

Supporting Planning Statement

Proposed Replacement Dwelling
Valentines, Wellpond Greem, Standon,, Herts

March 2024

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1 Introduction

- 1.1 This statement accompanies a planning application by Mr and Mrs Cooper (hereafter referred to as the Applicants), for a replacement dwelling at Valentines, Wellpond Green, near Standon. It is proposed to demolish the existing chalet bungalow and its substantial outbuildings, and replace them with a new house.
- 1.2 The application site lies within the village of Wellpond Green. It is within the rural area beyond the green belt, as designated by the East Herts Local Plan, where the replacement, extension or alteration of a building are acceptable in principle in accordance with policy GBR2.
- 1.3 The new house would be a self-build project, to provide the Applicants' new home. The Applicants are on the Council's Self-Build and Custom Housing Register, and the provision of this house would help to meet the Council's statutory duty to provide plots for those on the register. This is a material consideration which weighs heavily in favour of the application proposals.
- 1.4 The existing chalet bungalow is dated, and it has poor thermal and energy efficiency by modern standards. It is also not of any particular architectural value. The new house would be far more energy efficient, and it would also provide a more functional and attractive place to live.
- 1.5 The new house has been designed with care, to ensure it would provide an attractive addition to the street, which would complement the character of Wellpond Green. It would be positioned further from the road than the existing chalet bungalow, with a similar set-back to the neighbouring house, Springdale. The building's set-back within the site, behind the existing dense hedgerow at the site's road frontage, and the removal of the existing garage, would reduce the amount of built form which would be clearly visible from the road. The hedgerow would be retained, and further landscaping could be provided, should this be required. Whilst the house would not be prominently visible from the street, where it would be visible in glimpses, it would be seen as a fine building of high architectural quality.
- 1.6 We consider that the proposed replacement home is entirely acceptable in planning terms, and it accords with the policies of the development plan. As such, this application benefits from the tilted balance provided by the presumption in favour of sustainable development, as set out in both local and national planning policy. However, this applies automatically due both to the shortfall in the supply of housing land within the District, and the fact that the development plan's policies are not meeting the need for custom and self-build housing; these factors also render local policies out of date, and reduce their weight in decision making.
- 1.7 The tilted balance directs that planning permission should be granted, provided that there would be no adverse effects which would significantly and demonstrably outweigh the benefits of the proposal. We explain throughout this statement that there would be no such adverse impacts, and therefore we respectfully request that planning permission should be granted.

2 Contextual Appraisal

The Site's Location

- 2.1 The application site is an existing residential plot known as Valentines. It is located within the village of Wellpond Green. The site is within the rural area beyond the green belt, as designated by the East Herts Local Plan. Wellpond Green lies approximately 2km east of Puckeridge and Standon, and 8km west of Bishop's Stortford.
- 2.2 The nearest railway station is at Bishop's Stortford, where there are regular train services to London Liverpool Street, Stratford (London), Cambridge and Stansted Airport. The 386 bus service from Bishop's Stortford to Braughing runs through Wellpond Green, stopping close to the application site, in the locations noted in Figure 1. It travels once in each direction on Tuesdays and Thursdays.



Figure 1: Aerial view of Wellpond Green, with the application site outlined in red

Character of the Local Area

- 2.3 Wellpond Green is generally characterised by detached houses set within in large plots. The application site is not unusual in this regard. This can be seen in Figure 1, which shows the village, with plot boundaries highlighted, and the application site outlined in red. A more localised view, showing the buildings within the application site and other nearby plots, is provided in Figure 2.

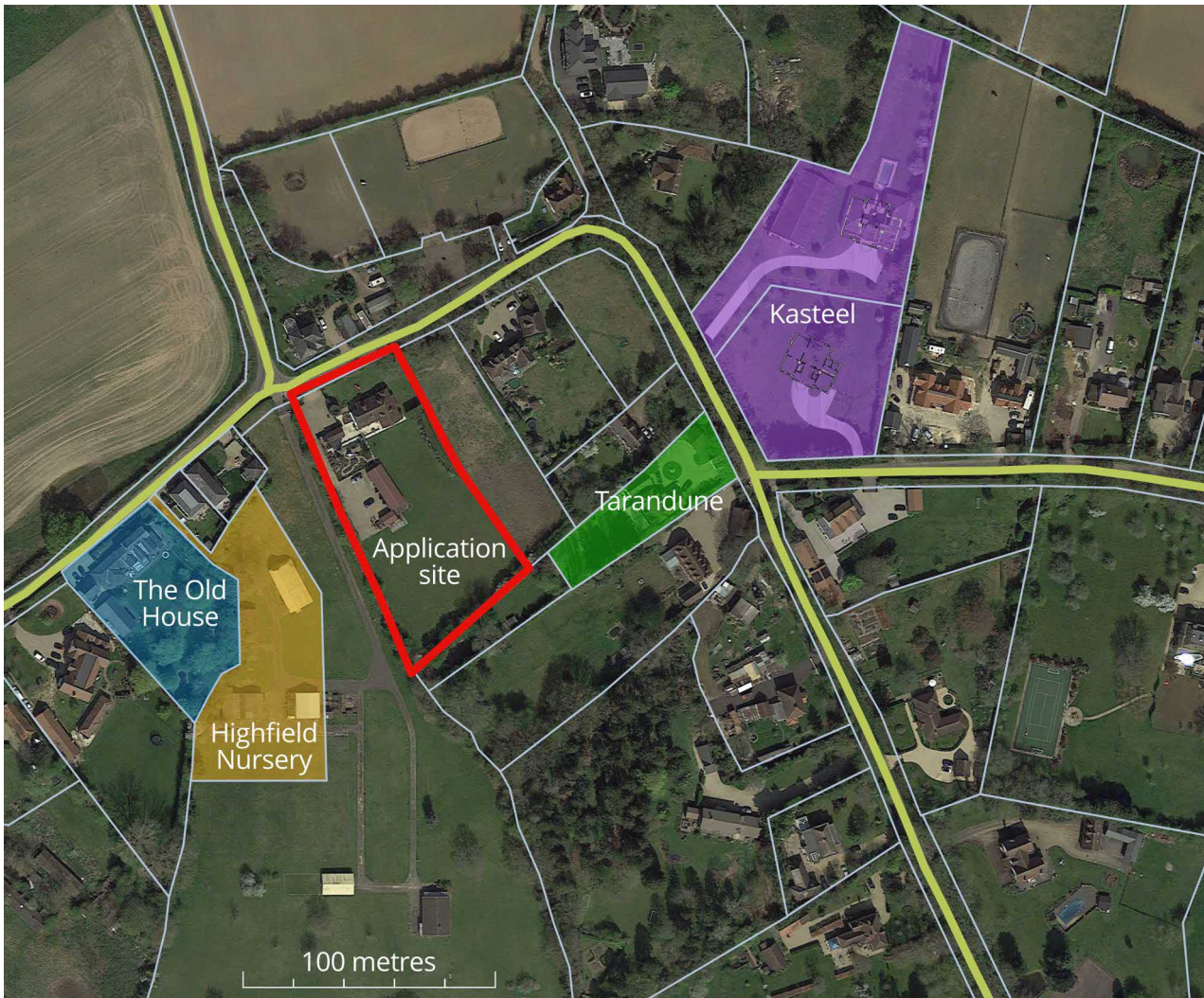


Figure 2: Localised aerial view of the application site (outlined in red) and surroundings

- 2.4 The application site is located amongst other residential properties, on the western side of Wellpond Green. Notably, there have been a few recent planning applications for new residential development close to Valentines, and we note some of these below.
- 2.5 An application taken to appeal at the neighbouring site of Highfield Nursery (highlighted yellow in Figure 2) proposed to replace the existing agricultural building (which already had class Q consent for conversion) with a new detached dwelling. The nature of the appeal proposal is not particularly relevant to this application, however, we refer to this appeal decision (APP/J1915/W/22/3311566) for the Inspector's description of the local character:

“Wellpond Green is a rural settlement set in open countryside. The settlement pattern largely comprises of short stretches of detached residential properties fronting roads with occasional large properties set away from roads in extensive gardens.”

2.6 The aerial photographs of Wellpond Green at Figures 1 and 2 clearly demonstrate the large properties set within extensive gardens, described by the Inspector.



Figure 3: Photographs of detached houses close to the application site

2.7 The photographs at Figure 3 show some of the varied architectural styles found within the village. This includes a mixture of scales, with bungalows, chalet bungalows and two-storey houses. It also includes properties of differing styles and dating from different periods. Close to the application site are houses which appear to date from the Victorian period, and more modern 20th century houses and bungalows. Buildings do however typically have dual-pitched roofs, with a mixture of gable and hipped ends, and two recently constructed houses at Kasteel (see below) have mansard roofs. Materials include a mix of yellow or red brick, and various colours of render. There is no unifying style, and it appears that the various buildings have been built in an ad-hoc way over time by the owners of the disparate residential plots.

2.8 There are a number of houses of substantial size, often built in grand architectural styles, in the local area. These often correspond with the larger plots, and they include properties on

Hadham Road and Bromley Road, a short distance to the west and south of the application site respectively. Some of these properties¹ are also shown in Figure 4.



Figure 4: Further photographs of substantial detached houses close to the application site

Kasteel

- 2.9 An application for a replacement dwelling and the construction of an additional new dwelling at Kasteel (application 3/17/1900/FUL - the site highlighted in purple at Figure 1), was approved by the Council in 2017. The Delegated Officer report for that application commented on the character of the area, providing a similar view as the Inspector assigned to the Highfield Nursery application:

"It is noted that the area surrounding the application site is predominantly characterised by large plots, each occupied by one residential dwelling, which are generally set well back from, but front, the highway. Such a pattern and grain of development results in an open and spacious feel to development within the area..."

"The area is characterised by a mix of large detached dwellings of varying architectural design".

¹ The houses shown are (running clockwise from top-left) The Poplars (on Hadham Road), and Hazelwood, Silver Hatch Farm and Bromley House (all on Bromley Road).

2.10 The development at Kasteel involved the removal of both a bungalow and an old industrial building with two new-build houses. The houses are located one in front of the other, as shown in Figure 5; one house sits in the approximate location of the previous house and the other sits forward within the plot, and both face toward the street. This can also be seen in Figure 2, where we have superimposed the approved layout onto an aerial photograph showing the bungalow and industrial building which previously occupied the plot.

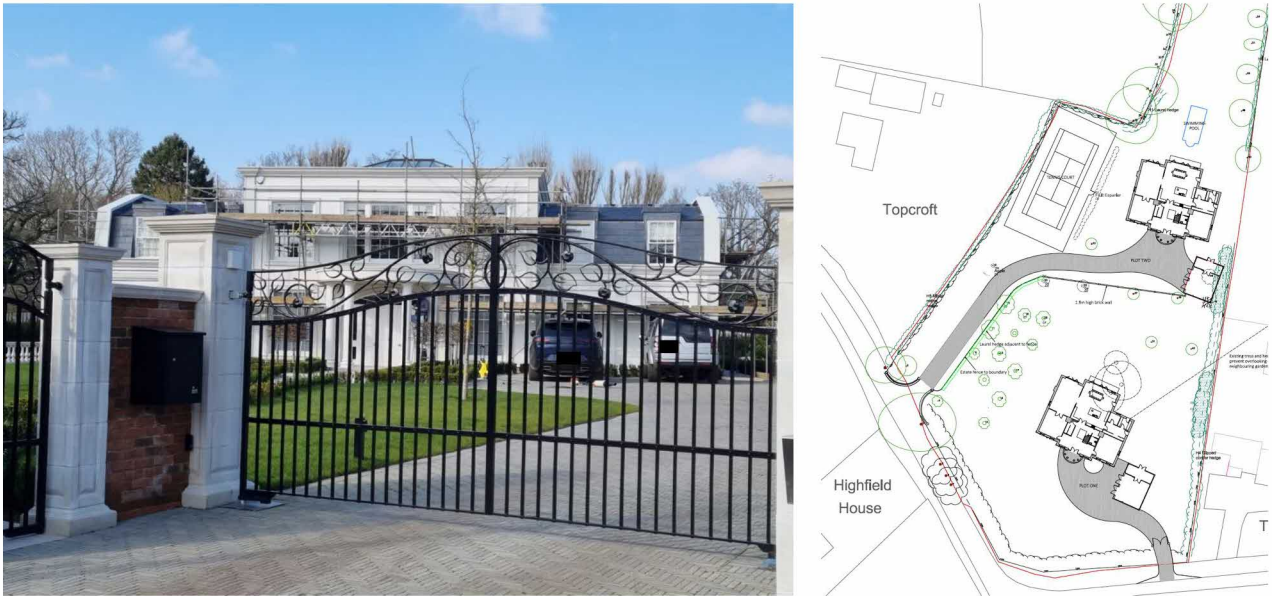


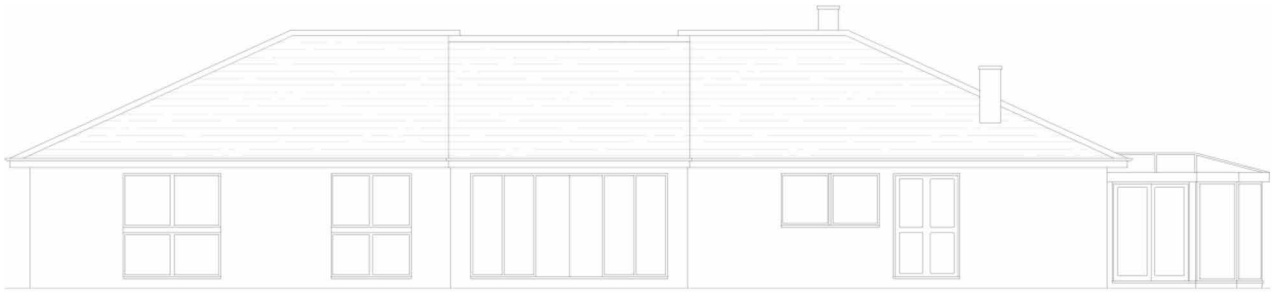
Figure 5: One of the new houses at Kasteel, and the approved layout

2.11 When considering the proposals at Kasteel, the Council noted the following:

“The dwellings are proposed of identical design of a grand classical nature with stone parapets, pilasters, extensive Georgian style glazing, large chimney stacks, and first floor rear balconies. Materials are proposed to comprise stone parapets, cream coloured stucco plaster, and natural slate for the pitched roofs. Full details can be secured by condition.

Whilst I consider the design to be grand, and not having regard to local distinctiveness, I note that no objection was raised to the detailed design of the previous proposal. Nonetheless, the surrounding area is characterised by a mix of architectural styles, with spacious well landscaped plots allowing for a wider range of styles. And as set out above, I do not consider the visual impact of the development to be harmful.”

2.12 It is clear from the Council’s determination of this previous application that they consider the existing character of Wellpond Green is capable of accommodating large buildings, including those with grand architectural styles, such as the new houses at Kasteel. These buildings are now under construction, and they add to the variety of architectural styles seen in the locality of the application site.



Original bungalow



Approved design - Application 3/17/1900/FUL



Approved design - Application 3/18/1011/VAR

Figure 6: Elevation drawings of the pre-existing bungalow at Kasteel, and the two iterations of the replacement dwelling for which the Council have granted planning permission (all drawings by Hibbs & Walsh Associates)

The Old House

2.13 The Old House sits close to the road, a short distance to the west of the application site, and it is highlighted in blue in Figure 2. The original house was extended following planning consents in 1980 and then 1992. These extensions doubled the building's width, albeit with a single-storey extension, which ran along parallel to the road and also provided rear extensions and a porch. Following this, in 2022, a further application (3/22/1179/HH) was made to increase the height of the existing single-storey side extension, and turn it into a two-storey extension, as shown in the images in Figure 7 below (it is also shown under construction in Figure 3).



Elevations, as of 2022



Approved design - Application 3/22/1179/HH



The Old House today

Figure 7: Elevation drawings and photograph of The Old House, before and after a recent extension

- 2.14 The recent application (3/22/1179/HH) was approved by the Council, and the delegated officer's report commented as follows on the first floor side extension:

"To preface from the officer's site visit it was observed the area is made up of an array of large plots supporting large dwellings namely The Poplars and Falkenham. This proposed element would see the addition of a first floor side extension above the existing single storey side element. The subject dwelling is located centrally within its plot away from the common curtilage of the site. The first floor addition would span 9m in width and would span the entire width of the host dwelling. The roof would not be set down from the host,

however given its architectural design this would result in acceptable design. Moreover, it would be set back from the principal Elevation of the Host dwelling by approx. 0.75m this would be acceptable.

While it is noted the addition of the first floor side extension would result in a full width two storey extension, the proposed first floor addition would result in acceptable impact to the streetscene and would balance the detached dwelling thus providing symmetry. As such in this instance given there are examples of large dwelling within large plots and that this element would be within the envelope of the host dwelling on balance it is considered the alteration would result in acceptable design and layout to the host dwelling.”

- 2.15 It is notable that the Council considered this very visible extension to be acceptable, due to its consistency with the local area’s character, which is of large buildings in large plots.

Tarandune

- 2.16 The Council have also granted planning permission (3/23/0361/FUL) for a replacement dwelling on another local property located very close to the application site, Tarandune (the plot shaded green in Figure 2), following fire damage to the original house. In this case, the proposal was for the replacement of a chalet bungalow with a new two-storey house, not unlike the current application proposals. A comparison of the drawings of the pre-existing building and the proposed house are shown in Figure 8 below.
- 2.17 Further consents were subsequently granted (3/23/1397/NMA and 3/23/1405/FUL), which allowed further ground floor accommodation to cover the swimming pool. These consents allowed a substantial increase in the amount of built form within the site, in addition to the increase in the house’s apparent scale when seen from the street.
- 2.18 In determining the application, the Council’s delegated officer report noted that the design would accord with the relevant policy requirements, notably policies GBR2 and DES4 of the Local Plan. When considering whether the proposed design would fit in with the character of the local area, the report noted the following:

“It is noted that this location comprises a mixture of varied architectural styles and designs. In particular the properties in close proximity demonstrate this, for example, the planning ref: 3/17/1900/FUL (Kasteel) to north east, Stanmore to the west and Almond Park to the north (shares a boundary with the application site) are of different characters and styles.”



Original house



Approved design - Application 3/23/0361/FUL

Figure 8: Elevation drawings of the pre-existing house, and the approved replacement dwelling at Taranidune (drawings by tony Holt Design)

The Application Site

- 2.19 The application site is a large residential plot known as Valentines. The existing building is a chalet bungalow, set within a large garden with 3 detached outbuildings. Its garden is surrounded by mature vegetation, including a dense hedgerow on the road frontage and other shrubs and trees, which largely screen the building from view from the street.



Figure 9: Photographs of Valentines viewed from the street (left) and the rear elevation and substantial outbuilding viewed from the large rear garden (right)

- 2.20 The existing house is in a poor condition, and it does not provide a good standard of living for its residents, being draughty, and thermally inefficient. It has suffered from subsidence, which has compromised its structure, and led to the formation of cracks. It would cost a significant amount to bring it up to a good condition.
- 2.21 In addition to this, it is not a particularly attractive building, and it does not make a positive contribution towards the character of the local area. The property dates from the mid-20th century. It has been extended to the side, and it has dormer windows of uneven sizes and varying positions, which together give the building an unbalanced appearance (see Figure 11 below). It is not listed and has no known historical connections or links of importance to the local area. It is not of any architectural importance, and its replacement offers an opportunity to enhance the character of the local area.
- 2.22 As can be seen in Figures 1 and 2, the application site is not the largest plot in the local area, but it is nevertheless substantial in size, as can be seen from the annotated aerial photograph in Figure 10. The plot also benefits from substantial gaps on either side, which separate the existing dwelling from its neighbours.



Figure 10: Aerial photograph of Valentines

Planning History

2.23 The planning history available on the Council’s website is summarised below:

3/78/0686 – Change of use from agricultural building to residential and office – Refused 11th July 1978.

3/78/1026 – Site for one dwelling – Refused 27th September 1978.

3/81/0590 – Single storey rear extension and porch – Granted with Conditions 16th June 1981.

3/91/1363/FP – Bedroom/bathroom and pitched roofs – Granted with Conditions 7th November 1991.

3/00/1485/FP – Side Conservatory and loft conversion – Granted with Conditions 2nd October 2000.

3/22/2492/HH – Removal of shed, 3 dormer windows and side roof light window. Erection of two storey and single storey rear extensions. Installation of 4 dormer windows and roof terrace – withdrawn 25th January 2023.

2.24 The recent planning application for extensions to the existing property was withdrawn, following advice from the Council that they considered to the proposed extensions would be too large in comparison to the existing dwelling. The application was judged against Local Plan Policy HOU11, which amongst various criteria, requires extensions to “*appear as subservient to the dwelling*”. The Council considered that the scale of the proposed extensions were too large to accord with the policy in this regard. However, the current application is for a replacement dwelling, and different policy considerations are applicable in this instance; we discuss this further in Section 4 below. Notably, there is no policy requirement, within the rural area beyond the green belt, for the replacement house to be considered in relation to the scale or design of the existing house; as such the application could not be refused on the same grounds.



Elevations, as of 2022



Approved design - Application 3/22/1179/HH

Figure 11: Extract of the existing and proposed elevation drawing for application 3/22/2492/HH (drawings produced by PNA Architectural Design)

3 The Proposed Development

3.1 This application seeks full planning permission for a replacement dwelling at Valentines, Wellpond Green. It is proposed to remove the various existing buildings, and construct a new family house on a similar footprint, although set further back from the road than the position of the existing building, as can be seen in Figure 14 below. The new house would be a similar distance from the road as the neighbouring property to the east, Springdale.



Figure 12: The front elevation of the proposed house

3.2 Due to the plot's generous dimensions, and the wide areas of open space which surround it, the house would be well separated from its neighbours. The section drawings in Figure 13 show the significant separation distance between the proposed house and its neighbour to the east, Springdale (top image), and also the house to the north, which faces it across the road, Wellpond House (bottom image).



Figure 13: Section drawings showing the proposed house in relation to its neighbour to the east, Springdale, and the house to the north, facing it across the road, Wellpond House (extracts from drawing 340_PL15)

3.3 The proposed house would be a two-storey building with a pitched roof. It would be similar in scale to other nearby houses. The section drawings in Figure 13 also demonstrate that the new house would have a similar ridge height to the nearest properties. Meanwhile, Figure 14 shows that it would replace a number of disparate buildings (outlined by dashed red lines), consolidating built form in a smaller and more compact area within the site.

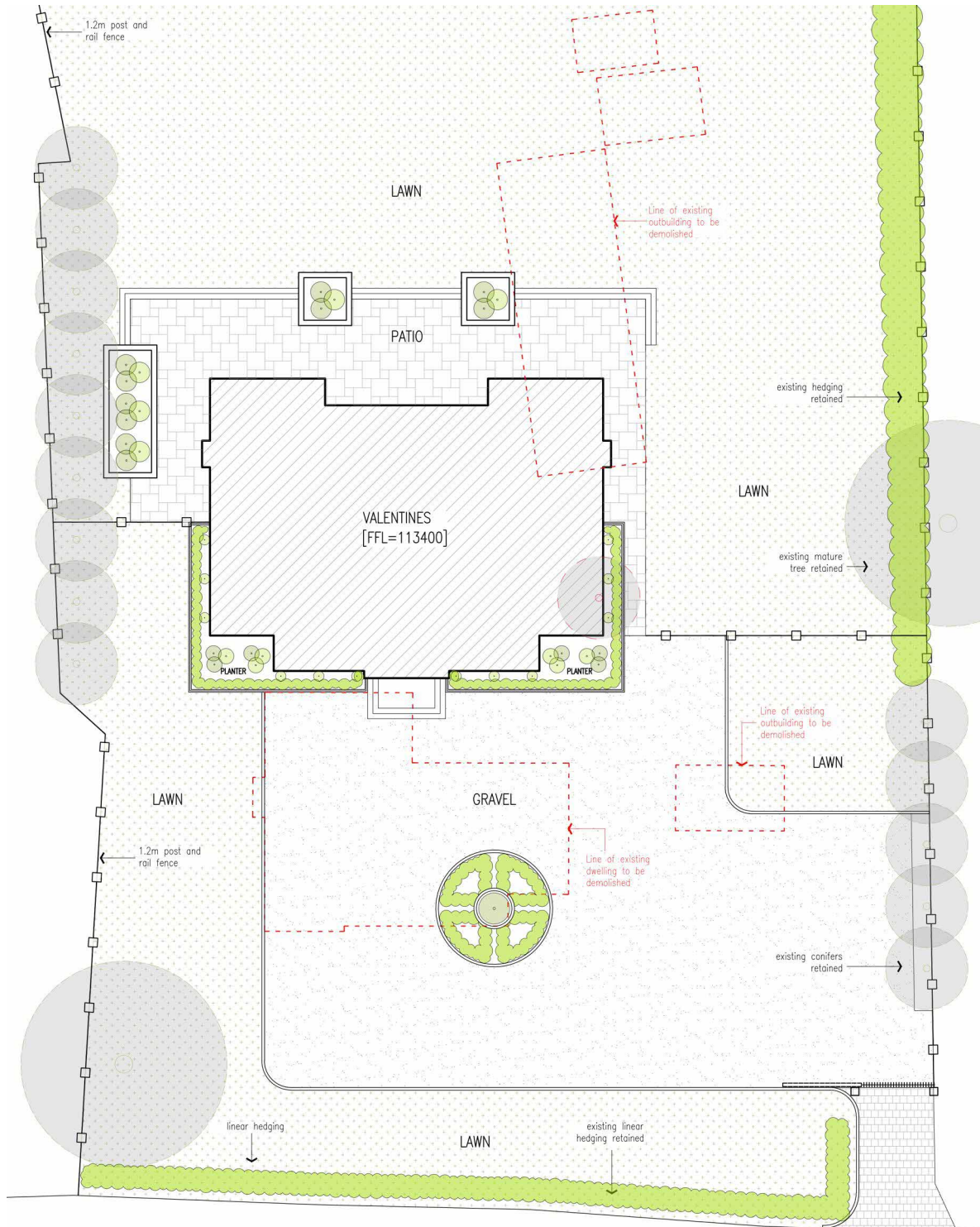


Figure 14: The proposed site plan (extract from drawing 340_PL08)

3.4 Whilst the central part of the proposed house would be a little taller than the existing chalet bungalow, it would also be set further back from the road, as can be seen in Figure 14. The

dense hedgerow at the site's frontage would also be retained; this provides an impenetrable visual barrier throughout the year, being comprised of a mix of species including evergreen shrubs and ivy. The flanking single-storey extensions would not generally be visible above the hedgerow, and views of the two-storey element would also be restricted from the street.

- 3.5 Figure 15 provides both a view of the site from the street, and a 3D view of the proposed development from a similar position. This shows that the proposed house would remain in a discreet location, where it would not have any significant effect on the character of the local area, due to the limited views which are available of it. Moreover, it is proposed to remove the existing garage, which is positioned closer to the site's highway access, and so is more visible than the house. The net effect will be to reduce the amount of built form which would routinely be glimpsed from the street.



Figure 15: Comparative views of the existing situation (left) and proposed development (right)

- 3.6 This would be a subtle addition to the local area, which would have a far less pronounced effect than, for instance, the 9m long first floor extension to The Old House, which was recently approved by the Council (see Section 2 and Figure 7), which sat immediately adjacent the edge of the road's carriageway.
- 3.7 Where it would be visible, the proposed house would provide an attractive addition to the street. Its design is based on the classic proportions found in Georgian buildings. Its tall windows would be of a simple design, with thin frames and glazing bars. A central stone portico would provide the front elevation with a focus, and together with single-storey elements flanking a central two-storey structure, would provide the front elevation with a balanced appearance. The building would have a slate roof, and rendered walls, which would be consistent with the materials used in many other properties in the local area.
- 3.8 The application site provides a very large plot for a single house, and the retained front and back gardens, and parking areas, would remain more than adequate to serve this new home. There would also be plenty of space for the provision of cycle parking in a shed, and the storage of the Council's standard bins.
- 3.9 The existing access would be retained. Existing landscaping would largely be retained, positioned as it is largely around the site's edges. New landscape planting would also be provided.

Relationship with the Character of the Area

- 3.10 We have explained in Section 2 that there are no prevailing architectural styles or characteristics in Wellpond Green, and as such various styles of houses have been

constructed there in recent years. We have also noted that both the Council (on multiple occasions) and Inspectors considering appeals have come to similar conclusions. As such, there is no need for the proposed house to be designed in a specific architectural style, in order to fit in with the character of its surroundings. We have also shown that there are a number of large houses in the local area, several of which are notably larger than the house proposed by this application. Some of these houses are of a similar architectural style.

- 3.11 The recent planning consents granted for replacement dwellings at Kasteel and Tarandune each involved an increase in the scale of the properties, in terms of their height and footprint. The extensions permitted at The Old House were also substantial. All of these examples were more easily visible from the road than the application proposals would be. In each case the Council also concluded that, given the varied architectural character in this area, there was no need to restrict the grant of planning permission.
- 3.12 We have noted above that the proposed house would not result in any significant change to the street's character. However, even if the building were to be more easily viable, we consider it would be acceptable; its attractive design would accord with the relevant policy requirements, and it would enhance the character of the area.
- 3.13 The application site provides a very large plot, and the proposed house would be very much in keeping with its scale. The new house would also replace a number of buildings, which are spread across the site, and this consolidation of built form would make it less visible from the street and result in less sprawl across the site. The house would be of a similar scale to many other detached properties in the local area, and it would not look at all out of place.
- 3.14 We consider that the proposed replacement dwelling would accord with all relevant policy requirements, and we explore this further in Section 4 below.

A Sustainable Form of Development

- 3.15 The existing house is not thermally efficient, and it is expensive to heat, using its existing oil heating. The proposed house would be far more environmentally friendly, and it would benefit from a number of solar panels, which are to be located on its roof. These would generate power within the site, which would be used not only for space heating, and electricity within the house, but which would also be used to charge electric vehicles. This measure would significantly reduce ongoing carbon emissions, caused both by occupying the house and travel by its residents.

4 Compliance with the Development Plan

- 4.1 Planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan documents for the determination of this application are the East Herts District Plan 2018, and the Standon Parish Neighbourhood Development Plan 2019.

East Herts District Plan (October 2018)

- 4.2 Policy INT1 addresses the presumption in favour of sustainable development (which is also set out in national policy – see Section 5) by stating that the *“District Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”*. Policy INT1 also notes that planning applications that accord with the policies of the District Plan (and where relevant, policies in Neighbourhood Plans) will be approved without delay unless material considerations indicate otherwise.
- 4.3 The proposed site falls within the village of Wellpond Green, a Group 3 Village as identified by the East Herts Local Plan. Policy VILL3 states that all development within a Group 3 Villages should:
- a) *“Relate well to the village in terms of location, layout and connectivity;*
 - b) *Be of a scale appropriate to the size of the village having regard to the potential cumulative impact of development in the locality;*
 - c) *Be well designed and in keeping with the character of the village;*
 - d) *Not represent the loss of a significant open space or gap important to the form and/or setting of the village;*
 - e) *Not represent an extension of ribbon development or an addition to an isolated group of buildings;*
 - f) *Not unacceptably block important views or vistas and/or detract from the openness of the countryside;*
 - g) *Not be significantly detrimental to the amenity of neighbouring occupiers.”*
- 4.4 We consider that the proposed development accords with the provisions of Policy VILL3.
- 4.5 Policy GBR2 states that certain types of development will be permitted within the Rural Area Beyond the Green Belt, provided that they are compatible with the character and appearance of the rural area. This includes *“(d) the replacement, extension or alteration of a building, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character appearance and setting of the site and/or surrounding areas”*. The proposals for a replacement dwelling are therefore acceptable in principle, subject to design matters, which we discuss in Sections 2 and 3 above. In summary, we consider the proposed house to be of an appropriate design for its context, and that it would provide a suitable addition to the local area, which would complement and enhance its character. We consider the proposals accord with Policy GBR2.

- 4.6 Policy DES3 concerns landscaping, and it requires development proposals to “*demonstrate how they will retain, protect and enhance existing landscape features which are of amenity or biodiversity value*”. As we have noted in Section 3, the majority of the trees, hedgerows and shrubs within the site are around its edges, with the central part of the site being generally open, or covered by buildings. There will be little impact on existing trees, hedgerows and shrubs, and new planting will also be provided. There is no conflict with this policy.
- 4.7 Policy NE3 requires development to enhance biodiversity and to create opportunities for wildlife. This application is accompanied by a Preliminary Bat Roost Assessment, which considers the scope for bats to be present within the various buildings within the site. This Assessment confirms that the buildings have negligible potential to accommodate bats, and no evidence has been found of roosting bats, meaning that no further surveys are required in this regard. Further to this, a Biodiversity Questionnaire has been completed and submitted alongside this planning application. We do not consider that the proposed development would result in any conflict with this policy.
- 4.8 Policy DES4 concerns the overall design of the development, requiring all new developments to be of a high standard of design and layout, which reflects and promotes local distinctiveness. We have set out how we consider the application proposals respond to these criteria below; we consider the proposed development would accord with the policy’s requirements.

Policy DES4 Criteria		Application Response
(a)	Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features, having due regard to the design opportunities and constraints of the site.	The proposed replacement dwelling would make an efficient use of the application site, replacing existing buildings on a consolidated footprint. It would be of a suitable design and scale, and it would fit in well with its surroundings, as we have explained in Sections 2 and 3 above. The resultant development would enhance the character of the local area, with a new house of an attractive appearance, which would sit comfortably within its large plot.
(b)	Incorporate homes, buildings and neighbourhoods that are flexible to future adaptation, including the changing needs of occupants and users, and changes in wider employment and social trends.	The new home would allow the possibility of adaptation to meet the changing needs of the occupants and users, for instance should their mobility decline. The building’s layout would also allow for home working.
(c)	Avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land, and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing.	The proposed dwelling would not have any adverse effect on the amenity of neighbours, from which it would be well separated. There would be no impacts in terms of daylight, loss of privacy or overshadowing.
(d)	Incorporate high quality innovative design, new technologies and construction techniques, including zero	The development would incorporate high quality design, technology and construction techniques, to provide low carbon and water

	or low carbon energy and water efficient design and sustainable construction methods. Proposals for residential and commercial development should seek to make appropriate provision for high speed broadband connectivity, ensuring that Fibre to the Premises (FTTP) is provided.	efficient homes. It is also envisaged that FTTP would be provided, should it be present within the road. Relevant details are provided in the Sustainable Construction, Energy, Water and Carbon Reduction Statement.
(e)	Make provision for the storage of bins and ancillary household equipment. Garages and driveways should be capable of accommodating family sized vehicles. Dwelling design and layout should make provision for electric vehicle charging points in safe and accessible locations.	There would be ample space for the storage of bins, ancillary household equipment, cycle and car parking. There would also be the potential to install electric vehicle charging points in a safe and accessible location.
(f)	All new residential developments should meet the requirements of Policy HOU7, and ensure all internal rooms are of an appropriate size and dimension so that the intended function of each room can be satisfactorily achieved. All dwellings shall be identified by their square metrage.	All rooms would meet the Nationally Described Space Standards (also in accordance with Policy HOU7).

- 4.9 Policy TRA3 requires covered and waterproof cycle storage at new residential developments. The policy also states that *“car parking should be integrated as a key element of design in development layouts to ensure good quality, safe, secure and attractive environments”*. As we have noted in Section 3 above, there is ample space within the site for a shed to be provided, to accommodate bicycles. The driveway would provide plenty of space to park several cars in accordance with the Councils car parking standards, and they could be located out of view of the street, behind the existing substantial hedgerow. We do not consider that the proposed development would result in any conflict with this policy.
- 4.10 Policies CC1 and CC2 require new developments to demonstrate how they positively contribute to climate change adaptation and minimise carbon dioxide emissions. Policy WAT4 also requires new residential development to be designed so that mains water consumption will meet a target of 110 litres or less per head per day. A Sustainable Construction, Energy, Water and Carbon Reduction Statement and a completed Sustainability Checklist has been submitted alongside this planning application.

Standon Parish Neighbourhood Development Plan 2017 - 2033

- 4.11 The Standon Neighbourhood Plan was formally adopted in September 2019. It covers not only Standon, but also a number of neighbouring villages, including Wellpond Green.
- 4.12 Policy SP1 concerns sustainable development, the policy states that *“Support will be given to development proposals which accord with the principles of sustainable development, as set out in the National Planning Policy Framework (NPPF) and the East Herts District Plan”*. As we explain

throughout this statement, we consider that the proposed development would accord with this requirement.

4.13 Policy SP9 concerns development within the rural area, and it states the following:

“Limited infill provision for housing will be made in the hamlets of Barwick, Latchford, Wellpond Green, Broken Green, Bromley and Old Hall Green. Elsewhere, there will be a presumption against development unless it accords with the National Planning Policy Framework and East Herts District Plan Policy GBR2 and VILL3. Exceptions to this presumption, for specified rural needs, will be determined against policies GBR2 and HOU4 of the District Plan and policy SP12 of this Plan”.

4.14 The proposed development is for a replacement dwelling, and it would not create any conflict with this policy, which allows for the types of development allowed by policies GBR2 and VILL3 - there is no conflict in this regard, as noted above. The policy is also more permissive than required in this instance, allowing as it does additional dwellings in the form of infill development.

4.15 Policy SP13 sets out the Neighbourhood Plan’s design criteria, which are listed in the table below, alongside the application’s response.

SP13 Design Criteria	Application’s Response
All new development should be responsive to the design context of the Parish and its local setting (see also Policy SP3).	We consider that the proposed development would provide an appropriate response to its context, and further details are set out in Sections 2 and 3 above.
Building materials should be in harmony with existing properties.	Traditional building materials are proposed, such as slate roof tiles, and render. These materials are seen on other properties in the local area.
New buildings should respect neighbouring roof profiles and pitches, the characteristic spacing between buildings, the historic building lines, and the overall density of development in the villages.	The proposed development is a one-for-one replacement of an existing dwelling. This would not alter the existing density of development, and good separation distances would be retained from neighbouring buildings. The house would also be set back further from the street, on a common building line with the house to the east (Springdale). The proposed roof profile and pitch would be similar to other buildings within the village.
Detailing should be in line with traditional design features	The proposed house is of a traditional style, inspired by Georgian properties, and based on classical proportions and architectural features.
Infilling should not unacceptably block key public views of the surrounding countryside, nor should it reduce significantly the garden areas which are essential to the setting of existing residential properties.	The proposed development would replace an existing dwelling. It would not block any key public views of the surrounding countryside. The site is of a generous size, which is more than adequate to accommodate the proposed house and also generous front and back gardens.

<p>Redevelopment, alteration and extensions to historic farmsteads and agricultural buildings in Standon Parish should be sensitive to their distinctive character, materials and form.</p>	<p>N/A – The application site is not a historic farmstead.</p>
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4.16 We consider that the proposed development would accord with Policy SP13.

4.17 Policy SP14 relates to sustainable design. The policy states that:

“New dwellings are encouraged to be constructed to high standards of sustainability. All new buildings are encouraged to be constructed to the highest standards of energy efficiency. New buildings are encouraged to incorporate the use of renewable energy technologies and other low energy systems, such as ground source heat pumps, with the aim of achieving zero carbon emissions”.

4.18 The Applicant intends to construct the new house to meet these standards. Solar panels would be provided on its roof, and they are shown on the proposed drawings.

4.19 Policy SP17 requires all proposals for residential development to provide adequate off-street car parking, and it requires three parking spaces for a four bedroomed dwelling. This level of car parking could certainly be accommodated within the parking area to the front of the proposed house.

Conclusions on Compliance with the Development Plan

4.20 We have explained above that the proposed development would accord with all of the relevant development plan policies, and there would not be any noteworthy conflicts with individual policies. S38 of the Planning and Compulsory Purchase Act 2004 (as amended) requires planning applications to be considered in light of the development plan “*taken as a whole*”. We consider that the proposed development would very clearly accord with the development plan taken as a whole.

5 Material Planning Considerations

National Planning Policy Framework (December 2023)

- 5.1 The policies of the National Planning Policy Framework (NPPF) 2023 constitute important material considerations.
- 5.2 Paragraph 8 sets out the three aspects of sustainable development, which include economic, social and environmental objectives. The social objective includes a requirement *“to support strong, vibrant and healthy communities, by ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations”*. The environmental objective includes a requirement to make *“effective use of land”*.
- 5.3 Plans and decisions are required to apply a *“presumption in favour of sustainable development”*. This is set out at paragraph 11. For decision taking this means:
- c) *“approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) *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:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 5.4 Footnote 7 clarifies that the policies referred to in d(i) are only those in the NPPF, and not those in development plans. It also clarifies that these are policies relating to various matters, including Green Belt land, Local Green Space, Areas of Outstanding Natural Beauty, irreplaceable wildlife habitats, designated heritage assets and areas at risk of flooding. None of these policies are applicable in the case of this application.
- 5.5 Footnote 8 clarifies that relevant policies will be considered out of date where the local planning authority is unable to demonstrate a 5-year supply of deliverable housing sites, or where a Housing Delivery Test is failed. There is currently a shortfall in the supply of housing land within East Hertfordshire, meaning this footnote is triggered; we discuss this further below.
- 5.6 Paragraph 38 states that *“local planning authorities should approach decisions on proposed development in a positive and creative way”*, and that they *“should seek to approve applications for sustainable development wherever possible”*.
- 5.7 Paragraph 60 states that *“to support the Government’s objective of significantly boosting the supply of homes, 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 necessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community".

- 5.8 Paragraph 63 requires local policies to recognise the need for the variety of housing needed for different groups in the local community, including *"people wishing to commission or build their own homes"*. The associated footnote (29) notes that local authorities are advised to keep a register of those wishing to build their own homes and are required under sections 2 and 2A of the Self Build and Custom Housebuilding Act 2015 to *"give enough suitable development permissions to meet the identified demand"*.
- 5.9 Paragraph 82 states that *"in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs"*.
- 5.10 Paragraph 83 states that *"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"*.
- 5.11 Paragraph 85 requires significant weight to be given to *"the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*. Paragraph 86 requires planning policies to address barriers to investment, including inadequate housing.
- 5.12 Paragraph 123 requires planning policies and decisions to promote an effective use of land in meeting the need for homes. It states that *"Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land"*. Paragraph 124 states that planning policies and decisions should promote and support the development of under-utilised land and buildings. The application site comprises previously developed land, and we discuss this below.
- 5.13 Paragraph 124 states that planning policies and decisions should promote and support the development of under-utilised land and buildings.
- 5.14 Paragraph 131 outlines that the *"creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"* and that *"good design is a key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities"*.
- 5.15 Paragraph 135 sets out requirements for planning policies and decisions, which regard to the design of new development. This states that decisions should ensure certain design fundamentals are achieved which include ensuring that developments are *"visually attractive as a result of good architecture, layout and appropriate and effective landscaping"*, are *"sympathetic to the local character...while not preventing or discouraging appropriate innovation or change"*, *"optimise the potential of the site"*, and *"create places that are...inclusive, accessible and which promote the health and well-being, with a high standard of amenity for existing and future users"*.

- 5.16 Paragraph 225 of the NPPF clarifies that development plan policies should be accorded “*due weight...according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”.

Principle of Development

- 5.17 The application site lies within the Rural Area Beyond the Green Belt. Local Plan policy GBR2 states that the replacement of a building is acceptable in principle, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas. We have explained in Sections 2 and 3 above why the proposed development accords with this policy requirement. We also note that the Council have reached a similar conclusion with regard to other recent applications, for instance relating to the houses at Kasteel and Tarandune (see Section 2).

The Need for Housing

Five Year Housing Land Supply

- 5.18 The Government places great importance on the provision of sufficient housing, to meet local needs. Paragraph 60 of the NPPF notes that it is the Government’s objective to significantly boost the supply of homes. Paragraph 74 of the NPPF requires the provision of a rolling 5-year supply of deliverable housing land.
- 5.19 The Council’s 5-year housing land supply position has been challenged at appeal². The decision concerned 3 appeals at the same site, each for a slightly different type of application, but all three sought new housing. The Inspector considered the deliverability of 4 individual sites that the Council relied upon as part of their Housing Land Supply and Position Statement dated November 2022, and concluded as follows (see paragraphs 60 and 61 of the decision letter):

“All of the above leads me to question the overall deliverability of the Council’s anticipated supply of housing. In line with the appellants’ assessment, the four sites above account for circa 1800 dwellings. As such, in omitting these sites from the anticipated 5-year HLS requirement by approximately 760 dwellings. This would represent a moderate shortfall.

Nevertheless, this means that the Council are unable to demonstrate a five-year supply of deliverable housing sites as required by paragraph 68 of the Framework. Therefore, the policies which are the most important for determining these schemes are deemed to be out of date. In such circumstances, paragraph 11d)(ii) of the Framework indicates that permission should be granted unless 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.”

- 5.20 The development plan seeks to deliver a minimum of 18,458 new homes over the plan period. Their 5 year requirement at the time of their HLS statement in November 2022 was 6,483

² Appeals APP/J1915/W/22/3303408 (Appeal A), APP/J1915/W/22/3303413 (Appeal B) and APP/J1915/W/21/3288702 (Appeal C) all relating to the Council’s decision at 1 Whempstead Road, Benington SG2 7BX.

dwelling. Falling short by 760 dwellings, as set out by the Inspector above, means that the Council can now only demonstrate 4.4 years housing land supply.

- 5.21 The shortfall in the supply of housing land automatically engages the tilted balance provided by the presumption in favour of sustainable development (assuming there is not a conflict with a footnote 7 matter, which there is not in this instance) and renders the District Plan's key policies out of date, in accordance with paragraph 11 and footnote 8 of the NPPF. This limits the weight which can be attributed to the most important policies for the determination of the application. This is a strong automatic policy response, which reflects the importance national policy places on the need to deliver housing. This is a matter which weighs heavily in favour of the application proposals.

The Re-Use of Previously Developed Land

- 5.22 The High Court has ruled³ that only residential garden land within built-up areas should be considered greenfield, and that elsewhere it should be considered previously developed land. The High Court held that the rationale behind the judgment was that garden land in built-up areas is at a premium, as one of only a few sources of green and undeveloped land, whereas this is not the case in other areas (such as the area local to the application site). The application site constitutes previously developed land.
- 5.23 Policy DPS2 of the Local Plan prioritises the re-use of brownfield land. Similarly, national policy places great weight on this matter, notably in paragraphs 123 and 124 of the NPPF, as we have noted above.

Custom and Self-Build Housing

The Definition of Custom and Self-Build Housing

- 5.24 The Self-build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016, defines this type of housing as follows:
- (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.*
- (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."*

- 5.25 The definition is very clear. It is also helpfully summarised in the PPG, as follows:

"In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

³ Dartford Borough Council vs Secretary of State for Communities and Local Government, CO/1429/2015.

Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing”.⁴

Local Authorities’ Duties Under the Act

- 5.26 The Act contains two duties for local authorities. The first “*Duty as regards registers*” requires them to keep a register of people who are seeking land to construct their own self-build homes. The second “*Duty to grant planning permission etc*” requires local planning authorities to grant planning permission for sufficient plots for custom and self-builders to meet the level of demand. This is established by the number of people registering for plots, and the level of demand in each 12-month period must be met within the following 3 years. It specifically requires the following:

“An authority to which this section applies must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area in each base period.”

- 5.27 The Act requires local planning authorities to have regard to guidance provided by the Secretary of State, namely the NPPF and PPG. We have noted above the requirement set out within the NPPF to provide custom and self-build housing, which includes a reference at footnote 26 to the duty placed on local authorities. The PPG also clearly sets out this duty, and notes the following⁵:

“What does having ‘a duty as regards registers’ mean?”

Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, including Part 2 of the register (where a register is in two parts), that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

The following guidance suggests ways in which the duty may be demonstrated in carrying out each function:

(i) Planning

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.

(Our emphasis)

- 5.28 The Council’s progress with complying with this duty is therefore highly relevant to this planning application. The PPG also states the following:

“What does having a ‘duty to grant planning permission etc’ mean?”

⁴ National Planning Practice Guidance, reference ID 57-016-20210208.

⁵ National Planning Practice Guidance, reference ID 57-029-20210508.

Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period...

At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.⁶

5.29 This duty to grant planning permission is of significant relevance to the current application.

Secretary of State's Letter

5.30 The Secretary of State wrote to all local authority leaders in England, on 30th October 2020, which the Government had announced was Right to Build Day (see Appendix 1). This letter restated Councils' duties under the Act. It came shortly before the PPG was updated, in November 2020, and then again in February 2021, also to clarify these duties. It emphasises the high level of importance which the Government places on the duties; this is something which must be taken into account in determining applications such as this one.

The Demand for Custom and Self-Build Housing Plots

5.31 The Council are obliged to provide details of the demand and supply of custom and self-build housing plots to the Government, their figures are not clearly published on their own website, however the Government's Right to Build Register⁷ provides the published figures below:

Base Period	Period Covered	Number of people added to register (within base period)	Permissions granted (within base period)
1.	April 2016 – October 2016	9	
2.	November 2016 – October 2017	10	0
3.	November 2017 – October 2018	7	0
4.	November 2018 – October 2019	24	0
5.	November 2019 – October 2020	*	*
6.	November 2020 – October 2021	17	*
7.	November 2021 – October 2022	4	0

*no response or data not available

5.32 This table shows that 71 people have registered a demand for plots since the custom and self-build register started in 2016, and since then the Council have failed to grant permission for any custom and self-build plots. There is a clear outstanding need to grant permission for suitable plots to meet the current demand.

5.33 The Applicants are on the list, and they wish to build their own home within the District. The proposed development will allow them to do so, and fulfil the Council's duty under the Act.

⁶ Reference ID: 57- 023-201760728.

⁷ See <https://www.gov.uk/government/publications/self-build-and-custom-housebuilding-data-2016-2016-17-2017-18-and-2018-19>

Appeal Decisions

- 5.34 We have noted that various appeal decisions have commented on the weight which should be accorded to the need for custom and self-build housing, and other relevant factors, and we outline some of these below.

Green End / Heath Road, Gamlingay, Cambridgeshire

- 5.35 The first appeal concerned land at Green End and Heath Road, Gamlingay (APP/W0530/W/19/3230103 – see Appendix 2). The appeal related to an outline application with all matters reserved, for up to 9 custom and self-build homes. The appeal site was located outside of the defined settlement boundary. The Local Plan had been adopted only a year prior to the appeal being determined, and the Inspector accepted that the Council were at that time able to demonstrate in excess of a 5-year supply of deliverable housing land. The Inspector also noted that the Local Plan's policies preclude development such as this outside settlement boundaries, and it was agreed that the appeal proposals represented a departure from the development plan. The Inspector put the case simply, as follows:

“The appellant has put forward evidence relating to a shortfall in the delivery of self-build housing, which is uncontested by the LPA. This shortfall is significant. The Parish Council confirm there is demand within the village for this type of development. I therefore give significant weight to this factor.

The DP policies, whilst controlling the location of new housing, are silent on the matter of self-build housing strategy. Despite the LPA ability to demonstrate a five-year housing land supply, this must be recognised as a minimum figure in light of the National Planning Policy Framework (the Framework), which encourages significantly boosting the supply of new homes.

The proposal would make a modest contribution of up to 9 self-build dwellings towards the shortfall. Whilst the appeal site would be on the edge of the village, it is within walking distance to the village centre and public transportation operates nearby. Shops, services and employment are therefore accessible. Therefore, there are economic, social and environmental sustainability benefits attributable to the development.

The appellant has submitted a unilateral undertaking, which would limit the appeal development to self-build housing. On this basis and for the reasons outlined above, in this instance there are considerations that weigh heavily in favour of the development, that would justify departing from the development plan in this regard.”

Holberrow Green, Worcestershire

- 5.36 This appeal related to a proposal for a single self-build dwelling (APP/H1840/W/21/3283391 - see Appendix 3). The site was located in the countryside, outside of any settlement, and the provision of housing in that location was contrary to the policies of the adopted development plan. The Inspector concluded that whilst there was a village nearby, which provided a range of services, residents within the site would be required to use a private car to access day-to-day services and facilities, although some were accessible by sustainable travel means (on foot, via a local footpath).

- 5.37 The Inspector allowed the appeal. In doing so, they found that *“there are no relevant development plan policies relating to self-build and custom-build housing...In such instances paragraph 11(d) of the Framework and the ‘tilted balance’ is engaged.”*

Conclusions on Custom / Self-Build Appeal Decisions

- 5.38 These appeal decisions deal with a more restrictive policy context than this application. For example, the appeal decisions have concluded that a need to meet an identified demand for custom and self-build housing can justify a departure from the policies of the development plan. In the context of the above appeal decisions this meant that due to the development plan's failure to make appropriate provision for custom and self-build housing, it can be located outside a defined settlement boundary (even where there is a surplus in the 5-year housing land supply). It also means the substantial weight which should be accorded to the shortfall in supply is a factor which can outweigh any disbenefits from locating these plots in less sustainable locations. The Worcestershire appeal also confirmed that, where there are no development plan policies dealing with the provision of custom / self-build housing, the tilted balance is engaged, in accordance with paragraph 11(d) of the NPPF – we discuss this further below.
- 5.39 This planning application proposes a single self-build plot within Wellpond Green. The site is an existing residential plot and the new house would replace the existing dwelling. The site is ideal for providing a new self-build home. Permitting this application would help the Council towards meeting the demand for custom and self-build housing relating to the duties in the 2015 Act. This would in turn reduce the need to provide self-build housing on greenfield plots beyond development limits, which as demonstrated above can happen when there is a substantial need within the Borough to meet this demand. This is a matter which weighs heavily in favour of granting planning consent.

The Presumption in Favour of Sustainable Development

- 5.40 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. This applies to development proposals which accord with an up-to-date development plan, or where there are no relevant policies, or the policies which are most relevant for the determination of the application are out of date.
- 5.41 As we have set out above, we consider that the proposed development would accord with the up-to-date policies of the Local Plan. This would normally imply that the presumption in favour of sustainable development is engaged, by virtue of paragraph 11(c) of the NPPF.
- 5.42 However, in this case, there is a shortfall in the supply of deliverable housing land. In accordance with footnote 8 of the NPPF, this means that the tilted balance of the presumption in favour of sustainable development is automatically engaged, regardless of compliance with the Local Plan's policies, in accordance with paragraph 11(d). This is also the case due to the absence of policies within the adopted development plan for the provision of custom and self-build housing plots, to meet the Council's duty under the Act.
- 5.43 We do not consider that there are any matters which would significantly and demonstrably outweigh the clear benefit that the proposals would bring. Accordingly, we consider the application should be approved without delay.

6 Planning Balance

- 6.1 This planning application proposes a new detached house, to replace the existing house and outbuildings at Valentines. The application site lies within the village of Wellpond Green which is located in the Rural Area Beyond the Green Belt. It is an established residential plot, surrounded by existing housing, and also previously developed land.
- 6.2 Policy GBR2 of the Local Plan allows for the replacement of existing dwellings within the Rural Area Beyond the Green Belt, where the proposed design is suitable within its context. We have demonstrated that these proposals comply with the criteria set out within this policy.
- 6.3 We have set out a number of examples of extended and replacement houses very close to the application site, within Wellpond Green, for which the Council have granted planning permission recently. These examples are both far more visible and prominently located within the street. They have involved a significant increase in scale, and a variety of architectural styles. The Council has concluded in each case that they would fit in with the character of the area, which they have also acknowledged is very varied. The strongest aspect of the local character is that houses tend to be large, and set within large plots.
- 6.4 The new house could easily be accommodated within what is a large plot. In addition, there would be ample space available for car and cycle parking, the provision of new landscape planting and large front and rear garden amenity areas.
- 6.5 The house has been designed to a high standard. This would be an attractive property, using traditional architectural forms, based on Georgian design, with classical proportions and characterised by attractive architectural features such as a balanced symmetrical appearance, and large windows with fine glazing bars. It would be clad in locally prevalent materials, of render, with a slate siled roof. It would also be of a similar scale to other houses in the local area. Overall, it would sit very comfortably within its context. It would also represent a notable improvement over the architecture of the existing building, which is of no great value.
- 6.6 The house would also not be particularly easily visible. It would be largely hidden from view from the street by the existing dense hedgerow which runs along much of the site's frontage. The new house would replace a number of buildings within the site and it would be positioned further from the street and the highway entrance, which would also have the result of making built form within the site more remote in public views. Existing landscape planting such as the hedgerow would be retained, and new planting would be provided, which could if required further screen the house from view from the street. As such, the provision of the replacement house would not result in any significant change to the character of the local area.
- 6.7 The new house would be built with modern construction techniques and to a high energy efficiency standard, resulting in ongoing reductions in carbon emissions through its operation. In addition, electric vehicle charging points and cycle parking facilities can be provided to encourage the use of sustainable modes of transport.
- 6.8 The presumption in favour of sustainable development (also known as "*the tilted balance*") would normally apply in the case of this application, as the proposed development would

accord with the policies of the development plan, in accordance with paragraph 11 of the NPPF, and Policy INT1 of the Local Plan.

- 6.9 There is a high level of unmet need for custom and self-build housing in East Herts, which is not being met by the policies of the adopted development plan. The Applicants are themselves on the East Herts Custom and Self-Build Register. They already live within the site, they have designed this house to meet their own requirements, and the house would be their primary residence. These proposals would provide a self-build property, and would contribute to the Council meeting their statutory “*duty*” to provide custom and self-build housing within the District, as required by both national planning policy, and the custom and Self-Build Housing Act 2015. The absence of policies relating to the provision of custom and self-build housing automatically engages the tilted balance, in accordance with paragraph 11 of the NPPF. It thereby renders the most important development plan policies for the determination of this development out of date, and reduces the weight which could be given to any conflict with those policies (should it exist).
- 6.10 There is also a shortfall in the provision of housing land within the District and this also has the effect of automatically engaging the tilted balance, in accordance with paragraph 11 and footnote 8 of the NPPF.
- 6.11 As the tilted balance applies, the application can only be refused if considerations, relating to the policies of the NPPF, indicate that there would be adverse impacts which would significantly and demonstrably outweigh the benefits the application would bring. Those benefits would be weighty, including as they do the provision of a new house in accordance with the Custom and Self-Build Housing Act, a more sustainable form of development, the re-use of previously developed land, and an improvement in the site’s appearance. It is very clear that there would be no notable adverse effects, and certainly nothing which would meet this very high test. Accordingly, we respectfully request that planning permission should be granted without delay.

Appendix 1



Ministry of Housing,
Communities &
Local Government

Rt Hon Robert Jenrick MP
*Secretary of State for Housing,
Communities and Local Government*

**Ministry of Housing, Communities and
Local Government**
Fry Building
2 Marsham Street
London
SW1P 4DF

To all Local Authority leaders in England



30 October 2020

Dear all,

'Right to Build' day 2020

As part of 'Right to Build' day, I am writing to you all to restate this Government's commitment to the self and custom house building sector and share with you my desire to support more self and customer builders across England to come forwards in order to realise the aspiration of building a home of their own.

Right to Build day provides an opportunity for central Government, local Government and the sector to come together to take stock of the progress that has been made to date and showcase the achievements of self and custom builders across the country. We can also take this opportunity to reflect and consider what further action may be needed to support growth of this important sector, so that it can contribute to delivering the homes we need; support diversification of the housebuilding market; and give consumers greater choice over the kind of homes they want to live in.

As you will know the Self-build and Custom Housebuilding Act 2015, known as 'the Right to Build' took a major step forward in supporting aspiring self and custom builders across England. This legislation requires authorities to support those who want to take up self or custom build - holding a register of local people who want to take this up and ensuring they permission enough suitable land for individuals and families to use as plots, within three years of joining the register.

This year marks five years since this Act was passed meaning local authorities should have now brought forward plots for everyone who joined their local Self and Custom build register in the first two base periods.

As part of 'Right to Build' Day 2020, I can also confirm that shortly we will be publishing the first data collected from local authorities showing local self and custom build activity – including the entries on their registers and number of suitable plots they have permissioned for self and custom build. I hope this will show that local authorities are matching the Government's ambition, permissioning suitable plots quickly to ensure that local people who want to build their own home are able to do so. Moving forwards, year on year, we will continue to publish this information to ensure we can all continue to monitor progress.

To make it as easy as possible for local authorities to support self and custom build and enact the Government's legislation, my Department will also publish updated planning guidance in November to provide further clarity on how this can best be implemented.

The Department has put in place a number of measures to support authorities to meet their statutory duties, including through the work of National Custom and Self Build Association's 'Right to Build Task Force', which Government has funded in the last two years. This Taskforce has worked to build capacity across England, with support tailored to local needs, including through workshops, as well as a clear aim of building good practice to enable the delivery of policies and strategies which support self and custom build. I would encourage you to make use of this resource if you have not already. Further details can be found through the 'Right to Build toolkit' website and workshops can be arranged through contacting the following email: taskforce@righttobuild.org.uk.

The Local Government Association (LGA) is also hosting a webinar from the Right to Build Task Force on 18 November. This introductory session will help councils understand their duties and inform thinking to bring forward custom and self-build. This is available to book through the LGA's website.

Looking at what more we can do to support self and custom build, in August, we published our Planning for the Future White Paper, setting out ambitious reforms to streamline and modernise the planning process and bring a new focus to design and sustainability. A key part of this is Government's vision for growing the self and custom build sector and our reforms will make it simpler and easier for local people and communities to build or design their own homes.

Our White Paper included proposals such as the requirement for local authorities to create self and custom build sub-zones within growth zones, with sufficient provision made available to meet requirements identified in their self-build register. The White Paper also explores how publicly-owned land disposal can support small and medium sized housebuilders and the self-build sector.

As we move forward with these wider planning reforms, we think the time is right to review how the Self-build and Custom Housebuilding legislation is working. As part of this, the Department will convene a Ministerial roundtable with the sector and local authorities to review progress to date, to consider how reform could best support the sector and whether our interventions are having the desired effect.

I welcome the work local government is taking forward to support self and custom build and particularly those examples of local authorities who are going above and beyond their statutory duties to support the sector. I am keen to see and hear about other examples of best practice from across the country.

Self and custom housebuilding remains a key component of this Government's wider housing strategy to create the quality homes and places this country needs. I trust that you will join me in supporting this growing sector.



RT HON ROBERT JENRICK MP

Appendix 2



Appeal Decision

Site visit made on 13 August 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/W0530/W/19/3230103

Green End / Heath Road, Gamlingay SG19 3JZ

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.

The appeal is made by Mr David Barford, Wyboston Lakes Limited against the decision of South Cambridgeshire District Council.

The application Ref S/3170/17/OL, dated 4 September 2017, was refused by notice dated 7 February 2019.

The development proposed is self-build/custom build development for up to 9 dwellings.

Decision

1. The appeal is allowed and outline planning permission is granted for self-build/custom build development for up to 9 dwellings at Green End/Heath Road, Gamlingay SG19 3JZ in accordance with the terms of the application, Ref S/3170/17/OL, dated 4 September 2017, subject to the conditions listed in the attached schedule.

Application for Costs

2. An application for costs has been made by Mr David Barford, Wyboston Lakes Limited against the Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application is made in outline form with all matters reserved. I have had regard to the submitted illustrative drawings submitted with the application as these are a useful guide as to how the site might be developed.
4. Gamlingay Parish Council (the Parish Council) has notified the appeal that there is a Regulation 14 Pre-Submission Draft Neighbourhood Plan in consultation. It has been confirmed by the LPA that there is no Neighbourhood Plan at present. Since it is unknown whether it will be made (adopted) in its current form and it could be subject to change, I give very limited weight to its content.
5. The Parish Council also draws attention to a Village Design Guide that was submitted for consultation with the LPA in May 2019. The LPA have not yet adopted this as a Supplementary Planning Document, informing this appeal that it is in draft only.
6. The appellant submitted a signed unilateral undertaking with the appeal. The Council raised concern about the wording within the agreement with regard to

disposal of dwellings within the development. The appellant disputed the need for changing the wording but nonetheless provide an alternative signed unilateral undertaking with some amendment. Due to the sequencing of submissions, I consider the revised unilateral undertaking supersedes the earlier version and I shall base my decision accordingly.

Main Issues

7. The main issues are:

whether there are material considerations to warrant a departure from the Development Plan

the effect of the development upon landscape character.

Reasons

Whether there are material considerations to warrant a departure from the Development Plan

8. It is common ground between the parties that the Council can demonstrate a deliverable five-year housing land supply and thus it is recognised that the proposals are a departure from the Development Plan (DP). The appeal scheme conflicts with the Council's adopted strategy for the location of new housing in conflict with DP Policies S/7 and S/9. I find no reason to disagree.
9. The LPA is a Right to Build Vanguard Authority with a statutory duty under Section 2A of The Self Build and Custom Housebuilding Act 2015 (as amended), (the Act), to "give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area."
10. The appellant has put forward evidence relating to a shortfall in the delivery of self-build housing, which is uncontested by the LPA. This shortfall is significant. The Parish Council confirm there is demand within the village for this type of development. I therefore give significant weight to this factor.
11. The DP policies, whilst controlling the location of new housing, are silent on the matter of self-build housing strategy. Despite the LPA ability to demonstrate a five-year housing land supply, this must be recognised as a minimum figure in light of the National Planning Policy Framework (the Framework), which encourages significantly boosting the supply of new homes.
12. The proposal would make a modest contribution of up to 9 self-build dwellings towards the shortfall. Whilst the appeal site would be on the edge of the village, it is within walking distance to the village centre and public transportation operates nearby. Shops, services and employment are therefore accessible. Therefore, there are economic, social and environmental sustainability benefits attributable to the development.
13. The appellant has submitted a unilateral undertaking, which would to limit the appeal development to self-build housing. On this basis and for the reasons outline above, in this instance there are considerations that weigh heavily in favour of the development, that would justify departing from the development plan in this regard.

Landscape Character

14. There is a tall, dense line of vegetation running the length of the appeal site's western boundary. This presents a green corridor fronting onto Heath Road on the approach into Gamlingay. Whilst the proposals would introduce a vehicular access into this hedge line, the development itself would sit behind this established landscaped corridor.
15. I observed from the site visit that some dwellings in Dennis Green on Heath Road are highly visible from the edge of Gamlingay by reason of their elevated position in the landscape. However, other parts of the hamlet are not visible due to the hedges and trees that line the highways. The appeal development would not feature in views up to Dennis Green, sitting close to the bottom of an undulation. The ability to enhance landscaping through planning conditions would further absorb the proposed development into the site.
16. The development of the site for up to 9 dwellings would represent a relatively low density. This is in contrast to the fairly dense and well-built up character of the immediate neighbouring area, that presents a reasonably abrupt urban edge facing onto the countryside. The lower density proposed development would act as a more sympathetic the transition between urban and rural areas. Therefore, the proposal would not have a significant visual effect on the open countryside.
17. In the wider context, the appeal site sits in between the edge of Gamlingay and the hamlet of Dennis Green. The separation between them is recognised by the Parish Council in its Village Design Guide as serving an important spatial function, keeping the settlements from merging. It is desirable to maintain this separation to preserve the historic character of the hamlets and to respect their identity.
18. The development of the appeal site would maintain a reasonably substantial area of open land in between the two settlements. There is reference in the evidence to that land potentially becoming an area of formal open space, although this is not part of the formal proposals and nor does the unilateral undertaking submitted seek to secure its use as such. This is a sizeable area of land that would continue to serve the purpose of keeping Gamlingay and the nearby hamlets physically separate. Whilst the proposals would bring the built form of the hamlets closer, for the reasons outline above, the development would not encroach upon the character or landscaped setting of the hamlets to a significant degree.
19. Therefore, whilst the development would inevitably change the local landscape, with careful consideration of the matters reserved for future consideration, this would not be visually or spatially harmful to the appearance of the area nor harmful to the wider landscape character. Consequently, in that regard, the proposal would not conflict with Policies S/7, HQ/1(a) or NH/2 of the DP. Amongst other things, these Policies require proposals to respect and respond to local landscape context.

Other Matters

20. The Parish Council point to a number of plots that have been developed in the village, with residents citing a residential scheme on the Green End Industrial Estate. I do not have full details of the circumstances or planning merits in any

of these cases. In any event, this appeal has been determined on its own merits and with regard to the Act.

21. The appeal site's history shows that it was a landfill site. The appellant's submitted report indicates that this need not block the proposed development subject to appropriate control.
22. Residents have raised concerns over flood risk and ecology. I acknowledge that any development has potential for impacting on drainage and habitat. However, I am satisfied that conditional approval of an appropriate drainage system as well as the statutory obligations regarding protected species would be sufficient to mitigate any potential conflicts arising from the proposal. Any impact arising would not have a significant effect.
23. The point of access into the appeal site is a matter reserved for future consideration. Concerns of residents relate to the speed of traffic entering the village and the nature of a proposed access, potentially causing a hazard to highway users. However, the Highway Authority has confirmed no objection to the proposal on highway safety grounds and, it would be reasonable to assume, would exercise judgement on the reserved matters to ensure no hazard is caused to highway users.
24. The nature of self-build housing is set out within the Act. Whilst this gives design freedoms for each self-build plot, any designs would need to be submitted to the LPA through a reserved matters application. The quality of the design, its character and appearance, and its relationship to neighbouring occupiers would be assessed at that stage.
25. I have considered the arguments that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its own individual merits, and a generalised concern of this nature does not justify the withholding of permission.
26. I note that No 1 is a Grade II listed building and that the Council has not found harm to this heritage asset in its assessment. This heritage asset is a sufficient distance away from the appeal site so as to be unaffected by the development.

Conditions

27. The standard conditions for the grant of outline planning permission are to be applied and amended to reflect that self-build dwellings would likely progress at different rates. Therefore a long timescale for submission of the reserved matters is necessary.
28. In order to meet national space standards a condition to control the proposed dwellings', gross floor space would be necessary.
29. A condition securing tree protection measures to preserve important biodiversity around the development site is necessary. Conditions regarding surface and foul water drainage are necessary to ensure the proposal does not increase the risk of flooding on-site or elsewhere.
30. Control of vehicle movements and construction hours is appropriate to ensure minimal disturbance to the living conditions of nearby occupiers. Given the history of the site for quarry and landfill purposes it would be necessary to

impose conditions relating to contamination investigation and remediation rather than a condition on archaeology.

31. The Highway Authority has requested a number of conditions. Full details of the access arrangements are to be submitted within the reserved matters secured under condition 1. The reserved matters will cover landscaping details so a separate condition on boundary treatments need not be applied.
32. The LPA has recommended conditions regarding energy efficiency and broadband connectivity. However, neither of these conditions are necessary to make the development acceptable in planning terms.

Conclusions

33. The appeal is allowed, subject to conditions and the unilateral undertaking.

David Wallis

INSPECTOR

Schedule of Conditions

- 1) Approval of the details of the layout of the development, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the construction of the dwelling on that particular plot is commenced. The development of each plot shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 5 years from the date of this permission.
- 3) The development of each individual plot hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved for that plot.
- 4) The reserved matters shall set out schedules of gross internal floor space for each particular plot. The gross internal floor space across the whole of the development hereby permitted shall not exceed 999 square metres.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means a tree or hedgerow to be identified within any approved reserved matters plans and particulars.

- 6) No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall demonstrate that infiltration drainage is used where site specific BRE365/CIRIA 156 infiltration tests show it be appropriate and if infiltration is not appropriate the scheme should demonstrate that surface water run off up to and including the 1% Annual exceedance probability (AEP) rainfall event (including an appropriate allowance for climate change and urban creep) will not exceed the run off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before any dwelling hereby approved is occupied.
- 7) Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed in accordance with the approved scheme prior to the occupation of the development.
- 8) No construction works shall commence on site until a traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The principal areas of concern that should be addressed are:

- (i) Movements and control of construction vehicles (all loading and unloading shall be undertaken off the adopted highway)
- (ii) Contractor parking
- (iii) Control of mud and debris, in relationship to the functioning of the adopted public highway

Development shall commence in accordance with the approved details.

- 9) During the period of construction, no power operated machinery shall be operated on the site and there shall be no construction related deliveries taken at or dispatched from the site, before 0800 hours and after 1800 hours on weekdays and before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously in writing with the Local Planning Authority.
- 10) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes adjoining land
 - ground waters and surface waters
 - ecological systems.
- 11) No development shall take place where (following the risk assessment undertaken in condition 10) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out before any part of the development is occupied.
- 12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning

authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before any part of the development is resumed or continued.

Appendix 3



Appeal Decision

Site visit made on 14 June 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Appeal Ref: APP/H1840/W/21/3283391

Holberrow Golf, Alcester Road To Mile Post Lane, Holberrow Green
B96 6SF

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr Tracey against the decision of Wychavon District Council.

The application Ref 19/02182/FUL, dated 28 September 2019, was refused by notice dated 27 July 2021.

The development proposed is conversion of existing former golf driving range clubhouse into a single dwelling, erection of single storey side extensions, demolition of driving range bays and removal of car park hardstanding.

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing former golf driving range clubhouse into a single dwelling, erection of single storey side extensions, demolition of driving range bays and removal of car park hardstanding at Holberrow Golf, Alcester Road To Mile Post Lane, Holberrow Green B96 6SF in accordance with the application, Ref 19/02182/FUL dated 28 September 2019, subject to the conditions in the schedule to this decision.

Procedural Matter

2. The appellant has submitted a signed Unilateral Undertaking (UU) stating that the proposed development would be a self-build dwelling and agreeing to a financial contribution towards affordable housing in the district. I have addressed these matters in my reasoning below.

Main Issues

3. The main issues are:

Whether the proposed development would be consistent with local and national policies relating to the location of new housing development;

The effect upon employment land; and

Whether the affordable housing contribution is required to make the proposal acceptable in planning terms.

Reasons

Appropriate location

4. Policy SWDP2 of the South Worcestershire Development Plan (2016) (SWDP) sets out the development strategy and settlement hierarchy for the district. Part C of the policy states that permission for development in the countryside, beyond any development boundary will only be granted in certain circumstances. The policy does not support the provision of market housing in countryside locations.
5. The appeal site is a former golf driving range comprising a main club house, bay wings and associated land. However, as the development would be located within open countryside and beyond a settlement boundary it would not be an appropriate location for new housing. As such, it would be in conflict with SWDP Policy 2.
6. The village of Inkberrow is located to the southwest of the appeal site. The village has a number of services and facilities to meet residents day to day needs. Whilst connected by a footpath, residents are unlikely to use this route on a regular basis due to the overall distance and it being narrow in places and unlit. As such for higher order goods residents would have to travel to settlements such as Worcester and Evesham and most likely would use a private vehicle for these trips.
7. Given the distance between the site and nearby villages with more services and facilities future occupiers would be more reliant on private vehicles to access services and facilities to meet their day-to-day needs. However, it is acknowledged in the National Planning Policy Framework (the Framework) in paragraph 105 that transport solutions will vary between urban and rural areas. Notwithstanding the above, I find that the location of the development and accessibility to services and facilities in Inkberrow and nearby towns and villages would not be unacceptable. Future occupiers would not be solely reliant on private motor vehicles as there are some services and facilities nearby accessible by foot.
8. Consequently, the proposed development would accord with SWDP Policy 4 which, amongst other things, requires proposals to offer genuinely sustainable travel choices.

Effect upon employment land

9. Policy SWDP12 B seeks to help rural regeneration through safeguarding employment uses in the district including recreation-related uses. The policy sets out that proposals to any non-employment-generating purpose will need to demonstrate that the site has been actively marketed for employment, tourism, leisure or recreation purposes for a period for at least 12 months and that it is no longer viable for such uses. The details of what is required from the marketing exercise is set out in Annex F.
10. I note the Council's comments in respect of the appellant's marketing evidence including that marketing has not taken place for 12 months immediately prior to submission of the application. However, the viability report sets out that a number of previous operators have failed to successfully run the site as a golf driving range and has laid vacant for 6 years. The report advises that marketing has taken place on and off for more than 5 years.

11. I concur that the dilapidated condition of the site and the level of capital investment required to bring it back into use would make it an unattractive proposition for a number of enterprises. Furthermore, the failure of several operators to successfully run a golf business indicates there is unlikely to be a demand for such a use in the area. This leads me to believe that there is limited prospect of the premises being occupied by another similar operator in the near future.
12. The site has been vacant for a significant length of time and marketing has taken place during this period, albeit on an ad hoc basis. I give credence to the argument that due to its rural location the site is unattractive for commercial and office occupiers. These factors alongside the limited prospect of a recreation use starting up again lead me to reach the conclusion that there is no demand for an employment generating use at the site.
13. Whilst I cannot determine whether the site was marketed for a range of employment uses or whether the rent or sales figures sought reflected market conditions the policy adopts a flexible approach in respect of marketing requirements. It is for the decision taker to come to a view based on market conditions and individual characteristics of the site.
14. Whilst the site has not been fully marketed in accordance with Appendix F, based on the evidence before me and without any compelling evidence to the contrary I find that the proposed development would not undermine the provision of employment generating land. As such, it would accord with SWDP Policies 2C and 12 B, which amongst other things, support the loss of employment sites in rural areas where it is demonstrated they are no longer viable.

Affordable housing contribution

15. In order to support the appropriate provision of affordable housing in the district criterion B. v. of SWDP Policy 15 states that a financial contribution towards local affordable housing should be made on sites of 5 dwellings or fewer. Paragraph 64 of the Framework permits local planning authorities to seek affordable housing on smaller sites in designated rural areas.
16. The appellant has provided a signed and dated UU as the mechanism by which to deliver a contribution towards affordable housing in the district in accordance with the Policy.
17. I am satisfied that the contribution would satisfy the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010). As such, I find that the submitted UU overcomes the Council's concerns in relation to this matter in accordance with SWDP Policies 1, 7 and 15 which, amongst other things, seek appropriate infrastructure to support new development and a contribution towards affordable housing.

Planning Balance

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
19. The Council contend that they can demonstrate a 5.76 year deliverable supply of housing land. However, the appellant has drawn my attention to a number of

appeals¹ whereby Inspectors have questioned the Council's aggregated approach towards calculating their housing land figure across the SWDP geographical area and have determined that the Council cannot demonstrate a deliverable supply. I attach significant weight to these decisions which lead me to disagree with the Council's housing land supply position.

20. In terms of self-build and custom housebuilding the Council's position is that they are meeting their duties in respect of the Self Build and Custom Housebuilding Act 2015. They point to the Wychavon District Self-Build and Custom Housebuilding Register Progress Report (November 2021) as part of their evidence. The appellant takes a different view, making reference to a greater demand for plots than the Council acknowledges and uncertainty as to whether or not permissions on which the Council relies can be counted towards their supply.
21. Notwithstanding the above there are no relevant development plan policies relating to self-build and custom-building housing in the SWDP.
22. In such instances paragraph 11(d) of the Framework and the 'tilted balance' is engaged. In so far as this appeal is concerned the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date permission should be granted unless 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.
23. The proposed development would make a contribution towards the district's housing supply. The completed UU would secure the proposal as a self build unit. As such, it would accord with Paragraph 62 of the Framework by providing housing for different groups in the community. It would also lead to social and economic benefits with the financial contribution towards affordable housing and jobs during the construction phase.
24. Although outside the settlement boundary, it is in a location that is within a reasonable distance of a range of day-to-day services. Future occupants would be able to reach these on foot, providing them with transport choice and not an over-reliance on a car. There would be some positive contribution to the vitality of Holberrow Green and Inkberrow as rural communities, thus in this regard it would accord with Paragraph 79 of the Framework.
25. The proposal would make best use of previously developed land by reusing a disused building and enhancement of the immediate setting through the removal of buildings in disrepair and new landscaping in accordance with paragraph 80 c) of the Framework. It would be well contained limited to areas largely occupied by existing structures and would not encroach into the surrounding countryside. As such, I find that the proposed development would protect the surrounding landscape in accordance with Paragraph 174 a) of the Framework.
26. Overall, these benefits would significantly and demonstrably outweigh the minor harm that I have identified in relation to its location within the countryside when assessed against the policies in the Framework when taken

¹ Appeal Ref: APP/J1860/W/21/3267054, APP/J1860/W/19/3242098, APP/H1840/W/21/3289569 and APP/J1860/W/21/3289643

as a whole. Therefore, the proposal benefits from the presumption in favour of sustainable development.

27. In this case the presumption in favour of sustainable development is a material consideration which outweighs the conflict with the development plan. A decision should thus be taken otherwise than in accordance with the development plan.

Conditions

28. I have considered these in relation to the contents of the Framework and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
29. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. Conditions relating to the external materials, landscaping and external lighting have been imposed to ensure the satisfactory appearance of the development.
30. Conditions for surface water and foul water drainage measures; a requirement for at least 10% of the energy supply of the development to be from renewable or low carbon energy sources and details of electric vehicle charging points have been imposed in the interests of achieving sustainable development.
31. A condition relating to the access, parking and turning areas is relevant in the interests of highway safety.
32. In order to protect retained trees on site a condition for tree protection measures during the construction works has been imposed.
33. A condition for contamination identification and remediation of any potential contamination within the site is necessary in the interests of the health and safety of future occupants.
34. A condition for the development to be carried out in accordance with the submitted Ecological Appraisal has been imposed in the interests of biodiversity. Whilst the Council has requested details for a scheme to be approved and once implemented signed off by a suitably qualified ecologist given the relatively low ecological value of the site I do not consider such is measure necessary.
35. The Council has suggested a condition restricting construction hours. However, given the separation between the site and nearby properties and the small scale of the development such a condition is not necessary. The Council has also suggested a condition for the structures that will not be retained to be removed from site. However, there is no indication that they would remain on site therefore there is no justification for the condition.
36. The Council has suggested removing permitted development rights for the enlargement, improvement or other alterations of a dwellinghouse and buildings or enclosures incidental to the enjoyment of it. The PPG advises that planning conditions to restrict permitted development rights may not pass the test of reasonableness or necessity. Taking into account the provisions of the PPG and without substantive justification from the Council I have not imposed such a condition.

37. As part of the condition the council have set out that the property cannot be subdivided or the height increased to form separate living accommodation. The proposed development must be carried out in accordance with the approved plans and thus, it is not necessary to impose the condition.

Conclusion

38. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location & Block Plan Drawing Number 3442_001; Existing Site Plan, Floor Plan & Elevations Drawing Number 3442_002; Existing Plan Drawing Number 3442_003; Proposed Plan and Elevations Drawing Number 3442_004 Rev D and Proposed Roof Plan Drawing Number 3442_005 Rev C.
- 3) No development shall commence until an assessment of the risks posed by landfill or ground gas vapours, shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.
- 4) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The development shall not be occupied until foul and surface water drainage works have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 6) The development shall not be occupied until space has been laid out within the site in accordance with Drawing Number 3442_005 Rev C for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 7) The development shall not be occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The electric vehicle charging point shall be retained for the lifetime of the development.
- 8) The development shall not be occupied until a scheme of landscaping shall have been submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) The development shall not be occupied until details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the local planning authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development.
- 10) All trees and hedges shown to be retained shall be protected by fencing in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) for the duration of the construction work. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 11) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the building is occupied. Development shall be carried out in accordance with the approved details.
- 12) The development shall be carried out in accordance with the conclusions and recommendations set out in the submitted Ecological Appraisal.

