



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

**TO ACCOMPANY AN OUTLINE PLANNING APPLICATION SEEKING PLANNING PERMISSION
FOR ONE SELF BUILD/CUSTOM BUILD DWELLING**

ON LAND AT THE CORNER OF THE GREEN AND PIPE LANE, ORTON-ON-THE-HILL

FOR MRS PAULINE ROSA TAYLOR

MARCH 2024

OUR REF: PF/10954

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1.0 INTRODUCTION

1.1 A grant of Outline planning permission is sought for:

'The erection of one self-build/custom build dwelling on land at the corner of The Green and Pipe Lane, Orton-on-the-Hill.'

1.2 The application does not involve any alteration to the existing access from The Green. This access presently serves two dwellings (Nos 28 and 30, The Green). The Applicant has access rights onto The Green.

1.3 This Statement describes and comments upon the proposals and discusses the key planning issues relating to the scheme. It assesses the Site within its local context and reviews the relevant planning history relating to the Site. The Statement considers the merits of the proposals firstly in the context of the development plan, and thereafter national policies.

1.4 This application is supported by the plans and documents listed below. As such, the plans and documents should be reviewed in conjunction with this Planning Statement.

Plans

- Site Location and Block Plan (Dwg. 1800-0202-02)
- Indicative Proposed Site Plan (Dwg. 1800-0502-03)

Reports

- Design and Access Statement, including Design Code
- Heritage Impact Assessment
- Preliminary Ecological Appraisal & Biodiversity Feasibility Study
- Arboricultural Survey
- Topographical Survey

2.0 RELEVANT PLANNING POLICY CONSIDERATIONS

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be taken in accordance with the adopted development plan for the area unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration.

2.2 The current Development Plan covering Hinckley and Bosworth is made up of the following documents:

- Core Strategy (2009)
- Hinckley Town Centre Area Action Plan (2011)
- Earl Shilton and Barwell Area Action Plan (2014) and
- Site Allocations and Development Management Policies (2016)

2.3 Only the policies contained in the Core Strategy (2009) and Site Allocations and Development Management Policies (2016) are of relevance to this planning application and are reviewed below.

Core Strategy (adopted December 2009)

2.4 Orton-on-the-Hill is categorised as a Rural Hamlet within the Core Strategy.

2.5 Policy 13 states that in the Rural Hamlets, the Council will:

‘Support housing development within settlement boundaries that provides for a mix of housing types and tenures.’

2.6 In addition, all new development is required to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development.

Site Allocations and Development Management Policies DPD (adopted July 2016)

2.7 The settlement inset plan for Orton-on-the-Hill confirms that the site is located within the Settlement Boundary.

2.8 The following Development Management policies are considered to be relevant to the proposals:

- DM10 Development and Design
- DM11 Protecting and Enhancing the Historic Environment
- DM12 Heritage Assets

Material Considerations

National Planning Policy Framework (NPPF) (December 2023)

2.9 The following paragraphs are considered to be particularly relevant to this proposal:

Delivering Sustainable Development

- Paragraph 8
- Paragraph 10
- Paragraph 11

Delivering a sufficient supply of homes

- Paragraph 60
- Paragraph 83

Conserving and enhancing the historic environment

- Paragraph 205
- Paragraph 212

Achieving well-designed and beautiful places

- Paragraph 135

Emerging Local Planning Policy

Local Plan Review 2020 to 2041

2.10 Consultation on a submission Draft Plan (Regulation 19) was undertaken between February and March 2022. However, the Local Development Scheme (February 2024) sets out that public consultation on a new Draft Plan (Regulation 18) will take place in June – July 2024. The programmed date for adoption is January/February 2026. Accordingly, this emerging Plan will be afforded very limited weight in the decision-making process, until it has advanced substantially towards adoption.

3.0 PLANNING ASSESSMENT

- 3.1 The development plan is absent of any policy relating to the provision of self-build and custom build housing. As a matter of fact, self-build or custom build housing helps to diversify the housing market and increase consumer choice. Paragraph 60 of the NPPF makes clear that:

*‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount **and variety of land can come forward where it is needed**, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.’ [Emphasis added]*

- 3.2 The needs of groups with specific housing requirements includes ‘people wishing to commission or build their own homes.’ This policy objective is underpinned by a specific statutory duty under Section 1 of the ‘Self-Build and Custom House Building Act’ 2015, namely:

‘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.’

- 3.3 The purpose of the Register is then given statutory force within the planning system through Sections 2 and 2A of the Act, requiring LPAs to have regard to the Register and **make available enough suitable development permissions to meet the identified demand**.
- 3.4 The application site is considered to be a superlative opportunity for the provision of one high quality self-build/custom build dwelling set in an extensive plot boundary – and be well related to the surrounding pattern of development.
- 3.5 The latest position of the assessment of demand and supply for self-build plots within the Borough is summarised as follows:

	No. of individuals on the Council’s Self Build and Custom Housebuilding register	No. of Self-Build/Custom Build planning permissions and/or permissions in principle
Base Period 1 (from the start of the Self-Build Register up to 30/10/2016)	0	0
Base Period 2 (31/10/2016 – 30/10/2017)	1	0
Base Period 3 (31/10/2017 – 30/10/2018)	0	0
Base Period 4 (31/10/2018 – 30/10/2019)	1	5

Base Period 5 (31/10/2019 – 30/10/2020)	1	1
Base Period 6 (31/10/2020 – 30/10/2021)	16	0
Base Period 7 (31/10/2021 – 30/10/2022)	15	3
Base Period 8 (31/10/2022 – 30/10/2023)	10	No data yet
Base Period 9 (31/10/2023 – present)	1	No data yet
Total/cumulative	45	9

3.6 It is clear that there is a substantial shortfall of Self-Build and Custom Build dwellings provided at the present time.

3.7 The Applicant's position is that substantial weight in the planning balance should be given to the proposed form of development pursuant to the:

- The deficit in the statutory requirement for the provisions of self-build dwellings;
- The importance given to self-build dwellings through National Planning Policy;
- The omission of any development plan policy to encourage the provision of self-build housing; and
- The Applicant is willing to give an undertaking to the Council (S106) to the effect a grant of planning permission will secure the provision of self-build/custom build housing within the definition of the Act.

3.8 The Development Plan (Paragraph 4.46) states that development in rural hamlets will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses. Policy 13 Rural Hamlets of the Core Strategy sets out eleven criteria in which development will be supported in the Rural Hamlets. The following analysis considers the site in the context of the criteria under Policy 13.

- **Support housing development within settlement boundaries that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16**

3.9 The policies map (inset plan for Orton-on-the-Hill) of the Site Allocations and Development Management Policies DPD confirms that the site is located within the Settlement Boundary of Orton-on-the-Hill. The proposal for a dwelling within the confines of the village is therefore in compliance with this criterion.

3.10 Policy 15 Affordable Housing requires sites on rural area to provide affordable dwellings where 4 dwellings or more are proposed, or the site areas is 0.13ha or more. This proposal is for one self-build dwelling and therefore Policy 15 is not engaged.

3.11 Policy 16 Housing Density, Mix and Design states that the Council requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. Therefore, Policy 16 is not engaged by this proposal.

- **Support development that complies with the Policy 17: Local Needs**

3.12 This proposal does not comprise a local needs scheme. Therefore, Policy 17 is not engaged.

- **Support development enabling home working and other small scale employment uses within settlement boundaries**

3.13 The proposal is for a residential development.

- **Resist the loss of local shops and facilities in rural hamlets unless it is demonstrated that the business or facilities can no longer operate in a viable manner. Initiatives to establish local stores and facilities will be supported**

3.14 The development proposal does not involve the loss of local shops and facilities.

- **Deliver the strategic green infrastructure network detailed in Policy 20. To achieve this, strategic interventions involving Shackerstone, Gopsall Park Multifunctional Route, River Sence Corridor Management and the Shackerstone to Ibstock Multifunctional Corridor will be implemented**

3.15 The proposals do not compromise the delivery of the Green Infrastructure Network.

- **Support proposals that contribute to the delivery of the National Forest Strategy in line with Policy 21**

3.16 In Hinckley & Bosworth, the National Forest covers a small proportion of the north eastern corner of the borough and encompasses the Key Rural Centres of Markfield, Bagworth, Thornton and parts of Groby and Ratby. Hence, Policy 21 is not engaged by these proposals.

- **Support proposals that contribute to the delivery of the Charnwood Forest Regional Park in line with Policy 22**

3.17 The site is not located within Charnwood Forest.

- **Require transport improvements in line with Policy 14**

3.18 The preamble to Policy 14 'Rural Areas: Transport' states:

'The Rural Hamlets have very limited, if any services and are therefore not considered sustainable locations for anything but local needs development. Development will therefore be limited to local choice schemes and infill development.'

3.19 The development proposal comprises an infill development within a Rural Hamlet. The provision of one detached dwelling might reasonably result in 1-2 two-way movements in the peak hour on the local highway network. This level of additional traffic movement is of no material consequence.

- **Support the development of the tourism industry in line with Policy 23**

3.20 The proposal is not for tourism development.

- **Require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development**

3.21 The proposal is submitted in Outline as a self-build/custom housebuilder will choose the design and layout of their home. The appearance, layout and scale of the dwelling, in addition to any landscaping, will require separate reserved matters approval but will need to ensure the character of the surrounding area is respected.

- **Require development to be of the highest environmental standards in line with Policy 24**

3.22 The proposal is submitted in Outline as a self-build/custom housebuilder will choose the design and layout of their home. The design and construction could be innovative in terms of environmental standards.

3.23 It is hence concluded that the proposal is in accordance with Policy 13. The proposal is therefore compliant with the dominant policies in the Core Strategy and in so doing is in accordance with the development plan.

3.24 The application is accompanied by environmental and technical reports which establish that there are no significant adverse impact in terms of the effect:

- On heritage
- On ecology and biodiversity

3.25 The proposal is therefore considered to be in accordance with the Development Management policies contained within the Part 2 Local Plan.

Heritage

- 3.26 The Council's appraisal of the Conservation Area identifies key spaces, which take up the majority of the conservation area, including the application site. The vast majority of this key space is made up of private garden land associated with domestic dwellings, including The Gables, formerly the Old Rectory. Notable exceptions are The Green and the churchyard, which are more public spaces.
- 3.27 Protected views and vistas are also noted in the council's appraisal of the conservation area. The three most relevant considerations are:
- the "vista" southward from the Green to The Gables;
 - the view north-westward along the road known as The Green, from the Pipe Lane crossroads; and
 - the view north-eastward in Pipe Lane towards the crossroads.
- 3.28 A Heritage Impact Assessment accompanies the submission of this planning application and considers the effect of the development in terms of views and vistas within the conservation area and the impact of the development on the significance of the heritage assets identified, including the contribution made by their setting.
- 3.29 In terms of views and vistas within the conservation area, the proposal will have no effect on the southward vista towards The Gables, formerly The Old Rectory. There may be a very slight changes in views in Pipe Lane and in the road known as The Green, but these will partly depend on future hedge management on the two roadside boundaries (which are proposed to be retained as part of this application). There is no particular reason to suppose that there will be any material impact on views, since the hedges provide privacy.
- 3.30 There will be no material impact on the unlisted important historic buildings nearest the application site (namely the Gables, formerly The Old Rectory, and the Former Schoolmaster's House).
- 3.31 Insofar as the application proposal will change a piece of waste land into a residential garden, it will have a positive effect on the key spaces within the conservation area, making it more consistent with the prevailing character. In other respects, the contribution of the built form will be neutral. There will be no harm to the character or appearance of the conservation area.
- 3.32 In terms of the effect on the settings of listed buildings, there are three listed buildings within the Conservation Area, as follows:
- The Church of St Edith (Grade I)
 - Church Farmhouse, 8 The Green (Grade II)
 - Lower Farm, 9 Pipe Lane (Grade II)
- 3.33 The settings of the three listed buildings are relatively contained, visually, by extensive tree cover and thick hedges, and for all practical purposes they are not strongly grouped or connected with

each other. The church is on a hill, and is a landmark, but it is not a commanding feature within much of the conservation area because of thick vegetation. None of the listed buildings derives its significance from the application site.

- 3.34 The Heritage Impact Assessment considers there will only be a small change within the settings of the listed buildings as a result of the development proposals, resulting in a neutral impact on their significance. There will be no harm to the significance of the listed buildings.
- 3.35 In conclusion, there will be no harm to the significance of any heritage assets. Paragraphs 207 and 208 of the Framework will not be engaged, and the effect will fall of the bottom of the scale of harm. There will be no conflict with local heritage policy.
- 3.36 All development brings about some degree of change – particular to the site itself. Conservation is the management of change – not the fossilisation of the existing situation. Change in itself does not equate with harm. The Heritage Impact Assessment is clear in that this proposal will not cause harm to the significance of any designated heritage assets.

Ecology and Biodiversity

- 3.37 The submitted Preliminary Ecological Appraisal confirms that the site has no statutory or non-statutory designations for nature conservation within its boundary nor adjacent to the site. When considering the likely scale and extent of the proposed works, no such designations are expected to be adversely impacted either directly or indirectly.
- 3.38 The full extent of grassland on site will be lost to enable the development, with the single residential plot provided with a significant area of vegetated garden. The loss of this grassland habitat will result in a minor adverse effect significant within a local scale.
- 3.39 With access restricted to ponds within a 250m radius of the site, the presence of great crested newt, locally, could not be ruled out. However, the physical severance of vegetated connectivity between these ponds results in the site being afforded low suitability for GCN. It is possible that more common and widespread species such as common frog, smooth newt and common toad may be more easily able to disperse on to the site.
- 3.40 An exemption from the mandatory biodiversity net gain (BNG) requirements applies to self-build and custom build applications when all of the following conditions are met:
- Consists of no more than 9 dwellings
 - On a site that has an area no larger than 0.5 hectares
 - Consists exclusively of dwellings that are self-build or custom housebuilding
- 3.41 On this basis, the proposed development of one self-build/custom build dwelling on a site measuring 0.35 hectares is exempt from BNG requirements.

3.42 It is submitted that insofar as the proposal will have an impact upon biodiversity, this impact is not significant. The effect can be appropriately mitigated by reasonable planning conditions.

4.0 CONCLUSION

- 4.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the need to achieve the economic, social and environmental objectives in mutually supportive ways as set out in paragraph 11 of the NPPF.
- 4.2 The provision of National Planning Policy is to be given substantial weight. As a central goal of National Planning Policy, the Government seeks to broaden housing choice: The needs of those who seek a home through self-build/custom build are particularly acknowledged. In this particular case, the substantial weight is not simply confined to a countervailing national policy consideration. Fundamentally, Hinckley and Bosworth Council is failing to meet a statutory duty for the provision of sufficient plots for self-build/custom build requirements. This shortfall will not be remedied unless the Council grants more planning permissions.
- 4.3 Core Strategy Policy 13 Rural Hamlets is most relevant to the proposed development. This policy supports housing development within the settlement boundaries of Rural Hamlets. It has been demonstrated that the proposals are in compliance with the criteria under Policy 13. The proposal is therefore compliant with the dominant policies in the Core Strategy and in so doing is in accordance with the development plan.
- 4.4 It is of course recognised that there are other Development Plan policies which may touch upon these proposals. However, the issues raised by these policies are embraced by the criteria attached to Policy 13. Compliance with Policy 13 means compliance with these individual topic-based policies.
- 4.5 The accompanying technical assessments demonstrate that the development will not give rise to any significant adverse impacts by way of heritage, ecology, biodiversity or residential amenity.
- 4.6 For the reasons set out above, and taking into account the proposals and supporting plans, it is respectfully requested that planning permission is granted.