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Planning Application for the erection of a self-build detached dwelling
on land to the west of 82a Lower Bagthorpe.

PLANNING STATEMENT

Incorporating Heritage Impact Assessment &
Design and Access Statement



September 2025





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1. Introduction

- 1.1 This Planning Statement has been prepared by Graham Bradford MRTPI, in support of a full planning application made to Ashfield District Council (ADC) for the erection of a detached, self-build dwelling on land to the west of 82a Lower Bagthorpe for Mr and Mrs Hall.
- 1.2 The statement addresses planning policy issues that are presented by this proposal and demonstrates how it in the absence of an up-to-date development plan and housing delivery shortfall, it complies with national planning policy and design guidance. It sets out that a combination of material considerations which together indicate that approval of the application is appropriate and would support housing delivery and self-build objectives in Ashfield.

2. Location and Site Characteristics

- 2.1 The application site is currently garden area of 82a Lower Bagthorpe, approximately 0.75 km north of Underwood and 1km south-west of Selston.



Figure 1: General context of the application site.
Source Google Earth

- 2.2 It is located immediately north of the road (Lower Bagthorpe) and to the west of the existing dwelling. The plot is defined by post and rail fencing to the west and north boundaries and hedging to the roadside. The land comprises a simple lawned area (Figure 2) . The host dwelling is a single-storey converted stables building constructed in brick with clay-tile roof, with 1.5 storey extension to the rear (Figure 3). The existing access is to Lower Bagthorpe and has good visibility splays in both directions (30mph speed limit).



Figure 2: Simple lawned character of the site

- 2.3 The site measures approximately 0.06ha in area and is roughly rectangular with a depth of 35m and average width around 14m, although it broadens marginally away from the roadside frontage. The land rises gently to the north from the roadside boundary. To the rear of the plot the land continues to rise gently across open meadow.



Figure 3: Curtilage of host dwelling 82a Lower Bagthorpe

- 2.4 The host dwelling and curtilage site is a component of the built frontage to the north of Lower Bagthorpe, but by design would not fully fill the gap between the host dwelling and neighbouring dwelling and farm to the west. The plot stands in an area which is both Conservation Area, Green Belt and within the former Nottinghamshire Mature Landscape Area.
- 2.5 As a site wholly comprising domestic lawn (without planted borders) the site has very limited biodiversity value outside the hedge and tree line to its southern boundary.

3. Planning History of the Site

- 3.1 With the exception of the withdrawn planning application V/2020/0619 noted below, there is no meaningful planning history in the vicinity which is likely to be pertinent to the determination of this application.
- 3.2 Full planning application V/2020/0619 for a 4 bedroom dwelling at the site was withdrawn following officer absence of support. Concerns were raised in relation to a number of matters regarding Green Belt policy, sustainability and Conservation Area impacts. As a withdrawn application those views were not tested at committee or at appeal, and were made under a now superseded national policy context and housing supply situation. Those concerns are countered in this statement.

4. The Proposal (Design and Access Statement)

- 4.1 The full planning application is submitted for the erection of a self-build detached dwelling with private curtilage with new vehicular access to Lower Bagthorpe.

- 4.2 The dwelling would be occupied by the applicants as a home for their respective retirements. Application proposals are set out in full on accompanying plans and elevations. The applicants have played a central role in the proposal's design and would oversee the building works.
- 4.3 The scheme comprises a single detached 3 bedroom dwelling with traditional 1.5 storey dormer roof form to reduce apparent mass whilst providing required internal floorspace. The application scheme employs a range of appropriate design components reflecting and respecting the Conservation Area's architectural character as well as siting considerations. Decorative (antique) brickwork to eaves and openings, traditional chimney detailing, absence of fascia boards and clay tile roof would present a dwelling sensitive to its location.
- 4.4 Window openings to the east elevation have been minimised to ensure appropriate protection of amenity between the existing and proposed buildings, although the neighbouring dwelling has no principal windows to its west elevation.
- 4.5 The gentle slope up the hillside allows for the proposed dwelling to be cut into the slope to reduce apparent mass and height to the rear of the house, reflecting levels around the existing dwelling.
- 4.6 Independent access to the dwelling is provided with adequate parking for more than two vehicles and turning space to allow egress in forward gear. The parking area will be surfaced with permeable block paving to reflect the material palette of the Conservation Area.

5. Planning Policy Context

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Courts have held that the Government's statements of planning policy constitute material consideration and therefore, where relevant, must be taken into account in decision-making on planning applications.

National Planning Policy Framework

- 5.2 The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and it was last materially updated in 2024. The Government's intention is that the document should be considered as a material consideration and can carry weight where a development plan is absent, silent or relevant policies are out-of-date. Paragraph 39 of the NPPF supports a positive approach to dealing with planning applications. It states that local planning authorities should approach decisions on proposed development in a positive and creative way

and to work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. It states decisively that decision-makers at every level should seek to approve applications for sustainable development where possible.

- 5.3 NPPF maintains a strong presumption in favour of sustainable development – a principle which fully embraces meeting community and social needs (paragraphs 8 and 11). Paragraph 11 sets out specific circumstances in the context of housing proposals where elements of adopted policy may be afforded less weight in decision making if housing land supply shortfall is evident. If a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (or if its policies are considered out-of-date), then the presumption in favour of sustainable development should apply. Under this presumption, the 'tilted balance' means planning permission should be granted for housing applications, unless:
- (i) Adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies as a whole; or
 - (ii) Policies in the NPPF that protect areas or assets of particular importance (like Green Belt, AONBs, heritage assets) provide a clear reason for refusal.
- 5.4 Chapter 5 of the NPPF relates to housing. It seeks to support the significant boost in housing supply needed. It also seeks to support self-build and custom housing. Under 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, and are required to give enough suitable development permissions to meet the identified demand.
- 5.5 Chapter 12 of the NPPF seeks to ensure all new development is of a high standard of design, seeks that development is sustainable, be sympathetic to local character and history. Poor design proposals should be refused.
- 5.6 NPPF Chapter 13 addresses Green Belt matters. It maintains the general presumption against new buildings in the Green Belt but provides for explicit exceptions to this including where housing may be considered *not inappropriate* in the Green Belt. Paragraph 149 (e) sets out that limited infilling in villages constitutes such an exception, whilst 154(g) allows for limited infilling or the partial or complete redevelopment of *previously developed land*, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt. Domestic curtilages in rural areas (i.e. non-built up areas) would qualify as PDL under the NPPF glossary definition.

- 5.7 NPPF 2024 introduced the concept of the Grey Belt in certain parts of Green Belt areas where green belt purposes a), b) and d) are not served by a site. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - There is a demonstrable unmet need for the type of development proposed;
 - The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF.
- 5.8 The 'golden rules' for Grey Belt (NPPF 156-157) proposals are *only* applicable to major developments (i.e. more than 10 dwellings in this context).
- 5.9 Chapter 15 of NPPF sets out government principles for consideration of impacts on the natural environment, wildlife and habitats from development. Planning should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem.
- 5.10 Chapter 16 considers heritage matters in decision-making. Great weight should be given to conserving heritage assets with the more important the asset attracting greater weight. Substantial harm should only be permitted if clearly justified by substantial public benefits—and only under strict conditions. 'Less than substantial' harm should be weighed against the public benefits of the proposal. Every decision must be based upon proportionate evidence of heritage significance and clear reasoning.
- 5.11 Paragraph 116 of NPPF notes 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 impacts on the road network would be severe.
- 5.12 Given the out-of-date nature of the *adopted* local plan and the still unadopted status of the emerging Local Plan, the NPPF is an important material consideration in relation to this planning application.

The Adopted Development Plan

- 5.13 The policies that initially inform the decision-making are set out in the Ashfield Local Plan which was adopted in 2002. The Plan is significantly 'out-of-date' in planning terms, such that weight can only be afforded to policies based on their individual accordance with the NPPF. Key components of the adopted plan are considered below.

- 5.14 The entire site is located in the Derby and Nottingham Green Belt as well as being in the Bagthorpe Conservation Area and the Nottinghamshire Mature Landscape Area.
- 5.15 Policy ST1 states development will be permitted where it does not conflict with the other policies in this plan; where it will not adversely affect the quality or character of the environment; where it will not adversely impact highway safety; where it will not prejudice the comprehensive development of an area; and does not conflict with other nearby land uses.
- 5.16 Policy ST4 states that outside of named settlements planning permission will only be granted for appropriate development in the Green Belt or the countryside as set out in policies EV1.
- 5.17 Policy EV1 states that inappropriate development will not be granted planning permission in the Green Belt except for in very special circumstances. Appropriate forms of development include, amongst other things limited infilling within the villages of Bagthorpe, new Westwood, Jubilee and New Selston, so long as there is no adverse effect on the character of the village.
- 5.18 EV4 allows for development in Mature Landscape Area's where the proposals would not adversely affect the character and quality of the landscape.
- 5.19 EV10 states that development in a Conservation Area will only be permitted where the development preserves or enhances the character or appearance of the area or its setting.
- 5.20 HG5 states that residential development will be permitted where the amenity of neighbours is protected; where design minimises overlooking; provides adequate garden space; has access for vehicles, pedestrians and cyclists; has parking facilities in line with the Authority's parking standards; is acceptable in terms of appearance, scale and siting; and has appropriate landscaping that complements its appearance.

Replacement Local Plan

- 5.21 The emerging replacement Ashfield Local Plan is at an advanced stage development but remains unadopted. It therefore can carry only limited weight in decision-making dependent on a number of matters.
- 5.22 In summary, the policies of the submission draft local plan state the following:
- 5.23 S1 states that Bagthorpe is outside of any named settlement and so is considered to be in the *open countryside*.

- 5.24 S4 states Green Belt will be protected from inappropriate development. Its specifically states the village of Bagthorpe is ‘washed over’ by the green belt – meaning Green Belt policy applies therein.
- 5.25 S5 requires development to be of a high design standard.
- 5.26 Under EV1 development of new buildings in the green belt is inappropriate development with some limited exceptions. However, *EV1(e)* states: *Limited infilling in villages, and limited affordable housing for community needs under policies set out in the Local Plan...*’ constitutes such an exception, whilst all development must be located and designed so as not to adversely affect the purposes of the Green Belt and its openness.
- 5.27 Supporting text (paragraph 5.20) to submission draft policy EV1:2e notes *The NPPF states that limited infilling in villages is not inappropriate development in the Green Belt, provided it preserves the openness of the Green Belt. The only villages ‘washed over’ by Green Belt is Bagthorpe (including Lower Bagthorpe and New Bagthorpe). Other smaller hamlets and outlying isolated settlements or extensions of other settlements within the Green Belt are not regarded as villages for the purpose of Policy EV1.*
- 5.28 The draft policy goes on to state *The Council defines limited infill development as the completion of an otherwise substantially built -up frontage by the filling of a small gap normally capable of taking one or two dwellings only. A substantial built up frontage is defined as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene.*
- 5.29 *Not all small gaps are appropriate for infilling. Part of the character of Bagthorpe is made up of gardens, paddocks and other breaks between buildings, which is reflected in the Conservation Area designation of large parts of the village. Infill development may also not be desirable if it would consolidate groups of houses which are isolated from the main body of the village, or if it would consolidate a ribbon of development extending into the open countryside.’*

Other Pertinent Policy Contexts

- 5.30 The District Council’s latest published housing land monitoring report (June 2025) provides a summary of the Council’s progress in meeting the adopted Local Plan housing targets. The pertinent elements of that report in relation to this application are the Council’s progress on meeting its five-year housing land supply target.
- 5.31 The report summarises the District Council’s Housing Land Supply as being at 4.39 years of supply in relation to the adopted local plan. Paragraph 3.47 of the Monitoring Report states:

'...However, NPPF para 11d) is triggered in any event with the inability to demonstrate a 5-year supply of deliverable housing sites against requirements (5YHLS).'

5.32 Accordingly, the presumption in favour of sustainable development is in force in relation to this application.

6. Planning Assessment & Policy Compliance

The Principle of the Development and Presumption in Favour of Sustainable Development.

6.1 As set out above the age of the development plan, the unadopted status of the replacement local plan and failure to meet deliverable housing site targets under the 5-year housing land supply means that ADC should apply the presumption in favour of sustainable development – the tilted balance, in determining this application.

6.2 However, this statement sets out that there are a number of pertinent circumstances and site characteristics that in combination and cumulatively would indicate that it is appropriate for the LPA to grant planning permission for the proposal, with particular relevance of the tilted balance in favour of sustainable development, given the weak position in relation to the required 5-year housing land supply. Material considerations which support the positive implications of the development include:

- Principle of development - a sustainable location
- Does not constitute inappropriate development in the green belt
- Delivers residential development in light of housing supply context
- Supports national self-build housing objectives
- Utilises previously developed land
- Delivery of a sensitive design scheme
- Avoidance of harm to landscape character or biodiversity interests.

6.3 Together these considerations present a persuasive case for tilting the balance away from out of date policy and in favour of the proposals. These matters are considered in more detail as set out in the following paragraphs.

Principle of Development

6.4 Planning decisions for housing applications made in the context of the tilted balance need to consider whether the proposals would constitute sustainable development. One element of sustainable development relates to *location* (although wider sustainability matters in relation to social and community benefits are equally important). In this context of the presumption in favour of sustainable development, the site can be demonstrated to be sustainably

located. The site lies within 300m of a primary school, three public houses and within 600m of bus stops on the Alfreton Road where better than hourly services are provided. In combination it is considered that regardless of its dispersed character. Lower Bagthorpe is a viable rural community and settlement where the proposal would serve to strengthen those qualities. Furthermore, the proposal would support in a small way local service viability and hence support wider community sustainability as supported by the NPPF.

- 6.5 Submission draft policy EV1:2e sets out that Bagthorpe is considered a village which is washed over by the Green Belt, and consequently the provisions of NPPF apply such that limited infilling and/or redevelopment of brownfield land is not inappropriate development. As noted at paragraph 6.6 (above) NPPF confirms that the gardens of dwellings in rural areas would be considered as Previously Developed Land.
- 6.6 It is also pertinent that in the context of the weak housing land supply in Ashfield that the principles of *Grey Belt* would apply at the site. It can be seen that the site would meet the definition of Grey Belt given that its scale and location does not perform a role in respect to the merging of towns, the site does not play a role in restricting urban sprawl or in preserving the setting and special character of a historic town. Therefore, under paragraph 155 of the NPPF housing development should not be regarded as inappropriate development.
- 6.7 The adopted local plan does not present policy on self-build housing. The emerging plan however sets out at Policy H6 that self-build properties on sites will be encouraged. Supporting text at 6.163 notes the development of self-build properties by individuals or community groups (including Community Land Trusts) can contribute to meeting the need for additional housing within the district and provide a more diverse housing stock.
- 6.8 Therefore, on multiple points of policy the general principle a small self-build housing development at the site would not conflict with either national or emerging local plan policy, and as such the principle for development is established. The proposals, albeit in a modest way would contribute positively to housing supply in Ashfield at a time of undersupply. Determination of the proposals should therefore depend on site-specific considerations against relevant and up-to-date policy.

Site-Specific Policy Considerations

Lower Bagthorpe Conservation Area & Heritage Impact Statement

- 6.9 NPPF notes that when considering the potential impact of proposals on a heritage asset the level of detail provided should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. In this case the proposals are for the

erection of a single modest dwelling within the existing garden of a non-heritage asset building.

- 6.10 The application site lies within the Lower Bagthorpe Conservation Area. The Nottinghamshire HER indicates that the site is not within the setting of any Listed Buildings, scheduled monument or locally listed heritage assets. No Conservation Area Appraisal is published for the Lower Bagthorpe Conservation Area. However, the adopted Local Plan sets out that Bagthorpe Conservation Area was *'designated in 1975 and extended in 1986. It is a Green Belt village which, for the most part, straddles Bagthorpe Brook. The area is characterised by a series of farm buildings and dwellings located alongside the highway running through the valley containing the Bagthorpe Brook. The dispersed nature of developments in a generally mature landscape setting is an essential component of the special character of the area'*.
- 6.11 Any special character of the Conservation Area must therefore be interpreted from observable features and HER content. The heritage significance must therefore be seen to relate primarily to remnant historic agricultural field division with manor farmsteads, dwellings and community buildings at variable distance back from the Bagthorpe Brook, with irregular spacings with linear field patterns extending to the north of the lane. Special architectural merit, uniformity or historical significance in the vicinity of the application site, (and more generally across the Conservation Area) appears secondary to the general historic settlement form, although a red brick and clay tile vernacular can be found generally but rarely as historic architecture. Listed buildings and locally listed assets are limited and located towards the far east and west of the broadly linear Conservation Area, well distanced from the application site. The proposal therefore can be seen to have no impact on specific designated buildings or monuments.
- 6.12 The heritage significance of the site is therefore relatively limited to locally designated Conservation Area confirmed under then national policy in 1974. National policy and law [the Planning (Listed Buildings and Conservation Areas) Act 1990] require proposals to preserve *or* enhance the special characteristics of a Conservation Area. National Planning Practice Guidance (Paragraph: 018 Reference ID: 18a-018-20190723) recognises that proposed development affecting a heritage asset *may* have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. NPPF paragraph 220 notes that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance.
- 6.13 It is contended that the proposals would have no harmful significant effect on the character or heritage significance of the Conservation Area, and as such tests at NPPF 2.15 are not triggered.

- 6.14 This position is reached having regard to the site's specific character and location. The application site is wholly given over to existing domestic curtilage, albeit relatively immature in character, as simple lawn and a complete absence of any historic structure, artifact, landform or important vegetation. Boundary treatment to the west and north boundaries are incongruous post-and-rail timber fencing which can be seen to detract from the immediate landscape **components** of the conservation area. Public views into the site are otherwise limited by existing hedging to Lower Bagthorpe and its sunken lane levels. No Public Rights of Way bound the site or afford views into it over that from the road. There are no intervisibility issues between more distanced designated assets such as listed buildings. The proposals would do no more in terms of local character than consolidate a degree of built development within an existing residential planning unit.
- 6.15 Remnant historic landscape significance across the wider Conservation Area relates to the sporadic spacing of dwellings along the shallow valley, where there is variation in continuity of built frontages and open spaces elsewhere. The site is located within an area of relatively continuous built frontage, as illustrated in **figure 4** below. No significant change in character to this part of the conservation area would arise in relation to visible components in the landscape.



Figure 4: Illustrating strong frontage continuity of built development at the application site
(source: Google Earth, 2025)

- 6.16 Notwithstanding this, the development would maintain the open, undeveloped break to the immediate west of the application site (between the site and Foliage Farm), retaining a gap leading from the road to higher ground to the north which is partly characteristic of the vicinity. It is significant to note that the proposals do not serve to further fragment existing site boundaries of field enclosure. The essential balance of features of landscape enclosure and field pattern would not be materially altered.
- 6.17 Furthermore, the site boundary treatment would be enhanced through establishing a native species hedge along the post and rail fence boundary

which is otherwise incongruous, and in doing so present a net benefit in landscape character terms.

- 6.18 Notwithstanding the tilted balance context of this application, in relation to pertinent national and local policy it can be seen that policies EV10 of the adopted local plan and chapter 16 of NPPF would be met by the proposals for development within a Conservation Area.

Biodiversity and Protected Species Considerations

- 6.19 The site is not designated for natural heritage value. To the north of the site The Bagthorpe Grasslands Local Wildlife Site (LWS) extends widely north of the village but does not encroach on the site. It presents a buffer to the Bagthorpe Meadows SSSI 180m to the north of the site. The citation for the LWS is not publicly accessible but is highly likely to relate to species-rich neutral grassland plant communities, maintained by traditional management, which in turn supports a wide range of invertebrates, birds, and mammals.

- 6.20 The site itself clearly has negligible biodiversity value or significance. The application site wholly comprises of domestic lawns with no other planting or habitat interest. The only partial exception to this is the immature hedgerow to the road along the southern boundary which appears to have been replanted in recent years and is not ancient or species rich hedgerow. A 4m opening to create the independent access is proposed within the immature hedge, with no tree loss.

- 6.21 Biodiversity Net Gain (BNG) is usually mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). However exceptions to this requirement are provided for by the Act. No BNG liability exists where the proposed development:

- Consists of no more than 9 dwellings
- Is on a site that has an area no larger than 0.5 hectares
- Consists exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

and as such, BNG provisions are not required to support this application.

- 6.22 The proposals can therefore be seen to meet the requirements of the adopted Local Plan and the expectations of NPPF in relation to biodiversity notwithstanding the tilted balance context of this application.

Mature Landscape Area

- 6.23 The adopted Local plan sets out at Policy EV4 a series of areas afforded local landscape designation as mature Landscape Areas. The site falls within the Bagthorpe MLA and policy seeks to resist proposals which would adversely affect these areas. NPPF no longer favours local landscape designations. Planning decisions should have regard to impacts on identified character and the intrinsic character of the countryside. Whilst EV4 is therefore clearly out of date, it is pertinent to acknowledge that minimal impact upon the established character of the landscape setting of the proposals would arise. As previously set out in this statement the site present a almost sterile landscape element of simple lawns, and the build proposals would closely reflect existing components in the landscape, reflecting settlement form, density and maintaining the gaps between and area of higher density and the adjacent farm. Longer views, however limited by vegetation and levels, would be maintained between the proposed site to its west.
- 6.24 In landscape character terms it is contended that no significant harm would arise in from the proposed development and notwithstanding the tilted balance context, would in any case satisfy EV4.

Parking and Access

- 6.25 Parking provision for the proposed dwelling is two external off-street spaces with generous turning space to ensure forward movement from and on to the highway.
- 6.26 The deep verge, level road and straight alignment of the lane in a 30mph limit area affords good visibility splays well in excess of highway standards of 43m in both directions. No land within visibility splays falls outside the control of the applicant or the Highway Authority and therefore can be kept clear of visual obstruction without hindrance.
- 6.27 Surface treatment for parking and turning area will be porous block paving with detail controlled by condition.

7 Summary

- 7.1 The application is made in the context that this modest, self-build residential development complies with national policy and reflects the direction of the emerging plan. Specific circumstances are demonstrated in relation to the weight to be afforded to the adopted local plan in the light of a significant housing land availability and delivery shortfall. The *tilted balance* is relevant, and the LPA **must have regard to the presumption in favour of sustainable development** as per NPPF paragraph 11.

- 7.2 This statement has demonstrated that the proposals would constitute sustainable development, meeting up-to-date Green Belt policy both in terms of in-fill *and* PDL exceptions to general constraint on new buildings. No material harm to the conservation area's special character can be demonstrated that would outweigh the emphasis on housing delivery in the current housing shortfall context.
- 7.3 The proposals offer clear benefits in relation to housing supply, furthering self-build objectives. These are legitimate components of sustainable development and in combination with site accessibility should provide a persuasive case for the approval of the application, as per paragraph 39 of the NPPF.
- 7.4 Should the LPA require any further detail or clarification, or discuss matters further, an open dialogue with the agent is fully supported.

Graham Bradford MRTPI
Director, PES Ltd

September 2025