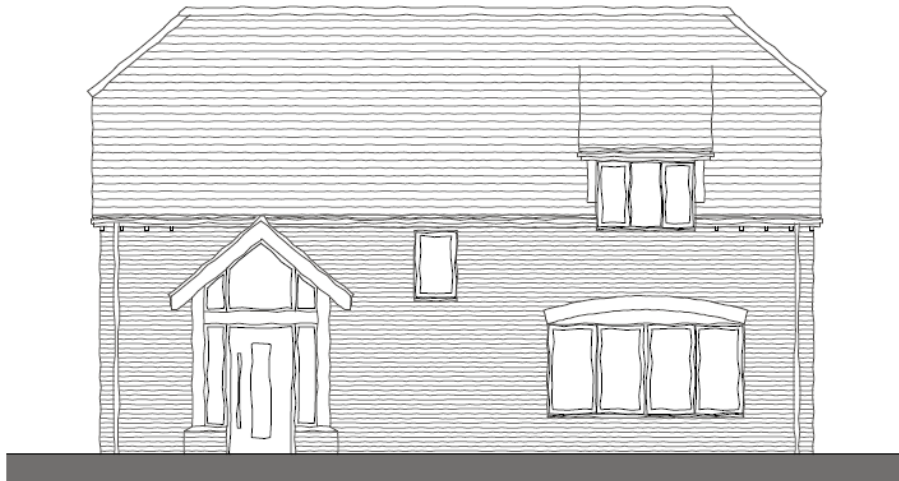


Supporting Planning Statement

Erection of custom/self-build family home at Old Wood, Skellingthorpe,
Lincolnshire, LN6 5UA

November 2023



Front Elevation



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Contents

1. Introduction and background
2. The Site and the Proposal
3. National and local planning policy
4. The Applicants' case
5. Summary and conclusion

1. Introduction and background

- 1.1 This supporting planning statement has been prepared to support an application (“the Application”) made to North Kesteven District Council (“the Council”) by Mr and Mrs Sean Mannion (“the Applicant”) for the erection of a new custom/self-build family home (“the Proposal”) at Old Wood, Skellingthorpe, Lincolnshire, LN6 5UA (“the Site”).
- 1.2 The Proposal has been carefully considered and prepared for this sensitive site, having regard to:
 - 1.2.1 The statutory background, the development plan and relevant national planning policy;
 - 1.2.2 The character of the locality, including the scale, form, layout, appearance and materials of existing nearby buildings;
 - 1.2.3 The recently confirmed TPO N771 2023; and
 - 1.2.4 The potential to provide a much-needed custom/self-build family home.
- 1.3 This statement has been prepared by Philip Kratz, a consultant with GSC Solicitors LLP. Mr Kratz is a former local government chief officer, accredited as a planning specialist by the Law Society, a legal associate member of the RTPI, a member of NAPE, and the current Chair of the Law Society’s Planning and Environmental Law Committee. He was born in Lincolnshire, attending North Kesteven School, and is well acquainted with the Site, the planning history of it and the surrounding area, and the planning policy background.

2. The Site and the Proposal

- 2.1 The Site is located on Old Wood, Skellingthorpe, an area originally established as a Land Settlement in the aftermath of the First World War to provide “homes for heroes”, providing both homes and smallholdings for returning soldiers.
- 2.2 As explained below, the village of Skellingthorpe itself is designated in the Local Plan as a “*Large Village*” (pursuant to Local Plan Policy S1, which provides that such villages are “a focus for accommodating an appropriate level of growth via sites allocated in this plan”), albeit the policy provides that beyond site allocations made in the Local Plan (or any applicable neighbourhood plan), development will be limited to that which accords with Policy S4: *Housing Development in or Adjacent to Villages*. (Note also the status of “*Hamlets*” pursuant to policy S1, also considered further below.)

- 2.3 The Proposal is for a single custom/self-build family dwelling, fronting the road known as Old Wood, all as shown on the enclosed plans and reports, and designed to reflect local vernacular. Self-build and custom-build housing are defined in the Annex / Glossary to the NPPF (2021) as:

“Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.”

The number of the people on the register for North Kesteven, kept pursuant to the Self-build and Custom Housebuilding (Register) Regulations (2016), has grown from 15 on its introduction in 2016 to 35 in 2021.

- 2.4 The Site is in Flood Zone 1; it is covered by the recently confirmed TPO N771 2023 (as to which, see below). The nearby Skellingthorpe Big Wood South-East has also been assessed for Local Wildlife Site registration, and as a Site of Nature Conservation Importance and as Ancient Woodland.

3. National and local planning policy

National planning policy

- 3.1 Relevant national policies are contained in the NPPF; before addressing these, it is sensible to consider the context.
- 3.2 The concept of thriving rural communities and rural vitality, so relevant to a rural district such as North Kesteven (and Central Lincolnshire generally), is not new. In his review of the rural economy and housing over a decade ago, Lord Taylor found that “restrictive planning practices” had contributed toward rural areas becoming “increasingly unsustainable” and “unaffordable for those who work there”. Rural communities are facing a series of challenges that affect their ability to remain sustainable and inclusive, the most obvious being ongoing housing supply problems, as witness the ongoing Office for National Statistics analysis which shows that whereas the median house price in North Kesteven had increased to £231,750 in the year ending September 2022, the median annual salary was only £30,101, and thus the ratio of house prices to salary (7.7 times) was too high for any realistic chance for forming households to obtain mortgage finance.
- 3.3 The provision of new homes in rural areas at all points of the market is therefore of critical importance.

- 3.4 There is also a changing context for rural sustainability, accentuated by the post-Covid-19 pandemic world, and the normality of “working from home”, with obvious major changes in lifestyle arising from access to the internet, and increasing scope to work remotely. Over 95% of UK adults use the internet every day; they shop online, carry out administrative and financial transactions online, access entertainment and interact socially online. Before the pandemic, Defra published a report on Rural Home Working which found that there were nearly a million home workers in rural areas, accounting for nearly a quarter of all workers in those areas (compared with 14% at the time in urban areas).
- 3.5 In this context, paragraph 2 of the NPPF reflects the statutory position, and states that planning decisions should be taken in accordance with the development plan, unless material considerations indicate otherwise¹.
- 3.6 Paragraph 8 explains the three overarching objectives of achieving sustainable development: economic, social and environmental.
- 3.7 Paragraph 11 requires that plans and decisions should apply a presumption in favour of sustainable development. It states that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (1) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (and Central Lincolnshire *can* currently demonstrate a 5YHLS).
- 3.8 Paragraph 38 requires that local planning authorities should approach decisions on proposed development in a positive and creative way, and states that decision-makers at every level should seek to approve applications for sustainable development where possible.

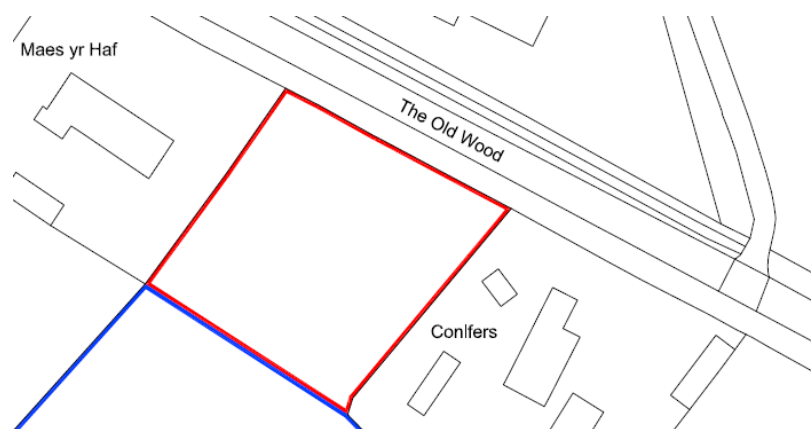
¹ As per section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

- 3.9 Paragraphs 55 and 56 provide that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (the latter only to be used where it is not possible to address unacceptable impacts through a planning condition), adding that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 3.10 Paragraphs 59 to 79 set out government policy on the provision of housing; it is largely broad brush and strategic; paragraph 59 emphasises the Government's objective of "significantly boosting" the supply of homes. Paragraph 68(c) states that local planning authorities should support the development of windfall sites; paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and paragraph 79 states that planning policies and decisions should avoid "isolated new homes in the countryside" (which the Site is not).
- 3.11 Section 15 of the NPPF deals with "*Conserving and enhancing the natural environment*"; the Application proposes that a single modest self-build/custom home would provide the opportunity to bring into management the larger "group" area of TPO trees, compliant with paragraph 180.
- 3.12 The ***Self-build and Custom Housebuilding Act 2015*** (as amended) placed a duty on councils to have regard to their self-build and custom housebuilding register when carrying out their planning and housing functions; the government has now published an update to its ***Self-build and custom housebuilding Planning Practice Guidance*** (PPG). The previous iteration of the guidance said that, when carrying out planning functions, "registers that relate to their area may be a material consideration in decision-taking"; the updated version states: "***The registers that relate to the area of a local planning authority – and the duty to have regard to them – needs to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self and custom housebuilding***".
- 3.13 The Self Build Act is imperative in nature, and requires that LPAs ***must*** grant suitable permissions to meet demand. The revised guidance sets out how LPAs can record such permissions, and other changes include:

- 3.13.1 A new paragraph stating that self-build and custom housebuilding "covers a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation ('turnkey')";
- 3.13.2 A new paragraph setting out the benefits of self-build and custom housebuilding, stating "***Self-build or custom build helps to diversify the housing market and increase consumer choice***"; and
- 3.13.3 Guidance on methods that councils can use to publicise registers.
- 3.14 The government's Planning Practice Guidance also provides specific guidance to Local Planning Authorities on how they should support sustainable rural communities, confirming (amongst other things) that, "all settlements can play a role in delivering sustainable development in rural areas" (NPPG ID: 50-001-20140306).

Local Planning Policy

- 3.15 The Central Lincolnshire Local Plan was adopted in April 2023.
- 3.16 Policy S1 sets out the spatial strategy and settlement hierarchy; Skellingthorpe is designated as a "large village", and the policy provides that "***Beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages or other policies relating to non-residential development in this plan as relevant***". In any event, the Site is outside of the development limits as defined on the relevant Inset Map, and the vicinity of the Site contains over thirty dwellings, so should be regarded as a "Hamlet" pursuant to policy S1 (defined as "***....a settlement not listed elsewhere in this policy and with dwellings clearly clustered together to form a single developed footprint. Such a hamlet must have a dwelling base of at least 15 units (as at 1 April 2018). Within the developed footprint of such hamlets, development will be limited to single dwelling infill developments or development allocated through a neighbourhood plan***").
- 3.17 In the context of "Hamlet" pursuant to policy S1, the Proposal on the Site is clearly for a single dwelling as an infill development:



- 3.18 Policy S4: *Housing Development in or Adjacent to Villages*, is not applicable to the Site, as the correct approach is via paragraph 7 of policy S1 and the provisions relating to “Hamlets”.
- 3.19 Policy S66: *Trees, Woodland and Hedgerows*, provides that development proposals should be prepared based on the overriding principle that (1) the existing tree and woodland cover is maintained, improved and expanded, and (2) opportunities for expanding woodland are actively considered, and implemented where practical and appropriate to do so. The applicant is conscious of the sensitivity of this given that the Site is covered by the recently confirmed TPO N771 2023, and has commissioned expert arboricultural advice (with the specialist report forming part of the Application “package”), which concluded:
- 3.19.1 In order to achieve the proposed layout one specimen (T005) requires coppicing, and another specimen (T006) requires crown lifting to facilitate the new access, but no trees are lost (and the Proposal provides an opportunity to bring the larger area of TPO trees under management).
- 3.19.2 The alignment of the new dwelling does not encroach within the Root Protection Areas of any trees that are to be retained. In view of this, and as assessed in accordance with BS5837:2012, no specialist foundation designs or construction techniques will be required to prevent damage to tree roots (although specialist foundations may still be required for other reasons).
- 3.19.3 The alignment of the new access and parking area encroach within the Root Protection Areas of T004, T005 and T006 but with modern “no dig” construction techniques this is not considered to be a substantial issue.
- 3.20 Specialist advice was obtained from a structural engineer (in relation to foundation design) and a civil engineer (in relation to the “no dig” surfacing)

to confirm that the recommendations were achievable, and the report concludes that all trees and landscape features that are to remain as part of the development should suffer no structural damage provided that the findings of the report are complied with in full (which can be conditioned). The conclusion, therefore, is that there are no arboricultural constraints that can be reasonably cited to preclude the Proposal.

3.21 In addition to this confirmation of “no harm”, the advantage is that conditions (or a legal agreement) may be imposed to ensure the future maintenance of the remainder of the area covered by TPO N771 2023, which is a significant planning benefit.

3.22 The Proposal complies with all other relevant Local Plan policies.

4. The Applicant’s case

4.1 The driving imperative for local planning authorities is to “boost significantly” the supply of housing; LPAs are not encouraged to sit on their laurels simply because they have a 5YHLS.

4.2 There is thus no “tilted balance” to apply, but that does not affect the Applicant’s case because: (1) the government’s policy is in any event to boost significantly the supply of housing, (2) the Proposal is effectively for a single infill dwelling in a Hamlet, (3) the Proposal is for a self-build/custom plot in accordance with legislative requirements, and (3) the Proposal provides an opportunity to bring the TPO trees under management.

4.3 In this context, the Applicant considers that the main considerations in this case are:

4.3.1 Whether the development of the Site is acceptable in principle;

4.3.2 Whether the Proposal would cause unacceptable harm to trees on the Site; and

4.3.3 Whether the planning benefits arising from the provision of a home by way of a self-build plot, and other factors, outweigh any potential harm.

The principle of development

4.4 The Site is not in the “open countryside”; it is in an existing group of dwellings which forms a “Hamlet” compliant with paragraph 7 of Local Plan policy S1, which defines a Hamlet as “....***a settlement not listed elsewhere in this policy and with dwellings clearly clustered together to form a single***

developed footprint. Such a hamlet must have a dwelling base of at least 15 units (as at 1 April 2018). Within the developed footprint of such hamlets, development will be limited to single dwelling infill developments or development allocated through a neighbourhood plan".

4.5 Thus in this case:

4.5.1 Old Wood is not listed elsewhere in policy S1;

4.5.2 The dwellings are clustered together to form a single developed footprint; and

4.5.3 The proposed development is limited to a single infill dwelling.

4.6 Neither paragraph 79 nor paragraph 80 of the NPPF preclude such a location (as it is not "isolated"), and the Site is not locationally unsustainable location (as witness the existing dwellings around it in the former Land Settlement locality); subject to compliance with other policies, therefore, and the planning balance exercise, the ***principle*** of the development of the Site with a single infill dwelling is acceptable.

Whether the Proposal would cause unacceptable harm to trees on the Site

4.7 The Applicant was conscious of the sensitivity of the Site, and in particular the nuances of the TPO; therefore, following the Preliminary Ecological Appraisal (with its recommended enhancements to achieve net biodiversity gain), the Applicant commission a full arboricultural report.

4.7.1 Although the TPO covers the whole of the Site (including the rear "blue" land), there are no trees in the vicinity of the "footprint" of the proposed new dwelling (which is modest in scale, redolent of the best of local vernacular), so no trees are lost, and the access requires only coppicing of one tree (T005), and crown lifting of another (T006); in return for the single dwelling, a positive obligation for the long term management of the woodland can be conditioned (and reinforced by a legal greement if thought necessary).

Whether the planning benefits arising from the provision of a home by way of a self-build/custom plot, and other factors, outweigh any potential harm

4.8 In relation to the "planning balance" exercise:

4.8.1 ***The provision of a new family home*** is a matter to which significant weight should be attached, as per paragraph 60 of the NPPF;

4.8.2 ***The provision of a self-build/custom plot*** is also a matter to which significant weight should be attached, in accordance with current government policy. Self-build projects account for 7-10% of new housing in England each year (around 12,000 homes) and research (referenced in both policy and summarised on the Planning Portal) has shown that more than half of the population would like to build their own home at some stage in their lives, hence the importance given to it by the government;

4.8.3 ***The quality design*** is a matter to which moderate-to-significant weight should be attached. Even if it falls short of the “high bar” of paragraph 80(e), the design is undeniably of high quality, reflecting the best of local vernacular, and helping to raise standards of design more generally in rural areas, enhancing its immediate setting, and sensitive to the defining characteristics of the local area;

4.8.4 ***The impact on trees*** is a matter where there is no harm, and a significant planning gain from the opportunity to secure a long-term management regime as described above, which should be afforded significant weight; and

The impact on biodiversity and the character and appearance of the area is neutral, not impacting on the balancing exercise set out above; in any event, even if any such harm was identified, it would be at the lower end of low-to-moderate harm, and could only be afforded limited weight, being clearly outweighed by the planning benefits of the Proposal.

4.9 There is no harm to any other interest.

4.10 To put this in context, in ***City of Edinburgh Council -v- Secretary of State for Scotland*** [1997] Sullivan J. stated, “I regard it as untenable to say that if there is a breach of any one policy in a development plan, a proposed development cannot be said to be ‘in accordance with the plan’. Given the numerous conflicting interests that development plans seek to reconcile.....it would be difficult to find any project of any significance that was wholly in accord with every relevant policy in the development plan. Numerous applications would have to be referred to the Secretary of State as departures from the development plan because one or a few minor policies were infringed, even though the proposal was in accordance with the overall thrust of development plan policies. For the purposes of section 54A it is enough that the proposal accords with the development plan when considered as a whole. It does not have to accord with each and every policy therein.”.

- 4.11 In the view of the Applicant, therefore, the planning balance exercise points to approval, and there are no other material considerations that would justify refusal. In this context, in relation to the three overriding objectives of sustainable development:
- 4.11.1 The proposed development would contribute to the ***economic*** role, as all development promotes economic growth through development activity and future occupiers of the new home will provide custom for existing shops and services in the locality. The proposal will support direct jobs during the development phase, and indirect jobs in associated industries. National and local planning policies seek to retain and enhance the provision of local services in rural areas, and the proposed development will help to maintain the catchment of local residents to use those local services, aiding their viability and consequently their continued provision;
- 4.11.2 The ***social*** role of sustainable development is referenced in the NPPF with regard to widening the choice of homes and ensuring that sufficient housing is provided to meet the needs of present and future generations. On the basis of the national shortfall in housing supply there is considerable benefit arising from the scheme in line with the NPPF which identifies the need to “boost significantly” the supply of housing, and significant weight should be attached to this; and
- 4.11.3 With regard to the ***environmental*** role of sustainable development, the proposed development would comply with wider objectives of the NPPF including meeting the challenge of climate change by providing a sustainable and energy efficient home whilst providing the opportunity to secure a viable management regime for the trees on, and adjacent to, the Site.
- 4.11.4 The NPPF states that the three roles should not be undertaken in isolation as they are mutually dependent and economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

5. Summary and conclusion

- 5.1 The NPPF requires local planning authorities to boost significantly the supply of housing.
- 5.2 The principle of the Application Proposal is acceptable, in the context of the NPPF and Local Plan policies. There is no “harm” that would outweigh the planning benefit of providing a new family home, as part of a Hamlet which is already there (and has been since shortly after the Great War).

- 5.3 The Application gives rise to no other material considerations which would in turn give rise to “harm” which would be sufficient to justify refusal. Subject to appropriate conditions (and, if thought appropriate, s.106 planning obligations in relation to the future management of trees on and adjacent to the Site), the Proposal would provide a new home whilst maintaining the character of the area, residential amenity and highway safety, in accordance with the policies of the Central Lincolnshire Local Plan.
- 5.4 Conditional planning permission should therefore be granted.

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November 2023