AGENDA ITEM NO: 9/3(c)

Parish:	**Middleton**	
Proposal:	**OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR: 4 Self-build/Custom detached dwellings**	
Location:	**Land N of Kiln House Sandy Lane Blackborough End Norfolk PE32 1SE**	
Applicant:	**Mr P Jackson**	
Case No:	**25/00256/O (Outline Application)**	
Case Officer:	**Clare Harpham**	**Date for Determination:** **29 May 2025** **Extension of Time Expiry Date:** **13 October 2025**

Reason for Referral to Planning Committee – The officer recommendation is contrary to the Parish Council who object to the proposal. Sifting Panel determined agreed that the application should be determined at Planning Committee.

Neighbourhood Plan: No

Case Summary

This application is for outline approval of four custom and self-build dwellings with all matters reserved bar scale.

The site is located just outside of the development boundary of a Tier 6 Settlement as defined by Policy LP01 of the Local Plan. In line with Local Plan Policy LP02, residential development would not normally be permitted outside development boundaries in such a location however the provision of custom and self-build housing plots is a material consideration carrying significant weight.

Key Issues

Principle of development
Form and character
Impact on neighbour amenity
Highway safety
Drainage issues
Ecology issues
Climate Change
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site is located on the western side of Sandy Lane, to the north of the existing residential development which fronts Sandy Lane. The site is currently laid to rough grass with brambles, is overgrown in places, with the existing access bisecting the application site.

The application is for outline planning permission for four self-build/custom build dwellings and was submitted for all matters to be reserved.

Given the fact that the level of Sandy Lane, and the application site, varies in this location an Article 5(2) Notice was served on the applicant to state that the Borough Council required the details of scale to be considered at this outline stage and plans have been submitted showing the existing topography and the levels relating to the proposed finished floor levels of each plot and ridge heights in relation to Kiln House to the south of the site. Each plot is approximately 20m in width and 35m in depth.

Consequently, this application is for outline permission with only scale being considered at this time; the means of access, layout, appearance and landscaping are matters which are reserved for future consideration.

SUPPORTING CASE

The plots proposed by this application represent a very natural progression of development along Sandy Lane and as such does not unduly project into the true countryside. The plots are also commensurate with the very much established ribbon development along the road and which has a low, 30mph, speed limit and pedestrian footpath along its full length, connecting Blackborough End and Middleton.

Whilst the site may be considered within the sphere of Blackborough End, in geographic reality it is more closely associated with the much larger village of Middleton and as such has access to a fair range of immediate amenities such as shop, pub and school as well as being very well connected to the wider county via the road network and also the rail network with 2 stations within 6 miles.

The dwellings proposed will not overbear the adjacent properties since, despite being an Outline application, details have been addressed to ensure that the scale of any future designs respect the scale and nature of its neighbours. Similarly, although no fixed house design has been submitted, the size of the plots proposed are such that they
will accommodate individual dwellings of a commensurate scale to those adjacent without becoming overdeveloped or too densely built upon.

Ecology within the site has been evaluated and a scheme prepared in mitigation of the limited impact that the development would have on wildlife. Future detailed design will also allow the incorporation of other works of mitigation and improvement such as the installation of bat/bird boxes, planting and maintenance of ‘hedgehog highways’ etc.

It is recognised that the Council as a shortage of plots designated for Self-Build / Custom development on its register and the 4 plots offered by this site will assist in alleviating the shortfall and do so by offering 4 opportunities to build individual, bespoke
dwellings along a road typified by a varied architectural style.

To conclude, it is considered by the applicant that the site proposed, and the plots within it, represents an opportunity for the construction of 4 new family homes for persons specifically

wanting to live in the area and who can benefit from its favourable rural location and do so with minimal impact on its surroundings, neighbourhood and ecology.

PLANNING HISTORY

09/00876/FM: Application Permitted: 09/11/09 - Erection of 10 Holiday Chalets and Administration Block - Land South of Home Farm Sandy Lane Blackborough End

08/01617/F: Application Refused: 21/08/08 - Retention of Workshop - Bramble Barn Sandy Lane Blackborough End

05/00409/F: Application Permitted: 19/04/05 - Conversion and extension to form 2 dwellings - Home Farm Lodge Sandy Lane Middleton

04/01410/F: Application Refused: 27/10/04 - Conversion and extensions to provide two dwellings - Home Farm Lodge Water Lane Middleton

2/01/1197/F: Application Permitted: 13/09/01 - Creation of vehicular access - Sandy Lane Blackborough End Middleton

RESPONSE TO CONSULTATION

Parish Council: OBJECT Blackborough End is defined as a hamlet thus development is not permitted that is outside the village envelope.

This application is contrary to the SADMPP:

- C4 DM3 permits limited infill only if the infill gap is existing housing or a demolished building.
- C4.5 and C4.8 reiterates this in reference to affordable housing.
- G11.1 and G11.2 limits development in Blackborough End.

Highways Authority: NO OBJECTION The principle of the development is acceptable and at reserved matters stage the following should be addressed in accordance with adopted standards:

- Visibility splays
- Access
- Parking provision

Internal Drainage Board: NO OBJECTION Standard comments received regarding the Board's Byelaws and regulatory processes.

Anglian Water: NO OBJECTION Assets – AW records show that there are no assets owned by AW or any subject to an adoption agreement within the site boundary. It is recommended the applicant carries out a thorough investigation of the proposed working area to establish whether there are any unmapped public or private sewers and lateral drains in existence. Due to the private sewer transfer in October 2011 many newly adopted public water assets and their history are not indicated on AW records and these private assets are not the responsibility of AW but of the landowner.

Wastewater Treatment – following communication from the Applicant we have removed our objection. AW objected to the connection to the public foul network. The site is located in the

catchment of the Middleton WRC which currently lacks the capacity to accommodate the additional flows that would be generated by the proposal. The associated environmental risk and increased discharge rates could lead to a deterioration in water quality and an unacceptable risk of breaching environmental legislation. The Applicant has indicated that they propose to utilise a package treatment plant, therefore this is outside of our jurisdiction to comment, and our objection is withdrawn.

Used Water Network – provided a package treatment plant is utilised as stated by the applicant this is outside AW jurisdiction to comment.

Surface Water Disposal – The application indicates that surface water will be disposed of via soakaway which does not relate to AW assets.

Environmental Health & Housing - Environmental Quality: NO OBJECTION The applicant has provided a screening assessment indicating no known contamination. A review of the Council's files shows the site is on land not seen developed for the duration of our records. The surrounding landscape is largely agricultural with some dwellings.

Therefore, no significant sources of contamination are identified and there is no objection.

Historic Environment Service: NO OBJECTION The site lies immediately north of Kiln House, where as the name suggests a pottery kiln of Roman date was discovered and excavated in 1989. Finds indicative of industrial and settlement activity dating to the Roman period have been recorded further south adjacent to Sandy Lane. There is potential for heritage assets, buried archaeological remains of Roman date to be present within the proposed development area and that the significance would be adversely affected by the proposed development.

If planning permission is granted, we ask that this is subject to a programme of archaeological mitigatory work in accordance with the NPPF 2024, Section 16: Conserving and enhancing the historic environment, para. 211.

In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required e.g. archaeological excavation or monitoring of groundworks during construction.

Senior Ecologist: NO OBJECTION The applicant has claimed an exemption from the General Biodiversity Net Gain condition under the self-build and custom build exemption. This exemption must be secured via condition. An exemption from BNG does not preclude the need to provide a measurable net gain under the NPPF. Ecological enhancement features will be expected to be included within the design to meet this duty. As a minimum the applicant should include at least one bat box, one bird box and signed hedgehog holes.

The site has habitat such as hedgerows, bramble and long grassland which may have the potential to support protects species including reptiles, breeding birds, amphibians. At least one water body is present within 250m of the site boundary and there is habitat suitable for terrestrial great crested newts on site. A Preliminary Ecological Appraisal (PEA) was submitted which identified a requirement for a Phase 2 survey for Greater Crested Newts (GCN).

Phase 2 surveys for reptiles were undertaken and reported within a Reptile Survey Report (Philip Parker Associates Ltd, 21/08/2025). A low population of common lizard was identified and so the report recommends a translocation methodology, and precautionary methods required for habitat clearance and during the construction phase to avoid and mitigate impacts on this group. Management and enhancement of the intended receptor area is also

recommended. The translocation cannot now take place until 2026 and will require 60 days of translocation, with completion only when five days of no reptiles have been observed, as well as semi-permanent reptile fencing. Trapping, translocation, fencing and initial management works of the receptor area must be undertaken before commencement of the development. A condition should be applied regarding Enhancement and Mitigation in accordance with Section 8.0 of the PEA and Section 4.7-4.10 of the Reptile report, with evidence to be submitted prior to the occupation of the development. Reptile mitigation should be carried out in accordance with Section 4.1-4.6 of the Reptile Report prior to commencement.

The proposed housing is close to Blackborough End Pitt SSSI which is designated for earth (geological) heritage rather than ecological features. The Impact Risk Zone Advice from Magic suggests that an automatic consultee response can be generated from Natural England as they would not need to be consulted on this scale of development.

A shadow HRA has been submitted, and section 3 will be completed by the LPA. This can be saved as the LPA record of HRA.

Natural England: NO OBJECTION Advice generated from Magic:

The site is within an Impact Risk Zone for a SSSI.

The site is within a zone of influence (ZoI) for recreational impacts to one or more European Sites scoped into the Norfolk GIRAMS.

The impact on the SSSI is unlikely given the site is designated for terrestrial features rather than nature conservation.

Further general advice given on the natural environment.

Planning Policy: The proposed development should be evaluated within the framework of the adopted Local Plan and relevant policies, which promote sustainable development patterns, maintain local character, and ensure housing is provided in proximity to essential services. On 27th March 2025 the replacement Local Plan was adopted.

The current Local Plan has introduced a supporting Custom and Self-Build (CSB) policy, and the Local Plan is generally supportive of Custom and Self-Build housing, where proposals respect local character and comply with other relevant policies. Other relevant policies relating to the principle of development are LP01, LP02, LP13, LP18 and LP21.

The Self-Build and Custom Housebuilding Act 2015, as amended by subsequent acts including the Housing and Planning Act 2016 and Levelling Up and Regeneration Act (LURA) 2023, mandates that local authorities grant sufficient development permissions to meet the CSB demand as indicated by their register. This legal duty underscores the necessity to provide for individuals and groups seeking self-build opportunities. The proposed site, not previously developed, is located outside the development boundary and is not in the vicinity of any designated biodiversity sites. However, the application site would not normally be considered for new-build development due to its location outside the development boundary of a smaller village.

Notwithstanding, the proposal, being a self-build scheme, could be considered acceptable due to the Borough Council being required to permit sufficient permissions for CSB dwellings to meet the need. It is critical to balance the need to meet the CSB demand and the principle of plan-led decision making. The legal requirement to meet the need, the Local Development

Plan, the NPPF and any material considerations all need to be considered when weighing the planning balance.

Housing Strategy: It is confirmed that the site area and number of dwellings proposed trigger the thresholds of Local Plan Policy LP28 Affordable Housing.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Blackborough End. The affordable housing provision is split into 70% of the affordable homes being made available for rent and 30% low-cost home ownership, including Shared Ownership, First Homes or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

However, the NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas. On sites on 6-9 dwellings and less than 0.5ha, a financial contribution based on £71,000 per equivalent whole affordable dwelling will be sought.

In this instance as the site area is under 0.5ha and 4 units are proposed, an affordable housing contribution is not required.

I have noted the application is proposing the 4 units to be delivered as self-build/custom housing. Planning Policy will provide further comments on the demand for CSB in the area. The council hold a register of custom and self-build applicants. We would be happy to pass on marketing material to those on the register in the event permission is granted this would be best done at the time when marketing of plots commences. This is a free service which imposes no obligations.

REPRESENTATIONS

TWO letters of **OBJECTION** covering the following:-

- Blackborough End has no capacity for additional residents i.e. no space, school places, doctors etc.
- Additional traffic will burden poor roads and accesses will be on brow of a hill with increased risk to other road users.
- It will be an extension of development into open agricultural land.
- The outline gives few details.
- Approval may enable further residential development of the adjacent land.
- Application 21/02480/F for dwellings was refused (other side of applicant's land on Water Lane) as was contrary to policy DM3 (not infill), the impact on the character of the locality, insufficient information regarding ecology and inadequate highway and this application should be refused for the same reasons.

KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040

LP02 - Residential Development on Windfall Sites (Strategic Policy)

LP06 - Climate Change (Strategic Policy)

LP01 - Spatial Strategy and Settlement Hierarchy Policy (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP18 - Design & Sustainable Development (Strategic Policy)

LP19 - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP27 - Habitats Regulations Assessment (HRA) (Strategic Policy)

LP31 - Custom and Self-Build Housing (Strategic Policy)

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Drainage issues
- Ecology issues
- Climate Change
- Other material considerations

Principle of Development:

The site is located outside, but immediately adjacent to, the development boundary of Blackborough End. Local Plan Policy LP01 (Spatial Strategy and Settlement Hierarchy) seeks to distribute the majority of growth within the most sustainable locations. This approach makes the most of existing services and facilities, providing jobs and housing in the most accessible locations. Policy LP01 seeks to deliver appropriate levels of growth through the settlement hierarchy, with the main sub-regional centre of King's Lynn being in the highest tier (Tier 1) down to the least sustainable settlements which have little to no service provision and are within Tier 6 (Smaller Villages and Hamlets).

Outside of specific land allocations, residential development on windfall sites is determined using Policy LP02. Within this policy some residential development is allowed outside of the settlement boundaries of Tiers 1-4 provided they meet the criteria set out within the policy. Blackborough End is classed as a Smaller Village and Hamlet and is within Tier 6 of the settlement hierarchy.

Policy LP02 states that in Tier 6 of the settlement hierarchy, residential development will not normally be supported outside of the development boundary, unless allocated through the Local Plan (site allocation) or a Neighbourhood Plan. Blackborough End does not have a Neighbourhood Plan nor any site allocations and therefore any residential development

should be sited within the development boundary. The application site is outside of the development boundary of Blackborough End and is therefore contrary to Local Plan Policies LP01 and LP02.

There are objections to the proposal from the Parish Council on the basis that it is outside the development boundary and contrary to policy (the policy quoted is from the previous development plan) and there are also objections from neighbours with regard to this.

Notwithstanding this, the application is identified as 'self-build' dwellings and para 73b) of the NPPF 2024 seeks opportunities to support small sites to come forward for self-build and custom build housing. Local Plan policy LP31 also supports self-build housebuilding where it respects local character and complies with other relevant policies of the plan.

At the current time the Council cannot demonstrate that it has met the need for Custom and Self-Build due to a change in legislation, The 2023 LURA (Levelling Up and Regeneration Act) places statutory requirements on the Council with regard to granting permission for Custom and Self Build Housing. Therefore, this is a material consideration when weighing the planning balance and may mean that consent is granted for Custom and Self-Build homes where other types of housing would not be acceptable.

The application site, whilst outside the development boundary is not isolated as set out within Braintree v SSCLG [2018] and para. 83 of the NPPF promotes sustainable development in rural areas, where it will enhance or maintain the vitality of rural communities.

Policy LP02 states that residential development outside of, but immediately adjoining development boundaries will be supported in Tiers 1-4 provided they meet the following criteria, relevant to this application:

- Respects or enhances the character of the adjoining settlement and countryside and can be readily assimilated into the existing fabric of the adjoining built up area;
- Can be supported by existing and future service and infrastructure provision, or adverse effects can be mitigated through financial contributions;
- Preserves or enhances the significance of nearby heritage assets and their settings and protects and enhances the appearance and character of designated and valued landscapes; and
- Would maintain the physical separation between existing settlements.

In addition, any residential development must also comply with the criteria set out for windfall development within settlement boundaries such as:

- Development results in a sustainable design of development which respects and enhances local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the settlement;
- It has regard to the size, type, tenure and range of housing that supports the needs of communities;
- It will not cause significant adverse impacts on services and infrastructure, and the local infrastructure is sufficient to accommodate the demands of the development;
- Its context makes a positive contribution to the local environment and landscape setting;
- It does not result in an unacceptable impact on highways safety, or cumulative impacts on the road network; and
- The development maximises opportunities to reduce the need to travel and encourages sustainable active travel.

While the application site is contrary to Policy LP02 with regard to its location within a Tier 6 settlement, it is immediately adjacent to the development boundary, between the settlement of Blackborough End and the neighbouring Tier 4 Settlement of Middleton, which is within the same parish. Other details such as form and character etc are addressed in more detail below, however Members are asked to consider whether the fact that the proposed development would be for Custom and Self-Build dwellings could, in this instance, outweigh the adverse policy position given that overall the proposal complies with the criteria set out above which is within Policy LP02, i.e. could be readily assimilated into the existing built form, would maintain the physical separation between settlements etc.

It is also noted that Blackborough End is within the Parish of Middleton, and in combination with Middleton (Tier 4 settlement) there is an identified need of at least 11 dwellings within Appendix I (Neighbourhood Housing Requirement) which are not provided for through site allocations in either village, or via a Neighbourhood Plan with any associated allocations.

Form and Character:

To the immediate south of the application site is residential development in a linear form on the western side of the road, with fairly consistent plot sizes which are comparable to the proposal. To the southern end of Sandy Lane, the dwellings to the western side are predominantly single storey, rising to 1 ½ and 2-storey dwellings as you go north of the junction with East Winch Road. To the eastern side of Sandy Lane, the development is less consistent, with development at depth around the junction with East Winch Road, with older dwellings/buildings constructed of more traditional materials such as carrstone and pantiles.

The proposal, although outline in nature will continue the built form to the north, and while the design of the proposed dwellings is reserved for a later application, the scale of the proposed dwellings considered at this time and is shown on drawing 3/509/1C and will be conditioned. This demonstrates that the built form will follow the rising levels of the road/land, and the associated changes in ridge heights as the land then starts to lower as the brow of the hill is reached.

There are objections to the proposal as it will introduce the built form into open/agricultural land. It is acknowledged that there is no housing on the opposite side of Sandy Lane, however given the mature screening to the east and the fact that the proposal continues the existing built form, it is considered the dwellings could be easily assimilated into the existing settlement and would not have an adverse visual impact.

The objectors note a previous refusal (21/02480/F) for residential development within land off Water Lane to the west, however, although the matter of principle was similar as it was also within the countryside, the site had different issues relating to access, ecology and a change to the character of the rural verdant lane due to the potential provision of a footpath. The current application site is located on a busier road (Sandy Lane) which already has footpath provision on the eastern side which joins Blackborough End to Middleton (Tier 4) village and its associated services / amenities.

Overall, while the detailed design of the proposed dwellings is not known at this outline stage, it is considered that the proposed scale of the dwellings in this location would be acceptable with regard to form and character, in line with paras, 135 of the NPPF and Local Plan policy LP18.

Impact on Neighbour Amenity:

The detailed design of the proposal is not known at this stage, and while a drawing has been submitted (3/509/1C) to illustrate how the potential dwellings will sit in the street scene when

compared with Kiln House, the layout is indicative and it is expected that the design of the dwellings will differ as Custom and Self Build implies bespoke housing designed by each owner/occupier.

Notwithstanding this, it is considered that a detached dwelling could be sited to the north of the neighbour at Kiln House without compromising amenity especially given the orientation to the north and the fact the two ground floor windows within the side (north) elevation of Kiln House, do not appear to serve habitable rooms.

The impact on the dwellings to the north-east of the site cannot be fully assessed at this outline stage, however it would be possible to site a dwelling at the scale proposed within this application, at a sufficient distance that it would not have a material impact with regard to overlooking etc.

Overall, it is considered that it would be possible to site dwellings of the scale shown, which would comply with para. 135 of the NPPF and Local Plan Policy LP21.

Highway Safety:

The proposal has indicated the points of access onto Sandy Lane; however, the means of access is a reserved matter. There are third party objections to the additional points of access onto Sandy Lane and how these could increase the risk to other road users, however there are no principle objections from the Local Highway Authority who state that they require details regarding the visibility splays, points of access and parking provision to adopted standards at reserved matters stage.

Overall, the proposal would comply with para. 115 of the NPPF 2024 and Local Plan policies LP13, LP14 and LP21.

Drainage Issues:

There are no flood risk issues associated with this application which lies within flood zone 1 of the SFRA 2018 and the Environment Agency NAFRA2.

The application site is located within the catchment area of Anglian Water Middleton Water Recycling Centre (WRC) which currently lacks the capacity to accommodate additional flows. The agent has stated that foul water will discharge to a self-contained sewage treatment system (eg. septic tank or package treatment plant) discharging into soakaways complying with AD'H' of the Building Regulations. Due to the fact that the application does not seek to connect to the Middleton WRC, Anglian Water do not object to the proposal.

This application is for four distinct self-build plots which are likely to be sold off to separate individuals. Consequently, a condition will be placed on any decision requiring details of the self-contained sewage treatment system prior to the commencement of development of the site, or individual plots. The proposed self-contained sewage treatment systems may require a permit from the Environment Agency; however this is a separate legislative authority, and consent can be obtained separate to the planning system.

There are no objections to the proposal from the IDB, simply comments relating to the Board's Byelaws and other regulatory information which will be referred to via informative.

Overall, the proposal complies with section 14 of the NPPF 2024 and Local Plan policies LP25 and LP18.

Ecology issues:

The on-site characteristics necessitated an ecological appraisal which identified the need for reptile surveys. These have been carried out and submitted and a low population of common lizard was identified with the reptile report recommending translocation and precautionary methods for site clearance. This mitigation can be conditioned as well as the recommended habitat enhancement.

The application is for Custom and Self-Build dwellings which are exempt from Biodiversity Net Gain (BNG) and as such, along with the fact the proposal is only considered acceptable for Custom and Self-Build given the Council lacks a sufficient supply, a condition would be applied to ensure that the proposal was for Custom and Self-Build only.

The application site falls within a Zone of Influence of one or more of the European designated sites scoped into the Norfolk GIRAMS (The Wash, North Coast, Norfolk Valley Fens, Roydon & Dersingham, Brecks). It is anticipated that certain types of development in this area , such as residential development, are likely to have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure. The GIRAMS has been put in place to ensure this additional recreational pressure does not lead to an adverse effect on European designated sites in Norfolk. The applicant submitted a shadow HRA which has been formally checked and confirmed by the LPA as the competent authority to undertake an appropriate assessment in accordance with the Conservation of Habitats & Species Regulations 2017, as amended. It is considered that the sHRA is acceptable and that a bespoke HRA is not required. The proposed mitigation within the sHRA is a payment towards the Norfolk GIRAMS which is considered adequate mitigation in this instance. This payment has not yet been paid but will be required during validation at Reserved Matters stage.

Overall the proposal complies with Section 15 of the NPPF 2024 and Local Plan polices LP19 and LP27.

Climate Change:

Local Plan policy LP06 requires development to recognise and contribute to the importance of, and future proofing against climate change and to support the Government target of becoming a net zero economy by 2050.

While full details are not yet known at outline stage, the site is immediately adjacent to the development boundary and in close proximity to the larger Tier 4 settlement of Middleton (0.36km) with a continuous pedestrian footpath providing a safe route. Middleton also has a primary school, Post Office with store and bus links to both King's Lynn and Swaffham. Overall, there is the potential for the proposal to comply with Local Plan Policy LP06.

Other material considerations:

The Historic Environment Service have not objected to the proposal but have stated that the site lies immediately north of a site (Kiln House) where a pottery kiln of Roman date was discovered and excavated in 1989. Finds dating to the Roman period have been recorded further south adjacent to Sandy Lane and there is potential for heritage assets, buried archaeological remains of Roman date; to be present within the proposed development area and therefore pre-commencement conditions should be imposed in order to comply with para. 211 of the NPPF 2024 and Local Plan Policy LP20.

There are no objections or conditions recommended by Environmental Quality with regard to land contamination.

The proposal would not engender an affordable housing contribution as the site is under 0.5hectares and only four units are proposed.

There is an objection that approval of the proposal will enable further residential development of the adjacent land. Each application is taken on its own merits and is assessed against the Local Development Plan and any other material considerations at the time of an application. The approval of this application would not necessarily make further development behind the existing built form acceptable.

CONCLUSION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that an application must be determined in accordance with the development plan unless material considerations indicate otherwise.

While the proposal is located outside of the development boundary and contrary to the Local Development Plan with regard to the provision of housing it is of significant weight when considering the planning balance that the Council does not have an adequate supply of Custom and Self-Build housing.

Members are asked to consider that the provision of self-build housing; which would provide a positive contribution to the supply of custom and self-build homes and which is immediately adjacent to the development boundary of Blackborough End (Tier 6) and served by footpath provision to Middleton (Tier 4) and it's service provision,; would tilt the planning balance in favour of the proposal and outweigh the fact that the proposal is contrary to the principles of the NPPF 2024 and Local Plan Policies LP01 and LP02 with regard to the strategic location of residential development. The application is recommended by your officers for approval.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

1 Condition Approval of the details of the means of access, layout, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.

1 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.

2 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.

4 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

5 Condition The development hereby permitted shall be carried out in accordance with the following approved plan 3/509/1C with regard to scale only. The finished floor levels of each dwelling shall correspond to the 'elevation' drawing and the ridge heights of each dwelling shall not exceed the ridge heights shown on the same drawing.

5 Reason For the avoidance of doubt and in the interests of proper planning.

6 Condition Self-Build: (i) Each residential unit ('unit') in the development hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 as amended (2016).

i. (ii) The first occupation of each unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who will live in the unit for at least 3 years
ii. (iii) Prior to the first occupation of each unit the Council shall be notified of the person(s) who will take up first occupation of each unit.

6 Reason The site lies in an area where the LPA would not normally grant permission for new dwellings. This permission is granted in recognition of the need for custom and self-build dwellings in the borough and to ensure the development meets the criteria for self-build and custom build application Biodiversity Net Gain exemption in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

7 Condition No development shall commence on site, or on each individual plot until full details of the foul water drainage strategy shown on approved drawing 3/509/1C have been submitted to and agreed in writing by the LPA. The development shall then be carried out as approved prior to the occupation of the dwellings.

7 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

8 Condition No demolition/development shall take place on site, or each individual plot, until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

1) The programme and methodology of site investigation and recording,
2) The programme for post investigation assessment,
3) Provision to be made for analysis of the site investigation and recording,
4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
5) Provision to be made for archive deposition of the analysis and records of the site investigation

6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and
7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

8 Reason To safeguard archaeological interests in accordance with the principles of the NPPF and Local Plan Policy LP20. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.

9 Condition No demolition/development shall take place on site, or on each individual plot, other than in accordance with the written scheme of investigation approved under condition 8 and any addenda to that WSI covering subsequent phases of mitigation.

9 Reason To safeguard archaeological interests in accordance with the principles of the NPPF and Local Plan Policy LP20.

10 Condition The development, or each individual plot shall not be occupied or put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 8 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

10 Reason To safeguard archaeological interests in accordance with the principles of the NPPF and Local Plan Policy LP20.

11 Condition Prior to the commencement of the development hereby approved the reptile mitigation shall be carried out in complete accordance with Section 4, paragraphs 4.1 to 4.6 of the Reptile Survey Report (P2025-68R2) dated 21st August 2025.

11 Reason This needs to be a pre-commencement to ensure the protection of protected species in accordance with the Habitat Regulations and in accordance with the requirements of Local Plan Policy LP19 and para 193 of the NPPF 2024.

12 Condition The development hereby approved shall be carried out in complete accordance with Section 8.0 ‘Mitigation / Enhancement Strategy of the Preliminary Ecological Appraisal (P2025-68R1) dated 21st June 2025 and Paragraphs 4.7 to 4.10, of Section 4.0, of the Reptile Survey Report (P2025-68R2) dated 21st August 2025.

Prior to the occupation of the dwellings, or each individual plot hereby approved, evidence of compliance with the above shall be submitted to the Local Planning Authority.

12 Reason In accordance with the requirements of Local Plan Policy LP19 and para 193 of the NPPF 2024, and to comply with the Habitats Regulations.