

Design, Access & Planning Statement.

Change of use and conversion of disused existing rural building to a single C3 self-build dwellinghouse, including landscaping, external works and parking within proposed domestic curtilage, land west of Forest House, Leicester Lane, Desford, LE9 9JJ.

January 2026

Introduction

Change of use and conversion of disused existing rural building to a single C3 self-build dwellinghouse, including landscaping, external works and parking within proposed domestic curtilage, land west of Forest House, Leicester Lane, Desford, LE9 9JJ.

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

Development Management Policies DPD

Policy 7: Key Rural Centres
Policy 8: Key Rural Centres relating to Leicester

Site Allocations and Development Management Policies (SADMP) Development Plan Document (adopted 2016) (SADMP)

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 DM15: Redundant Rural Buildings
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 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, previously offered 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.”

As of November 2025, the LPA publicly released its position on the Borough’s supply of Self-Build and Custom Housebuilding at the end of Base Period 10 (31 October 2024 to 30 October 2025) and this demonstrates that the Council now has a cumulative and increasing shortfall of 17 Self-Build and Custom Housebuilding plots.

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 Battram 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 “Battram” 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 “Battram” 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.

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 (**Appendix 2**), HBBC cannot demonstrate a robust 5YHLS nor 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 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.

Relevant Planning History

23/00157/FUL Proposed conversion of existing stables to dwelling (C3) with associated amenity and parking: Refused 9 May 2023.

Amount, Layout & Design

The Framework seeks to protect communities from inappropriate development but not to curtail development where it accords with Local Plan policy. Planning policies and decisions should no longer attempt to impose architectural styles however it is proper to seek to promote or reinforce local distinctiveness and reflect the adjacent built form.

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 relation to previous application 23/00157/FUL that was refused on the 9 May 2023, the primary reason of refusal stated:

“The Applicant has not provided adequate justification that the existing stables are redundant or unviable in their current state. As the stables were constructed less than five years ago, the development is considered contrary to, and in conflict with, Policy DM15(a) of the Site Allocations and Development Management Policies Development Plan Document (2016). Therefore, the application is regarded as new and unjustified residential development within an unsustainable outside of any identified settlement boundary, which causes significant adverse harm to intrinsic value, beauty, open character, and landscape character of the countryside, which is in conflict with Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Paragraphs 80 and 174 and Section 15 of the National Planning Policy Framework (2021), and the Good Design Guide.”

Appendix 4 contains an appeal decision issued on the 23rd April 2025, related to Cold Comfort Farm, Rogues Lane, Stoke Golding, LE10 3DX that was refused on very similar grounds.

In allowing the appeal and referring to the “shared” primary reason of refusal the Inspector opined:

"7. Policy DM4 of the Local Plan seeks to protect the countryside, including its open character and landscape, from unsustainable development. It goes on to specify certain types of development that are deemed sustainable, including criterion (b) where it involves the change of use, re-use or an extension of an existing building which leads to the enhancement of the immediate setting.

8. Furthermore, Policy DM15 of the Local Plan provides support, subject to a number of criteria, for the re-use and/or adaptation of redundant or disused rural buildings outside of settlement boundaries. Amongst other things, those criteria include the need to demonstrate the building is no longer viable in its current use, and an enhancement of the immediate setting.

9. These policies are broadly consistent with the Framework, noting that Paragraph 84 states that planning decisions should avoid isolated homes in the countryside unless one of a list of exceptional circumstances applies. One of these, (c) is that the development would re-use redundant or disused buildings and enhance its immediate setting. However, the Local Plan requirement to demonstrate the current use is no longer viable is notably absent from the Framework.

10. I am mindful that the description of development, even as amended by the Council, refers to the barn as being redundant. However, the Council also assert that the building is not redundant or disused. They attest that this is a position of the appellants own making, through serving a notice to quit on the previous occupants. Be that as it may, I observed on site that the barn is now empty and not in active use. To my mind, the building is therefore disused. Both Policy DM15 and the Framework support conversions of disused buildings as a matter of principle.(My emphasis)

11. There is nothing in Paragraph 84(c) that requires a building in the countryside to be agricultural in either origin or use, for it to apply. Concerns are raised by the Council that the building could be required for agricultural use in the future. However, there is nothing before me to indicate that this is a policy test."

The building subject to the current application has remained unused since the refusal dated 9 May 2023, therefore the comments above are as equally applicable under the current circumstances and conditions

Indeed, in relation to reasons 2, 3 and 4 of refusal related to application 23/00157/FUL and the issue of sustainability, the Inspector concluded:

"13. There is inevitably some tension between the reuse of existing buildings and environmental and sustainability objectives, such as limiting reliance on the private car as the main source of transportation. This is the case with the objectives of Policy DM17 of the Local Plan which supports development where the need to travel will be minimised and Policy DM15 which deals with the reuse of rural buildings. However, the re-use of existing buildings is inherently accepted by local plan policies and those in the Framework, noting that Paragraph 161 also sets out the planning system should encourage the reuse of existing resources including the conversion of existing buildings."(my emphasis)

As the building is already existing, the conversion 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 it is already existing, 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 local landscape “change”, 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.

Therefore in respect of the effect of the proposed development on the character and appearance of the area, the conversion would accord with Policy DM4 and DM10 and offer an enhancement to the building’s immediate setting by removing and preventing further vandalism, whereby there would be no significant adverse effects and the active residential use would further protect the wider intrinsic value, beauty, open character or landscape character of the countryside.

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 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, particularly compared to the use as stables.

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.

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.

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.

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.

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).

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.