

Design, Access & Planning Statement.

Erection of single dwelling, stables and 132 photovoltaic panels (100% Off-grid hybrid passiv haus) land North East Of Hill Top Farm, Bosworth Road, Wellsborough, Nuneaton, CV13 6PA (Resubmission 21/01219/FUL).

April 2023

Introduction

This statement is submitted in support of the erection of single dwelling, stables and 132 photovoltaic panels (100% Off-grid hybrid passiv haus) land North East Of Hill Top Farm, Bosworth Road, Wellsborough, Nuneaton, CV13 6PA (Resubmission 21/01219/FUL).

The current proposal addresses the reasons of refusal cited in the decision notice associated with application 21/01219/FUL dated 29th September 2022, and confirms for the avoidance of doubt, the resubmission relates to a self-build / custom-build that will be undertaken solely by the applicant.

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 DM2 Delivering Renewable Energy and Low Carbon 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 17th 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 resubmission can be supported in principle on this basis.

During a meeting with the applicant and head of planning on Tuesday 26th July 2022, Chris Brown acknowledged the application site is located within the countryside **but is not isolated** as it is directly adjacent residential properties, the Squirrel gift / craft shop, the Dixie Grammar Junior School and the award winning residential development of 19 properties at Hornsey Rise.

In this context the resubmission 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.”

On this basis the Framework supports the efficient use of 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. It would also generally assist in raising design and environmental standards across all similar developments and could be held up as a tier one example as it would represent the only 100% sustainable and passiv haus within the Borough to date.

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 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 an elevated position set back from Bosworth Road. Careful consideration was given to the elevated position 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 accompanying Landscape and Visual Impact Assessment concludes:

“The proposed project is innovative and sustainable design for which the location is fundamental to the design and function. It is unlikely that a suitable site would be available within local settlement boundaries. The local landscape is of high quality with extensive views including one noted as an important view in the SPNP. Large single dwellings in extensive grounds, often visually prominent, is a character of the landscape off Bosworth Road. In this respect the proposed development is more appropriate in the landscape than the recent development at Hornsey Rise.

The design makes full account and use of the landscape topography to achieve the required solar gain and amenity for residents. The solar panels will not cause glint or glare for residents or countryside users. There will be a visual presence of the new dwelling when seen from points along Bosworth Road, Tinsel lane and footpath S98. The presence will be partially screened and softened by topography, existing and new green infrastructure and by distance. Landscape changes will reduce the visual and landscape impact of the new dwelling and provide significant positive impacts that will outweigh residual negative impacts.”

Change to the built environment has become not only desirable in the wake of a global pandemic, but a necessity in the face of global forces such as climate change and raises the question, how does this translate into a framework for creating new sustainable homes and buildings within the Borough of Hinckley & Bosworth?

This question is addressed in 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 proposal presents the LPA with the opportunity to champion and promote the inclusion, integration and development of sustainable technology and renewable energy systems in all developments across the Borough in the future. During the recent “cost of living crisis”, six energy suppliers have ceased trading following surging global gas market prices meaning off grid living and “passiv haus” residential developments are increasingly resilient to such volatility in world markets.

According to Off-Grid.net an online community, 25,000 houses in the UK are living in conventional houses powered using self-sufficient sources. Policy DM2 Delivering Renewable Energy and Low Carbon Development states:

“Core Strategy Spatial Objective 12: Climate Change and Resource Efficiency seeks to minimise the impacts of climate change by increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.

The Renewable Energy Capacity Study (2013) identified that the borough consumed 1,509 Gwh/Yr in 2010 and produced only 1% of this energy from renewable sources. This stands significantly lower than the national target. This demonstrates the borough requires a step-change in the delivery of renewable energy developments to provide a meaningful contribution to the UK's renewable energy target."

The full range of renewable technology incorporated within the proposal is included in the Renewable Energy & Sustainability Statement that accompanies the submission. These technologies can be cited in the future by the Council to address the imbalance in the *Renewable Energy Capacity Study (2013)* in a myriad of cumulative future residential and commercial developments across the Borough and would accord with Policy DM4 in the provision and promotion of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development.

At this juncture it is worth reflecting again on the 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 core principle driving the design and technology 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 80 of the Framework as the location is not isolated and the design is of exceptional quality, in that it:

"the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and***
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."***

Based on this principle it is considered the proposal represents the highest level of sustainable development and can be supported as a windfall site 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 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.

Archaeology

The proposal and related reports have adequately demonstrated that the site does not contain archaeological remains of significance and therefore can be conditioned accordingly in accordance of Policy DM13 of SADMP and Paragraph 201 and 205 of the NPPF.

Ecology

The Framework requires the proposed development to be in measurable net-gain and for the gains to be integrated within development proposals. The gains are now demonstrated within Appendix B and the revised landscaping scheme following the initial comments from County ecology to application 21/01219/FUL.

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 elevating and promoting the wider use and application of renewable energy, off grid living opportunities and the use of associated sustainable technology and materials championed by the proposal.

This example could be actively cited by the Council as an outstanding and innovative design which will promote high levels of sustainability and help raise the standard of design 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 harm identified to the character and appearance of the countryside from the proposal would not significantly and demonstrably outweigh the clearly identified benefits of the scheme.

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 and the key policy objectives of the existing and emerging Core Strategy.

