



PLANNING STATEMENT

Outline application for the development of up to 5 self-build dwellings (all matters reserved)

Land South of Sapcote, Leicester

December 2023



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1. INTRODUCTION

SHEN

- 1.1. SHEN is a Town Planning and multi-disciplinary consultancy and includes over 40 years of combined experience in both the public and private sectors.
- 1.2. Professional experience has been gained in Town Planning and Transport Management predominantly via Local Planning Authorities and experience has been gained across different roles within the private sector.
- 1.3. SHEN includes a Chartered Member (MRTPI) of the Royal Town Planning Institute and a Fellow of the Chartered Management Institute (FCMI).

Introduction & Background

- 1.4 This Planning Statement has been prepared is submitted in support of a planning application made to the Local Planning Authority ('the LPA') at Blaby District Council ('the Council') on behalf of the Client ('the Applicant') seeking planning permission for the redevelopment of the site to residential dwellings.
- 1.5 The Planning Statement provides full details of the application site, its surroundings, and the relevant planning history before describing the proposed development. An assessment of national and local planning policies is provided, and a reference to other material considerations.

2. SITE & SURROUNDS

The Site & Surrounds

- 2.1 The site is located Land South of Sapcote, Blaby, Leicester.
- 2.2 The application site provides a total site area of 5461 sqm.
- 2.3 The application is bounded by South - Scrubland and Agricultural land; North - Residential properties; West -Agricultural land; East - Agricultural land.

Heritage & Conservation

- 2.4 Following a desktop review of the Historic England mapping database the application site is not located in a Conservation Area. It is not adjacent to or within the setting of any Listed Buildings.
- 2.5 The nearest Heritage Category Buildings are located at Sapcote Castle and Moat, Heritage Category: Scheduled Monument, Grade: Not applicable, List Entry Number: 1010301. There are no listed buildings within the setting.

Public Rights of Way

- 2.6 No public Rights of Way (PROW) exist across the site.
- 2.7 A desktop review of the PROW in proximity to the site indicates a Footpath (V27/2) approximately 100m West of the site location.

Flood Risk

- 2.8 The Environment Agency Flood Zone Map (Appendix 1) confirms the application site is sited within Flood Zone 1, where the annual probability of flooding is less than 0.1% or 1 in 1000.

3. DEVELOPMENT PROPOSALS

- 3.1 Planning permission is sought for self-build residential development. The development is illustrated in the indicative plans submitted to accompany the application.
- 3.2 The development will deliver 5 self-build houses within an established settlement and residential area.
- 3.3 The access/egress for the site is located at Land South of Sapcote, accessed from Cooks Lane.

4. SELF-BUILD & CUSTOM HOUSEBUILDING ACT 2015

National Legislation

- 4.1 The National Planning Policy Framework (NPPF; 2023) within Annex 2: Glossary defines self-build and custom-build housing:

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 sections 1(A1) and (A2) of that Act.

"Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing."

- 4.2 Section 1 of the Self-Build and Custom Housebuilding Act 2015 requires Local Authorities to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom housebuilding.
- 4.3 Local Authorities are subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand.
- 4.4 The summary of the guidance arising from the NPPF (2021) and the Act is that Section 2A of the Act imposes on the Council a statutory 'duty' to grant suitable development permission in respect of enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in the Council's area arising in each base period on a rolling three-year basis.

Five Year vs Three Year Monitoring Periods

- 4.5 A five-year housing land supply is set out in the Annual Position Statement as defined by the NPPF; 2021. This document sets out the 5 year housing land supply position on 1st April each year, prepared by the LPA.
- 4.6 A self-build register and monitoring period is established by the Self-Build and Custom Build Housing in the 2015 Act and this is a 3 year period starting every 12 months from the 31st October each year.
- 4.7 Blaby District Council Residential Land Availability is produced on an annual basis and monitors the number of planning permissions for residential units around the District, as well as those under construction and completed. The information is used to inform the Authority Monitoring Report, as well as the calculation of the 5 year supply of housing within the District.

5. DEVELOPMENT PLAN

Planning Policy Framework

- 5.1 The Development Plan is underpinned by the Blaby District Local Plan (Delivery) Development Plan Document (known as the 'Delivery DPD') and this was adopted by the Council on 04 February 2019 and The Blaby District Local Plan (Core Strategy) was adopted by Blaby District Council on 21st February 2013.
- 5.2 The vision for the Core Strategy states and reflects many of the aspirations of the Community Plan.

Housing will be provided to meet the needs of the current and future communities of Blaby District. The mix of housing will better reflect the needs of the population of the District including an appropriate balance of house types, sizes and tenures and there will be greater provision of affordable homes to meet identified needs. (REF: 2.3 BDLP)

The cost of housing in the District has grown at a far greater rate than local incomes. This has resulted in an 'affordability gap' where a large number of people are unable to gain access to 'market housing'. Blaby District has a relatively high proportion of owner-occupied homes and a relatively small number of 'affordable' social rented homes with low turnover and therefore limited availability. The problem has been increased by an inability to provide sufficient affordable housing from new developments to meet local needs. The Leicester and Leicestershire SHMA (refresh 2010) highlighted the shortfalls in affordable housing and the additional annual provision that would be required to address this need (some 344 houses per year). (REF: 4.7 BDLP)

Strategic Objectives of the Core Strategy - Social Objectives

- i) To provide the appropriate quantity and mix of housing to meet the needs of the District's current and future populations; Improved access to housing is a key element of the Leicestershire and Blaby Sustainable Community Strategies (SCS), the Council's Corporate Plan and Housing Strategy.
- ii) To optimise the provision of affordable housing to meet local needs. The Strategic Housing Market Assessment for the Leicester and Leicestershire Housing Market Area (HMA) identifies that there is a considerable shortfall of affordable housing which is not met by the current provision. It is a key spatial planning objective to contribute towards meeting these needs.

Development Plan - Policy Framework

5.3 The relevant planning policies include:

Blaby District Development Plan (BDDP)

- DM10 - Self and Custom Build Housing
- DM11 - Land contamination and pollution
- CS1 - Strategy for locating New Development
- CS3 - Sustainable Urban Extension
- CS5 - Housing Distribution, Housing Land Allocation SA1, and Housing Land Allocations SA2
- CS7 - Affordable Housing
- CS8 - Market Housing Mix
- CS14 - Green Infrastructure
- CS17 - Areas of separation
- CS18 - Countryside
- CS19 - Biodiversity and Geodiversity
- CS20 - Historic Environment and Culture
- CS22 - Flood Risk

Blaby District Waste Core Strategy

- CS32 - Making provision for waste in all new development

Neighbourhood Plans and Supplementary Planning Guidance (SPD)

- Blaby District Brownfield Land Register 2019
- Blaby District Brownfield Land Register 2019 Site Plans
- Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document 2010
- Leicester and Leicestershire Strategic Growth Plan 2020
- Blaby Neighbourhood Plan Final Version 2019

Other Relevant Planning Documents

- Wildlife and Countryside Act 1981
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)
- The Conservation of Habitats and Species Regulations 2010

Relevant Government Policy

- NPPF (2023)

Policy Review - Self-Build Housing

- 5.4 Sections 2 and 2A of the Self Build and Custom Housebuilding Act 2015 establishes that Local Planning Authorities are subject to lawful duties to *give enough suitable development permissions to meet the identified demand*.
- 5.5 The Self Build and Custom Housebuilding Act 2015 in *Section 2A of the Act imposes on the Council a statutory 'duty' to grant suitable development permission* in respect of enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in the Council's area arising in each base period on a rolling 3-year basis.

Development Plan / Self Build and Custom Housebuilding Act 2015

- 5.6 In policy terms of the Development Plan the delivery of housing across the lifetime of the Development Plan (in this instance 2009 to 2029) is nationally set as a 'target' and not a 'statutory duty'.
- 5.7 Whereas the Self Build and Custom Housebuilding Act 2015 in Section 2A imposes on the Council a *statutory 'duty' to grant suitable development permission* in respect of enough suitable serviced plots and to *give enough suitable development permissions to meet the identified demand*.
- 5.8 There are demonstrable and evidential differences between general market housing (inc affordable housing), and the delivery of self-build houses. These differences include legislative (separate Acts), monitoring periods (5 vs 3 years; April vs October), and the target for delivery across the plan period vs the statutory duty to grant enough suitable development permissions to meet the identified demand.

Green Belt - Planning Policy and the NPPF (2023)

- 5.9 The application site, Land South of Sapcote, Leicester does not lie within Greenbelt.

6. POLICY ASSESSMENT

- 6.1 The primary policy within the Development Plan is DM10 - Self and Custom Build Housing. This is a material consideration as the broader housing policies relate to general market housing and the associated settlement boundaries directing these toward selected locations.
- 6.2 General market housing is set as the target for the period of the Development Plan, monitored by the LPA, and the delivery and supply identified in the 5-Year Housing Land Supply (5YHLS). Whereas the number of self-build houses is established via the self-build register and their delivery is required to be met on the 3-year monitoring cycle.
- 6.3 Policy DM10 supports self-build houses in 'suitable' locations and the delivery will be identified and guided by the self-build register.

DEVELOPMENT MANAGEMENT POLICY 10

Self and Custom Build Housing Proposals for self and custom build housing will be supported in suitable locations. The Council will maintain a register of prospective self and custom house builders and have regard to the register in its decision-making, plan-making, housing and regeneration functions.

- 6.4 The Government monitoring figures published for self-build houses state that for Blaby District Council the following figures apply.

Table 1: Monitoring Period - 31 October 2021 - 30 October 2022

	How many entries on your register in the seventh base period, 31 October 2021 - 30 October 2022?		How many entries on your register in total (i.e. base period 1 plus base periods 2, 3, 4, 5, 6 and 7)?		How many planning permissions for serviced plots suitable for self and custom build have been granted between 31 October 2021 and 30 October 2022?	
	Individuals	Group	Individuals	Group		
Blaby	11	0	92	1	0	

Table 2: Monitoring Period - 31 October 2020 - 30 October 2021

	How many entries on your register in the seventh base period, 31 October 2020 - 30 October 2021?		How many entries on your register in total (i.e. base period 1 plus base periods 2, 3, 4, 5, and 6)?		How many planning permissions for serviced plots suitable for self and custom build have been granted between 31 October 2020 and 30 October 2021?	
	Individuals	Group	Individuals	Group		
Blaby	16	0	83	1	0	

Table 3: Monitoring Period - 31 October 2019 - 30 October 2020

	How many entries on your register in the seventh base period, 31 October 2019 - 30 October 2020?		How many entries on your register in total (i.e. base period 1 plus base periods 2, 3, 4, and 5)?		How many planning permissions for serviced plots suitable for self and custom build have been granted between 31 October 2019 and 30 October 2020?	
	Individuals	Group	Individuals	Group		
Blaby	12	0	66	1	0	

6.5 The notable elements of this monitoring data as detailed in Tables 1, 2, and 3 are the continued annual increase of self-build registrations and the omission of any planning permissions from the LPA. This is considered as common ground as the Government data is received from each LPA and therefore is their data (in this instance Blaby District Council).

6.6 The total number of registrations for the 3 years (2019-2022) is:

2021-22	=	11
2020-21	=	16
2019-202	=	12
Total	=	39

The current total shortfall for Blaby District Council is **39** self-build houses.¹

6.7 This shortfall (39) remains increasing each year as the monitoring data shows an accumulation of registrations with no balancing or reduction to the figure by planning permissions issued by the LPA for self-build houses.

6.8 In terms of the permissions granted by the LPA for self-build houses the LPA (Blaby District Council) has **not granted planning permission for any self-build houses** since the introduction of the Self-build and Custom Housebuilding Act 2015. The monitoring data shows a **0 return for all base periods** (i.e. base period 1 plus base periods 2, 3, 4, 5, 6 and 7).

Self-Build Housing - Planning Appeals

6.9 *App Ref: 3320506 - Former Limagrain Site, Station Road, Docking PE31 8LS²*
 In the assessment by the Planning Inspector it is confirmed;
Paragraph 52. The Council has identified it can demonstrate more than five-years supply of deliverable housing land within the borough, but this does not represent a ceiling on the delivery of housing. There is also no such ceiling to the growth Key Rural Service Centres, such as Docking, can accommodate or substantive evidence before me to demonstrate the proposed houses would reach a tipping point and result in harm to its facilities, services, or other infrastructure. I am also mindful of the Government’s objective, outlined in the Framework, to significantly boost the supply of homes.**

¹ The 2022-23 self-build monitoring data is not included within the Government data. Figures provided reflect the monitoring data available as of December 2023.

² 3320506 - Appeal Decision attached for reference.

The appeal scheme would amount to a small scheme that could be built out relatively quickly and would add to the supply and choice of housing in the borough. Nevertheless, the scale of the proposal would be modest, so these social benefits would be of limited weight.

** Highlighted for the purposes of this document*

- 6.10 The statement by the Planning Inspector confirms a demonstrable 5-year supply of housing does not create a ceiling for additional residential development.
- 6.11 *Appeal Ref:3303898 - Land at Sutton Lane, Sutton in the Elms, Broughton Astley, Leicestershire LE9 6QF³*
A material consideration is the recent planning appeal decision issued by the Planning Inspectorate. The recent planning appeal related to the proposed development of up to 9 self-build dwellings on land at Sutton Lane, Sutton in the Elms, Leicestershire.
- 6.12 The Planning Inspectors Report assesses the appeal site in line with the Local Plan and this is focused on Paragraphs 9 - 15, specifically the spatial strategy. Of a significant and material nature are Paragraphs 27 - 31 relating to the self-build and custom housebuilding duty of the LPA. In terms of the planning balance, the Planning Inspector sets this out in Paragraphs 38 - 42 of the report and selected paragraphs state:
- 41. The statutory duty of the Council to meet the demand for self-build and custom house building is an important material consideration. The Council is failing by a very large margin to meet this demand and the submitted evidence indicates that it will fail to do so in forthcoming years by an even larger extent as more recent register entries feed through into the base period calculations. I attach considerable weight in favour of the appeal to the contribution that the appeal scheme would make in helping to address this shortfall.*
- 42. Having regard to all the merits of this case, I conclude that the Council's poor performance against its statutory duty in relation to self-build and custom house building outweighs the scheme's conflict with the development plan. As a result, material considerations indicate that in the particular circumstances of this case planning permission should be granted for development that is not in accordance with the development plan.*
- 6.13 The summary of the guidance arising from the NPPF (2021) and the Act is that Section 2A of the Act imposes on the Council a statutory 'duty' to grant suitable development permission in respect of enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in the Council's area arising in each base period on a rolling 3-year basis.

³ 3303898 - Appeal Decision attached for reference.

7. CONCLUSION

- 7.1 This Planning Statement demonstrates the development accords with national legislation (specifically the Self-build and Custom Housebuilding Act 2015 (as amended)) as well as the policies contained within the NPPF (2023).
- 7.2 A material consideration in this application is that the Development Plan includes Policy DM10 which supports the delivery of self-build housing development. The Development Plan therefore supports speculative planning applications directed toward suitable sites.
- 7.3 In terms of self-build housing this is not spatially limited or restricted to settlements or the open countryside. As self-build houses do not fall within the policy framework for general housing (as demonstrated within this Planning Statement) they are not spatially restricted. Policy DM10 affirms this as it supports self-build housing in 'suitable' locations.
- 7.4 The location of the application site is in Sapcote and in proximity to a broad range of services, facilities, and local infrastructure (including retail, local services, education, sporting facilities, employment, and churches). The location of the application site is therefore considered to be sustainable and consistent with the DM10 as a 'suitable' location.
- 7.5 The site is well related to the established residential development, and the building pattern of the local area, and the proposals would therefore not result in an adverse impact on landscape character. The proposed development is acceptable in these matters.
- 7.6 The proposed development meets the criteria for self-build housing in terms of national and local planning policy, it also meets the identified and continued shortfall existing with the LPA and this is affirmed as no permissions have been issued by the LPA in the rolling 3 years to address this shortfall.
- 7.7 Under the NPPF (2023) decision-making shall give great weight to the benefits of using suitable windfall sites within existing settlements for homes. The application site is an infill site in a suitable and sustainable location, providing self-build houses is a legal duty for an LPA, and therefore great weight should be afforded in these matters.
- 7.8 In accordance with the presumption in favour of sustainable development set out in the NPPF (2023) the principle of self-build houses in this location is considered acceptable. It is therefore requested that the proposed development be supported by the LPA based upon the evidence, case law, and assessment set out in this Planning Statement.