

PLANNING STATEMENT

The Bungalow | Tanhouse Lane | Hedge End |
SO30 2SZ

Prepared by Pro Vision on behalf of Mr J Bowers

May 2026

THE BUNGALOW | TANHOUSE LANE | HEDGE END

PLANNING STATEMENT

PROJECT NO. 51867

PREPARED BY:

MEGAN DOWNES

PLANNER

CHECKED BY:

RICHARD OSBORN

ASSOCIATE DIRECTOR

DATE:

MAY 2026

PRO VISION

LIBERTY HOUSE

GREENHAM BUSINESS PARK

NEWBURY

RG19 6HS

COPYRIGHT: The contents of this document must not be copied or reproduced in whole or in part without the prior written consent of Pro Vision.

CONTENTS

1.0	Introduction.....	1
2.0	Site Context	2
	<i>The Site</i>	2
	<i>The Surrounding Area</i>	2
	<i>Planning History</i>	3
3.0	Proposed Development.....	5
	<i>Permission in Principle</i>	5
	<i>The Proposal</i>	5
4.0	Planning Policy.....	7
	<i>The Development Plan</i>	7
	<i>Material Considerations</i>	7
	<i>The National Planning Policy Framework</i>	8
	<i>Housing Land Supply</i>	9
	<i>Self-Build & Custom Housing</i>	9
	<i>Emerging draft Local Plan (dLP)</i>	10
5.0	Planning Assessment.....	11
	<i>The ‘Permission in Principle’ route</i>	11
	<i>Principle of Development</i>	11
	<i>Self-Build</i>	13
	<i>Accessibility</i>	14
	<i>Character of the Area/Design</i>	16
	<i>Amenity</i>	16
	<i>Highways and Access</i>	16
	<i>Ecology and Biodiversity</i>	17
	<i>Flood Risk and Drainage</i>	18
	<i>Planning Balance</i>	19
6.0	Conclusion	21

APPENDICES

- Appendix A Appeal Decision (APP/J3720/W/23/3336035 Gaydon, Warwickshire)
- Appendix B Appeal Decision (APP/C1625?W/23/3329704 Nailsworth, Glos)

1.0 Introduction

1.1 This Planning Statement has been prepared by Pro Vision on behalf of Mr Jimmy Bowers (**'the Applicant'**) in support of an application for Permission in Principle (PiP) made to Eastleigh Borough Council (**'the Council'**).

1.2 The application relates to land at The Bungalow, Tanhouse Lane, hereafter referred to as **'the application site'**. It seeks permission in principle for the development of the application site for 1 no. self-build dwelling.

1.3 In addition to this Planning Statement, the following documentation is submitted with the planning application:

- Application Form;
- Application drawings prepared by Pro Vision:
 - Site Location Plan; and
 - Proposed Site Plan;
- Biodiversity Checklist;
- Unilateral Undertaking.

1.4 The remainder of this Statement is set out as follows:

- Section 2 describes the Site and its surroundings;
- Section 3 summarises the scheme proposals;
- Section 4 considers the prevailing Development Plan context within which the planning application should be considered, along with other material considerations;
- Section 5 assesses the scheme proposal against the Development Plan, having regard to other relevant material considerations, and provides a Planning Balance; and
- Section 6 concludes the case for granting planning permission.

2.0 Site Context

The Site

- 2.1 The application site is situated approximately 500m to the south of Kings Copse Avenue, which is also the defined urban area of Hedge End. The application site is therefore located within 'countryside' for planning purposes.
- 2.2 The application site extends to approximately 0.16ha and comprises no built form (although records show that there used to be a bungalow on the site as recently as at least 1965).
- 2.3 There is broadly no ground vegetation other than a small area of amenity grassland along the frontage. There are several mature trees within the application site. These are not subject of a tree preservation order (TPO).
- 2.4 Overhead cabling passes through the application site.
- 2.5 There is a 2m close-boarded fence surrounding the application site, with gated access.
- 2.6 Vehicular access to the application site is via Tanhouse Lane. This route is also a public right of way (PRoW)¹.
- 2.7 The application site is within Flood Zone 1 (meaning there is a low probability of flooding from rivers). The site is also at very low risk of flooding from surface water run-off.
- 2.8 There are no designated or undesignated heritage assets within the application site, nor are there any within proximity. The closest, Manor Farm, is located 1km east.
- 2.9 The Site lies within the River Avon catchment.

The Surrounding Area

- 2.10 There is residential development along Tanhouse Lane.
- 2.11 There are no trees on or immediately adjacent to the application site boundary. There is woodland associated with the Manor Farm Country Park to the north, east and west. There

¹ PROW Reference 026/14/3

are trees lining the frontage of Tanhouse Lane. A group TPO² is located at Kings Copse Farm, approximately 25m to the south-east of the application site.

- 2.12 There is a community building, children's play area, and recreation ground a short distance to the west along Tanhouse Lane (500m). Kings Copse Primary School is to the north-west (750m). A Tesco Express is approximately 800m to the north (via a dedicated footway).
- 2.13 There are sites of importance for nature conservation (SINC) located Kings Copse Meadow & Pond located to the north and east – Kings Copse Meadow SINC (170m); Dockdell Copse SINC (380m); and Tanhouse Meadow SINC (200m).
- 2.14 The Upper Hamble Estuary and Woods site of special scientific interest (SSSI) is approximately 250m to the south-west. Manor Farm Local Nature Reserve (LNR), Solent and Southampton Water Ramsar Site, Solent and Southampton Water Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC), are all located nearby.

Planning History

- 2.15 There is no known record of any planning applications on the application site.
- 2.16 Ordnance Survey mapping for 1938-42 shows a building on the application site (see fig.1).
- 2.17 Ordnance Survey mapping for 1965 also shows a building on the application site with the annotation "The Bungalow" (see fig.2).

² Reference 554-E

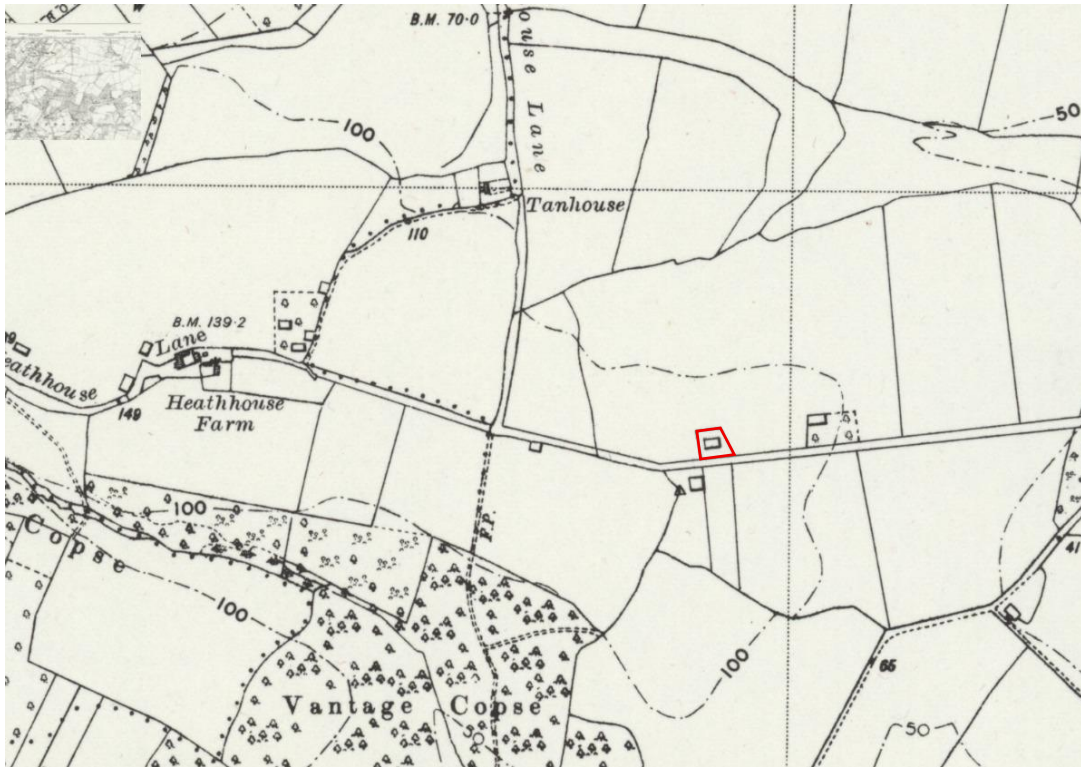


Fig.1 Ordnance Survey 1938-42 (source: National Library of Scotland)



Fig.2 Ordnance Survey 1965 (source: National Library of Scotland)

3.0 Proposed Development

Permission in Principle

3.1 Since 1 June 2018, it has been possible to apply directly to the Local Planning Authority for PiP for development that is not:

- “Major” development (defined as ten or more houses or a land area of one hectare or more);
- Habitats development;
- Householder development; or
- Environmental Impact Assessment development.

3.2 Planning Practice Guidance (PPG) states³ that the PiP route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical details of the development. The PiP consent route has two stages. The first is the PiP stage (this application) which establishes whether a site is suitable “in-principle”. The scope of PiP applications is strictly limited to location, land use and amount of development.

3.3 The second stage is where other matters should be considered and where detailed development proposals are assessed. This is known as the Technical Details Consent (TDC) stage. The PPG explains what is meant by TDC:

“Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings.”

The Proposal

3.4 Permission in Principle (PiP) is sought to establish the principle of a single self-build dwelling on land at Tanhouse Lane, Hedge End.

3.5 The existing access off Tanhouse Lane would continue to serve the application site, without need for alteration.

³ Paragraph: 001 Reference ID: 58-001-20180615

- 3.6 The detailed design, form and layout of the proposed dwelling is beyond the scope of this PiP application and would be subject to a Technical Details Consent (TDC) application. Notwithstanding, it is envisaged that the dwelling would be a bungalow designed with traditional features and detailing to reflect the rural character of the surrounding area.
- 3.7 The application site lies within the catchment of The Solent designated habitat sites. A unilateral undertaking (UU) is submitted with this application to demonstrate the applicant's commitment to addressing the relevant planning obligations (such as mitigating recreational pressure on designated sites, and to secure nutrient neutrality by mitigating the likely significant effects of development) at TDC stage.
- 3.8 The UU will also bind permission to being delivered in a way that meets the definition of 'self-build'.

4.0 Planning Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs Local Planning Authorities to determine planning applications in accordance with the policies of the Development Plan unless material considerations indicate otherwise. Section 38(3) of the Act provides that the Development Plan includes the *“Development Plan documents (taken as a whole) which have been adopted or approved in relation to that area”*.

The Development Plan

- 4.2 The development plan comprises the Eastleigh Borough Local Plan (2016 – 2036)
- 4.3 With reference to the principle of development, relevant policies of the development plan include:
- Policy S1 (Sustainable Development)
 - Policy S2 (Approach to Development)
 - Policy S3 (Location of New Housing)
 - Policy S5 (New Development in the Countryside)
 - Policy S11 (Transport and Infrastructure)
 - Policy S12 (Strategic Footpath, Cycleway and Bridleway Links)
 - Policy DM5 (Managing Flood Risk)
 - Policy DM6 (Surface Water Management)
 - Policy DM11 (Nature Conservation)

Material Considerations

- 4.4 Section 70 (2) of the Town and Country Planning Act 1990 requires that all material considerations are taken into account. Relevant material considerations in this case could comprise:
- The National Planning Policy Framework (NPPF)⁴;
 - Five Year Housing Land Supply (5YHLS);
 - Self-build & custom housing (SBCH); and
 - Emerging draft Local Plan (dLP)

⁴ December 2024

The National Planning Policy Framework

- 4.5 NPPF#7 states *“The purpose of the planning system is to contribute to the achievement of sustainable development”*. To achieve this, NPPF#8 sets three objectives:
- economic;
 - social; and
 - economic.
- 4.6 NPPF#11 clearly sets out a presumption in favour of sustainable development. NPPF#11d states *“Where there are no relevant development plan policies, or the relevant development plan policies are out of date... planning permission should be granted unless any adverse impacts of doing so would demonstrably outweigh the benefits”*.
- 4.7 Footnote 8 defines ‘out of date’ as *inter alia* where *“the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”*.
- 4.8 Footnote 7 reinforces the presumption unless the application of policies in the NPPF that protect areas or assets of particular importance (such as habitat sites) provides a strong reason for refusing the development proposed.
- 4.9 NPPF#39 states that local planning authorities should approach decisions on proposed development in a positive and creative way and should use the full range of planning tools available.
- 4.10 NPPF#61 outlines the need for a sufficient amount and variety of land to come forward where it is needed in order to support the Government’s objectives of *“significantly boosting the supply of homes”*, whilst paragraph 73 notes that small and medium sites can make an important contribution to meeting the housing requirement of an area.
- 4.11 NPPF#83 states *“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”*.

- 4.12 NPPF#116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network, following mitigation, would be 'severe' taking into account all reasonable future scenarios.
- 4.13 NPPF#124 explains that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment.
- 4.14 NPPF#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.
- 4.15 NPPF#135 states that planning decisions should ensure that developments will function well, are visually attractive, sympathetic to local character and history, establish a strong sense of place, optimise the potential of the site, and create places that are safe, inclusive and accessible.
- 4.16 NPPF#187 explains that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and minimising impacts on and providing net gains for biodiversity.
- 4.17 The NPPF defines Permission in Principle⁵ as *"a form of planning consent which establishes that a site is suitable for a specified amount of housing led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed."*

Housing Land Supply

- 4.18 As of January 2026, the Council's published housing land supply position was 4.2-years.

Self-Build & Custom Housing

- 4.19 The Self-Build and Custom Housebuilding Act 2015 and the NPPF⁶ emphasises that *"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*

⁵ on Page 77 of the Glossary

⁶ Footnote 29

sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand.”

- 4.20 It should be noted that in order to qualify for the 2015 Act, Planning Practice Guidance clearly states⁷ that a planning application must reference ‘self-build’ or ‘custom build’, and it must be clear that the initial owner of the home will have or has had primary input into its final design and layout.

Emerging draft Local Plan (dLP)

- 4.21 The Council are currently preparing a new Local Plan. It is expected to reach Regulation 19 Stage in November 2027, with adoption anticipated in May 2029.
- 4.22 In accordance with paragraph 48 of the Framework, no weight can be assigned to the dLP at this early stage.

⁷ Paragraph: 038 Reference ID: 57-038-20210508

5.0 Planning Assessment

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that all decisions must be determined in accordance with the Development Plan, when taken as a whole, unless other material considerations indicate otherwise.

The 'Permission in Principle' route

- 5.2 The proposed development is not major development, householder development or Environmental Impact Assessment development and therefore the application qualifies for PiP.
- 5.3 The scope of the PiP is limited to location, land use and amount of development. The PPG confirms⁸ that other matters such as protected species should be deferred to the TDC stage.
- 5.4 The PPG states that PiP must not be granted for development which is habitats development⁹ – this being development which is likely to have a significant effect on a qualifying European site, referred to as [habitats sites](#) in the NPPF. Where development is likely to have a significant effect on a qualifying European site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of PiP.
- 5.5 If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the process, it can grant permission in principle.
- 5.6 This is discussed further at 5.XX.

Principle of Development

- 5.7 As set out in Section 4 above, the 2004 Act requires local planning authorities to determine planning applications in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 5.8 Policy S2 establishes the amount of housing that will be distributed around the Borough during the plan period, whilst policy S3 seeks to direct as many new homes as possible to within

⁸ [Paragraph: 003 Reference ID: 58-003-20190615](#)

⁹ [Paragraph: 005 Reference ID: 58-005-20190315](#)

existing urban areas (with the remainder directed to new strategic housing allocations and exception sites).

- 5.9 Policy S5 seeks to control new development in the countryside. It is clear that the proposal relates to new development outside any settlement boundary and that the application site is therefore in 'countryside' for planning purposes. It is also evident that the proposal does not accord with any of the policy S5 criteria (a) – (g) which presents exceptions to the usual policy of restraint.
- 5.10 Consequently, the proposed development falls outside any of the criteria within policies S3 and S5 that support new development in the countryside, and hence there would appear to be some conflict with the principle of the proposed development in spatial strategy terms.
- 5.11 However, policy S1 sets out a presumption in favour of sustainable development, outlining (at criterion 4) that where relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise¹⁰ – taking into account whether:
- a) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF; or
 - b) Specific policies in the NPPF indicate that development should be restricted.
- 5.12 Footnote 8 of the NPPF defines 'out of date' as *inter alia* where "*the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".
- 5.13 The Council's latest Housing Land Supply position statement¹¹ confirms that it is only able to demonstrate a 4.2 year supply of deliverable housing sites. Accordingly, the proposal contributes positively to the Borough's housing needs.
- 5.14 Policies S2, S3 and S5 (and other policies relevant to the supply of homes) are considered to be 'out of date' and a presumption in favour a sustainable development is engaged. Therefore, planning permission should be approved in accordance with policy SD1, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

¹⁰ Consistent with NPPF#11[d]

¹¹ As at 1 April 2025 (published January 2026)

- 5.15 An assessment of the impacts and considerations arising from the proposals has been carried out here.

Self-Build

- 5.16 The adopted Local Plan makes a very loose reference to the potential for self-build and custom housebuilding (SBCH) in the supporting text of policy DM23, which considers new residential development in urban areas. The supporting text acknowledges “*the Borough Council recognises the need to make more land available at a range of sites to encourage growth in the self-build sector*” but policies are silent on self-build specifically. With reference to the above, policy DM23 is out of date.

- 5.17 Nevertheless, the NPPF¹² places a duty on Councils to give enough planning permissions to meet the demand from each base period.

- 5.18 In determining an appeal near Gaydon, Warwickshire¹³ an Inspector attached “*substantial weight*” (paragraph 15) to the benefits of delivering 4 no.self-build homes and allowed the appeal despite a five-year housing land supply, concluding:

“The conflict with the development plan is reduced to modest only, as the identified policies are silent with respect to the provision of SBCH and do not account for the statutory duty to provide such housing. The importance of this type of housing, as established by the Framework, is clear. As such, the benefits of the proposal, with particular merit afforded to SBCH, would outweigh the moderate weight afforded to the conflict with the development plan.” (paragraph 19)

- 5.19 A copy of the appeal decision is attached at Appendix A.

- 5.20 The Council has 3 years following the end of each base period to provide enough permissions for demand from each base period.

- 5.21 Monitoring data for completions is available for up to October 2022. According to the data, there were a total of 873 entries on the Register. A total of 2 permissions were granted for SBCH between October 2021 and October 2022. Table 1 below sets out the poor delivery of self-build plots since 2016:

¹² Footnote 29

¹³ Appeal Ref: APP/J3720/W/23/3336035 Land to the NE of Banbury Rd, Gaydon, Warwickshire, decision dated 14/06/2024

Period	Total entries on register	Total Permissions Granted
2016 - 2017	28	6
2017 - 2018	44	7
2018 - 2019	61	7
2019 – 2020	75	6
2020 – 2021	95	11
2021 – 2022	108	2

Table 1: Self-Build data 2016 – 2022

(Source: <https://www.gov.uk/government/publications/self-build-and-custom-housebuilding-data>)

- 5.22 The first four base periods and their associated 3-year time windows for delivering permissions have now passed. The data demonstrates a continuing and steady growth in the number of individuals entering the Register.
- 5.23 The delivery of 1no. self-build plot will make a modest but valuable contribution to assisting the Council in meeting its self-build needs, particularly in the context of the data outlined above.
- 5.24 In recent appeals, modest weight has been applied to the provision of a self-build dwelling in the agreed context of a shortfall in delivery. In a 2025 appeal against the Test Valley Borough Council’s refusal of planning permission for 2 no. self-build dwellings in West Tytherley¹⁴, the Inspector acknowledged the absence of a 5YHLS, and noted that *“the benefits of securing self-build housing can be attributed a good deal of weight”*.
- 5.25 It is acknowledged that the delivery of a single unit is not contributing significantly to addressing the identified land supply shortfall. However, given the significant shortfall in delivery of self-build plots to meet demand, modest weight must still be applied.
- 5.26 It should be noted that in order to qualify for the 2015 Act, Planning Practice Guidance clearly states¹⁵ that a planning application must reference ‘self-build’ or ‘custom build’, and it must be clear that the initial owner of the home will have or has had primary input into its final design and layout. This application references self-build within its description of development and the applicant will have primary input into its final design and layout.

Accessibility

- 5.27 The application site is located outside of any defined settlement boundary and is within ‘countryside’ for planning purposes. However, it is incorrect to assume that the application

¹⁴ PINS ref: APP/C1760/W/25/3367177 Mornington, North Lane, West Tytherley, SP5 1LX (TVBC ref.24/02671/FULLS)

¹⁵ Paragraph: 038 Reference ID: 57-038-20210508

site is in-accessible or remote from services in this regard, which is an important factor in considering the suitability of a dwelling in this location. Hedge End is identified as a Tier 2 Settlement within the Settlement Hierarchy, defined as ‘other large towns with significantly more extensive retail offers and community and public transport infrastructure than in other settlements in the Borough and therefore serving a wider catchment’. The following services are located close to the application site:

	Distance (m)	Walking	Cycling
Norman Road Pavilion, play area & recreation ground	600	8 mins	-
Bus Stop – Barnfield Way (#3 service)	650	9 mins	-
Bus Stop – Cranbourne Park (#3 service)	700	9 mins	-
Tesco Express (Kings Copse)	800	11 mins	3 mins
Kings Copse Primary School	800	11 mins	3 mins
Freegrounds Infant/Junior School	1500	20 mins	5 mins
Wildern School (secondary)	2800	38 mins	10 mins

Table 2 (source: Google Maps - measured from application site access)

- 5.28 The above demonstrates that these facilities are a short walk from the application site and could be accessed easily by foot along an existing pavement/walking route, or by bicycle. They are all within the distance defined by the National Travel Survey as being within either a comfortable walking distance (between 800m – 1600m) or an acceptable walking distance (between 1600m – 3200m).
- 5.29 There are several bus stops located along Heath House Lane and Kings Copse Avenue within 650m of the application site. Bus numbers 3, 24 and 424 run on this route, which run between Southampton and Eastleigh and Eastleigh to Hedge End.
- 5.30 With reference to the recently approved development of 192 dwellings nearby on Kings Copse Avenue¹⁶, the officer’s report confirms that the site (with similar accessibility credentials to the application site) *“is considered to be in an accessible location for local services and bus travel”*.
- 5.31 It is not disputed that there would be a degree of reliance on the private car. However, it is important to note that this is not the only available method of transport available to this location. The proposed dwelling will include secure, covered storage for several bicycles, and provide an EV electrical charging point to encourage cleaner travel. Notwithstanding, the NPPF¹⁷ recognises that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”*. Therefore, it would be unreasonable to entirely dismiss the development

¹⁶ EBC ref.F/25/100141 Land south east of Kings Copse Avenue, Hedge End

¹⁷ NPPF#109

on the basis of its location, particularly considering the access to local facilities within walking distance; the proximity to bus stops; and the inclusion of design measures to encourage sustainable travel.

- 5.32 In considering the above, it is recognised that the application site lies beyond a defined settlement boundary. However, it is located within a built envelope and as such is not isolated from other residential units, services or public transport. It is therefore considered to be a suitable location for the proposed development, and in doing so it would maintain and enhance the vitality of the local community in accordance with NPPF.

Character of the Area/Design

- 5.33 The scale of the proposed development is considered appropriate to the character of the area, mindful of the existing development grain, and accessibility to local services. It is relevant to note that there was previously a dwelling on the application site until the 1980s.
- 5.34 Whilst detailed design matters are reserved for the Technical Design Stage (TDC), the illustrative layout demonstrates how the application site can comfortably accommodate the proposed detached dwelling without any adverse impacts in accordance with Local Plan Policy DM1.

Amenity

- 5.35 Due to the distances involved between the application site and nearby buildings, there is not likely to be any harmful impacts to neighbouring users, nor are there any nearby users which could impact future occupiers of this site in accordance with Policy DM8.
- 5.36 The proposal will result in no loss of the adjacent country park, and will have no adverse impact on its function. The recent approval of 192 dwellings on adjoining land¹⁸ resulted in the loss of land within the designated country park, and no objection was raised.

Highways and Access

- 5.37 The application site will be accessed via an existing gated entrance off Tanhouse Lane. It is considered that it is a safe and suitable access for the proposed development given likely low

¹⁸ See Footnote 16

level of traffic and good visibility. Given the size of the plot, appropriate parking and cycle provision can be met in accordance with the standards.

- 5.38 Whilst access is not a relevant consideration of this application for PiP, it is considered this could be adequately provided in accordance with local and national policy.
- 5.39 In considering the above, development could proceed without causing an unacceptable impact to the local or wider highways network in accordance with Policy DM13 and DM14 of the Local Plan.

Ecology and Biodiversity

- 5.40 As outlined in Section 1, the application site is located within close proximity to a number of ecological designations. The proposal will result in no loss of protected habitat.
- 5.41 The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 states that councils may not grant PiP in relation to habitats development¹⁹.
- 5.42 Natural England has concluded that all new residential development within an identified river catchment will potentially have a significant effect on nature conservation interests of the protected area. Therefore, where relevant, new residential development must demonstrate nutrient neutrality (NN) to ensure that it does not add to existing nutrient burdens.
- 5.43 Where development is likely to have a significant effect on a European site, Planning Practice Guidance advises the local planning authority to undertake an appropriate assessment before granting PiP. If satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affect the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the PIP process, it can grant PiP.
- 5.44 Impacts of development can be mitigated through the acquisition of credits which can be available from various sources.

¹⁹ which the 2017 Order defines as development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site.

- 5.45 With reference to the Council's own guidance²⁰ (and the Environment Agency catchment mapping), the application site is not part of a river catchment and therefore the proposal may not have an adverse impact on relevant nature conservation interests.
- 5.46 Nevertheless, should it be concluded that mitigation is required, credits can be secured via a Unilateral Undertaking (UU) submitted alongside this application which is an accepted method of securing credits at the PiP stage. In allowing an appeal against the refusal of PiP in Gloucestershire²¹, an Inspector noted (at paragraph 21) *"Planning Practice Guidance (PPG) states that it is not possible for conditions to be attached to a grant of permission in principle and that planning obligations cannot be secured at this stage. However, there is no legal reason why an obligation cannot be entered into at any time"* and added *"In conclusion on this main issue, the UUs would ensure that there would be no adverse effect on the integrity of the SACs. As the competent authority for the purpose of the habitat regulations, I am satisfied that, subject to compliance with other statutory requirements regarding the permission in principle process, permission in principle could be granted, as described in the PPG"*.
- 5.47 A copy of the appeal decision notice is attached at Appendix B.
- 5.48 Therefore, it is considered that if required, nutrient neutrality can be adequately delivered in accordance with relevant legislation. The submitted UU also makes provision for mitigating recreational impacts on The Solent and the New Forest.
- 5.49 Accordingly, the proposal is not habitats development and can be approved without delay.
- 5.50 The proposal is for self-build accommodation. Self-build accommodation is exempt from delivering biodiversity net gain (BNG). In any event, the application site does not comprise any habitat other than a small area of highway verge grass.
- 5.51 In considering the above, a subsequent TDC application could accord with Policy DM11.

Flood Risk and Drainage

- 5.52 The Site is located entirely within Flood Zone 1 and at very low risk of flooding from surface water runoff.

²⁰ [Helping to Unlock Developments Across the Solent](#), Eastleigh Borough Council

²¹ PINS ref.APP/C1625/W/23/3329704 Windsoredge Lane, Nailsworth, Glos GL6 ONP (decision dated 17/07/2024)

- 5.53 Whilst a matter for the detailed staged, it is envisaged that Sustainable Urban Drainage Systems (SuDS) could be incorporated, and final materials considered with regards to their permeability.
- 5.54 Whilst flood risk is not relevant to the consideration of this application for PiP, it is considered that a dwelling could be sited without causing additional risk of flooding on the site or elsewhere in accordance with the Framework and Local Plan Policy DM5.

Planning Balance

- 5.55 This application seeks Permission in Principle (PiP) for the development of 1no. self-build dwelling.
- 5.56 It is recognised that by virtue of the application site's location outside a defined settlement boundary, new residential development would normally be resisted as it represents a departure from Development Plan policies. This carries some moderate negative weight.
- 5.57 However, the NPPF²² states that *"all decisions must be determined in accordance with the Development Plan ... unless other material considerations indicate otherwise"*.
- 5.58 As outlined within this Statement, there are material considerations which weigh in favour of the proposal.
- 5.59 The Council can only demonstrate a 4.2-year supply of sites for new housing against a (minimum) 5-year requirement. Hence, relevant development plan policies are out of date and a presumption in favour of sustainable development (policy S1) applies unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
- 5.60 The Council is also failing in its duty to deliver sufficient sites for self and custom-build development to meet the identified need.
- 5.61 With this in mind, the degree of conflict with the Development Plan is considered to be limited.
- 5.62 The proposal will deliver a number of tangible benefits, including:

²² NPPF#2 (and Section 38 (6) of the Planning and Compulsory Purchase Act 2004)

- a contribution towards the delivery of new housing stock to meet the needs of the present and future generations. Due to its scale, the application site can be built out quickly helping to address the shortage of deliverable housing land – moderate positive weight;
- a contribution towards meeting the need for the delivery of new self-build homes – a good deal of positive weight; and
- a contribution towards employment provision and local spend during the construction phase. RICS identify that for every £1 spent on construction output, an additional £2.84 of total economic activity is generated. As such, the proposed development will help facilitate wider economic stimulus in the area. The future occupation of the increase in ‘local spend’ to support and enhance the vitality and viability of the local community – moderate positive weight.

5.63 Furthermore, it is considered that there would be no material harm in terms of adverse impact on the character of the area, or highways safety, and there would be no adverse flood risk on site or elsewhere.

5.64 It is considered that the application site is highly accessible, by virtue of its proximity to local facilities and services. The proposal will also incorporate measures to encourage sustainable travel.

5.65 It is, therefore, clear that in weighing the balance, there are no adverse impacts of granting Permission in Principle that would significantly and demonstrably outweigh the benefits of the scheme in providing a self-build development in this location; as such the proposal should be approved in accordance with policy S1 and paragraph 11[c] of the NPPF.

6.0 Conclusion

- 6.1 This application seeks Permission in Principle (PiP) for the development of 1no. self-build dwelling.
- 6.2 Whilst the location of the proposed development is in conflict with the Council's spatial strategy for the distribution of new development, relevant policies for the supply of housing are out of date²³ and hence a presumption in favour of sustainable development applies.
- 6.3 Similarly, it has been demonstrated that the Council is failing in its duty to deliver sufficient sites for self-build homes.
- 6.4 Both land supply shortfall and lack of self-build delivery are material considerations which have been afforded substantial weight by Inspectors in appeal decisions recently. There are also numerous other benefits which add weight to the assessment.
- 6.5 Overall, the proposed development would deliver a high-quality new self-build home, close to facilities and services. The new home will make a small but valuable contribution to meeting the need for new homes in the area, including self-build needs (the social objective).
- 6.6 The development will provide an injection of expenditure into the local economy in the short term during the construction phase. Indirect and induced expenditure during construction will have a positive local economic impact. Once occupied, the new home will support the vitality of existing the facilities and services in Hedge End and the surrounding area through increased footfall and custom (the economic objective).
- 6.7 The proposals will include new soft landscaping and trees (to be agreed at TDC stage) to help the development assimilate into the wider landscape and enhance local biodiversity. The proposal is also in a highly sustainable location which encourages walking and cycling (the environmental objective).
- 6.8 The proposal will therefore contribute to the achievement of sustainable development in accordance with the NPPF. It is clear that there are no impacts that weigh so significantly and demonstrably against the proposal as to outweigh the substantial benefits. On this basis the proposals should be granted Permission in Principle.

²³ By virtue of a 4.2-year housing land supply

Appendix A

Appeal Decision – Gaydon, Warwickshire



Appeal Decision

Site visit made on 3 June 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/J3720/W/23/3336035

Land to the northeast of Banbury Road, Gaydon, Warwickshire CV35 0HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Lone Star Land Limited against the decision of Stratford-on-Avon District Council.
 - The application Ref is 22/03728/PIP.
 - The development proposed is Permission in Principle for the Residential Development of land for four Self and Custom Build Dwellings.
-

Decision

1. The appeal is allowed, and permission in principle is granted for the Residential Development of land for four Self and Custom Build Dwellings at land to the northeast of Banbury Road, Gaydon, CV35 0HQ in accordance with the terms of the application, Ref 22/03728/PIP.

Preliminary Matters

2. The appeal seeks permission in principle. This consent route has 2 stages. The first establishes whether a site is suitable in principle for development and the second is for detailed assessment of the proposals. This appeal relates to the first stage, so the scope of considerations is limited to location, land use and the amount of development proposed. It is undisputed that the site would accord with matters of 'amount of development proposed'. As such, I shall focus on matters of location and land use alone and have determined the appeal accordingly.
3. The Council's Draft Site Allocation Plan (DSAP) has been subject to Regulation 18 consultation, but I understand has not yet been submitted for examination. The National planning Policy Framework (The Framework) explains, at paragraph 48, that weight can be afforded to emerging policies based on the stage of preparation of the plan, the extent of unresolved objections to a policy and the degree of consistency with the Framework.
4. DSAP policies SAP.6 (Meeting Self-build and Custom housebuilding needs) and SAP.7 (Built-up boundaries) have been identified as relevant to this proposal. These policies support the provision of such development on unallocated sites that are adjacent to the built-up boundaries of Local Service Villages. However, due to the stage of the Plan's adoption, I have afforded only limited weight to these policies.

Main Issue

5. The main issue is whether the appeal site is an acceptable location and land use for housing having regard to local and national policies.

Reasons

6. The Stratford-on-Avon Core Strategy [2016] (CS) establishes the Council's spatial housing strategy. CS policy CS.15 identifies that the distribution of development is based on a balanced dispersal with Stratford-upon-Avon and Main Rural Centres accommodating most new development. Beneath these, Local Services Villages are considered suitable for restricted housing as specified in CS policy CS.16. The supporting commentary to CS policy CS.15 explains that Local Service Villages (or Centres) have been assessed and placed within one of four categories based on the range of services available to each centre. In all other (smaller) settlements, development is restricted to small-scale community led schemes which meet a local need.
7. Gaydon, is classed as a category 4 settlement, where only a limited range of goods and services are available. CS policy CS.16 establishes the numerical distribution of housing across the district with category 4 settlements receiving 400 dwellings within their boundaries, with no more than 8% being delivered on any individual site.
8. CS policy AS.10 relates to development outside the built-up areas of settlement boundaries, and to development in the countryside and small villages. This policy seeks to maintain the vitality of rural communities and a strong rural economy, through making provision for a range of activities and development in the rural parts of the district. For new residential development the policy would support community led, small-scale housing schemes within the boundary of Local Service Villages (criteria a and b). In the open countryside, residential development is confined to a closed list of residential activity, none of which the proposal would comply with (criteria c-j).
9. The site is outside a settlement boundary, adjacent to a small village. It is adjacent to a row of linear development which forms part of the settlement. Cottage Farm and its associated businesses and the Showman Event Support business (behind Cottage Farm) are adjacent to the other side of the site. However, the farmhouse and rural businesses are of substantially different character to the noted formal edge of the settlement and as such the site is deemed to be in the open countryside for policy purposes. The site is not isolated as it is next to existing houses, but it is not particularly well located for access to services and facilities, due to the category level of Gaydon.
10. As the appeal site is outside the settlement boundary it would conflict with the Council's spatial housing policies. As such, the proposed development would be an unsuitable location for residential development and would therefore conflict with CS Policies CS.1, CS.15, CS.16 and AS.10 and the Framework. These require, when taken together, that development should be located so that it contributes towards the maintenance of sustainable communities within the district and for development to offer access to sustainable travel.

Other Matters

11. The proposal is described as a self-build project. The Self-Build and Custom Housebuilding Act 2015 (the Act) requires local planning authorities to establish

and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. Section 2A, of the Act, requires a local authority to grant sufficient self-build permissions to be in keeping with local need as set out on the self-build or custom housing (SBCH) register.

12. The CS does not include any SBCH related policies and due to this inconsistency, the Framework is an important material consideration on this matter. Paragraph 70(b), of the Framework, supports small sites to come forward for self-build and custom-build housing. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes. The benefits of SBCH are recognised by the Planning Practice Guidance (PPG) finding that it helps to diversify the housing market and increase customer choice.
13. As indicated by the Council's self-build register, there is a shortfall of available plots for self-build and custom house building. Therefore, based on the submitted evidence I conclude that the Council is failing to meet its statutory duty with respect to the delivery of plots for SBCH dwellings.
14. The PPG is clear that at the permission in principle (PIP) stage it is not possible to secure a planning obligation or to impose conditions. Nonetheless, the Council could adequately secure this type of housing at the TDC stage to ensure that the initial owners would have primary input into the final design and layout of the dwellings.
15. Furthermore, Section 2A(5) of the Act defines 'development permission' as both planning permission or permission in principle, demonstrating that SCBH can be delivered through the PIP route. The description of development would limit the occupancy of the building to SBCH tenancy. The PPG, and the 1990 Act¹ advise that the technical details consent must be in accordance with the relevant PIP. As such, a subsequent TDC to this PIP would need to demonstrate how it would deliver the SBCH to be approved. This requirement could be secured by a suitable legal mechanism. This would guarantee the site's delivery for the specialist type of housing. As such, this site would assist the Council in its delivery of SBCH sites and help address its existing shortfall. Accordingly, the benefit of the proposed delivery of SBCH is attributed substantial weight in the planning balance.
16. The Council has submitted several appeal decisions that have found that a planning obligation cannot be applied to a PIP and thus could not secure the required self-build housing. However, I have found the Appellant's evidence and legal advice to be compelling and this aligns with the guidance and requirements of the Act. Furthermore, each case must be considered on its own merits and the full details of the submitted appeal decisions is not in evidence to enable me to draw any clear comparisons to this appeal.

Planning Balance and Conclusion

17. The Framework seeks to boost the supply of housing. It also seeks to promote walking, cycling and public transport and for the planning system to actively manage patterns of growth in support of these objectives. The proposal would

¹ 1990 Town and Country Planning Act, section 70(2), 2ZZA

result in harm to the Council's spatial housing policies and therefore conflict with CS Policies CS.1, CS.15, CS.16 and AS.10.

18. In contrast, the proposal would deliver 4 self-build dwellings that would assist in the provision of housing in the area. The site is adjacent to a settlement boundary, which is served by a footway and would provide a natural extension to the village and offer connectivity benefits to future occupiers. The proposed dwellings could be delivered relatively quickly, making a rapid positive contribution to the local supply of housing in the area. Despite the Council's ability to demonstrate it has a 5-year supply of housing this weighs in favour of the scheme. The proposal would deliver economic benefits both during and post construction and would provide some social benefits. These benefits weigh in favour of the proposal and demonstrate that the proposal would accord with the Framework when taken as a whole.
19. The conflict with the development plan is reduced to modest only, as the identified policies are silent with respect to the provision of SBCH and do not account for the statutory duty to provide such housing. The importance of this type of housing, as established by the Framework, is clear. As such, the benefits of the proposal, with particular merit afforded to SBCH, would outweigh the moderate weight afforded to the conflict with the development plan.
20. Accordingly, the appeal is allowed and permission in principle is granted.

Ben Plenty

INSPECTOR

Appendix B

Appeal Decision – Nailsworth, Glos



Appeal Decision

Site visit made on 13 June 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/C1625/W/23/3329704

Land North of Windsoredge Lane, Nailsworth, Gloucestershire GL6 0NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Millar of Livedin against the decision of Stroud District Council.
 - The application Ref is S.23/0237/PIP.
 - The development proposed is described as 'between 2 and 4 custom build houses'.
-

Decision

1. The appeal is allowed and permission in principle is granted for between 2 and 4 custom build houses at Land North of Windsoredge Lane, Nailsworth, Gloucestershire GL6 0NP in accordance with the terms of the application, Ref S.23/0237/PIP and the plans submitted with it.

Preliminary Matters

2. Permission in principle is part of a 2-stage planning consent process which provides an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for proposed development on a site from the technical detail of that development. The permission in principle consent route has 2 stages: the first stage, or permission in principle stage, establishes whether a site is suitable in principle, and the second, technical details consent (TDC) stage is when the detailed development proposals are assessed. A full planning permission is only secured when both stages have been passed.
3. The appeal relates to the refusal of permission in principle, for which the Planning Practice Guidance (PPG) describes that matters within its scope are limited to location, land use and amount of development.
4. The Council has an emerging Local Plan (the ELP) which is currently undergoing examination. That process is experiencing delays and the Council report objections to its policies. As such there is uncertainty as to how far away the ELP is from adoption and the final form that its policies may take. The relevant policies referred to are discussed in turn below.
5. The appeal is accompanied by two Unilateral Undertakings dated 26 June 2024 (the UUs) which relate to mitigation for the Cotswolds Beechwoods and Rodborough Common habitat sites. These have been taken into account in the determination of the appeal.

Main Issues

6. The main issues are:

- Whether the site is suitably located for new housing, with regard to the Council's spatial strategy;
- The effects of the proposal on the character and appearance of the area, including the Cotswold Area of Outstanding Natural Beauty (AONB), and;
- The effects on designated habitat sites.

Reasons

Spatial Strategy

7. Policy CP2 of the Stroud District Local Plan 2015 (the LP) sets out the Council's strategy for the delivery of development in the District. It identifies strategic sites located at principal settlements, and states that, outside those sites, development shall take place in accordance with a settlement hierarchy and that housing development will take place within settlement development limits. It goes on to state that limited development will take place outside these designated areas and in accordance with other policies of the Plan.
8. Policy CP3 sets out the hierarchy for growth and development across the District's settlements, where they are ranked according to their size and range of services and facilities. The supporting text states that the policy seeks to promote sustainable communities to maintain and promote the viability of local facilities and reduce the need to travel to services and facilities elsewhere.
9. Policy CP3 acknowledges Nailsworth to be a Local Service Centre and Second Tier Settlement which is described as one with potential to provide for modest levels of jobs and homes to help sustain and, where necessary, enhance services and facilities, promoting better levels of self containment and viable sustainable communities. Policy CP15 of the LP relates to development in the countryside and states that, in order to protect the separate identity of settlements and the quality of the countryside, proposals outside identified settlement development limits will not be permitted except where certain principles are complied with as set out in that policy.
10. The appeal site lies outside the settlement boundary for Nailsworth and can be considered to be in the countryside for the purposes of the development plan. Based on the evidence before me, the proposal would not adhere to any of the principles set out in Policy CP15. The proposal would also not comply with Policy HC3 of the LP, which relates to self-build housing provision at strategic sites allocated by the LP.
11. As such, the site is not suitably located for new housing having regard to the Council's spatial strategy, and it would conflict with policies CP15 and HC3, and as a consequence conflict with policies CP2 and CP3 of the LP.
12. It is not apparent that the proposal falls to be considered under draft Policy HC4 of the ELP which refers to single plot self-build or custom build affordable dwellings, or ELP Policy DHC2 which relates to smaller rural settlements.

Character and Appearance

13. The site is within the Cotswolds AONB, now otherwise known as the Cotswold National Landscape. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas, which have the highest status of protection in relation to these issues. The Stroud District Landscape Assessment 2000 identifies the site to be in one of the District's Secluded Valleys, defined by its steep sides, concave narrow valley form and complete interlocking valleys. It states that this area supports a variety of settlement patterns and includes larger settlements on high land and throughout the Nailsworth valleys, where more recent development has spread up the valley slopes and is prominent over considerable distances.
14. The appeal site is currently free from built form and has an open and verdant character. It slopes steeply downwards to the north and is exposed in far reaching views through the valley to the north. The site adjoins an existing network of lanes and other properties to three sides which create a staggered edge to the settlement. These surrounding buildings vary in their height and design and respond to the gradient of the land, for example in the case of the properties to the west, which step steeply downwards to the north.
15. The proposal would entail a relatively small expansion to the edge of the settlement into the countryside when considered against the size of Nailsworth as a whole, and would appear against the backdrop of the existing surrounding buildings in longer views from the north. The effects of the proposal on the landscape would inevitably depend on the particular characteristics of the development including its site layout and design, which are not provided at this stage. However, despite the sensitivity of the location, the existing built forms and settlement are part of the immediate landscape character and it cannot be ruled out that a satisfactory solution could reasonably be achieved. If the appeal is allowed, the site must receive a grant of TDC before the development could proceed. Only at the time of approval of TDC would the development have planning permission and there would be no requirement that this would be given automatically.
16. In conclusion on this main issue, and in considering the limited scope of issues which can be considered at this stage, the proposal would be acceptable in terms of its effects on the character and appearance of the area and the special landscape character of the AONB. Accordingly the proposal before me would not conflict with Policy EN7 of the LP which requires development to conserve or enhance the special landscape features, nor the objectives of the Framework relating to AONBs.

Habitat Sites

17. The site lies within the catchment zones of the Rodborough Common Special Area for Conservation (SAC) and the Cotswolds Beechwoods SAC, which are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended ('the habitat regulations'). The Cotswolds Beechwoods is also notified at a national level as The Cotswold Common and Beechwoods Site of Special Scientific Interest (SSSI).
18. Rodborough Common SAC is designated for its calcareous grassland, being the most extensive area of semi-natural dry grasslands surviving in the Cotswolds, and it contains a wide range of structural types. Conservation objectives for Rodborough Common SAC include the need to maintain in favourable condition

the calcareous grassland. The Cotswold Beechwoods SAC comprises qualifying features including beech forests and semi-natural dry-grassland and scrubland facies on calcareous substrates.

19. In the case of both SACs, recreational pressures have been found to pose a significant threat to their designated features. In the case of Rodborough Common this includes effects of walking by local residents, and in the case of the Cotswolds Beechwood this includes damage and trampling, contamination and fire. Consequently, and based on visitor surveys for both, zones of influence have been established, within which housing growth may result in an increase in recreational pressures from new residents. The appeal site lies within the designated zones of influence for both and as such likely significant effects on the integrity of the SACs cannot be ruled out.
20. The proposal would entail new dwellings and additional permanent occupants within 3.9km of the Rodborough Common SAC and within the 15.4km zone of the Cotswolds Beechwoods SAC which, as set out above, would increase recreational pressures upon them. The Council have a strategic approach to mitigation for both SACs. The Rodborough Common SAC Recreation Mitigation Strategy 2022 sets out measures including habitat management, access infrastructure and raising awareness, to be funded by development in the area. The Cotswold Beechwood SAC Mitigation Management Strategy 2022 similarly gives details of necessary mitigation for the effects of new development and its approach includes strategic access management and monitoring to make the SAC more resilient to increased recreation, as well as suitable alternative natural greenspace away from the SAC. It similarly establishes financial contributions from development to fund those measures. Based on the evidence before me, I have no reason to doubt that the measures set out for both SACs would be successful in mitigating the effects of the proposal.
21. Planning Practice Guidance (PPG) states that it is not possible for conditions to be attached to a grant of permission in principle and that planning obligations cannot be secured at this stage. However, there is no legal reason why an obligation cannot be entered into at any time. The appellant has provided two UUs, based on a template provided by the Council, and these would ensure that the required financial contributions towards mitigation for each SAC would be paid prior to the commencement of development, to be spent only for the purposes of that mitigation.
22. In conclusion on this main issue, the UUs would ensure that there would be no adverse effect on the integrity of the SACs. As the competent authority for the purpose of the habitat regulations, I am satisfied that, subject to compliance with other statutory requirements regarding the permission in principle process, permission in principle could be granted, as described in the PPG. The proposal would comply with Policy ES6 of the LP, which relates to the designated European Sites and requires appropriate mitigation.

Planning Balance

23. The Council state that it can demonstrate a 5.34 year supply of land for housing and that its housing policies can be considered up to date. The Council consider it is also meeting its duties under the Self Build and Custom Housebuilding Act in terms of maintaining a self-build register which it asserts

demonstrates that the numbers of planning permissions for self-builds exceeds the number on the register.

24. The appellant has raised numerous and significant concerns in respect of the Council's methodologies, particularly in light of recent changes in legislation relating to how such permissions are counted, and finds that no self build housing has been delivered under Policy HC3 of the LP. The Council have not provided substantive evidence in response to those concerns nor reassurances as to whether the requirements of the Act are being met in light of the recent legislative changes. In the absence of such information I cannot be satisfied that the Council's obligations under the Act are therefore being met or that the local plan policies insofar as they relate to self builds are not out of date, as alleged. On this basis I have no strong reason to reach a contrary view. The appellant alleges that the shortfall in self build plots could be as high as 112 plots and that the Council have met only a third of their requirement. This has not been disputed by the Council and the extent of the shortfall could therefore be very significant.
25. As such, the provisions of paragraph 11d) of the Framework are engaged, which state that where the policies which are the most important for determining the application are out-of-date, permission should be granted unless one of two criteria apply. The assessment of the proposal above finds that the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development. As such it should be considered whether the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. The adverse impact of granting permission has been found to be conflict with the Council's spatial strategy due to the site's position beyond the defined edge of Nailsworth. However, as above, the site directly adjoins the settlement boundaries to three sides. While the routes towards services and facilities are often via narrow lanes with no designated footpath, and sometimes relatively steep, this is a defining characteristic of this part of Nailsworth and is shared with the vast majority of properties nearby, including those adjoining the site which lie within the settlement boundary. I observed that as a result of the nature of the lanes, vehicle speeds are generally slow and there is a high degree of surveillance over the lanes from surrounding houses and gardens. For these reasons, future occupants of the site would not necessarily be deterred from walking to the services and facilities of Nailsworth and its public transport links, and the site is reasonably well connected. For these reasons, and as the spatial strategy seeks to promote sustainable communities and reduce the need to travel elsewhere, I ascribe moderate weight to the conflict found with the Council's spatial strategy.
27. The proposal is intended to provide self build homes. There is no mechanism before me to ensure that they would be specifically for this purpose, other than the description of development. Nonetheless, it is relevant that the PPG explains that an application for TDC, at which point full planning permission would be granted, must be in accordance with the permission in principle that is specified by the applicant, and that planning obligations may be needed at that stage. I note the appellant's reference to another appeal decision where

this view was reached¹. In addition, the Self-build and Custom Housebuilding Act 2015 refers to development permissions as including permission in principle, which would be the case here if the appeal were to be allowed. On this basis, and in the absence of evidence of reason to reach a contrary view, the proposal would contribute towards the provision of self-build homes in the District. In addition, the size of the site is one which the Framework acknowledges can make an important contribution to meeting the housing requirements of an area, and which are often built-out relatively quickly. Given the likely substantial shortfall in these permissions, I therefore give significant weight to the provision of 2 to 4 self build homes which would be delivered by the proposal.

28. There would also be some economic benefits from the proposal arising from the construction process and on going expenditure into the local economy by future occupants. However, this benefit attracts moderate weight, given the scale of the proposal.
29. Taking these matters into account, the adverse impacts of granting the permission would not significantly and demonstrably outweigh the benefits, and the presumption in favour of sustainable development therefore applies. Even if the shortfall in self build permissions were not as severe as set out by the appellant, and if the weight given to the provision of self build homes were reduced to moderate, the outcome of this planning balance would remain the same. As such, there are material considerations of sufficient weight which would outweigh the conflict identified with the development plan.

Other Matters

30. The grade II listed building of Parkview lies to the west of the appeal site. This is a traditional cottage with a setting of existing surrounding houses as well as the more open countryside to the north. Given the distance of the appeal site from that building and intervening structures, the proposal would preserve its setting. I have had regard to the comments of the Council's Conservation Officer in reaching this view.
31. I note the concerns raised by third parties. The site is clearly one which both local residents and visitors to the area enjoy a view over towards the valley beyond. However, the specific effects of the proposal on these views and on the openness of the site would be matters to be considered at the TDC stage, subject to the layout, scale and design of the proposal. This would similarly be the case where the effects of the development on the living conditions of occupants of nearby properties are concerned.
32. Access to the site is not established at this stage, but there is not substantive evidence to suggest that the use of the existing road network to serve between 2 and 4 homes would cause unacceptable harm to highway safety, or that the impacts on the road network would be severe. The effects associated with the construction period would be temporary and conditions could be used if necessary at the TDC stage to help address those concerns. Details relating to biodiversity and protected species would also fall to be considered at Stage 2 of the process, as set out by the PPG.

¹ Appeal reference APP/P0119/W/21/3288893

33. The site may present challenges due to its gradient and the presence of an underwater spring. It is also reported that there is a lack of infrastructure to the site. However it is not apparent that these matters should provide reasons to withhold the grant of permission in principle and issues relating to the financial viability of the development are for the appellant.

Conditions

34. The PPG makes clear that it is not possible for conditions to be attached to a grant of permission in principle. While I note the comments of some consultees which include requests for conditions, for example relating to treatment of surface water, this would need to be considered at TDC stage, where conditions can be imposed.

Conclusion

35. The appeal scheme would not adhere to the development plan taken as a whole but material considerations, namely the Framework, indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, and having regard to all other matters raised, the appeal is allowed.

C Shearing

INSPECTOR

