on purchase and where the individual bears the associated financial costs of securing the plot and procuring the construction, inclusive of infrastructure and servicing requirements.

Self-builders are in control of their development timeline and are not bound by any requirement to act in a given way to satisfy the needs of a developer, contractor, landowner or specialist enabler, with the exception of any statutory requirements imposed by a mortgage lender, insurer or local planning authority."

On this basis the Framework supports the efficient re-use of land and buildings where there are clear social, economic and environmental benefits and that each application should be judged on its individual merits. In this instance the applicant will replace the current and lawful C3 accommodation with a self-build project that will form his primary residence and can therefore be supported on this basis.

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.

Amount, Layout & Design

The Town and Country Planning (Development Management Procedure) (England) Order 15th April 2015 states, except where article 5(3) applies, an application for outline planning permission does not need to give details of any reserved matters.

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.

Paragraph 139 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:

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;”

Additionally, in recent years the LPA accept that minor residential schemes (less than 9 units) carry similar weight or benefits to larger residential schemes especially when viewed cumulatively on an annual basis. Such windfall sites materially often make a significant contribution to the 5YHLS as demonstrated by the: ***Windfall Study An assessment of the case for including windfall in the five year housing land supply (1 April 2020)*** that states:

“A thorough analysis of completion data for the last ten years has shown that windfall makes a consistent contribution towards total completions and small site completions in Hinckley and Bosworth Borough; on average approximately 18% of the total completions were small windfall sites and approximately 76% of small site completions were windfall. The evidence presented in this report provides a strong case for the inclusion of windfall within the Council’s development trajectory and more specifically the five year housing land supply.”

Based on this principle it is considered the proposal represents sustainable development and can be supported as a windfall site recycling previously developed land (PDL) that demonstrably and positively contributes to the LPA rolling 5YHLS.

In the overall policy context, the proposal represents an integrated and sustainable development that would be in accordance with paragraph 70 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 parking can be accommodated within the scheme to meet the necessary requirements of the replacement dwelling that will include charging facilities for electric vehicles.

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

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 2020 onwards).

Therefore the presumption in favour of sustainable development applies in this instance and as such the proposal represents the type of organic, integrated and sustainable development that is appropriate within the local context. The self-build project is supported by the direction of travel in terms of Government policy, recent appeal decisions and the key policy objectives of the existing and emerging Core Strategy and the current HBBC self-build register that confirms ten further permissions need to be granted on or before 30 October 2024.