

Design, Access & Planning Statement.

Outline planning permission (access only) for the erection of a single dwelling (C3 self-build) land north of Woodlands, High Tor East, Earl Shilton, LE9 7DL.

March 2025

Introduction

Outline planning permission (access only) for the erection of a single dwelling (C3 self-build) land north of Woodlands, Hir Tor East, Earl Shilton, LE9 7DL.

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).
National Planning Policy Framework (NPPF) 2024
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 DM7: Preventing Pollution and Flooding
Policy DM10: Development and Design
Policy DM17: Highways & Transportation
Policy DM18: Vehicle Parking Standards

Earl Shilton and Barwell Area Action Plan (AAP)

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 Although now superseded by the NPPG, it remains fully reinforced by the NPPF (2021) where the Government's aim remains to significantly boost the supply of housing.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 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

24/00484/OUT Land East of Leicester Road, Earl Shilton, Outline planning application (some matters reserved except for means of access and scale) for the erection of up to 33 dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system, and new access arrangements from the un-named road.

23/00982/OUT Land To The Rear Of The Cottage 34 Keats Lane Earl Shilton, Outline Planning permission for residential development of up to 10 bungalows (some matters reserved except for scale and access)

18/00701/FUL Land South Of Woodlands erection of two new dwellings: Approved.

In relation to application 24/00484/OUT the Committee Report states:

“8.25 Importantly, the land to the west of Leicester Road benefits from planning permission for the provision for 190 dwellings through planning applications 20/00916/FUL and 21/00135/OUT. This is considered to dramatically alter the experience of the application site from wider views to the west of the site because these permissions shall extend the residential built form of Earl Shilton up to Leicester Road’s confluence with Shilton Road, which is approximately level with the northern boundary of the application site. This is considered to reduce the visual harm of developing the site from public views from the west including Bridleways T75 and T95, as well as Footpaths T71, T72, T85, T92, T93, T94, U28. Therefore, it is considered that the current scheme is likely to primarily result in limited localised harm that is largely perceived from the private views of the properties along Clearview Crescent and the public views of the site from the unnamed road.”

Regarding application 23/00982/OUT for the 10 proposed bungalows the committee report states:

“8.18 The latest Housing Needs Study (2024) suggests a demand for bungalows and that the delivery of some bungalows might be particularly attractive to older person households downsizing and this in turn may help to release larger (family-sized) accommodation back into family use.”

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. The delegated report of fully implemented application 18/00701/FUL states:

“Notwithstanding the scheme being contrary to Policy DM4 of the SADMP it is considered, in this instance, that the proposal would be sustainable, in accordance with DM1 of the SADMP and would not harm the intrinsic value, beauty, open character and landscape character of the countryside. Additionally, the loss of allotment land in this instance is considered acceptable due to an existing surplus of allotments in the area. Therefore, the principle of residential development on this site is acceptable.”

As a result, there is a presumption in favour of sustainable development with regards to the current proposal particularly given all relevant housing policies and settlement boundaries are considered to be out of date. Under these circumstances it is considered that the current scheme is likely to primarily result in limited localised harm that is largely perceived from the private views of the properties along High Tor East only.

On the 30th July 2024, the Deputy Prime Minister wrote to all local authority Leaders and Chief Executives in England stating:

“Underpinning plan making – at the strategic and local level – must be suitably ambitious housing targets. That is why we have confirmed today that we intend to restore the standard method as the required approach for assessing housing needs and planning for homes, and reverse the wider changes made to the NPPF in December 2023 that were detrimental to housing supply.

But simply going back to the previous position is not enough, because it failed to deliver enough homes. So, we are also consulting on a new standard method to ensure local plans are ambitious enough to support the Government’s commitment to build 1.5 million new homes over the next five years. The new method sees a distribution that will drive growth in every corner of the country.”

Currently the policies the LPA relies upon are contained within 2009 Core Strategy and the Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016). The NPPF was updated on 12th December 2024 alongside the NPPG that revised the standard method for calculating the local housing need assessment and, as a consequence, the LPA are unable to demonstrate a 5YHLS, which is one of the key circumstances for the engagement of the ‘tilted’ balance as per Paragraph 11(d).

In addition, the Emerging Local Plan for 2020-41 has been consulted upon at Regulation 18 draft stage, with the consultation period ending in September 2024. The latest Local Development Scheme (LDS) outlines further public consultation on the submission Draft Plan (Regulation 19) in 2025. At this stage given its early stage of preparation the Emerging Local Plan is attributed no weight when determining this submission.

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 and National 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. On this basis the proposal will be capable of according with the recent organic growth of High Tor East and be aligned with 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:

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”

Additionally, in recent years the LPA now 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 that demonstrably and positively contributes to the LPA rolling 5YHLS and out of date HBBC Self-build Register.

In the overall policy context, the proposal represents an integrated and sustainable development that would be in accordance with 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.”

HBBC Self-Build Register

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, and the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

On this matter paragraph 63 of the Frameworks states:

“Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children²⁶; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers²⁷; people who rent their homes and people wishing to commission or build their own homes.”

With regards to the current HBBC Self-Build Register (23rd December 2024) Base Periods 1 to 5 appear to be purged / missing of any entries and only two self-build applications were approved (23/01065/FUL & 24/00454/OUT) during Base Period 9. Previously in relation to application 24/00138/OUT for an identical application that was refused on the 08 April 2024, the LPA claimed the below:

“8.42 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 addition, the Council

will only be considered to have a shortfall if a sufficient number of suitable permissions have not been achieved after this date.”

As only 2 self-build permissions were granted in Base Period 9, there is currently a shortfall of 7 dwellings and a requirement to permit a further 15 self-build approvals before the end of October 2025 and Base Period 10. The land is no longer utilised as an allotment and has remained vacant for many years where the proposed plot does not extend beyond residential curtilage and associated built form of Bardon View so in effect, this infilling or rounding off would physically provide a defensible building line that would reflect the residential development of individual former allotment plots on High Tor East that began over 10 years ago.

On this basis paragraph 73 of the Framework states:

“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;

And:

d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;”

Access Parking & Sustainability

The existing private access of High Tor East will be utilised and parking can be accommodated within the scheme to meet the necessary requirements of the new dwelling that will include charging facilities for electric vehicles. Certificate B (as enclosed) will be served on the existing properties where appropriate in addition to the Site Notice posted by the LPA.

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.

Unilateral Undertaking & 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.

A unilateral undertaking (UU) will be submitted during the determination period to comply with Section 123 of the Self-Build Act that amends section 2A of the Self-build and Custom Housebuilding Act 2015 to ensure that only land permissioned explicitly for self-build and custom housebuilding will qualify towards a relevant authority's statutory duty to meet demand for self-build and custom housebuilding in the authority's area.

Conclusion & Justification

It is considered the proposal represents sustainable development and can be supported as a windfall site that demonstrably and positively contributes to the LPA rolling 5YHLS and will assist to achieve and maintain an up to date mandatory self-build register, where Section 123 of the Act amends section 2A of the Self-build and Custom Housebuilding Act 2015 to ensure that only land permissioned explicitly for self-build and custom housebuilding will qualify towards a relevant authority's statutory duty to meet demand for self-build and custom housebuilding in the authority's area.

Related to this matter, the **Right to Build Task Force Custom and Self-Build Planning Guidance PG3.3: NPPF and Right to Build legislation - Delivering appropriate permissions (January 2024 - Version 3)** states:

"Where there are no policies and/or LPAs are not meeting their duty in relation to provision of CSB plots, the fact of an application delivering CSB plots should be given significant weight in the planning balance. Where there are no planning harms, it is possible that meeting the LPA's statutory duties will be sufficient to indicate an approval, even in the case of a minor departure in relation to a local policy.

However, notwithstanding the above, where a council cannot demonstrate that plots are being secured there is an increased risk of approval by appeal and this should be considered in the context of the approach taken in terms of planning for sites and granting permissions. Availability of CSB plots should be a factor in the determination of the application and given significant weight in the planning balance."

Where there is an acknowledged shortfall in the LPA self & custom build register, THE RIGHT TO BUILD TASK FORCE guidance is directly aimed to assist the LPA in relation to addressing an undersupply of self-build plots states the below:

"18. The basics of the statutory duties for delivering self/custom build homes are set out in the Task Force Guidance note PG3.3: National Planning Policy Framework and Right to Build legislation Delivering appropriate permissions. Local Planning Authorities have a statutory duty to consider the demand for custom and self-build (CSB) homes in plan making and decision taking. Councils are required to consider self-build in planning, housing, land disposal, and regeneration functions. This legal responsibility is set out in (s2(1)) of the Self and Custom Housebuilding Act 2015.

19. The Housing and Planning Act 2016 introduced the specific legal duty on authorities to provide at least a number of permissions for self/custom build homes based on a figure linked to the self-build register. Subsequent legislation, such as the Levelling Up and Regeneration Act (LURA) 2023 (s123) and the Biodiversity Gain Requirements regulations make it clear that there is ongoing commitment to this housebuilding sector. Significantly the LURA makes it clear that any past under-supply of permissions is rolled forward. This clarifies that simply taking people off the self-build register does not eliminate the requirement to provide at least an equivalent number of permissions.

20. While the legislation refers to the custom and self-build register as a primary consideration, councils are encouraged in policy to consider the wider strategic demand for self/custom build housing. Where there is a mismatch between the target dwelling types of those joining the register and the housing demand profile in an area, councils can help enable delivery of more size-appropriate and well-located plots through policies and actions. Attempting to meet demand through suppressing the self-build registers is not helpful in ensuring delivery.”

In this policy context the scheme represents an integrated and sustainable development that should be approved without delay and THE RIGHT TO BUILD TASK FORCE is unequivocal in its support for such proposals:

“Balancing desire to manage settlements, neighbourhood and infrastructure with statutory requirements to support self/custom build housing can be done. A single dwelling or small minor development, brought forward by/for local residents is the type of small-scale organic growth which was historically a cornerstone of English housing. Approving proposals for minor development of a few modest homes outside but proximate to a settlement, or supporting family homes in urban backland or gardens, are unlikely to jeopardise strategic spatial strategy or strategic policies.”

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 and Self-Build Register as highlighted by the HBBC Windfall Study (April 2020).

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 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.