

Design, Access & Planning Statement.

Permission in Principle for the erection of a single C3 self-build dwelling, associated amenity space and parking land north of Paddock House, Ashby Road, Stapleton, LE9 8JF.

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Introduction

Permission in Principle (Stage 1) for the erection of a single C3 self-build dwelling, associated amenity space and parking land north of Paddock House, Ashby Road, Stapleton, LE9 8JF.

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.

Permission in Principle (PIP).

This application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and comprises the first (Permission in Principle) stage of the application process. Thus, this application is concerned only with the matter of suitability for residential development in principle. Technical matters are not relevant to this application stage.

The Government's Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This proposal relates to the first of these two stages. **Therefore, the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted.** All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted.

A pre-application enquiry was received by the LPA on 16th December 2022 under reference 22/10019/PREHMO and the advice provided was based upon the information submitted with the enquiry that related to the proposed erection of a single self-build dwelling using the existing access off Ashby Road. For ease of reference, both documents are submitted as supporting documents as part of the current submission, and the pre-application document is to be viewed for illustrative purposes only.

Given the above, the purpose of this statement is therefore to assess the principle of residential development against the relevant policies of the Development Plan, National Planning Policy and any other relevant material planning considerations, that are material and relevant in the current policy context of September 2025.

National Policy Guidance

National Planning Policy Framework (NPPF) (December 2024)
Planning Practice Guidance (PPG)
National Design Guide (2019)

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

Other Relevant Guidance:

Good Design Guide (2020)
Leicestershire Highway Design Guide (LHDG) (2022)
Technical Housing Standards – Nationally Described Space Standards (2015)

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 (Dec 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 Considerations

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.”

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.

Appendix 1 contains an appeal decision issued on the 13th March 2025, for a development of 95 homes within the Green Wedge adjacent to the settlement boundary of Barwell under PINS reference APP/K2420/W/24/3348387, Land East of The Common, Barwell, LE9 8BR.

At paragraphs 12 and 41 the Inspector states:

“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.”

The conclusions of the Inspector and the acknowledgement the entire 2009 CS and the policies contained within it are out of date, are significant material considerations that are directly applicable to the current PIP submission. 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 the principle of this submission.

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.

On the 6th August 2025, the LPA issued the delegated approval related to application 24/01155/FUL for the erection of a dwelling (self-build) with associated parking and landscaping Upper Grange Farm, 1A Ratby Lane, Markfield, Leicestershire, LE67 9RJ. For ease of reference, the application documents are included in Appendix 2, which includes a legal opinion and an HBBC Self-Build & Custom Housebuilding Assessment.

Paragraphs 8.4 and 8.5 of the delegated report associated with application 24/01155/FUL state the below:

“8.4. The Planning Policy team are currently reviewing the revised NPPF and implications for the Council’s Five-Year Housing Land Supply. A revised position will be published in the coming months once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.

8.5. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole." (My emphasis)

And paragraph 8.11 that states:

"It is acknowledged that, through its intentions to implement the Core Strategy through its approach to the countryside and settlement boundaries, Policy DM4 is considered out-of-date. Nevertheless, the emphasis of Policy DM4 is to promote sustainable development proposals within the countryside and to safeguard it from unsustainable schemes."

As such, the delegated report above issued on the 6th August 2025, confirms Policy DM4 is out of date and it should not be treated as blanket protection to resist all countryside proposals, only those that are deemed to represent unsustainable development.

The legal opinion offered by Mr Paul Wakefield in relation to the approval of Upper Grange Farm concluded that where there is an acknowledged shortfall in the HBBC self-build register, and any application that seeks to address a shortfall in part or in whole, should be afforded significant weight in the planning balance.

In addition, the accompanying Marrons HBBC Self-Build & Custom Housebuilding Assessment 2024 states:

"6.3 The Council has confirmed through a Freedom of Information request (Appendix 1) that as of February 2023, there were a total of 48 individuals and associations on its Right to Build Register within Hinckley and Bosworth. However, it is clear that the Council rationalised its register in Summer 2021 omitting many individuals who registered prior to this. A review of the governments RTB monitoring register as shown in Table 5.1 confirms there to be a total of 117 registrants over this period, averaging 15 per annum (over complete base periods 2-8)."

And concludes:

"6.10 The evidence presented within this Report demonstrates a clear and significant demand for self-build and custom build plots within Hinckley and Bosworth. The Proposed Development will make a contribution towards the Borough's housing supply, meeting a local need for self-build and custom building plots, which should be afforded significant weight, particularly in the absence of any identifiable future supply of self/ custom build plots which will address needs identified from the Council's Right to Build Register."

The delegated report issued on the 6th August 2025 for Upper Grange Farm, offers the most recent LPA position regarding the current shortfall in self-build plots within HBBC which states:

"8.27. To date, Hinckley and Bosworth Borough Council has a shortfall of self-build and custom housebuilding, requiring 5 suitable cumulative permissions to be granted by 30 October 2025. Limited weight can be given to the benefits of contributing one self-build dwelling to the supply of self-build and custom build dwellings at this moment in time."

What the delegated report does not make clear however, is the fact the shortfall of 5 plots is that carried over from Base Period 9 into Base Period 10, where 15 self-build plots are required to be granted in Base Period 10 that ends on the 30th October 2025. As a

consequence, a minimum of 15 plots will be carried over into Base Period 11 further increasing the shortfall year on year, as demonstrated in the Marrons Self-Build Assessment associated with the approval of Upper Grange Farm.

The importance of such material considerations was demonstrated in relation to an appeal decision that was allowed on the 4th July 2025, for the erection of a self-build dwelling, land between 118 and 124 Batram Road, Ellistown, Coalville, Leicestershire LE67 1GB. The full appeal decision is included in Appendix 3, where in allowing the appeal, the Inspector opined:

“16. It therefore follows that the appeal site would not provide a suitable location for the proposed dwelling having regard to the spatial strategy of the development plan, whether the site constitutes PDL or not and the accessibility of the site. As such, it would be contrary to Policies S2 and S3 of the LP, the aims of which I have outlined above.”

However, balanced against the above, the “Batram” Inspector concluded:

“17. It is common ground between the main parties that the Council has a significant unmet need for self-build and/or custom-build housing (SBCB housing), which is required by the Self-Build and Custom Housebuilding Act 2015 (as amended) (the Act). This is a matter of serious concern and the provision of housing in this respect should be attributed significant weight. Despite the proposal being for just a single dwelling and the Council advising of other applications currently being considered for SBCB housing, it would assist in reducing the Council’s deficit and would be secured by the UU submitted with this appeal.”

The “Batram” Inspector viewed the issue of the shortfall in the supply of self-build housing as a matter of serious concern, and that the provision of this type of housing should be attributed significant weight within the planning balance.

The LPA 5YHLS and the Self-Build Register are two separate and distinct metrics, and they are not to be confused or be used on an interchangeable basis. The 5YHLS provides the total amount of housing that needs to be provided over the lifetime of the Local Plan and can run into thousands and thousands of market and affordable house types. However, the Self-Build Register only pertains to private individuals and not PLC or regional commercial housebuilders.

In this instance the LPA acknowledge they are carrying over a 5 plot deficit from Base Period 9 rolled over into the current Base Period 10 which will end on the 30th October 2025. On this basis, the approval of the single plot (as proposed here) would represent a 20% reduction in the shortfall which is proportionate and material to the self-build register as it should be, which is why there should be never any reference to the 5YHLS in terms of weighting when determining such self-build proposals.

The question of the extent of the shortfall depends on if the LPA can actually provide the numbers of the applications approved during Base Period 10 that are subject to an associated UU similar to the Upper Grange Farm approval issued on the 6th August 2025. The express aim of the 2015 Act and Section 123 of the Act that amends section 2A of the Self-build and Custom Housebuilding Act 2015, is 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, which can be secured in this instance with a suitably worded Unilateral Undertaking.

As well as the acknowledged shortfall rolled over from Base Period 9 to Base Period 10, it is incumbent on the LPA to also supply the application numbers of the 15 plots required to be approved during Base Period 10 and how many of these will be rolled over into Base Period

11. Because unless the LPA can clearly demonstrate 20 self-build plots will be approved by the 30th October 2025, a rolling shortfall will persist on a continuing basis.

The emphasis of Policy DM4 is to promote sustainable development proposals within the countryside and to safeguard it from unsustainable schemes, rather than to apply a blanket protection. Appendix 4 contains the application documents related to the approval of a self-building dwelling issued on the 16th September 2025, associated with land East Of 4 Station Road, Elmesthorpe, Leicestershire. Regarding the principle of development, the delegated report states:

"The site is designated as Countryside on the Blaby District Local Plan Policies Map (2019) and in this context is contrary to the Development Plan and Policy CS18 of the Core Strategy and Policy DM2 of the Delivery Local Plan. However, there is currently an overall under delivery of houses within the District as a whole, with the Council only being able to demonstrate a 3.53 year housing land supply, notably less than the five-year supply requirement outlined in the NPPF. The policies of the Development Plan which relate to the supply of housing are therefore considered out-of-date and the 'tilted balance' towards approval as set out in paragraph 11d of the NPPF should be applied. This means any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits if planning permission is to be refused.

As a result, whilst it is acknowledged that the proposal falls outside of the PUA and within the countryside, contrary to these policies, there have been examples of similar development within the area, along Station Road. A proposal for a single self-build dwelling does not in itself justify the development outside the settlement boundary, however, there needs to be significant harm demonstrated in accordance with the NPPF. Given the proposal is to locate a dwelling along the street frontage in the same way as many other dwellings in this part of Elmesthorpe, it cannot be considered to cause significant harm that outweighs the benefits, in this case, contributing to the Council's housing land supply. Furthermore, although Elmesthorpe is a "small village" it is very close to Earl Shilton and Barwell for services and amenities and Hinckley is also very close offering a wider range of facilities. As such, it is not considered that the location could be considered unsustainable for one additional dwelling.

The proposal for a single dwelling is afforded moderate weight in its contribution to the council's shortfall in housing supply and will not cause significant harm. Therefore, the proposal is considered to be acceptable in principle."

As demonstrated by the appeal decision related to The Common appeal as detailed in Appendix 1, and the Upper Grange Farm approval on the 16th August 2025, both Blaby & HBBC cannot demonstrate a robust 5YHLS or a robust and up to date self-build register, therefore the policies of both Development Plans which relate to the supply of housing, are considered out-of-date and the 'tilted balance' towards approval as set out in paragraph 11d of the NPPF should be applied.

Based on the above, it can be taken as common ground the current in principle only application is for a self-build proposal in accordance with the legal definition below:

"(A1)In this Act "self-build and custom housebuilding" means the building or completion by—

(a)individuals,

(b) associations of individuals, or

(c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person."

The Right to Build Taskforce (March 2021) notes the difference between a self-build and a custom build where:

"Self-build involves the occupier of a new home taking responsibility for the design, construction and funding of the home on a single building plot, which may or may not have some form of planning permission on purchase and where the individual bears the associated financial costs of securing the plot and procuring the construction, inclusive of infrastructure and servicing requirements.

Self-builders are in control of their development timeline and are not bound by any requirement to act in a given way to satisfy the needs of a developer, contractor, landowner or specialist enabler, with the exception of any statutory requirements imposed by a mortgage lender, insurer or local planning authority."

The former Prime Minister's Independent Review to develop a plan for a major scaling-up of self-commissioned new homes – across all tenures – to boost capacity and overall housing supply was released in August 2021, specific to self-build properties.

The Introduction to the Review below demonstrates what can be achieved when an applicant is enabled to direct their own resources and plan and design their future housing requirements for their specific tailored needs, instead of generic standard house types typically offered by the PLC volume house builders:

"A gap has opened up between the places we want to see and those we actually create. Instead of beauty and a natural order, we see a sterile sameness almost everywhere we look. Rather than an architecture displaying a rich array of local vernaculars we can celebrate and honour, crafted using traditional materials and skills with a distinct sense of place – and even become a way of affirming identity and belonging – we see instead a crushing of imagination, with houses designed by accountants. We are failing to create the listed buildings of tomorrow.

The consequences are stark. Quite simply, new housing is feared. In no other time in our history would housing be thought of as pollution. Our country has a growing population, an aging housing stock and a younger generation who have been priced out of home ownership – and for whom even renting a home costs far too high a proportion of their income. We need to build more new homes.

There is of course a proper concern that we should protect our beautiful countryside – but opposition to new housing is chiefly a cri de coeur against the second-rate, the environmentally damaging and the bland. Instead of new housing that most people want, we have a soulless monoculture. One witness in my Review commented that "the planning system rewards mediocrity" – and people are entirely right to object to mediocrity. Yet the consequences are that for decades we have not built enough houses – and this is tearing deep fissures into the fabric of our society.

There is a solution. It involves creating the conditions in which customers are treated as if they matter the most, rather than – for the most part - scarcely mattering at all. And this is what happens when people themselves commission the houses they would like to see.”

Paragraph 61 of the Framework sets out that “*it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay*”.

And paragraph 63:

“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; travellers; people who rent their homes and people wishing to commission or build their own homes.”

The proposal subject to this application falls squarely into the group with specific housing requirements that is not catered for in the general housebuilding industry, therefore those seeking to actively reduce this widening gap should be supported without unnecessary delay.

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 Town and Country Planning (Development Management Procedure) (England) Order 15th April 2015 states, except where article 5(3) applies, an application for outline planning permission does not need to give details of any reserved matters.

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.

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:

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;"

In terms of its assimilation within the existing street scene and neighbouring properties, the comments from the LPA regarding the pre-application enquiry states:

"Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.

Policy DM10 of the Site Allocations and Development Management Policies (SADMP) requires development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, material and architectural features.

The proposed scheme takes the form of a courtyard design taking design influence from nearby 'farmstead' arrangements. The scale and form of the proposal is drawn from nearby High Barn and Paddock House, with a combination of single and two-storey buildings, wrapping around a central courtyard. The scale, massing and overall footprint would appear consistent with the surrounding development in terms of scale and massing and has been designed with the rural character of the site and equestrian use in mind. Although detailed elevations and materials have not been submitted, it is considered that the layout is suitable for a development of this type, subject to other material considerations being considered, including visual impact upon the countryside and character of the area."

These comments confirm the principle of the residential development of the site in design terms is acceptable, subject to a suitable design solution that will be determined at the technical matters second stage via a separate submission.

On this basis, the final design solution will allow the new dwelling to be readily assimilated within the existing street scene and would not therefore be considered an incongruous addition to it. Nor would it represent the extension of ribbon development, as the application site is located between the residential properties of Paddock House and Rose Cottage and therefore it can only be described as infill development. On this basis the proposal would reflect and fit in with the established pattern of development that would not result in any significant or widespread visual harm.

As a new development there would be some very low level landscape harm, however with the modest scale of a single dwelling, this would further decrease with the passage of time, particularly with the retention of the majority of the existing hedgerow, that can be supplemented by the imposition of a standard landscaping condition.

Additionally, in recent years the LPA 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 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.

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

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

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 securing provision of self-build dwelling.

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.

On the 15th September 2025, the LPA confirmed in writing the submission made by the applicant to be added to the self-build register was accepted via reference POL747026608. On this basis, a UU will be submitted accordingly to secure the legal status as a genuine self-build proposal once an application number is issued post validation.

Conclusion & Justification

It is considered the proposal represents sustainable development and the principle can be supported as a windfall site that 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."

THE RIGHT TO BUILD TASK FORCE guidance is directly aimed to assist an LPA in relation to providing a constant and continual flow of custom and self-build plots as 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 as it is in accordance with paragraphs 73 and 83 of the Framework that state:

"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."

And:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

Given the Local and National policy support for the proposed scheme, 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.”

There is a clear recognition that small and medium sized house builders play a vital role in maintaining locally based build out rates. However, such local builders continue to face challenging circumstances where around a third of such enterprises have ceased operating in the last twenty years. Increasingly this results in the national volume housebuilders accounting for almost 90% of growth, and the often significant and extended implementation periods associated with such major housing developments. Additionally, the proportion of planning permissions granted on sites of up to 9 units has fallen from 21% in 2010/11, to 9% in 23/24 showing the continuing decline of the small local builders. Equally important is the fact these local builders are often the very businesses that train and nurture new entrants to the building profession and help fill the significant skills gap that currently exists in all building trades across the development industry within the UK, in accordance with paragraph 70 of the Framework.

As noted above, the LPA 5YHLS and the Self-Build Register are two separate and distinct metrics and they are not to be confused or be used on an interchangeable basis. The 5YHLS provides the total amount of housing that needs to be provided over the lifetime of the Local Plan and can run into thousands and thousands of market and affordable house types. However, the Self-Build Register only pertains to private individuals and not PLC or regional commercial housebuilders.

Both LP and National policy makes reference to the fact it is necessary to meet an identified Borough wide housing need, or local housing need as evidenced through a housing needs survey or a neighbourhood plan. The specific Borough wide housing need in this instance, relates to the provision of self-build and custom housing that is a separate legal duty placed on the LPA, that is to be weighed entirely separately from the now revised mandatory 5YHLS requirement.

Article 5D of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 sets out the requirements for a valid PIP application as:

- Completed application form;
- A plan to which identifies the land to which the application relates;
- The correct application fee.

The only material considerations in relation to the three aspects of the current ‘principle’ stage include location, land use, and the amount of development are duly considered within this Planning Statement. Only stage 2 requires the submission of any technical details where an applicant has a further 3 years to apply once stage 1 is considered.

Paragraph 48 of the NPPF indicates that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing, where the determination period is 5 weeks from validation in the case of PIP submissions.

Paragraphs 124 and 125 of the NPPF seek to make the effective use of land. It states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In this specific case it is paragraph 11 d) (ii) which applies, as there would be some limited harm arising from the “urbanising effect” to an existing open area free of built form that does not accord with the Council’s spatial strategy, however this needs to be weighed against the material considerations in relation to the supporting information provided in Appendix 1 to 4. This includes the recent appeal decisions and directly comparable self-build approvals, therefore accordingly, this negligible harm should be attributed limited weight within the planning balance.

Based on the above, the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, particularly as the proposal is considered pass the test contained in Paragraph 11 d) (ii). The result of which, means the presumption in favour of sustainable development applies and permission in principle can be supported as a result.

In summary, the principle of development is in accordance with current LP policy, appeal decisions and recently approved comparable schemes. Therefore, the proposal does benefit from the presumption in favour of sustainable development as articulated in paragraph 11 (d) of the Framework, and the proposal will contribute to reducing the current shortfall of self-build and custom plots within the Borough on a meaningful material basis, when correctly weighed within the planning balance.