

Design, Access & Planning Statement

Change of use of land to form private amenity area for the incidental residential use and enjoyment of 57 & 59 Kennel Lane, Witherley, CV9 3LJ (Retrospective).

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Introduction

Change of use of land to form private amenity area for the incidental residential use and enjoyment of 57 & 59 Kennel Lane, Witherley, CV9 3LJ.

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) July 2021

Core Strategy & Development Management Policies DPD

Core Strategy (2009)

Policy 12: Rural Villages

Policy DM1: Presumption in Favour of Sustainable Development

Policy DM10: Development and Design

Policy DM11: Protecting and Enhancing the Historic Environment

Policy DM12: Heritage Assets

Witherley Neighbourhood Development Plan

Policy H1: Residential Site Allocations

Policy H2: Settlement Boundary

Policy H5: Design

Other relevant guidance

Good Design Guide (2020)

Principle and other material planning considerations

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.

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 Planning History

22/00937/FUL: Proposal: Conversion, extension and alteration of former kennels and stables to form 7 no. dwellings, erection of replacement dwelling, erection of garages and formation of new vehicular access. Approved 19.05.23

Variation of Condition 02 (Approved Plans) and Condition 05 (Parking Spaces) for Planning Permission 22/00660/FUL. Date of Decision: 23/09/2022. Variation to include amendments to location of car parking provision. Approved 31.03.23

22/00660/FUL: Proposed two storey rear extensions to existing 2no dwellings. Approved 23.09.22

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 density and spatial layout of the adjacent built form.

The application site is a well known local landmark and is located outside of both the Conservation Area and settlement boundary of Witherley. Until recently, the site was identified within the village settlement boundary in Policy H2 of the Witherley Neighbourhood Development Plan where Policy H1 of the WNDP allocated the site as an area that was supportive for the development of 15 dwellings by 2039.

The Witherley Neighbourhood Plan Referendum was held on Thursday 4 May 2023, and to summarise, the neighbourhood plan referendum received 210 'yes' votes, versus 353 'no' votes with a turnout of 47.79%, meaning more than half of those voting, voted against the Neighbourhood Plan. As a result, the plan was not made meaning it will not form part of Hinckley and Bosworth's New Local Development Plan.

Notwithstanding the above, the recent planning history clearly demonstrates the village supports the residential redevelopment of the site that will provide a lasting link with both the history of the site and indeed the village as a whole. The approved built form of the former hunt complex and the worker cottages subject to this application were designed, influenced and "fine-tuned" with input from the applicant, architect and HBBC Conservation Officer to provide a comprehensive and cohesive finished development featuring very high design standards and principles.

The origins of the cottages were of modest scale and footprint and have evolved over the years to where they now represent modern family accommodation consisting of four bedrooms each. The expansion of the private amenity area will be commensurate with the updated living accommodation and the corresponding adjoining private amenity areas of the adjacent residential conversions of the former hunt complex.

Conclusion & Justification

The main hunt residential complex and conversion of the former cottages will be read as a cohesive and spatially balanced development of built form with corresponding and commensurate areas of private garden amenity space, thereby respecting and maintaining the semi-rural setting and represents the type of organic, integrated and sustainable development that is appropriate within the local context that will form the "new gateway " to Witherley as supported by the direction of travel in terms of Government and Local Plan policy.