



Application for Permission in Principle for Residential Development of One Dwelling

Land at Keruan Cottage, Claypole Road,
Stubton, Lincolnshire NG23 5BU

PLANNING STATEMENT

May 2026

South View, 16 Hounsfield Way, Sutton on Trent, Newark, Nottinghamshire, NG23 6PX

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May 2026

Project: 27.06
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Applicant: Peter Chapman



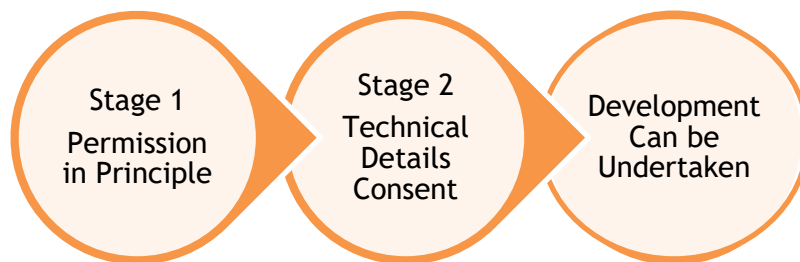
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The Proposal

1. The application is seeking permission in principle for residential development of one dwelling. The application relates to a broadly rectangular plot of land located immediately to the east of Keruan Cottage¹ which is in the same ownership.

Permission in Principle

2. The PIP consent route is an alternative way of obtaining planning approval for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has two stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.



3. Local planning authorities can grant PIP to a site upon receipt of a valid application or by entering a site in Part 2 of its brownfield land register which will trigger a grant of permission in principle for that land providing the statutory requirements set out in the Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations 2017 are met. In this case we are seeking the grant of PIP through submission of a valid application.
4. Following a grant of PIP, the site must receive a grant of TDC before development can proceed. There is a period of 3 years to apply for TDC from the date of granting a PIP. The granting of TDC 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

¹ The adjacent cottage is known by two names, Kervan Cottage or Keruan Cottage. We have used Keruan Cottage as this is the name used on maps and the Council online planning system

or listed buildings. TDC can be obtained following submission of a valid application to the local planning authority. An application for TDC must be in accordance with the PIP that is specified by the applicant.

Exclusions from Permission in Principle

5. Depending on the route, certain types of development are excluded from a grant of PIP. These exclusions are summarised in the table below from Planning Practice Guidance (Reference ID: 58-004-20190315):

Type of development or land	Route to permission in principle: Following an application	Route to permission in principle: Entering a site in Part 2 of a brownfield land register
Householder development	X	X
Major development	X	✓
Development on land not defined as previously developed	✓	X
Development consisting of the winning and working of minerals	X	X
Environmental Impact Assessment development	X	X
Habitats development	X	X

Table from Planning Practice Guidance

6. Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) specifically defines the exclusions as “5B.— (1) A local planning authority may not grant permission in principle, on an application to the authority, in relation to development which is— (a) major development; (b) habitats development; (c) householder development; or (d) Schedule 1 development. (2) A local planning authority may not grant permission in principle, on an application to the authority, in relation to Schedule 2 development unless— (a) the local planning authority has adopted a screening opinion under regulation 6 of the EIA Regulations that the development (up to and including the maximum net number of dwellings) is not EIA development; (b) the Secretary of State has

made a screening direction under regulation 7 of the EIA Regulations that the development is not EIA development; or (c) the Secretary of State has made a direction under regulation 63 of the EIA Regulations that the development is exempted from the application of those Regulations.”

7. In the context of Article 5B ‘major development’ means development involving any one or more of the following—
 - a) the provision of dwellings where the number of houses to be provided is 10 or more.
 - b) the provision of a building or buildings where the floor space to be created is 1,000 square metres or more: or
 - c) development carried out on a site having an area of 1 hectare or more.

8. The proposal does not fall within any of the above exemptions, so it is permissible to seek to apply for PIP on this site. The proposal does not fall into any of the categories of development contained in Schedule 1 or 2 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 defined as requiring EIA Screening.

Application Format

9. S58A (1) and s59A of the Town and Country Planning Act 1990 (TCPA) make provision for the grant of PIP for housing-led development of land in England. Under s58(3) and s70(2ZZA) TCPA, a grant of PIP consent must be followed by an application for TDC, which must be determined in accordance with the PIP.

10. S70(2ZZB) TCPA states that an application for TDC is an application for planning permission. It follows that conditions cannot be imposed on a grant of PIP, that is, at the first stage, because that is not a grant of planning permission in itself in isolation. A PIP consent remains in force for a prescribed period (i.e., 3 years) during which time the application for TDC must be made.

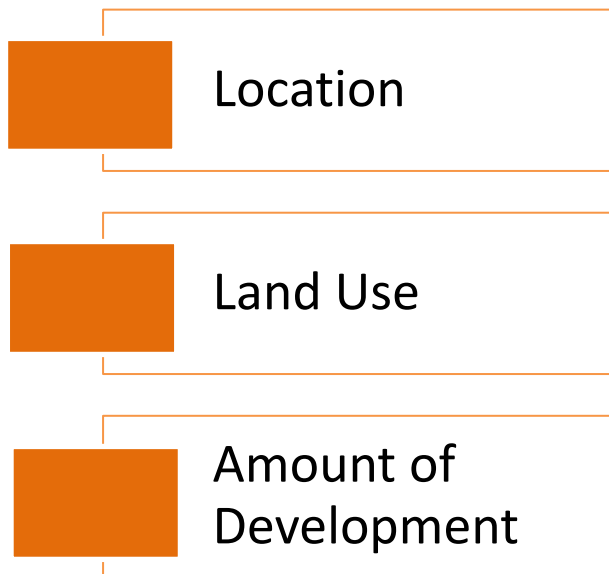
11. Under Article 5D of the Town and Country Planning (Permission in Principle) Order 2017 (inserted by the 2017 Amendment Order) requires that an application for permission in principle must:
 - (a) be made in writing, to the local planning authority for the area in which the land is situated, on a form published by the Secretary of State (or a form to substantially the same effect).
 - (b) include the particulars specified or referred to in the form.

- (c) be accompanied, whether electronically or otherwise, by a plan which identifies the land to which the application relates; and
- (d) the correct fee.

12. Consequently, the provisions of local lists requiring the submission of additional information such as tree surveys, ecological reports or contamination assessments cannot apply to applications for PIP. Such matters fall outside the scope of PIP and are matters for subsequent consideration under TDC.
13. An application for PIP is not strictly an application for Planning Permission therefore the provisions of s62(3) of the Town and Country Planning Act 1990 (as amended) are not applicable. As such no Local Validation List has any legal force in relation to any application for PIP. Neither is an application for PIP subject to the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as the DMPO states in Article 1(5).
14. An application for PIP must only be determined having regard to the provisions of Town and Country Planning (Permission in Principle) Order 2017 (as amended).
15. Accordingly, there is no legal basis to request the submission of additional information; neither is there any legal basis on which the LPA or any consultee can claim that insufficient information has been submitted on any matter. If the application submission meets the legal provisions of Article 5D it must be validated accordingly.
16. The issue of scope of information was considered at appeal before Inspector Mrs H Nicholls *FdA MSc MRTPI* in determining appeal APP/W1145/W/21/3269210 where she concluded on highways in paragraph 17 of her decision that *“The limited information provided with the appeal application is commensurate with the nature of the PIP stage process, which purely seeks to determine whether the location, land use and amount is acceptable in principle.”*
17. It is important to understand that an application for PIP is determined under the provisions of the Town and Country Planning (Permission in Principle) Order 2017 (inserted by the 2017 Amendment Order) and not the Town and Country Planning (Development Management Procedure) (England) Order 2015 except where specifically cross referred to. In this respect there are important procedural differences which I go on to explain.

Decision Making

18. Planning Practice Guidance offers advice on the decision-making process for applications as follows: *“A decision on whether to grant permission in principle to a site following a valid application or by entering it on Part 2 of a brownfield land register must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.”* (Reference ID: 58-011-20180615)
19. It then goes on to clearly set out what matters are within the scope of a decision on whether to grant permission in principle. It states: *“The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.”* (Reference ID: 58-012-20180615)

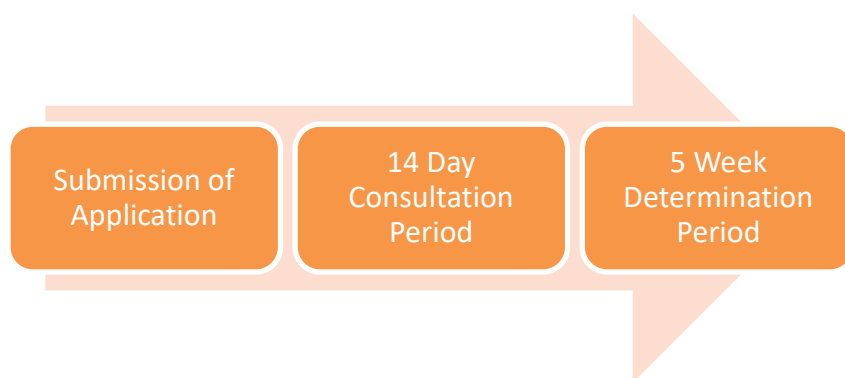


Consultation

20. Planning Practice Guidance summarises the requirements for consultation as: *“The consultation that must be undertaken before sites can be granted permission in principle is set out in the Town and Country Planning (Brownfield Land Register) Regulations 2017 for suitable sites on brownfield registers, and in the Town and Country Planning (Permission in Principle) Order 2017 (as amended) when permission in principle is sought by application. In both situations, local planning authorities must consult bodies identified*

in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 if in their opinion the land within the site falls within the prescribed category, and take in to account any responses received. There are also requirements for consulting county planning authorities and the Mayor of London. Local planning authorities must also consult any body that they would have been required to consult in relation to an application for planning permission, for example under relevant consultation or safeguarding directions. Where consultation is required, the local planning authority should provide the statutory body with any relevant information it holds about the site.”

21. These consultation provisions are detailed under Articles 5J, 5L & 5M of the Town and Country Planning (Permission in Principle) Order 2017 (inserted by the 2017 Amendment Order).



22. Under Article 5G of the Town and Country Planning (Permission in Principle) Order 2017 (inserted by the 2017 Amendment Order) the default consultation period is only 14 days. The LPA must also give requisite notice by site display in at least one place on or near the land to which the application relates for not less than 14 days. Under Article 5R of the Town and Country Planning (Permission in Principle) Order 2017 (inserted by the 2017 Amendment Order); the LPA must have regard to representations made to it.

Determination Period

23. Once a valid application for PIP has been received, the LPA should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit unless a longer period has been agreed in writing with the applicant. The statutory time limit is 5 weeks, counting from the day after the local authority has received a valid application. These provisions are detailed under Article 5S of the Town and Country Planning (Permission in Principle) Order 2017 (inserted by the 2017 Amendment Order).

Decision Notice

24. It is not possible for conditions to be attached to a grant of PIP, and its terms may only include the site location, the type of development and amount of development. Local planning authorities can inform applicants about what they expect to see at the TDC stage.

Decision
Notice -
Permission
in
Principle

**State: Minimum and
Maximum No. of Dwellings**

**3 Years to Submit Application
for Technical Details Consent**

**No Conditions Can be
Imposed**

25. Where PIP is granted by application, the default duration to submit an application for Technical Details Consent is 3 years. Article 6 of The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 amended Article 7 of The Town and Country Planning (Permission in Principle) Order 2017 under section 70(2ZZC) of the Town and Country Planning Act 1990).

26. On a decision notice LPAs must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (i.e., taking in to account any existing dwellings on the site) which are, in principle, permitted.

27. In this case the range being sought is one (1) to one (1) dwelling, so for ease is only described once. The decision notice must also meet the requirements of Article 5T of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

28. When granting PIP to a site, LPAs can provide information on the decision notice where PIP is granted following an application, about what they expect the detailed proposals to include at the TDC stage. This information may include where further impact assessment is needed by the applicant or where a particular scheme of mitigation may be required.
29. If PIP is refused, then a right of appeal to the Secretary of State exists as explained Article 5V of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

Community Infrastructure Levy Liability

30. The Community Infrastructure Levy (CIL) may apply to development consented through the PIP route if subsequently TDC has been granted. Charges will become due from the date that a chargeable development is commenced. As such CIL liability does not arise from PIP stage.

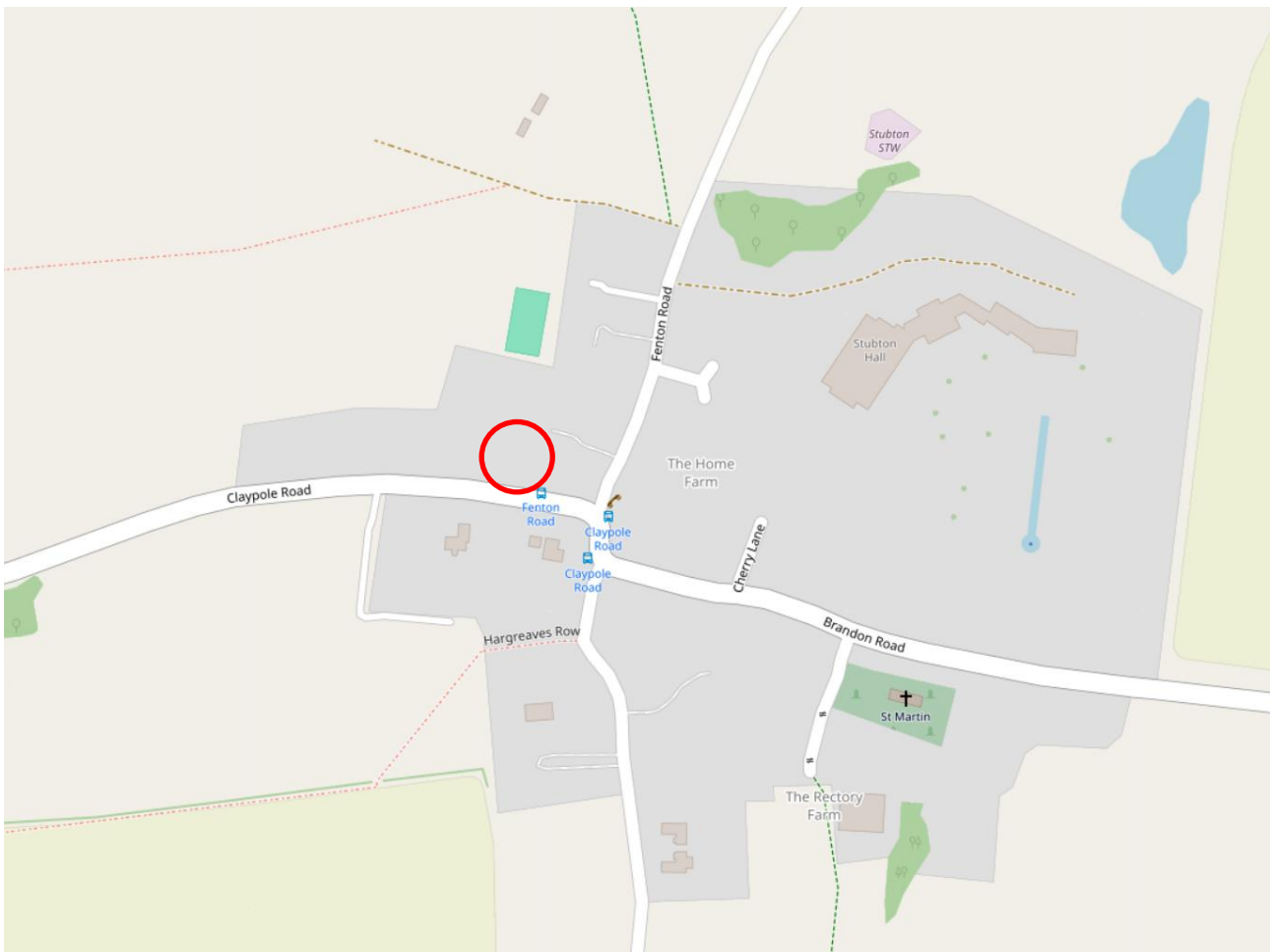
Biodiversity Net Gain

31. Biodiversity Net Gain (BNG) may apply to development consented through the PIP route but only when TDC has been granted. As such BNG is not applicable to the PIP stage.

The Site and Surrounding Area

32. The application relates to a broadly rectangular plot of land located immediately to the east of Keruan Cottage but falling within the ownership of Keruan Cottage as garden. The site is bounded on its eastern side by the dwelling Cartref, to the north lies Ellary House and to the south is Claypole Road and a number of dwellings opposite. Keyworth Road. There is an existing dropped kerb access and footway crossover from the highway into the eastern side of the site.
33. The site comprises an area of garden enclosed by a hedgerow and close boarded fence along the frontage. The side boundary to Cartref comprises close boarded fencing or the wall of Keruan Cottage. The rear boundary comprises a hedgerow with a small tree. A strip around 4m to 5m in width will be retained with Keruan Cottage to allow service access to the rear of the cottage. Keruan Cottage to the west is part of a semi-detached pair of cottages dating from 1930. Cartref to the east is a dormer bungalow. The village has a mixed character of different property types and sizes.

34. The area of the site proposed for new development measures approximately 465m². The proposed site is broadly rectangular in shape having a road frontage of around 15m and a maximum depth of around 31m.
35. The site is located in the heart of the village around 50m to the west of the junction of Claypole Road with Fenton Road as well as Brandon Road and Doddington Lane. The surrounding area is residential in character.



The Site © Open Street Map licensed under the Open Data Commons Open Database License (ODbL) by the OpenStreetMap Foundation (OSMF)

36. Stubton is a modestly sized village, it has 290 people² occupying 130 households³. It has a village hall, church and Stubton Hall which is a large weddings and events venue. There is a history of a strong community ethos, with a team from the village being responsible for

² ONS Mid-2024 Estimate

³ 2021 Census

initiating and overseeing the construction of a new Village Hall in 2000. Stubton has won the Lincolnshire Best Kept Village a number of times.

37. Stubton lies around 1 mile to the east of Claypole where a convenience store/post office and primary school are available, and around 3 miles to the north-east of Long Bennington a larger village defined in the South Kesteven Local Plan, where a GP practice is available. Stubton is also around 3 miles from the edge of the Newark Urban Area (Newark, Balderton & Fernwood) where an array of higher order services are available.



Proposed Site © Crown Copyright, Ordnance Survey Licence number 100041041



View from the East with Keruan Cottage in the Background and Site in the Foreground

38. The existing dropped kerb access from the highway is the most likely location for an access. Although, the details of access are a matter for the subsequent TDC stage.

Planning Considerations

39. As previously stated, the scope of permission in principle is limited to location, land use and amount of development. Matters such as visual amenity, residential amenity, the impact upon highway safety, drainage, ecology and any environmental protection considerations will be considered as part of any future application for technical details consent.
40. The premise for permission in principle (PIP) via the application route is slightly unusual; essentially it is presented by the Government as a cheaper way for those taking a chance on smaller sites to establish whether a site is suitable for new homes, or not?
41. As indicated layout along with scale, type, design and appearance are all matters for Technical Details Consent. Accordingly, at the PIP stage the correct consideration is whether between the minimum number and maximum number of dwellings sought in any potential form, layout and of any size could in principle be accommodated on the site. This is why a range of dwellings is allowed for in PIP; because as you will understand for example property size and number of bedrooms would take up different amounts of space. Also, whether single-storey, two-storey or three-storey units are proposed has an impact on built footprint space.
42. In an appeal decision for PIP from Colchester (APP/A1530/W/20/3250629), in this case on the issue of ‘amount of development’ the Inspector in paragraph 9 concluded that: “/

consider the amount of development proposed would be within an acceptable range having regard to the general density of development within the locality. However, consideration will need to be given at technical details stage as to the appropriate design and layout for the site and whether this would enable the site to be developed for 1 or 2 dwellings.”

This supports our view that the consideration of amount of development should only have regard to ‘high-level’ factors such as density of development having regard to that specified in development plan policies and found in the surrounding area.

43. In a PIP when specifying the number of dwellings there should be no assumption that they be in any particular form. In PIP it is not appropriate to submit any illustrative plan; they are problematic as then the LPA and consultees focus on it when in fact layout, scale, house type, design and appearance, living conditions, access, parking, trees, landscaping etc. are all matters for later consideration at the Technical Details Consent stage.
44. There are numerous appeal decisions which have considered refusals of PIP on highway matters (sometimes amongst other matters). In these appeals Inspectors have continuously determined that highway considerations are not relevant to the determination of applications for PIP but are instead matters for the TDC stage.
45. Relevant example appeals are as follows:
 - APP/Z0923/W/20/3246227 - Copeland, Cumbria
 - APP/W1145/W/21/3269210 - Torridge, Devon
 - APP/X0360/W/18/3216234 - Wokingham, Berkshire
 - APP/Q3305/W/21/3274855 - Mendip, Somerset
 - APP/A3010/W/22/3304294 - Bircotes, Nottinghamshire
46. In appeal APP/Z0923/W/20/3246227, the Inspector Mr M Brooker *DipTP MRTPI* in paragraphs 12 and 13 of his decision clearly concluded that access and highway safety are technical details to be considered at the TDC stage and are therefore not relevant for the principle of the development in terms of location, land use, and the amount of development.
47. Inspector Mrs H Nicholls *FdA MSc MRTPI* in determining appeal APP/W1145/W/21/3269210 was clear in her conclusions that highways aspects are more appropriately determined as part of the TDC stage. In appeal APP/X0360/W/18/3216234, the Inspector Les Greenwood *MRTPI*, concluded that parking concerns were matters for the latter TDC stage.

48. The Inspector A Tucker BA (Hons) IHBC in appeal APP/Q3305/W/21/3274855 again sets out in paragraphs 13 and 14 of his decision that access considerations are matters not relevant to the PIP stage but are instead matters for TDC.
49. An appeal of particular note is APP/A3010/W/22/3304294 in Bircotes. That appeal which was submitted by us for another of our clients. In that appeal not only was the appeal allowed but an award of full costs against the LPA was also made. In that appeal the Inspector C McDonagh BA (Hons) MA MRTPI in paragraph 8 of his decision stated: *“Although I take on board the additional concerns of the Council and interested parties with regards to the proposed vehicular access, specific details relating to the access, such as technical drawings, visibility splays and pedestrian sight lines, would be considered at the TDC stage. There is nothing before me to indicate definitively that a safe and suitable access could not be secured at the appeal site in principle.”*
50. Namely, the LPA in determining an application for PIP must ensure that it and consultees limits consideration to the matters that lawfully fit within the scope of PIP.

The Development Plan and Material Planning Considerations

51. The parts of the adopted Development Plan most relevant to the determination of this application for PIP are:

South Kesteven Local Plan (adopted January 2020)

Policy SP1 - Spatial Strategy

Policy SP2 - Settlement Hierarchy

Policy SP3 - Infill Development

Policy SD1 - The Principles of Sustainable Development in South Kesteven

Policy DE1 - Promoting Good Quality Design

Policy EN6 - The Historic Environment

Policy SB1 - Sustainable Building

Stubton Neighbourhood Plan⁴ (made July 2015)

Policy BE2

52. Other relevant material planning considerations include:

⁴ The policies in the Stubton Neighbourhood Plan do not have any titles

National

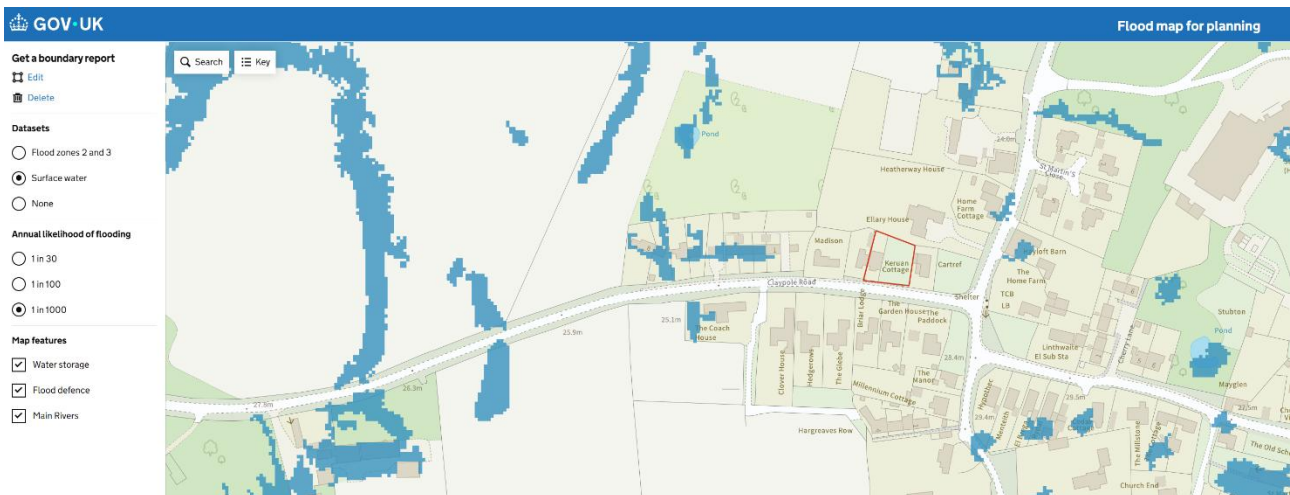
National Planning Policy Framework
Planning Practice Guidance

Local

Design Guidelines for Rutland & South Kesteven SPD

Planning Designations and Constraints

53. The site is not affected by any heritage or environmental designations. The site itself is in flood zone 1 so is not at risk of flooding from fluvial sources. The Environment Agency information indicates that site flooding from groundwater or from reservoirs is unlikely. The site is also not at risk of surface water flooding.



Surface Water Flood Map © Environment Agency

Heritage

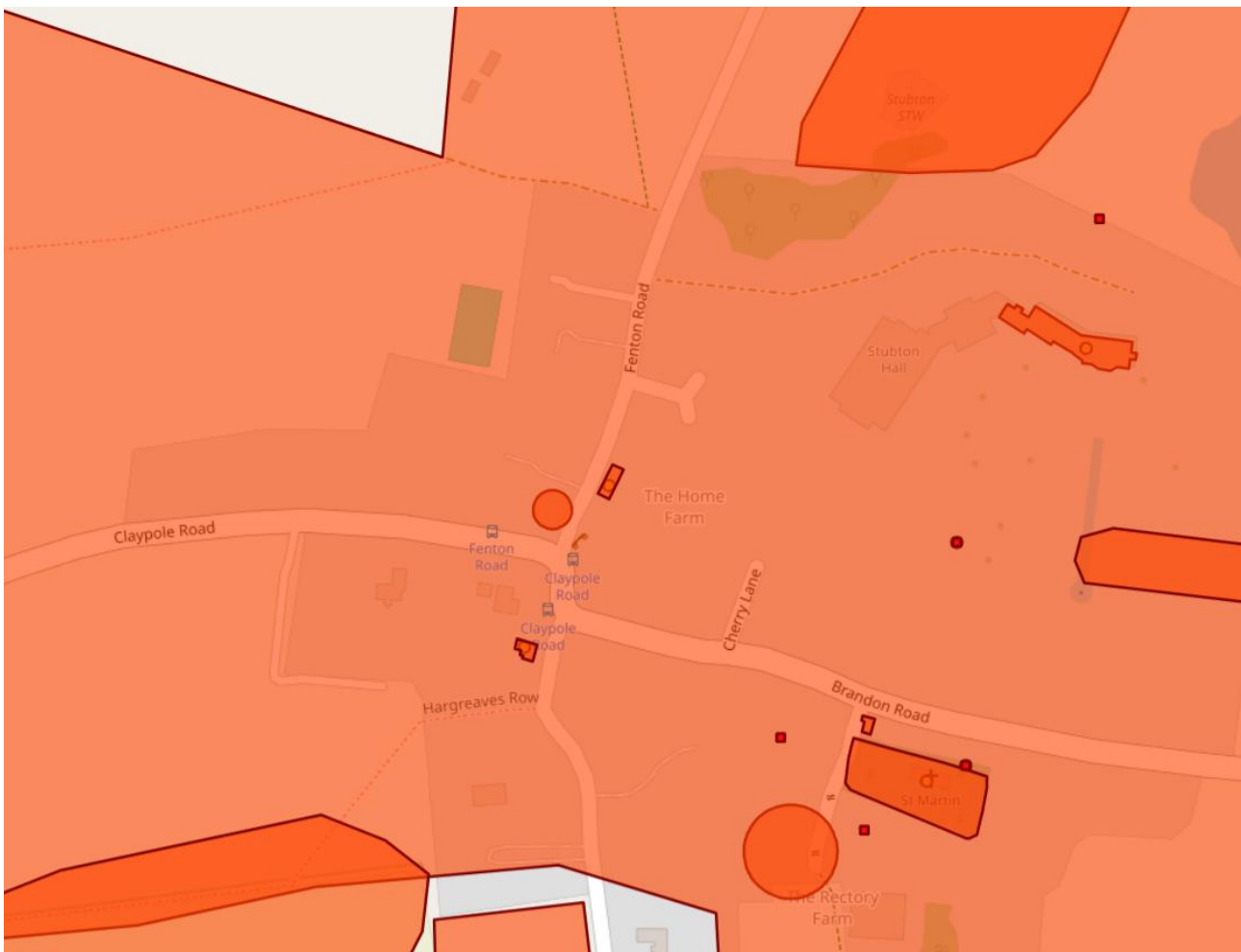
54. There is no Conservation Area in Stubton. The nearest listed buildings are:

- The Manor House (Grade II - List Entry Number: 1146982, Date first listed: 16-Aug-1984)
- Barn at Home Farm (Grade II - List Entry Number: 1360053, Date first listed: 16-Aug-1984)

55. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the

building or its setting or any features of special architectural or historic interest which it possesses.

56. Both of the listed buildings lie approximately 60m away from the site, to the south-east and north-east respectively. Due to the intervening distance and the fact that other built development sits between the site and the listed buildings it is not considered that development on the site would impact on the setting of the listed buildings.



Extract from Lincolnshire Heritage Explorer © Lincolnshire County Council

57. In terms of the Lincolnshire Historic Environment Record (HER) the entire village of Stubton is overlaid by Monument record MLI92364 - Stubton Park, Stubton. That relates to the historic parkland of Stubton Hall⁵. Much of the former parkland has been developed, the core of the parkland remains around the Hall and areas of outlying woodland copses still

⁵ Derived from the park recorded on the first edition c.1880 and c.1905 Ordnance Survey maps at Stubton Hall, Stubton

exist around the countryside surround the village. The site has no remaining parkland characteristics.

58. To the east on the other side of the property Cartref lies Monument record MLI91293 - Medieval pit and pottery scatter on land at Fenton Road, Stubton. This records the fact that during an archaeological watching brief work revealed a sequence of natural, medieval and modern deposits. Medieval activity was only represented by a single shallow pit, observed within the northeast corner of the site. Find retrieved during the investigation included six fragments of medieval pottery.
59. There would be no direct or indirect impacts from development on the site to either of these locally identified entries on the Lincolnshire HER. There would be no conflict with Policy EN6 (Historic Environment) of the South Kesteven Local Plan

Planning History

60. The site and adjacent Keruan Cottage have a limited planning history as follows:

Site

- S06/0322 - Formation of dropped kerb (Approved)
- S07/0628 - Erection of 2 dwellings (Refused and Appeal Dismissed)

Keruan Cottage

- S19/0568 - Erection of garage (Approved)
- S21/0259 - Single storey rear extension to dwelling and upgrading heating system to a sustainable air source heat pump (Approved)
- S24/2049 - Proposed extension of a dropped kerb/widening of the vehicular access (Approved)

Principle of Development

61. The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied. Paragraph 8 of the NPPF explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

62. Paragraph 11 of the NPPF explains that at the heart of national policy is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

Lack of a Demonstrable 5-Year Housing Land Supply

63. The Secretary of State for Housing, Communities and Local Government published an updated National Planning Policy Framework (NPPF) on 12 December 2024. For decision making purposes the revised NPPF came into effect immediately, whilst for plan making, transitional arrangements have been put in place.

64. The revised NPPF contains a number of changes to national planning policy, and these will have already been taken into account in decision making since the date of publication. In particular the latest NPPF reintroduces a number of measures in relation to demonstrating a five-year housing land supply. These changes aim to encourage LPAs to have a sufficient housing land supply. At the same time the government has updated the standard methodology for the calculation of local housing targets.

65. The latest South Kesteven Five Year Housing Land Supply Statement (Base Date 1 April 2024) was published in March 2025.

66. South Kesteven's local housing target has been increased from 687 dwellings to 895 dwellings per annum. This is significantly higher than the figure in the South Kesteven Local Plan of 650 dwellings per annum.

67. As the Local Plan was adopted in January 2020, it is therefore over five years old which means that it should be regarded as out of date.

68. The Council has published the Five-Year Housing Supply Statement. This shows that South Kesteven is in the position of not having a 5-year demonstrable housing land supply. The latest Five-Year Housing Land Supply Statement published in March 2025 (Base Date 1 April 2024) concludes that the Council can identify 4.07 years supply. As such the presumption in favour of sustainable development applies and as such the policies in the Development

Plan (the Local Plan) most relevant to the determination of any planning application concerning housing is deemed to be out-of-date.

69. The presumption in favour of sustainable development, is clear that decision makers should be granting permission unless a strong reason for refusing the development exists in relation to the protection of areas or assets of particular importance, such as SSSIs, green belt or designated heritage assets. No such circumstances apply to this site.
70. Therefore, the planning balance needs to be applied, paragraph 11 d) ii of the NPPF sets this out as: “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: ... ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”
71. The tests set out in the presumption in favour of sustainable development are a high bar. In this case as we explain in this planning statement, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development means that planning permission should be granted.

Appropriate Location for Housing

72. In relation to the supply of housing, the NPPF requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraphs 76 & 77).
73. Paragraph 135 of the NPPF states that planning policies and decisions should ensure that development respects the character and appearance of the surrounding area.
74. Paragraph 70 of the NPPF indicates that: *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*
- b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward:*
- c) support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes...”*

75. Paragraph 124 d) of the NPPF also promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. As such the site constitutes an appropriate location for housing under the NPPF.

76. Paragraph 83 of the NPPF 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.”

77. The application site is within the village, whilst Stubton is a small village it is nonetheless an appropriate location for growth. In appeal 6001313 in January 2026, the Inspector David Smith *BA(Hons) DMS MRTPI* concluded that the village was an appropriate location for 4 dwellings on Doddington Lane.

78. Policy SD1 (The Principles of Sustainable Development in South Kesteven) sets out the overarching obligation for development proposals to minimise its impact on climate and contribute toward a strong, stable and more diverse economy. The policy requires consideration of a number of matters including the impact of development of climate change, minimising the need to travel, avoiding development of areas of flood risk and development proposals giving rise to pollution, encouraging the use of previously developed or underutilised land, providing a supply of housing to meet the needs of present and future generations, and enhancing the character, natural environment and cultural and historic environment of the District.

79. The South Kesteven Local Plan sets out the principles for the location of development within Policies SP1 and SP2. Policy SP1 (Spatial Strategy) outlines the strategy for the district during the plan period. It identifies that the overall strategy of the Local Plan is to deliver sustainable growth, including new housing and job creation, in order to facilitate growth in the local economy and support local residents.
80. Decisions about the location and scale of new development will be taken on the basis of the settlement hierarchy set out in Policy SP2. Policy SP2 (Settlement Hierarchy), alongside Policy SP1, seeks to focus the majority of new development to Grantham to support and strengthen its role as a Sub-Regional Centre, with *"new development which helps to maintain and support the role of the three market towns of Stamford, Bourne and the Deepings"* also being allowed, provided that the proposal does not *"compromise their nature and character"*.
81. Stubton is defined as a small village in Policy SP2, that policy goes on to state: *"In Smaller Villages as defined below, development will be supported in accordance with Policy SP3, SP4 and all other relevant policies, where development will not compromise the village's nature and character."*
82. The application site in this instance lies within the village of Stubton and as such, comprises a settlement in which development would be supported, subject to the proposal not compromising the settlement's nature and character. Neither the Local Plan nor the Stubton Neighbourhood Plan defines a settlement boundary or similar.
83. Policy BE2 of the Neighbourhood Plan states that: *"New development for appropriate uses should be sympathetic to the existing form, scale and character of Stubton Parish and be appropriate to its rural location, by ensuring compatibility with the character of the landscape as well as buildings. Materials and boundary treatments should be sympathetic to the character of Stubton"*
84. The application seeks PIP for the development of one dwelling, within land situated between Keruan Cottage and Cartref in Stubton. The proposal is within the village.
85. As identified, South Kesteven's Local Plan outlines that development within Stubton will be allowed, subject to the development proposal being in accordance with Policy SP2 and SP3 (Infill), or SP4 (Edge of Settlement), and all other relevant policies, where appropriate.

86. The site is clearly an infill proposal, the site measures approximately 590m² and is broadly rectangular in nature. The trees and hedging on the northern boundary of the site and the roadside hedging can be retained in a layout at the subsequent TDC stage. The site is of sufficient size that a dwelling can be accommodated on the site without harming the character of the area. The site has established hedgerow boundaries or fences to the surrounding land.
87. Policy SP3 (Infill Development) goes on to state that for *“all settlements defined in Policy SP2, infill development, which is in accordance with all other relevant Local Plan policies, will be supported provided that:*
- a. it is within a substantially built-up frontage or re-development opportunity (previously development land);*
 - b. it is within the main built-up part of the settlement;*
 - c. it does not cause harm or unacceptable impact upon the occupier's amenity of adjacent properties;*
 - d. it does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties”.*
88. As detailed above, when considering the acceptability of 'infill development', as required by Policy SP3, development must be within the built-up frontage or a redevelopment opportunity, must be within the main built-up settlement, and must not extend the pattern of development beyond the existing built form.
89. As stated, the location of the application site in this instance (Stubton) is defined within Policy SP2 of South Kesteven's Local Plan as a small village and given the proposed siting of the dwelling and the characteristics of the area, the site lends itself to be considered within the main built-up part of the settlement.
90. The site comprises a typical built-up frontage in respect of an immediate frontage towards the highway of Claypole Road. The acceptability of the proposal and its relationship with neighbouring/surrounding built forms and the pattern of development, is considered to be acceptable in principle and in accordance with Policies SP2 and SP3. Taking the above into account, the proposal is considered to be of an appropriate location that would be in accordance with the overall principles of the spatial strategy. As such, the proposals are

considered to be in accordance with the requirements of Policy SD1, Policy SP1, SP2 and policy SP3 of the South Kesteven Local Plan.

91. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, a number of which are not applicable to the determination of a PIP.
92. Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 131 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities.
93. Paragraph 135 of the NPPF states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF is seeking to promote or reinforce local distinctiveness.
94. Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that to ensure high quality design is achieved throughout the district, all development proposals will be expected to make a positive contribution to local distinctiveness, vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the streetscene, settlement pattern or the landscape / townscape character of the surrounding area.
95. The application site does not comprise any listed buildings or designated heritage assets nor is within their setting. Neither does the site contain any non-designated heritage assets. The site is at present somewhat underutilised and difficult to manage due to the physical separation from the adjacent cottage. Historically, as shown on old OS maps such as the 1931 and 1950 OS maps the site has been a discrete parcel for many decades. The village has grown up around the site leaving it as an infill site available.

96. The Design Guidelines for Rutland & South Kesteven identifies that proposals should be of an appropriate scale, density, massing and height, and should take the local character and context into account. Notwithstanding this, the SPD also identifies that whilst design does not necessarily require the proposed development to match that of the surrounding built form, this should *"make a positive contribution to local distinctiveness, vernacular and character"*, and details that *"design response is influenced by a number of factors including the relationship between the site or extension and other buildings, routes and spaces, views and vistas, facilities, architectural details and landscape"*.
97. New residential development would therefore require the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised. In this respect, matters of the siting, scale, separation distances, and design of the proposed development would be matters for the Technical Details Consent stage. Overall, it is considered that the proposed development would not result in an unwelcomed addition or cause resultant built form that is unduly prominent within the streetscene, that causes an unacceptable impact to the character or appearance of the area.
98. The site has an existing dropped kerb vehicular crossover access from Claypole Road. Highway matters are not for the PIP stage but are instead relevant to the Technical Details Consent (TDC) stage. In principle however any proposed dwelling would probably look to use the existing access, and a single dwelling would not change the nature of the existing access.
99. There are numerous appeal decisions which have considered refusals of PIP on highway matters (sometimes amongst other matters). In these appeals Inspectors have continuously determined that highway considerations are not relevant to the determination of applications for PIP but are instead matters for the TDC stage.
100. Relevant example appeals are as follows: APP/Z0923/W/20/3246227 - Copeland, Cumbria; APP/W1145/W/21/3269210 - Torridge, Devon; APP/X0360/W/18/3216234 - Wokingham, Berkshire; and APP/Q3305/W/21/3274855 - Mendip, Somerset.
101. In appeal APP/Z0923/W/20/3246227, the Inspector Mr M Brooker *DipTP MRTPI* in paragraphs 12 and 13 of his decision clearly concluded that access and highway safety are technical details to be considered at the TDC stage and are therefore not relevant for the principle of the development in terms of location, land use, and the amount of development.

102. Inspector Mrs H Nicholls *FdA MSc MRTPI* in determining appeal APP/W1145/W/21/3269210 was clear in her conclusions that highways aspects are more appropriately determined as part of the TDC stage. In appeal APP/X0360/W/18/3216234, the Inspector Les Greenwood *MRTPI*, concluded that parking concerns were matters for the latter TDC stage.
103. The Inspector A Tucker *BA (Hons) IHBC* in appeal APP/Q3305/W/21/3274855 again sets out in paragraphs 13 and 14 of his decision that access considerations are matters not relevant to the PIP stage but are instead matters for TDC.
104. Another appeal of particular note is APP/A3010/W/22/3304294 in Bircotes in Bassetlaw. That appeal which was submitted by us for another of our clients; not only was the appeal allowed but an award of full costs against the LPA was also made because of a highway reason for refusal based on the views of the Highway Authority. In that appeal the Inspector C McDonagh *BA (Hons) MA MRTPI* in paragraph 8 of his decision stated: *“Although I take on board the additional concerns of the Council and interested parties with regards to the proposed vehicular access, specific details relating to the access, such as technical drawings, visibility splays and pedestrian sight lines, would be considered at the TDC stage. There is nothing before me to indicate definitively that a safe and suitable access could not be secured at the appeal site in principle.”*
105. Having regards to the overall policy position as outlined above and the fact that the presumption in favour of sustainable development in paragraph 11 of the NPPF applies; the proposal for a dwelling is development that should be permitted.

Land Use

106. The site is part of a wider residential area and given the surrounding land use; the proposal for residential development is considered to be the most effective use of land.
107. Taking all factors into account the proposed land use is considered acceptable and would be supported in principle by the policies of the Local Plan and the NPPF.

Amount of Development

108. The area of the site proposed for new development measures approximately 465m². The proposed site is broadly rectangular in shape having a road frontage of around 15m and a maximum depth of around 31m. The proposal is for one dwelling, therefore, there would

be no material increase in traffic that could adversely affect the residential amenity of nearby properties by reason of noise, disturbance or loss of privacy.

109. A layout of one dwelling represents a density of just around 21 dwellings per hectare, which reflects the density of properties in the surrounding area, particularly along the northern side of Claypole Road. A layout which provides a sufficient amount of private amenity area for a dwelling can be achieved. Plot sizes in Stubton vary as do the property types and sizes. The plot would be larger than many of those along the northern side of Claypole Road.
110. Separation distances from the nearest neighbouring property are sufficient to ensure that the living conditions of existing occupiers of neighbouring properties and future occupiers of the proposed dwellings can be adequately protected. The side facing small dormer window on the western roofscape of Cartref can be taken into account in a layout and design at the TDC stage.
111. As such the range in terms of amount of development is considered acceptable.

Other Planning Matters

112. Permission in Principle can only be considered on grounds of location, land use and amount of development. Matters such as visual amenity, residential amenity, the impact upon highway safety, drainage, ecology and any environmental protection considerations will be considered as part of any future application for.
113. The existing access would most likely form the basis of access with details being secured through the TDC process. Matters such as the necessary standard of access are strictly matters outside the scope of Permission in Principle. However, these are matters which have a realistic prospect of being satisfactorily addressed at the technical details consent stage.
114. Matters relating to the protection of the living conditions of existing and future occupiers are again matters outside the scope of Permission in Principle. However, they are matters which have a realistic prospect of being satisfactorily addressed at the technical details consent stage.

115. Designing a dwelling to reflect the character and appearance of the surrounding area are also matters outside the scope of Permission in Principle. Once again, they are matters which have a realistic prospect of being satisfactorily addressed at the technical details consent stage.

Conclusion and Planning Balance

116. The lack of a 5-year housing land supply renders the policies in the development plan most important to the determination of this application as being out-of-date. The presumption in favour of sustainable development applies and material planning considerations must now be weighed in the planning balance. In our view positive weight should be attributed to the view that the proposed development represents a unique opportunity to develop an underutilised site in the heart of Stubton.

117. The proposed appeal scheme will result in benefits including:

- Contributing to the supply of housing when there is no demonstrable five-year housing land supply
- Supporting local services and facilities through economic activity
- Supporting local public transport services, helping to sustain them through use
- Facilitating a plot suitable for small developers or for a self-build dwelling; and
- Putting this under-utilised site to a new beneficial use

118. No harm to heritage assets would arise. A dwelling in this location would not detrimentally impact on the character of the area. As required by case law BNG must be weighed positively in the planning balance. Notwithstanding this being an application for Permission in Principle any subsequent TDC application will be subject to Biodiversity Net Gain (BNG) unless any exemptions are met. Matters of living conditions, highways, flood risk, trees and ecology are neutral considerations.

119. Any new build proposal would be required to be energy and water efficient and would introduce the opportunity for on-site renewable energy generation. This weighs positively in the planning balance.

120. Also, in favour of the scheme is that it would also allow for the opportunity to introduce further native landscaping, together with trees and BNG measures which can all be secured via suitably worded conditions at a subsequent TDC stage.

121. The proposal would deliver much needed housing which would contribute towards the 5-year demonstrable housing land supply. There would be positive economic benefits arising from construction, in particular the site would contribute a small site to the local economy that would suit the self-build requirement. The Council has not allocated any sites for self-build and custom housebuilding, so has no positive strategy for addressing this need.
122. The NPPF in paragraph 73 is clear that: *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly.”* The NPPF continues to identify that LPAs should look for 10% of their housing sites to be under 1 hectare in size. As such this site would make a positive contribution to housing choice and would deliver a smaller site that the NPPF looks to particularly support.
123. Future occupiers of housing would make an important economic and social contribution towards supporting local services and facilities in Stubton, Claypole, Long Bennington and the Newark Urban Area.
124. Having set out all the material planning considerations and given reasonable and justifiable weight to each one, it is our conclusion that the positive considerations outweigh the negative considerations to enable an approval to be forthcoming.
125. The presumption in favour of sustainable development, is clear that decision makers should be granting permission unless a strong reason for refusing the development exists in relation to the protection of areas or assets of particular importance, such as SSSIs, green belt or designated heritage assets. No such circumstances apply to this site.
126. Therefore, the planning balance needs to be applied, paragraph 11 d) ii of the NPPF sets this out as: *“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: ... ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

127. The tests set out in the presumption in favour of sustainable development are a high bar. In this case as we have explained in this planning statement, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development means that planning permission in the form of Permission in Principle should be granted.
128. The site is in a residential area; there are residential dwellings and other buildings and their curtilages adjacent. The site has established boundaries to the surrounding properties, with Claypole Road already providing access to the site.
129. Paragraph 125 d) of the NPPF also promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. As such the site constitutes an appropriate location for housing under the NPPF.
130. Having regards to the overall policy position as outlined above and the fact that the presumption in favour of sustainable development in paragraph 11 of the NPPF applies; the proposal is in a location that constitutes sustainable development that should be permitted.