

Design, Access & Planning Statement

Conversion of disused rural building to form C3 dwelling and associated amenity and parking, land south of Vale Farm, Stoke Lane, Higham on the Hill, CV13 6ES (Resubmission 23/00705/FUL).

March 2024

Introduction

This statement is submitted in support of the conversion of a disused rural building to form C3 dwelling and associated amenity and parking, land south of Vale Farm, Stoke Lane, Higham on the Hill, CV13 6ES (Resubmission 23/00705/FUL).

Application 23/00705/FUL was refused 28 September 2023 for the reason below:

“The applicant has failed to demonstrate that the buildings are capable of conversion to residential use without significant rebuilding and alterations and the proposal would therefore result in unjustified new residential development in the countryside. In addition, by virtue of the proposed design, the proposal would harm and fails to enhance the character and appearance of the application site and its immediate setting. The proposed scheme would therefore not represent sustainable development and would conflict with Policies DM4, DM10 and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework.”

Following the reason of refusal above, an independent structural survey was commissioned that concludes:

“The proposed works to the exterior of the building primarily constitute replacement of non structural cladding materials and their supports, rather than re-building, and no re-building or structural modification or strengthening works are required to primary structural elements.”

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) December 2023
LURA October 2023
Community Infrastructure Levy (CIL) Regulations 2010

Local Plan

Core Strategy (adopted December 2009)

Policy 12: Key Rural Villages

Site Allocations and Development Management Policies (SADMP) Development Plan Document (adopted 2016) (SADMP)

Policy DM1: Presumption in Favour of Sustainable Development

Policy DM3: Infrastructure and Delivery

Policy DM4: Safeguarding the Countryside and Settlement Separation

Policy DM10: Development and Design

Policy DM 15: Redundant Rural Buildings

Policy DM17: Highways and Transportation

Policy DM18: Vehicle Parking Standards

Local Guidance

HBBC's Landscape Character Assessment (2017)

HBBC's The Good Design Guide SPD (2020)

Other Material Considerations

The Written Ministerial Statement Planning for Growth and Laying the Foundations emphasized the Government's approach to house building and although now superseded by the NPPG, it remains fully reinforced by the NPPF2 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.”

Principle of development

The January 17th 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 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.”

In this context paragraph 124 is consistent with 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 the 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, in as much 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."

Currently it is acknowledged by the LPA that through its intentions to implement the Core Strategy through its approach to the countryside and settlement boundaries, Policy DM4 is considered out-of-date. However as noted by the Inspector above, DM4 does not preclude sustainable development and the residential conversion of disused rural buildings such as those subject to the current submission.

The LPA 2021/22 housing land monitoring statement required an action plan to be produced to set out how the Council will deal with under delivery in light of achieving 86% on the Housing Delivery Test (HDT), however with the current 5YHLS standing at 4.76 years, housing delivery continues to stall or decline.

In terms of the contribution to the 5YHLS, the LPA readily accept small scale windfall sites such as this proposal make an important and significant contribution to the annual HBBC housing land supply. Indeed, the HBBC 2022 Windfall Study show:

The 2021 -2022 windfall figures (9 units or less) show of the 500 housing completions in the Borough, 130 were made up of *minor housing schemes and accounted for **26% of the total.***

In 2020 -2021 the completions were 248 and the *windfall total was 83 giving a **33% total figure.***

Relevant Planning History

04/00508/GDO Erection of agricultural building	17.05 2004
10/00758/COU Change to stables and land for associated parking (retro).	22.12.2010
13/00690/FUL COU from agricultural land to equestrian use with the formation of horse exercise area with associated car parking (retrospective).	02.12.2013

By the time of application 10/00758/COU the site was vacant as the delegated report states:

"This is an application for the change of use of a vacant agricultural building for use as six stables with covered area and an area of land associated with the building for parking, adjacent to Vale Farm, Stoke Lane, Higham on the Hill."

And

"The site lies outside of the defined settlement boundary for Higham and within the countryside. Whilst planning policy at both national and local level seeks to strictly control development within the countryside, the conversion of existing redundant buildings can be acceptable."

Policy DM15: Redundant Rural Buildings states proposed development outside the settlement boundary for the re-use and/or adaptation of redundant or disused rural buildings will be supported where:

“The applicant demonstrates the building is no longer viable in its current use.

All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.”

It is thought the building was vacant from 2007 prior to the 2010 COU application and the equestrian use continued in 2013 via application 13/00690/FUL. However, since 2020 the building has remained disused when the former equestrian use ceased and the former horse exercise area is now barely visible in the landscape through lack of use.

Structural integrity of existing building & proposed conversion method.

The planning history confirms the current building was approved on the 17th May 2004 some four years after the use of any asbestos related materials were banned in the construct of such buildings in the the year 2000. On this basis the building is constructed of modern materials and incorporates modern construction methods and is considered structurally sound and capable of conversion as demonstrated by the conclusions of two independent structural reports that accompany the resubmission.

The Diamond Wood & Shaw Limited structural report notes there is the option to replace non structural cladding elements of the building as below:

“The proposed works to the exterior of the building primarily constitute replacement of non structural cladding materials and their supports, rather than re-building, and no re-building or structural modification or strengthening works are required to primary structural elements.”

Upon further discussion with the LPA relating to this matter, the LPA considered the preference would be to retain the majority the existing building and non structural cladding materials, meaning the setting and appearance of the building in the local context would not be fundamentally altered, and any casual observer would be aware the building was a conversion rather than a new build or substantially extended version of the existing building.

Securing this outcome has led to the conversion method retaining the existing cladding such that the external appearance remains unchanged, and that any necessary work is undertaken from below and within with regard to insulation, waterproofing, acoustics etc. The existing internal volume of the building is such that any remedial works can take place wholly internally as there is sufficient volume that even with thermal insulation, waterproofing, soundproofing etc well exceeding existing standards, it would not compromise on the available internal living accommodation.

It only then becomes the existing open southern elevation which needs to be infilled mainly with suitable fenestration / glazing which is wholly expected and appropriate in such a residential conversion.

The current modified conversion solution represents an approach that reflects the existing utilitarian/modern appearance of the building that the LPA consider more appropriate in

these particular and specific circumstances where any visible change in appearance, is on a superficial and cosmetic level only.

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 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.

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.

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

Paragraph 83 of the Framework that states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

The Framework also 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.

The conversion incorporates design cues and materials as suggested by the LPA during the previous determination period to ensure it is readily assimilated within the local context. Cumulatively the design features combine to significantly enhance the immediate setting in accordance with Policy DM15 and paragraph 84 of the Framework that states such appropriate conversions can be supported under provision c) where:

“the development would re-use redundant or disused buildings and enhance its immediate setting.”

In the overall policy context, the conversion 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.”

From this perspective the current proposal will represent the successful recycling and productive reuse of a surplus existing building where the cumulative benefits will outweigh any perceived harm, as the proposed built form fully respects and reflects the local vernacular.

Access & Parking

On the matter of urban and rural settings paragraph 109 of the Framework states:

“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.”

In relation to the above and sustainable transport links, Appendix 1 of the DAS contains the Arriva 66 bus timetable that runs between Hinckley and Nuneaton via the MIRA Technology Centre and Higham on the Hill where there are two bus stops directly opposite the application site so the bus can be caught in either direction.

Related to the above and the existing and regular bus service, paragraph 114 of the Framework states:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.”

Higham already benefits from a primary school and all the other services and facilities available in both Hinckley and Nuneaton are readily accessible via the 66 Bus service.

Paragraph 4.44 of the Core Strategy states that within these villages *‘the key aim is ensuring existing services, particularly primary schools, are supported.’* And that *‘some level of development is considered necessary to ensure existing services and community cohesion is maintained.’*

Policy DM17 of the SADMP supports such development that makes best use of public Transport and PPG13 and the associated guidance is replaced by the revised Framework that states in paragraph 115:

“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.”

The modest amount of development and the percentage impacts of this traffic are considered policy compliant meaning the impact of the development will have effectively ‘nil detriment’ and will not therefore adversely affect the current road network capacity or represent unsustainable development on this basis.

Flood Risk Assessment

The Environment Agency flood zone map identifies the site as lying within Flood Zone 1 (Low Probability) with no significant risk from fluvial or tidal sources. Alternative sources of flood risk, such as sewer flooding and pluvial run-off have been considered and there is no significant flood risk posed from any other source.

Landscape, Ecology & other considerations

Careful consideration was given to the Ecology Trigger list and the existing mature perimeter vegetation will be retained and managed where appropriate to assimilate the development within the local context. In terms of surveys, appropriately worded pre-commencement conditions can be imposed should this be considered necessary ensuring the development is consistent with the relevant provisions of the NPPF and LP Policy.

S106 Contributions

On Friday 28th November 2014 Brandon Lewis announced a Ministerial Statement which confirmed:

“Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions”.

And

“We expect implementation of these measures to have a significant positive impact on housing numbers by unlocking small-scale development and boosting the attractiveness of brownfield sites. This will provide real incentive for small builders and to people looking to build their own home. They will increase house building and help reduce the cost of such housing.”

In the High Court in July of 2015 two Councils secured the quashing of the new policy. However, the Court of Appeal on the 12th May 2016 handed down its decision on the appeal by the Secretary of State against the quashing order (**[2016] EWCA Civ 441**) and the Court of Appeal has allowed the Secretary of State's appeal on all four grounds.

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.”

By contributing to the Council's 5 year rolling supply of windfall housing and particularly with regards to the productive re-use of a disused existing building, the proposal represents the type of organic, integrated and sustainable development that is appropriate within the local context and supported by the direction of travel in terms of Government policy, relevant appeal decisions and the key policy objectives of the existing Core Strategy.