

THE TOWN AND COUNTRY PLANNING ACT 1990

SELF-BUILD HOUSING ACTS 2015 & 2016

PLANNING DESIGN AND ACCESS STATEMENT

PROPOSED ERECTION OF 1 DETACHED SELF-
BUILD DWELLING ON LAND AT CASTLEFIELDS
INN IN THE PARISH OF CLIFFORD,
HEREFORDSHIRE.



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INTRODUCTION

This Planning Design and Access Statement sets out the applicant's case and the reasoned justification for granting the permission which the applicants seeks. It explains how the proposal can be supported by public policy in terms of the Self-Build Housing Acts and a draft Neighbourhood Plan as material considerations in the planning balance as well as setting out the proposed details of the development which can be further justified by the socially sustainable support that the new dwelling will provide for the community.

This proposal is for a dwelling restricted to the local family of the proprietor of the Castlefields Inn Clifford. It is a self-build proposal and seeks to develop part of a parcel of land that forms part of the curtilage of this local pub in the Parish of Clifford with a single dwelling.

SITE LOCATION AND DESCRIPTION

The parcel of land is part of the extended curtilage the Castlefields Inn. This curtilage is extensive and well-manicured. The land accommodates a small touring caravan business which lends a measure of support to the pub business. This property is set alongside the B 4352 approximately 15 miles west of Hereford in open countryside within the Parish of Clifford

APPLICANTS PERSONAL CIRCUMSTANCES

The applicants have been in the restaurants / public house trade for over ■ years. They have operated the Castlefields Inn for the last 10 years which involves a 12-15 hour working day.

Living and working on the premises for long periods of the day is recognised as being stressful with poor work/life balance. In order to address this issue the applicants in the past have rented accommodation off site but this

arrangement for various reasons could not be sustained. [REDACTED]

The applicants sought to sell the business for more than 2 years without success and so are faced with continuing the current business. They are presently living in a small flat over the pub.

The construction of a single detached self-build dwelling within the curtilage of the premises would enable the applicants to continue to operate the business in a secure way but with some respite from the continuous business operations. They would holiday let the flat as part of the business.

SELF- BUILD HOUSING STATUTORY DUTIES

The Self-Build Housing and Planning Acts were brought forward by the Government in order to significantly boost the supply of housing and become particularly effective in 2019 when the Local Planning Authority have to grant sufficient permissions to meet the demand for registrants on their self-build register.

The applicants have become a registrant on Herefordshire Council's Self-Build Register.

Under section 38 (6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

Since the publication of Herefordshire Development Plan Documents the National Planning Policy Framework has been published and updated in 2018.

This is a key material consideration since it forms Central Government policy. The up to date Framework reiterates the primary objective, which says: -

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development” Para 10

The process is described in Para 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.) assets of particular importance provide 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 whole.***

On the 31st October 2016 new legislation came into force which made amendments to the Self-Build Custom House Building Act 2015 establishing a right to self-build one's own home. This Act places a duty upon Councils to grant planning permission on enough serviced plots to meet the demand.

The Act imposes three related duties on local authorities which are to:

- maintain and publicise a Register of individuals, and associations of individuals (groups) who are seeking to buy serviced plots of land in the authority's area to build houses for their occupation,
- have regard to a Register when carrying out their planning; housing; public land disposal; and, regeneration functions, and
- to have regard to any Government guidance when exercising the above duties.

The initiative put forward in these Acts is designed to assist individuals to build their own homes on suitable sites and assist in delivering more homes to address the overall housing shortfall.

The applicants have entered on the Self-Build Register. There is a Statutory 'right to build' and the Council has a duty to approve.

The Acts provide an initiative that recognises that such homes not only offer the prospect of a variety of individual designs but also enables a dwelling to be built at a significantly lower cost than one purchased from a larger house builder. The initiative also supports building in locations other than main market towns and development plan allocations thus bringing greater sustainability to the rural areas.

At the same time the Government recognises the uptake of smaller sites as being greater than larger sites which take longer to come on stream.

Equally the deliverability rates of such dwellings are greater given that the process is driven by an actual need rather than a speculative land development activity which is constrained by the number of national housebuilders that might be interested in or able to take on larger sites which in any event are focussed on Hereford.

It is a process that gives eligible residents of the wider rural areas the opportunity to meet their own housing requirements and give sustainable support to these areas whereas current development plan policies can force local residents to move away from the area because of lack of opportunity for families to build locally.

The policy is expressly embedded into the National Planning Policy Framework as updated. At paragraph 59 it is stated: -

“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 unnecessary delay”

And Again, at paragraph 61: -

“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers²⁵, people who rent their homes and people wishing to commission or build their own homes ²⁶)”

The Acts contain provisions which enable Councils to adopt policies that treat such applications as ‘exceptional’ in the same way that local affordable housing is ‘exceptional’.

It is a restricted form of permission and it cannot be sold on the open market. The applicant will submit a Unilateral Undertaking or enter into a Section 106 agreement under the Town and Country Planning Act to secure the permission to this self-build market.

The applicant is granted the opportunity to design and custom build their own dwelling to suit their particular needs. The Unilateral Undertaking that will be put forward by the applicants will also prevent the plot leeching out onto the open market. The applicants commit to occupying the dwelling in the first instance; and continue to occupy the dwelling for a minimum of three years following completion.

GOVERNMENT ADVICE

Government advice to Local Planning Authorities is set out in the Planning Practice Guidance (PPG). On this form of residential development it is stated at :-

Paragraph: 028 Reference ID: 57-028-201760728 of the Planning Practice Guidance. This states: -

"What can someone on a register expect for their membership?

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. There is no duty on a relevant authority to permission land which specifically meets the requirements expressed by those on the register".

However, it then says:

"Relevant authorities should use preferences expressed by those on the register to guide its decisions when looking at how to meet its duty to grant planning permission etc. This will help ensure that relevant authorities permission land suitable for self-build and custom housebuilding which people are actually keen to develop".

Whilst the construction and criteria adopted for the Self-Build register is a matter of choice for each Authority in the first instance the NPPF (Para 61) gives clear direction that LPA's have to adopt specific policies to deliver self-build housing. The policies therefore have to pass through a Local Plan process where it can be considered by all and be finally examined by the Secretary of State.

The Herefordshire Council does not appear to impose a local requirement for entry on part 1 of the Register. This decision whilst a choice in terms of the Councils proposal has to be the subject of a Development Plan process and consideration in due course, so that Herefordshire residents have the opportunity to influence the policy and the policy in turn becomes examined by the Secretary of State prior to adoption.

The structure and framework of the register, which offers a part 1 and part 2 section with part 1 being able to require specific local eligibility criteria offers a unique opportunity and an empowerment to provide local open market housing for local people "exceptionally". Self-build policies for open market dwellings for local people could be an exception to Development Plan policy. The NPPF says at para 61, **footnote 26 that self-build can relate to both affordable and open market dwellings.**

The NPPF at Paragraph 61 makes it clear that policies have to be adopted by Councils to provide for the delivery of a wide range of house types including self-build or custom-built housing.

This is a very clear requirement. I have not been made aware of any specific policies adopted or proposed that will meet this test in respect self-build housing by this Authority. The Councils plan is not therefore up to date. All the

policies of the Core Strategy predate the publication of the NPPF which set out the approach Local Planning Authorities should adopt in relation to the Right to Build Acts

Para 61 states:-

“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers 25, people who rent their homes and people wishing to commission or build their own homes 26)”.

Note 26 states -Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing

Government objectives are stated as being:

“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 unnecessary delay”

In circumstances where an LPA has not adopted specific Development Plan policies to facilitate self-build housing recent appeals have confirmed that the Plan is out of date. An appeal decision in respect of an LPA in Lancashire

confirms at paragraph 2 that in these circumstances the Plan is out of date and therefore paragraph 11 of the NPPF is engaged.

POLICY CONSIDERATIONS

The Development Plan policy background has moved to adoption but it's authority is lessened by the fact that the Council has been unable to sustain a five years supply of housing land and is subject to a 20% further penalty. Central Government Policy in the form of the National Planning Policy Framework has been the directional force throughout and now in respect of self-build housing has become the driving force since the Development Plan has not responded to Government policy.

The NPPF, as updated in 2018 continues to recognise that where there are groups of smaller settlements, development in one village may support services in a village nearby. Furthermore, the Framework maintains as one of its key objectives to 'Significantly Boost the Supply of Housing'

CORE STRATEGY

The Herefordshire Core Strategy is the adopted Local Plan. The Examining Inspector introduced Main Modifications into the Plan which it was judged would make it sound. The Main Modifications are a key element therefore in delivering the objectives of the plan. particularly at an early stage.

Specific guidance has been given in the Main Modifications to the approach to be adopted in determining applications for development in the interim period pending the period leading up to the definition of site development boundaries, where appropriate, to be defined in either Neighbourhood Development Plans or the Rural Areas Site Allocation DPD. At present the Neighbourhood planning process is at an early stage in respect of Clifford and therefore offers the

opportunity for the Parish to consider land allocations above and beyond those of its allocation in the Core Strategy.

In this interim period the Council is directed by the Core Strategy to assess any applications for residential developments in Figure 4.20 and 4.21, RA1 and RA2 settlements, against their relationship to the main built up form of the settlement. Clifford is a diverse settlement with no distinctive pattern and also includes within it the settlement of Priory Wood and is an RA1/2 Settlement.

In policy RA2 of the Core Strategy proportionate housing growth is specified in a list of small settlements for the Golden Valley Housing Market Area. The Modification states that: -

"All settlements identified in Figures 4.20 and 4.21 will have the opportunity for sensitive and appropriate housing growth. The primary focus for this housing will be in those settlements highlighted in Figure 4.20.

In the remaining, typically smaller settlements of each HMA, as set out in Figure 4.21 particular attention will be given to ensure that housing developments should respect the scale, form, layout, character and setting of the settlement concerned.

By virtue of their size and character many of these settlements do not have a traditional village or nuclear centre and in many cases have a dispersed settlement pattern which would need to be respected in the design of new housing proposals. This will ensure the delivery of schemes that are locally distinctive".

And further Policy RA2 says:-

Herefordshire's villages

Housing in settlements outside Hereford and the Market Towns.

“To maintain and strengthen a network of locally sustainable communities across the rural parts of Herefordshire there will be opportunities for sustainable housing growth which will be supported in those villages and settlements identified in Figures 4.20 and 4.21. This will enable development that has the ability to best able to support development, bolstering existing service provision, improving facilities and infrastructure and meeting the needs of the Communities concerned. The growth target for the villages of each rural HMA will assist to inform the level of housing development in the villages identified in Figures 4.20 and 4.21.

“Further all Neighbourhood Development Plans shall aim to provide levels of housing to proportionally to meet these targets in a locally focused way. The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.20 and 4.21. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.”

The Clifford NP is at an early stage and therefore offers the opportunity by the Community to allocate land for self-build plots for its Local Parishioners and also support individual applications which are put forward on this local need exceptions basis. The steering group is currently drafting the neighbourhood plan.

The Parish of Clifford which contains the settlement of Priory Wood is an RA2 settlement and identified as such in the Core Strategy. However, the rest of the area will be considered in the preparation of the Neighbourhood Plan. The Neighbourhood plan which will eventually carry the same weight as Herefordshire Council's Local Plan, represents a considerable opportunity for the community to shape Clifford's future.

The position in terms of the Council's 5-year housing land supply is that it is less than the requisite five years at present. The presumption in favour of sustainable development set out paragraph 11 the NPPF therefore supports the principle of development. Whilst given the lack of a 5 year supply of housing land may be judged to render the Core Strategy housing delivery policies out of date in line with guidance given in the NPPF nevertheless it has been accepted on appeal in several instances as being a good indicator in delivering sustainable housing development in the right places.

The NPPF requires that significant development be located in locations which are or can be made sustainable in rural areas. Housing should be located where it will enhance or maintain the vitality of rural communities and should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it.

AMOUNT

The proposal will provide one dwelling

SECURITY

The proposal will provide residential occupation of an existing space, greater overall supervision will be obtained by the proposal, which is sought by the applicants

DESIGN AND APPEARANCE

Having regard to the rural setting and in particular the surrounding context of the site the proposed dwelling features a traditional rendered finish with a slate roof covering. The dwelling has a bold two-story scale but the scale is limited by the use of a 1.5 story roof height with traditional dormer windows to light the upper floor. The narrow modelling that this arrangement permits avoids

bulkiness and maintains a traditional rural appearance. The roof is a dominant aspect of the design and again the rural appearance is maintained by the use of slates.

The dwelling has rendered walls which gives the traditional appearance that the dwelling has evolved organically overtime and a sense of maturity.

SUSTAINABILITY

The proposal will address sustainability objectives by:

- Building in a location which will assist in maintaining the economic and environmental fabric of rural areas. In this case a pub & holiday touring site.

In this particular case the new dwelling will adopt:-

- Sustainable building codes with high 'U' values being applied to the wall, roof and floor construction;
- Local materials will be sourced for use in the construction and development where possible;
- Rainwater harvesting will be considered.
- Solar energy will be considered.
- Ground source heating is also being considered.

ACCESS

Access to the site is off the existing pub & touring site entrance which is off a quiet rural road. The access is already to a standard accepted for the business. The additional use of the site as a single dwelling plot will not detract from the safe and satisfactory access and satisfactory approach. The site will result in the loss of 4 touring caravan parking spaces.

DRAINAGE

Will be to a manhole on site which joins into the existing treatment plant. There will be a slight reduction in use from the dwelling as a result of the loss of the four touring caravan spaces.

CONCLUSION

Fundamentally the proposal represents socially sustainable development.

The Council cannot justify a 5 year land supply so its policies are out of date.

The Neighbourhood Plan is at any early stage and carries little weight.

No adverse landscape impacts of allowing development within the curtilage on parking spaces at this local public house developed site can be identified.

Existing hedges & planting being retained.

Small scale incremental development is historically the form that is most suited to enhancing the vitality of the rural communities in Herefordshire.

It will contribute to restricted local housing. It will add to the support of services within the settlement and the Community clusters nearby.

It will provide a self-build opportunity and cater for a local need and thus has a strong social sustainability objective.

Finally, the Council has not properly addressed the requirements of the Self Build Acts in its Development Plan and its location policies are out of date.

Accordingly, I believe paragraph 11 of the NPPF is engaged and the presumption in favour of sustainable development should apply. The Council is accordingly under an obligation to approve this sustainable development.

11th June 2019

JOHN NEEDHAM ASSOCIATES