

# **Design, Access & Planning Statement.**

Demolition of existing building and erection of a single C3 self-build dwelling land associated with Upper Pullins Farm, Stoke Lane, Higham on the Hill, CV13 6FG.

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## **Introduction**

Demolition of existing building and erection of a single C3 self-build dwelling land associated with Upper Pullins Farm, Stoke Lane, Higham on the Hill, CV13 6FG.

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 DM4: Safeguarding the Countryside and Settlement Separation  
Policy DM7: Preventing Pollution and Flooding  
Policy DM10: Development and Design  
Policy DM14: Replacement Dwellings in the Rural Area  
Policy DM17: Highways and 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 Although now superseded by the NPPG, it remains fully reinforced by the NPPF (2024) where the Government's aim remains to significantly boost the supply of housing.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 2024) 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**

24/00087/FUL Change of use of existing barn to C3 dwelling with associated private amenity space and parking (Resubmission 23/00705/FUL) Upper Pullins Farm, Stoke Lane, Higham on the Hill. 26 April 2024

25/00421/FUL Demolition of existing outbuildings and construction of a single C3 dwelling Pretty Oak Farm, Upton Lane, Stoke Golding. Approved 16 June 2025

24/00112/FUL: Demolition of existing outbuildings and construction of a new dwelling at Cottage Farm, Barr Lane, Higham On The Hill: Approved 20 March 2024.

The delegated report associated with Cottage Farm above states:

*"to facilitate this new proposal, the existing outbuildings are now demolished, and the new dwelling is relocated 3m further away from the existing dwelling. The Applicant has explained that this is to ensure a better-quality result and to ensure that the development achieves modern technical standards."*

Since the approval of application 24/00087/FUL, a similar technical assessment was undertaken based on the accepted structural survey, and the result was to meet the highest and most environmentally efficient building standards, a new build based on the approved footprint and scale was the optimal solution and achieving environmental gains beyond those required under standard building regulation requirements.

In terms of the extant approval granted under application 24/00087/FUL, the relevant case law relating to an established fallback position is set out in **R v Secretary of State for the Environment and Havering BC**, where Mr Lockhart-Mummery QC noted there were three elements to the fallback position:

*"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly if the answer to the second question is "yes" a comparison must be made between the proposed development and the fallback 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 existence of the current fallback position, effectively means the current application relates to a replacement dwelling that will be built to higher environmental and energy efficient standards, as approved in relation to applications 24/00112/FUL and 25/00421/FUL as cited above.

In addition, 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.

On this matter an appeal associated with land **East of The Common, Barwell, LE9 8BR** issued on the 13<sup>th</sup> March 2025 (3348387) the Inspector concluded:

*“The lack of five-year supply, the continuing delay with previously identified sites coming forward and the uncertainty over the timescale of examination and adoption of the emerging local plan are factors to which substantial weight needs to be given. Consequently the Core Strategy adopted in 2009 has to be regarded as out-of-date as the development strategy put forward has not been achieved. This reduces the weight that can be given to Core Strategy policies which restrict development including on sites in a Green Wedge.”*

And

*“On the main issues I have found that the principle of development in this area of countryside conflicts with SAMD policy DM4 but this only carries limited weight because of the Council’s HLS position. The proposal would cause some moderate harm to the rural landscape character of the area and to a limited geographical area but it would not result in a significant adverse effect which is the test set out in criteria (i) of Policy DM4 and criteria (a) of Policy DM10.”*

Based on the current policy situation facing the LPA, the proposal is considered wholly acceptable in principle.

### **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 mirroring the approved design associated with application 24/00087/FUL, and by extension, will 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 self-build register for Base Period 10. In the overall policy context, the proposal represents an integrated and sustainable development that would be in accordance with paragraph 73 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

Parking can be accommodated within the scheme to meet the necessary requirements of the new dwelling where:

*“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 securing provision of self-build proposal**

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.

A unilateral undertaking securing the self-build nature of the proposal will be submitted during the determination period.

### **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 HBBC self-build register, and to help drive energy efficiency and environmental improvements within the housebuilding industry. 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 current Government manifesto to deliver 1.5m additional homes in the lifetime of this Parliament up to 2029.