

Design, Access & Planning Statement

Demolition of existing building and erection of No 2 dwellings (C3) land adjacent 59 Kennel Lane, Witherley, CV9 3LJ.

August 2026

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Introduction

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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 (Aug 2026) & 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 Framework (NPPF) 17th August 2026.

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 DM4: Safeguarding the Countryside and Settlement Separation

Policy DM11: Protecting and Enhancing the Historic Environment

Policy DM12: Heritage Assets

Other relevant guidance

Good Design Guide (2020)

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 Although now superseded by the NPPG, it remains fully reinforced by the NPPF (2026) where the Government's aim remains to significantly boost the supply of housing.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:

- a. An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b. A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible community facilities, public service infrastructure and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c. An environmental objective – to support efforts to mitigate and adapt to climate change, including moving to a low carbon economy; and to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, and minimising waste and pollution.

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 (Aug 2026) as a complete document. The National Planning Policy Framework sets out the government's policies for plan-making and for making decisions on development proposals in England and is a material consideration of critical importance.

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. Chapters 2 and 3 of the New NPPF set out general procedural policies for plan-making and decision-making. The subsequent chapters contain policies on thematic issues, separated in each case into policies for plan-making and those for decision-making. Taken together, the policies for decision-making (both procedural and thematic) comprise a set of national decision-making policies.

Local List Requirements & the NPPF (Aug 2026)

DM2: Information requirements

1. To ensure a clear and consistent approach to the information required to determine development proposals, local validation lists setting out the information required in support of an application for development should include the information specified in the relevant national decision-making policies (summarised in Annex C).

2. Local validation lists should only include additional information requirements if there is a policy in the development plan requiring a specific further assessment. Any such additional information requirements should not be applied equally to all applications but should be proportionate to the scale of development and its potential impact. Where appropriate, the requirements should clearly distinguish between what is required for major, medium and other types of development proposal.

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

Appeal Ref: 6004626 59 Kennel Lane, Witherley, Leicestershire CV9 3LJ: Allowed 17th June 2026 for the demolition of existing barn and construction of 2 no. 2 bed cottages with associated parking.

Amount, Layout & Design

The Framework continues to seek to protect communities from inappropriate development but not to curtail development where it accords with National and Local Plan policy. **Policy S5: Principle of development outside settlements** of the NPPF (2026) states only certain forms of development should be approved outside settlements, including the below:

“d. The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential);

e. Limited infilling within groups of houses;”

Annex B: Glossary of the NPPF 2026 defines previously developed land (PDL) as:

“Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).”

The appeal allowed on the 17th June 2026 provides a lawful fallback position, where 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.”

Given the above appeal decision was only recently issued, the case of **DLA Delivery Ltd v Baroness Cumberlege of Newick and another [2018] EWCA Civ 1140**, 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 application site is a well known local landmark and is located outside of both the Conservation Area and settlement boundary of Witherley and the recent planning history clearly demonstrates the LPA and 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 and fully implemented built form of the former hunt complex and the converted worker cottages that now stand directly adjacent the site as 57 & 59 Kennel Lane, were designed and influenced to provide a comprehensive and cohesive finished development featuring very high design standards and principles.

The proposed dwellings will continue the existing built form and design cues, whilst making efficient use of the surplus previously developed land, and will be wholly in accordance with Policy **L2: Making effective use of land that states:**

“1. Substantial weight should be given to the benefits where a development proposal would achieve one or more of the following:

b. Making better use of vacant and underutilised land and buildings (such as: by bringing back into residential use empty homes and other suitable buildings;”

Access Parking & Sustainability

The existing access will be utilised, and parking can be accommodated within the scheme to meet the necessary requirements of the dwellings that will include charging facilities for electric vehicles.

NPPF Policy TR3: Locating development in sustainable locations states:

“In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.”

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.

Ecology & BNG

The application is supported by the relevant appeal submission documents as appropriate (June 2026) and sites measuring 0.2 hectares or less (containing fewer dwellings or sub-threshold minor scale) are now completely free from mandatory BNG rules, following the submission of the NPPF (Aug 2026) unless related to important protected habitats, which is not applicable in this specific instance.

Conclusion & Justification

NPPF Policy L3: Achieving appropriate densities states development proposals should make efficient use of land, taking into account the identified need for different types of housing and other development. On land at the edge of existing built-up areas which is allocated or has permission (Allowed Appeal) for development that will form part of a settlement development, should make the best use of a site’s development potential, taking into account the policies in the Framework (2026).

On this basis, the former hunt complex and conversion of the former cottages will be read as a cohesive and spatially balanced development of residential built form with corresponding and commensurate areas of private garden amenity space, thereby respecting and maintaining the semi-rural setting and will be within walking distance of all local facilities and amenities. This 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 the NPPF (2026) and emerging Local Plan policy.

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