

**Regulation 19 Addendum: Proposed Modifications to the South Derbyshire  
Local Plan Part 1 Review 2022-2041  
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING)  
(ENGLAND) REGULATIONS 2012  
Regulation 19 Addendum  
REPRESENTATION FORM**

The easiest way to **submit your comments is online** at <https://bit.ly/Part-1-Local-Plan-Review> or by scanning the QR code. We would encourage you to use the online form wherever possible. Where online is not possible, you can complete this form and return it to us using the postal address on the final page.



**Submission form**

**This form has two parts**

**Part A** – Personal Details: need only to be completed once.

**We will not be able to accept responses where personal details are not provided.**

**Part B** – Your representation(s): **Please fill in a separate sheet for each representation you wish to make relating to each individual policy.**

You will be asked to give details on whether you think the plan is legally compliant and why you consider the proposed modifications to the policies of the Local Plan to be sound or unsound, please be as precise as possible.

You will also be asked to set out the modification(s) you consider necessary to make the Local Plan legally compliant and the policies sound in respect of any matters you have identified. You will need to say why each modification will make the Local Plan legally compliant or policy sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

**Privacy Notice**

**Representations (including your name) will be made publicly available following the close of the consultation however personal details (personal address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress.**

**Who has access to your information?**

Personal details will be protected although it may be necessary to disclose these to a Planning Inspector appointed by the Secretary of State at a later date. For further information, please visit our Privacy section of our website at [www.southderbyshire.gov.uk/privacy](http://www.southderbyshire.gov.uk/privacy) where you can see a full copy of our privacy notice.

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### Part A: Personal Details\*

**We will not be able to accept responses where personal details are not provided.**

#### 1. Please provide your contact details.

Respondent details	Agent details (where applicable)
Name*:	Name*: Evan Williams
Organisation:	Organisation: Marrons
Address*:	Address*: [REDACTED]
[REDACTED]	[REDACTED]

\*indicates required field

#### Future notification

The District Council will retain your contact details to inform you of future consultations on the Local Plan. If you do not wish for your contact details to be added to the consultation database, please email [local.plan@southderbyshire.gov.uk](mailto:local.plan@southderbyshire.gov.uk)

**Part B: Please use a separate sheet for each representation you wish to make**

**3. To which part of the Local Plan does this representation relate?**

Please provide the reference of the policy, paragraph, policies map, evidence etc that your comment relates to. Please use a separate Part B form for each Proposed Modification that you wish to comment on.

<b>Comment being made against:</b>	<b>Please tick only one</b>		
PM1		PM23	
PM2		PM24	
PM3		PM25	
PM4		PM26	X
PM5		PM27	
PM6		PM28	
PM7		PM29	
PM8		PM30	
PM9		PM31	
PM10		PM32	
PM11		PM33	
PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21		Other (Please specify)	
PM22			

<b>4. Do you consider the Local Plan is:</b>		
	<b>Please tick the relevant box</b>	
	Yes	No
1) Legally compliant	X	
2) Sound  (If you check 'No', please also confirm below which of the 'tests' it fails to meet)		X
a) Positively prepared		X
b) Justified		X
c) Effective		X

d) Consistent with national policy		X
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**5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate.**

Please be as precise as possible (e.g., if objecting on the basis of legal compliance, please quote the specific law that the Local Plan does not comply with). If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Modification PM26 relates to Policy H20 E ii) which relates to self and custom build housebuilding. The representations being submitted do not solely focus on modifications to PM26 but more so flag general areas of unsoundness in relation to self or custom-build policy and delivery.

The emerging Local Plan is unsound for the following reasons:

- Unmet demand shown on the register,
- Lack of allocated custom / self-build plots,
- Lack of diversity in housing delivery,
- Lack of rural custom build opportunities,
- Inconsistency with national policy encouraging custom and self-build housing
- Lack of support for Small and Medium-sized Enterprise (SME) housebuilders,

A supporting cover letter supports this representation form which discusses why the Local Plan is unsound, and proposes a new self-build site for an allocation.

**6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above.** (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See accompanying cover letter.

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation, you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues identified during the examination.**

**7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?**

Please check the relevant box

No, I do not wish to participate in hearing sessions	X
Yes, I wish to participate in hearing sessions	

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

**8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Please return your completed representation form(s) by post to: Planning Policy Team, Council Offices, Civic Way, Swadlincote, DE11 0AH

Forms must be received by **5pm on Tuesday 16<sup>th</sup> June 2026.**

# South Derbyshire Local Plan Part 1 Review Regulation 19 Addendum



## REPRESENTATIONS

On behalf of Mr Dean Willshee

June 2026

**Project Name:** Regulation 19 Addendum: Proposed Modifications to South Derbyshire Local Plan Part 1 Review Publication Version (2022 – 2041)

**Client Name:** Mr Dean Willshee

**Prepared By:** EW

**Signed:** Evan Williams, Senior Planner

**Date:** 16<sup>th</sup> June

**Reviewer:** BM

**Signed** Brian Mullin, Head of Marrons

**Date:** 16<sup>th</sup> June 2026

**Revision:** 1

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## TABLE OF CONTENTS

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<b>1. Introduction</b>	<b>3</b>
<b>2. Scope, Vision and Objectives</b>	<b>4</b>
<b>3. Self-build Housing Requirement</b>	<b>7</b>
<b>4. Land at Bretby Road, Burton-on-Trent</b>	<b>13</b>
<b>5. Conclusions and Changes Sought</b>	<b>16</b>

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## LIST OF APPENDICES

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**Appendix 1 – Self-build Needs Assessment**

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## 1. Introduction

### 1.1. Background

1.1.1. These representations have been prepared by Marrons on behalf of Willshee's Waste and Recycling Limited (Applicant) to comment on the soundness and legal compliance of the South Derbyshire Local Plan Part 1 Review Regulation 19 Addendum: Proposed Modifications consultation.

### 1.2. Land at Bretby Road, Burton-on-Trent

1.2.1. Dean Willshee is promoting Land off Bretby Road, Burton-on-Trent for a standalone custom / self-build development.

### 1.3. Structure of Representations

1.3.1. Our representations raise matters in relation to the content of the emerging Local Plan, drawing on elements of the evidence base where appropriate and have been broadly structured as follows:

- Scope of the Plan, Vision and Objectives
- Self-build Housing Requirement
- Land at Bretby Road, Burton-on-Trent
- Conclusions and Changes Sought

## 2. Scope, Vision and Objectives

### 2.1. Plan Period

2.1.1. The Plan sets out a growth strategy for South Derbyshire between 2022 and 2041. The Regulation 18 version of the Plan only addressed growth needs to 2039. This was not compliant with the NPPF, which requires strategic policies to look a minimum of 15 years beyond adoption, and so the Plan period was extended to 2041, with adoption likely to occur by the end of 2026 given this consultation late in the preparation timeline.

### 2.2. Scope of the Plan

2.2.1. Paragraph 1.6 of the Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow adoption of the Part 1 Partial Review. Further, paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby's urban fringe: Infinity Garden Village and the Land to the South of Mickleover.

2.2.2. Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates.

2.2.3. The most recent LDS available for South Derbyshire covers the period 2025 to 2028. Inter alia, the LDS sets out that the Council considers itself to be working under the 'transitional arrangements' per the NPPF, meaning this Local Plan Review will proceed under the provisions and procedure of the 2023 NPPF. It is therefore their intention to continue under the two-part plan approach, but accept that a full single plan review will be necessary to be undertaken post adopted of LPP1. It is noted that a new LPP2 would need to be submitted for examination prior to December 2026 if that was the route taken.

2.2.4. Elsewhere in the LDS it is noted that several key pieces of work which would contribute to the evidence base to a Local Plan have yet to be completed. This includes the Local Plan Viability Assessment and some Transport Modelling.

2.2.5. It is notable that until this most recent Regulation 19 consultation, the LDS (2022-2025) had stated that most of the policies of the Local Plan Part 2 for South Derbyshire would be reviewed alongside the Part 2 Local Plan and subsumed into a new Local Plan. In addition, it was stated the new Part 1 Plan

will provide a long-term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”

- 2.2.6. As set out above, the form of the Plan currently consulted on clashes with that older LDS, and thus proceeds on a different basis to which was previously anticipated. It does not review adopted Part 2 Local Plan, which is carried forward in its entirety. In short, what has been published in the form of the emerging Plan is a partial review to address unmet needs from Derby only and on the edge of Derby only.
- 2.2.7. Paragraph 1.13 of the Plan states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.
- 2.2.8. The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period.
- 2.2.9. The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development.

### **2.3. Policy REV1: Review of the Local Development Plan**

- 2.3.1. Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption.
- 2.3.2. The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over a suitable time period and across the District as a whole rather than just the part adjacent to Derby is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF.

- 2.3.3. In relation to Derby's unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates.
- 2.3.4. Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it.
- 2.3.5. In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan including failure of the Duty to Cooperate and ineffective because it does not set out the scope of a future review, nor any consequences should not be progressed.

#### **2.4. Vision and Strategic Objectives**

- 2.4.1. The Vision at paragraph 3.2 is generic and not locally distinctive. In our view, it does not set out a clear framework for the spatial development of the District over the Plan period. The draft Vision makes reference to the Climate Emergency declared by the Council, but does not acknowledge the Housing Emergency and the custom / self-build requirement.
- 2.4.2. The Vision lacks a clear commitment to tackling this self-build problem through boosting the supply of serviced plots and housing more generally. As set out below, the Plan's housing requirement in addition to not meeting all of Derby's unmet needs with the Plan period, will also not be sufficient to secure delivery of sufficient custom or self-build homes to meet objectively assessed needs.
- 2.4.3. For the reasons set out below, the Plan's housing requirement of 14,500 will be insufficient to support an ambitious economic growth strategy, will not deliver enough custom / self-build homes over the Plan period, or homes for other specialist housing types and tenures.
- 2.4.4. As might be expected given the Plan's restricted scope, which has predetermined the manner in which Derby's housing needs will be addressed, there is little meaningful description within the Vision of the role and function of other settlements or categories of settlements, including the District's larger and more sustainable villages and Swadlincote. The generalised aspirations listed for these locations do not set out the role of settlements outside of Derby within the plan reviews' growth strategy, which is not appropriate given the geographical scope of the Plan, which is the District of South Derbyshire.

### 3. Self-build Housing Requirement

#### 3.1. Introduction

3.1.1. Within this section, we comment upon the self-build housing requirement and the underpinning evidence base in relation to self-build housing needs within South Derbyshire.

#### 3.2. Derby and South Derbyshire Local Housing Need Assessment (LHNA, 2023)

3.2.1. The draft Plan refers to the Derby and South Derbyshire Local Housing Need Assessment (LHNA) published in December 2023. The LHNA includes a section on self and custom build between pages 163 and 167 and we summarise its findings below.

3.2.2. The LHNA reports that neither Derby City Council or South Derbyshire Council have implemented any eligibility criteria for being included on the self and custom build register.

3.2.3. It also goes on to state how “there is no reporting mechanism to know if self-build homes have actually been delivered or the people on the register have secured a plot.”

3.2.4. The LHNA then moves on to present all entries from the first base period in 2016, to 1st May 2023 in Table 11.4, page 165 which we have reproduced below.

**Table 1: South Derbyshire Self and Custom Build Register and Plot Permissions (2016 – 2023)**

Base Period	Annual Entries	Permissions
Base Period 1 (1 <sup>st</sup> April 2016 to 30 <sup>th</sup> October 2016)	6	
Base Period 2 (31 <sup>st</sup> October 2016 to 30 <sup>th</sup> October 2017)	17	21
Base Period 3 (31 <sup>st</sup> October 2017 to 30 <sup>th</sup> October 2018)	10	28
Base Period 4 (31 <sup>st</sup> October 2018 to 30 <sup>th</sup> October 2019)	19	46
Base Period 5 (31 <sup>st</sup> October 2019 to 30 <sup>th</sup> October 2020)	16	37
Base Period 6 (31 <sup>st</sup> October 2020 to 30 <sup>th</sup> October 2021)	14	29
Base Period 7 (31 <sup>st</sup> October 2021 to 30 <sup>th</sup> October 2022)	12	25
Base Period 8 (31 <sup>st</sup> October 2022 to 30 <sup>th</sup> October 2023) <sup>28</sup>	3	
<b>Total</b>	<b>98</b>	<b>186</b>
<b>Average</b>	<b>13</b>	<b>25</b>

Source: Right to build register monitoring and council data

- 3.2.5. The information in the table sets out how the draft Plan policy concludes on the need having been 13 plots per annum, but it also indicates that demand has been met with an average of 25 permissions per annum over the same period.
- 3.2.6. In the context of the data in the above table, the LHNA concludes “permissions have exceeded annual entries therefore there is no apparent block to delivery.” Marrons consider how robust this conclusion is later in this report.
- 3.2.7. Notwithstanding this the LHNA supplements the data from South Derbyshire Council with data from the National Custom & Self Build Association (NaCSBA) in paragraphs 11.51 to 11.54 (LHNA pages 165-166).
- 3.2.8. This data shows a need for 49 units per 100,000 head of population in South Derbyshire. The LHNA does not then consider what the need would be in South Derbyshire based on the NaCSBA data.
- 3.2.9. The most recent mid-year population estimates published by the Office for National Statistics (ONS) has recorded 117,493 people in South Derbyshire. This would translate to a requirement for 58 plots of self and custom build housing in 2024 based on 49 units per 100,000 people.

- 3.2.10. The most recent 2022-based sub national population projections published by ONS show additional population growth of 6,521 people between 2024 and 2041 (the end of the proposed Plan period). This would necessitate a further 3 plots.
- 3.2.11. Added to the need in 2024 of 58, a total of 61 would be needed between 2024 and 2041, a rate of 4 plots per annum for the remainder of the emerging Plan period.
- 3.2.12. The figures reported in the LHNA provide an indication of likely demand based upon those individuals who have registered interest with the Council.
- 3.2.13. Added to this the LHNA (paragraph 11.57) states, “an increasing number of local planning authorities have adopted self-build and custom housebuilding policies in respective Local Plans to encourage delivery, promote and boost housing supply. There are also a number of appeal decisions in the context of decision-making which have found that paragraph 11(d) of the Framework is engaged in the absence of a specific policy on self-build housing when this is the focus of a planning application.”
- 3.2.14. The LHNA (paragraph 11.58) goes on to state, “As a general principle, the Councils should support the submission and delivery of self-build and custom housebuilding sites, where opportunities for land arise and where such schemes are consistent with other planning policies.”

### **3.3. Self-build and Custom Housebuilding Demand in South Derbyshire and Bretby Parish**

- 3.3.1. In summary, the Council’s Right to Build Register currently totals 138 individual registrants who have registered over the past 10 years. The Register appears to be growing at a rate of approximately 14 registrants per annum.
- 3.3.2. Survey based methods of establishing demand indicate a need of between 288 and 792 plots per annum based upon a proportion of Stamp Duty Land Tax transactions within South Derbyshire reflecting what is considered to be effective demand for Self-Build homes within the housing market.
- 3.3.3. Separately, national indicators of self-build completions applied to the Standard Method based housing need within South Derbyshire would suggest a need for between 41 - 59 self-build plots per annum.
- 3.3.4. The Demand Report prepared by Custom Build Homes indicates 380 individuals on the register across South Derbyshire district, of which 20 are in Bretby Parish.

Within a 2-mile radius of the proposed development site (DE15 OPT) there are 168 registrants, and within a 5-mile radius, 663 registrants.

- 3.3.5. Whilst there is significant variation in the estimates of demand based simply upon the Council's current Right to Build Register there exists a total of 138 individuals who have, to date, expressed interest in self-build and the highest figure is in the most recent year (22). True demand could however be far greater than this figure.

#### **3.4. Self-build and Custom Housebuilding Supply in South Derbyshire and Bretby Parish**

- 3.4.1. The evidence provided by South Derbyshire Council in a Freedom of Information (Fol) request (see Appendix) indicates that the Council has provided more than enough plots to satisfy the demand for the number of entrants on their self and custom-build register.
- 3.4.2. However, Marrons' research contradicts this. Doubt over the Fol response was indicated by the caveat which the Council included on the Fol in respect of planning permissions for self-build plots in which they state that the figures prior to base period 9 met a definition of "plots suitable for development on a self or custom build basis." This is emphasised by there only being one permission reported in the Fol between 30th October 2023 and 15th August 2025.
- 3.4.3. This has been further emphasised by our research of planning permissions on the Council's web site, with only 22 applications for self or custom-build housing being validated, and in only 7 applications being approved for 7 dwellings in total. There were 9 application refusals (either by the Council or at appeal) and 1 application withdrawn. There were a further 5 pending planning applications as of 27th April 2026. This falls significantly short of the 138 registrants on the self and custom-build register since 2015.
- 3.4.4. This was further emphasised by the 2025 planning applications for 4 self-build plots in Melbourne (DMPA/2025/0468) and a further plot in Melbourne (DMPA/2025/0701)
- 3.4.5. In both cases the Council's planning officers stated there is "currently a large gap therefore between persons seeking self or custom build plots and planning permissions granted for this type of plot." The first application was refused and appealed, and the appeal decision on 12th September 2025 concluded, "The Council's own data confirms a significant shortfall in permissions for self-build

plots relative to the number of individuals on the self-build register.” The application for one dwellings was approved.

3.4.6. In this context it can only be concluded that there remains a significant shortfall in the delivery of self and custom build plots across South Derbyshire.

### **3.5. Summary**

3.5.1. In South Derbyshire the Council’s Fol response (see Appendix) indicates a level of delivery (243 plots) which has comfortably met the number of people recorded on the self and custom-build register (138) since its inception in 2015.

3.5.2. However, our evidence highlights a clear lack of supply, evidenced most recently by the Council’s own planning officers in their reports which assessed proposals in Melbourne in late 2025.

3.5.3. In both reports (one delegated and the other a committee report) the officers stated there is “currently a large gap therefore between persons seeking self or custom build plots and planning permissions granted for this type of plot.”

3.5.4. One of the applications was approved. The other was refused and appealed, and the appeal decision on 12th September 2025 concluded, “The Council’s own data confirms a significant shortfall in permissions for self-build plots relative to the number of individuals on the self-build register.”

3.5.5. Furthermore, from a detailed review of the Council’s planning application register we have concluded on their being only 22 planning applications in total for self and custom build housing. Of this figure only 7 applications have received approval to date.

3.5.6. There is also a general consensus within Government research and other evidence that local authority self and custom build registers are not representative of the full demand, and as such the need for more self and custom build plots. This is largely due to a lack of awareness in the general public.

3.5.7. Government guidance therefore recommends that when assessing the need for self and custom build plots, in addition to assessing numbers on a local authority’s Right to Build Register that they also draw from secondary data sources.

- 3.5.8. As shown in the Appendix, the demand appraisal from the Right to Build Register (RTBR) by Custom Build Homes (CBH) indicates that there are 380 subscribers in South Derbyshire.
- 3.5.9. Of these, 20 are in the Bretby parish, where the proposed development by Willshee's is located. Furthermore, within a 2-mile radius of the site's postcode, there are a total of 168 subscribers, and within a wider 5-mile radius, 663 subscribers.
- 3.5.10. This suggests that the demand for self-build and custom homes is significantly higher than indicated by the Council's register in line with the conclusions of the Council officer who assessed the proposed development in Melbourne.
- 3.5.11. As the Inspector in the Melbourne appeal (see Appendix) concluded "the provision of self-build housing aligns with national policy objectives and, in principle, attracts significant weight in the planning balance."
- 3.5.12. In the context of the evidence set out in this report we consider the proposed self-build housing should also be afforded at least significant weight.

## 4. Land at Bretby Road, Burton-on-Trent

### 4.1. The Site and Surrounding Area

4.1.1. The Site is circa (“c”) 0.48 hectares (“ha”) and comprises agricultural field currently in pastoral use. The nearest settlements are Burton upon Trent (classified as a ‘main town’ by the neighbouring Local Authority of East Staffordshire) and the ‘Main Urban Area’ of Swadlincote, c.3.3km and c.1km from the Site respectively.



**Figure 1: Location of the Site**

4.1.2. The Site is located within the allied Burton-Swadlincote Green Belt. However, the Site is not isolated and is close to other established housing, a bus stop and access to a broad range of services and other sustainable transport infrastructure. The Site benefits from an existing access point from Bretby Road which also has a Public Right of Way routing through (Bretby FP 21). Bretby Road joins Ashby Road East (A511), a classified route subject to a 40mph speed limit with footpaths along its length and good visibility splays in both directions.

- 4.1.3. The Site is classified as countryside and is visually well contained from public views from the north and east, due to the screening afforded by existing built form and extensive hedgerows and trees bordering the A511. From Bretby Road, given the natural gradient of the Site climbing to the east, views of the land are more prominent given the low-level hedgerow and adjacent countryside further to the south. The land therefore occupies a location that is physically, visually and functionally connected to the surrounding built-up area and is accessible by sustainable transport.
- 4.1.4. In terms of the nearest designated heritage assets, there are no designated heritage assets in immediate proximity to the Site. The nearest asset is a listed building some 560 metres to the northeast (Geary House, Grade II Listed, List Entry Number: 1096483). There is another Grade II listed asset 580m in the (southwest), being 'Bottle Kiln and Attached Building, Bretby Brick and Stoneware Company', List Entry Number: 1096479. The Site is also not within, or in close proximity to, a Conservation Area. The Site is physically separate from these aforementioned assets and there is no intervisibility between the Site and these heritage assets due to the distance and intervening built and natural environment.
- 4.1.5. The Site is located within Flood Zone 1, meaning it is at the lowest risk of flooding. The EA Flood Risk map also confirms that the Site is not at risk of surface water flooding, neither now nor in the 2070 to 2125 climate change event.

## **4.2. Development potential of the Site**

- 4.2.1. A planning application has been submitted for 4 x self-build dwellings on the Site and it currently being considered by the Council.
- 4.2.2. The Site is located within the Green Belt but is not subject to any major constraints that would restrict the Site from coming forward for development. The potential development of the Site has already gained significant support from South Derbyshire Council in the form of written pre-application advice.
- 4.2.3. The proposal was acceptable in principle and the Site would constitute 'grey belt' land. The advice stated that:
- 4.2.4. "Development proposals within the rural area are considered to be acceptable as limited infill where it meets a set housing need"..."This development proposal is considered that it does not strongly contribute to the purposes of (a), (b) or (d) in the above from paragraph 143 as the site is located along a section of ribbon

development that already exists between Burton and Swadlincote and there is no gap in the built development along the A511 and this would be infill development between those dwellings on Bretby Road and 76 Ashby Road East, furthermore the site is not considered to extend any further beyond the current built form of development within the surrounding area.”

- 4.2.5. The Council is therefore satisfied that the proposed development would constitute limited infilling and would not be regarded as inappropriate development in the Green Belt. Even if the proposal did not constitute limited infilling, the proposal would still be regarded as ‘grey belt’ and would accord with P155 providing that all Green Belt purposes are not undermined collectively and tests b) and c) are met (test d) is not applicable to the proposal). A self-build scheme would therefore be supported.
- 4.2.6. Overall, there are no technical constraints to prevent development from coming forward on the Site, which is available and developable in the short term. Marrons would urge South Derbyshire Council to allocate the Site for self-build development, as the Site has the potential to make a modest but notable contribution to the self-build housing supply in South Derbyshire and the Bretby Parish.

## 5. Conclusions and Changes Sought

- 5.1.1. The Plan fails to allocate enough housing reserved for self-build plots over the plan period. The majority of the future urban capacity for self or custom build dwellings is absorbed within two large strategic allocations however no provision is made within the surrounding villages and civil parishes of South Derbyshire.
- 5.1.2. Marrons' evidence highlights a clear lack of supply, evidenced most recently by the Council's own planning officers in their reports which assessed proposals in Melbourne in late 2025. In both reports (one delegated and the other a committee report) the officers stated there is "currently a large gap therefore between persons seeking self or custom build plots and planning permissions granted for this type of plot."
- 5.1.3. The Plan has revealed that a greater diversification of housing delivery is required in order for South Derbyshire to supply enough homes to meet the required need. Self / Custom-Build dwellings within wider allocation cannot provide the required supply to meet the evidenced demand therefore more support for standalone sites such as Bretby Road is required.
- 5.1.4. As discussed within this report, the vast majority of self / custom-build dwellings are provided as part of larger allocations therefore there is currently a lack of opportunity for rural custom build plots in villages. The self-build register has evidenced that the majority of people wanting to buy self-build plots want to live in rural locations therefore more must be done to provide the homes in the more desirable locations. While rural planning policy and designations may restrict this in parts of the District, some areas such as Bretby Parish represent relatively unconstrained, broadly sustainable locations for the amount of housing required and density can be kept low with yields increasing.
- 5.1.5. Furthermore, small, low-density sites in suitable rural villages favour small and medium sized housebuilders who currently lack support from the Council due to lack of consents. Self or custom build plots are lucrative and essential projects for smaller businesses, that do not have the luxury of land banking, to remain sustainable.
- 5.1.6. Modification PM26 refers to Policy H20 E ii) which relates to self and custom build housebuilding. Point i) states that:

*Within development boundaries proposals that would include provision of dwelling plots to be made available for sale to self-builders and custom builders will be supported.*

5.1.7. Point v) then confirms that:

*All planning permissions for a self or custom house building plot outside settlement boundaries will be subject to a Section 106 legal agreement to ensure that the initial occupier(s) of the dwelling(s) fall within the legal definition of self-build and custom housebuilding as defined by the Self-Build and Custom Housebuilding Act 2015 (or any subsequent government update).*

5.1.8. Point i) goes some way in supporting self-build housing delivery however v) fails to then explicitly state how this will be done effectively and focusses more on the need to submit Section 106 agreements to ensure delivery. The Policy therefore fails to provide the explicit support for this form of housing, and lacks overall consistency with the NPPF.

5.1.9. As discussed in Section 4, there is an opportunity at Land at Bretby Road for a self-build development to come forward in the short term. The proposal for 4 x dwellings has already gained support from the Council at the Pre-application stage, with the Council confirming the Site comprises limited infilling of a 'grey belt' site. There are no technical constraints that prevent development from coming forward and the Site is available and developable.

**Appendix**

**Site Location Plan**

**South Derbyshire District and Bretby Parish Self-Build and Custom Housebuilding Need Assessment (submitted in support of planning application for Land at Bretby Road, Burton-on-Trent).**





Waterfront House, Waterfront Plaza  
35 Station Street, Nottingham, NG2 3DQ

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The scaling of this drawing cannot be assured

Revision		Date	Drn	Ckd
A	Red line boundary revised to include access point	20/05/26	ZH	TM

### Key

-  Site Boundary
-  Ownership Boundary

Status PLANNING

Project Number 1015401.10

Project Land off Bretby Road  
Burton-on-Trent, DE15 OPT

Drawing Title Site Location Plan

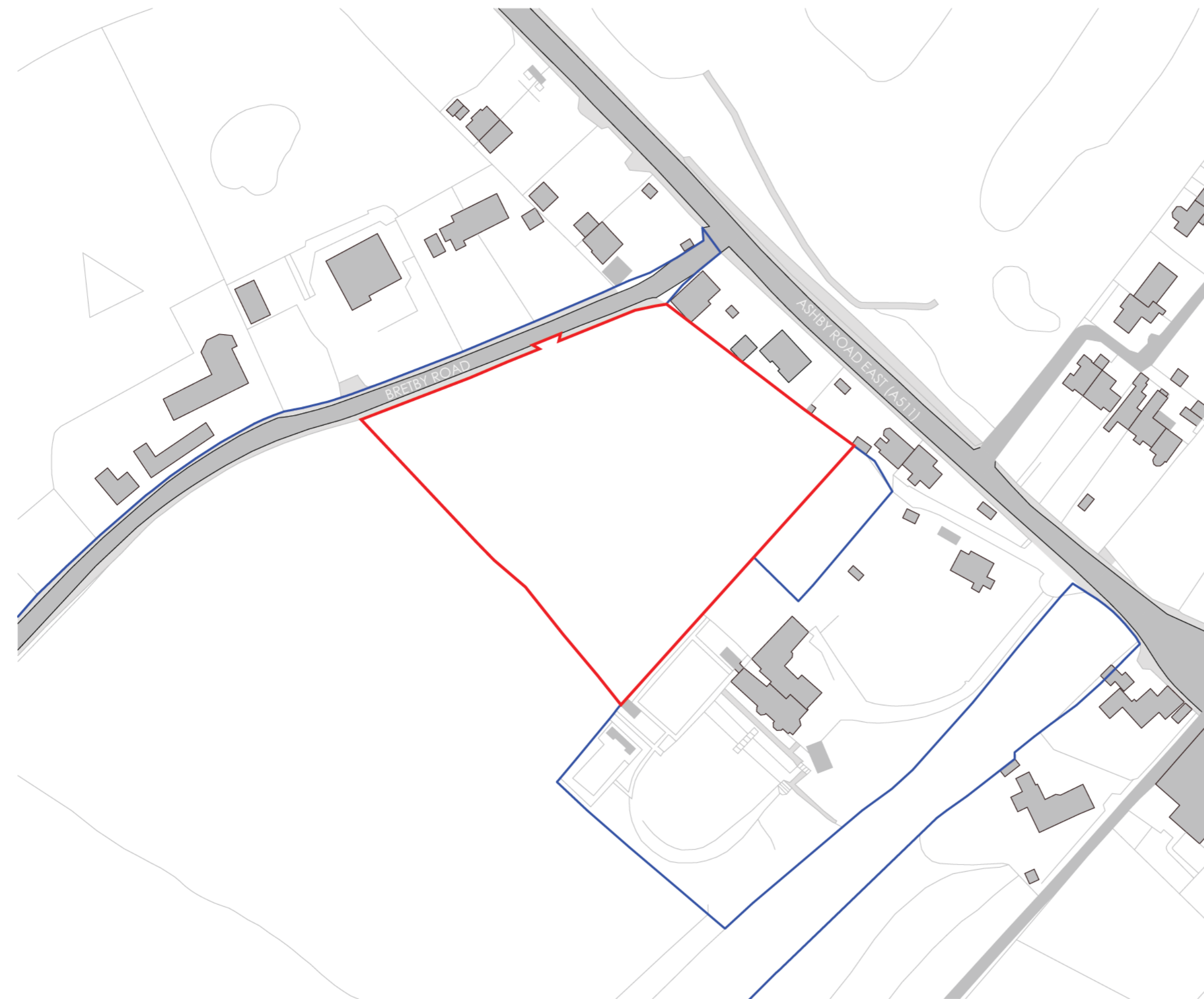
Drawn by IF Dwg No A-E10-001

Check by TM Scale As indicated @

Revision A Date Nov 2025



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VISUAL SCALE 1:1250 @ A3



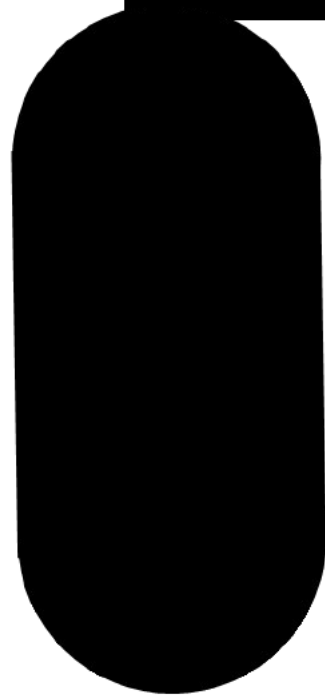
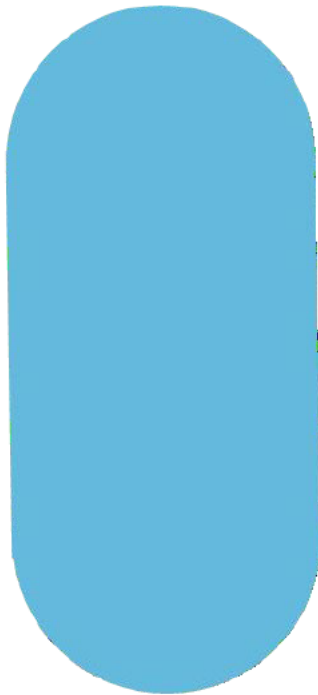


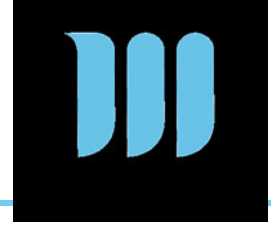
 Part of Shakespeare Martineau

# **SOUTH DERBYSHIRE DISTRICT AND B SELF-BUILD & CUSTOM HOUSEBUILD ASSESSMENT**

**PREPARED ON BEHALF OF WILLSHEE'S WASTE  
& RECYCLING LIMITED**

**APRIL 2026**



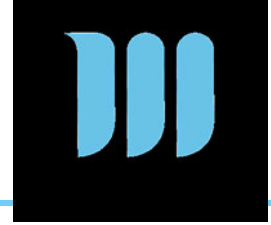


## CONTENTS

	<b>Page No</b>
1. Introduction	2
2. National Planning Policy Context	4
3. Self-Build & Custom Build Housing Local Planning Policy and Evidence	10
4. Self-Build & Custom Housebuilding Demand In South Derbyshire	15
5. Self-Build & Custom Housebuilding Supply In South Derbyshire	21
6. Summary and Conclusions	27

## APPENDICES

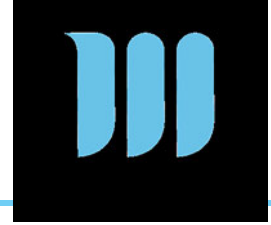
Appendix 1	Freedom of Information Response September 2025
Appendix 2	Custom and self-build housing demand appraisal September 2025
Appendix 3	Appeal decision APP/F1040/W/25/3367818
Appendix 4	Committee report for DMPA/2025/0701



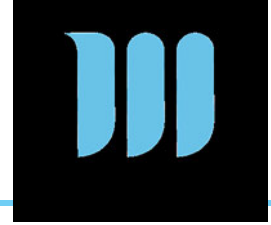
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## 1. INTRODUCTION

- 1.1 This Report has been prepared by Marrons national socio economics team on behalf of Willshee's Wate & Recycling Limited and provides an assessment of self-build and custom build housing need within South Derbyshire District and Bretby Parish, the latter being the parish in which the proposed development is located.
- 1.2 The provision of self and custom-build housing is imperative in the context of the National Planning Policy Framework (NPPF) objective to significantly boost housing supply of all types and tenures, and the provisions of the Self-build and Custom Housebuilding Act 2015.
- 1.3 Paragraph 63 of the NPPF states the *“size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These are said to include those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.”*
- 1.4 The Government's recent (December 2025) consultation on changes to the existing NPPF have also emphasised the importance of providing self and custom build housing. Draft policy HO1 (Assessing the need for homes) states *“development plans should also take into account an assessment of the size, type and tenure of housing or other accommodation needed for different groups. These groups include people wishing to commission or build their own homes.”*
- 1.5 The importance of meeting self-build housing need has also been identified by the Planning Inspectorate who have afforded the provision of self-build housing 'significant' or 'substantial' weight in the planning balance in several recent decisions which we discuss later in this report.
- 1.6 Very recently (5<sup>th</sup> September 2025) the Government's self-build and custom housebuilding data reports that across England there were 64,851 individuals and 766 groups recorded on the register between 31<sup>st</sup> October 2023 and 30<sup>th</sup> October 2024, 2% and 5% increases respectively. A total of 4,302 planning permissions were granted, a decline of 18% from the previous year.
- 1.7 Furthermore, the Times recently (30<sup>th</sup> July 2025) highlighted the poor delivery of self-build housing in their article *'How lawbreaking councils are killing Britain's self-build*



- 
- dream*'. The research of the article found how self-build and custom homes account for 60% of delivery in Germany and France compared with only 5% in England.
- 1.8 The Times article also found that around 57% of English councils have failed to meet their legal duty to permit enough self-build plots. This includes 126 councils — 40% of local authorities — that missed their self-build requirement by at least half. Furthermore, the article found that 23 councils have recorded no self-build permissions in the decade since the 2015 Act was introduced.
- 1.9 The lack of delivery nationally is therefore clear, and in this report, we assess the need more locally in the local authority of South Derbyshire.
- 1.10 The Report is structured in the following way. Section 2 summarises Government Planning Policy relating to self-build and custom build house building, whilst Section 3 summarises the Council's most recent housing need evidence.
- 1.11 Section 4 of the Report analyses the demand for self-build and custom housebuilding plots within South Derbyshire district's administrative area, and the local parish area of Bretby, whilst Section 5 examines the Council's self-build supply position.



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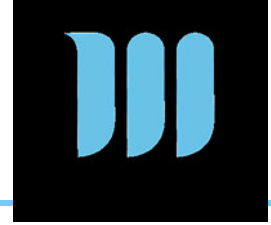
## 2. NATIONAL PLANNING POLICY CONTEXT

### National Planning Policy Framework

- 2.1 The National Planning Policy Framework (December 2024)<sup>1</sup> is very clear in requiring local authorities to support the Government's objective of significantly boosting the supply of homes, and in doing so considers it important that the needs of groups with specific housing requirements are addressed.
- 2.2 To this end Paragraph 63 of the NPPF confirms that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These are said to include those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
- 2.3 Following the revisions to the NPPF in 2024, a new paragraph was added to encourage the delivery of mixed tenure developments. This will be reinforced with future measures in the new year setting a site threshold above which sites must deliver a mix of tenures.
- 2.4 Paragraph 71 states that mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions (although this should not preclude schemes that are mainly, or entirely, for Social Rent or other affordable housing tenures from being supported). Mixed tenure sites can include a mixture of ownership and rental tenures, including Social Rent, other rented affordable housing and build to rent, as well as housing designed for specific groups such as older people's housing and student accommodation, and plots sold for custom or self-build.

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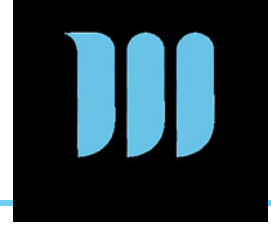
<sup>1</sup> Ministry of Housing Communities & Local Government National Planning Policy Framework [National Planning Policy Framework](#) (December 2024)



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**National Planning Policy Framework: Plan-making and national decision-making policies (December 2025 consultation)**

- 2.5 The Government consulted on changes to the NPPF in December 2025 and the revisions emphasise the importance of evidence showing a local need for development and for self and custom build housing development.
- 2.6 Draft Policy HO1 (Assessing the need for homes) states, *“development plans should also take into account an assessment of the size, type and tenure of housing or other accommodation needed for different groups. These groups include people wishing to commission or build their own homes.”* (our emphasis)
- 2.7 Draft Policy HO4 (Land for large scale residential and mixed-use development) states, *“Local plans should identify specific sites, infrastructure and other site-specific requirements for large-scale development, including supporting delivery by setting expectations for an appropriate mix of tenures which would meet the needs of different groups. This can include a mixture of ownership and rental tenures, including Social Rent, other rented affordable housing and build to rent, as well as housing designed for specific groups such as older people’s housing and student accommodation, and plots for custom or self-build.”* (our emphasis)
- 2.8 Proposed policy HO7 (Meeting the need for homes) states *“substantial weight should be given to the benefits of providing accommodation that will contribute towards meeting the evidenced needs of the local community, taking into account any up-to-date local housing need assessment, and other relevant evidence”* (our emphasis).
- 2.9 Furthermore, proposed policy S5 (Principle of development outside settlements) states how certain forms of development should be approved outside settlements. Part j of the policy states *“Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test)”* (our emphasis).
- 2.10 The Draft NPPF policies emphasise the importance of local housing need evidence and include self and custom build housing within that.

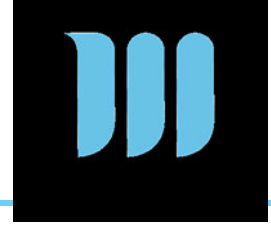


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## Planning Practice Guidance

- 2.11 The Government has published separate self-build and custom housebuilding Planning Practice Guidance (section ID: 57) to local authorities. It confirms that self-build and custom housebuilding cover a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation.
- 2.12 The Self-build and Custom Housebuilding Act 2015 provides for individuals, an association of individuals, or persons working with or for individuals or associations of individuals, to build or complete houses to be occupied as homes by those individuals. Paragraph 57-016 also states that in considering whether a home is self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.
- 2.13 Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing. Paragraph 57-016 also confirms that the Community Infrastructure Levy Regulations (2010) allows for certain development such as self-build and custom build housing to apply for an exemption from the levy.
- 2.14 In assessing housing needs, local authorities should use the demand data from the register in its area, supported as necessary by additional data from secondary sources. This is used to understand and consider future need for this type of housing in their area. The PPG confirms that secondary sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents.
- 2.15 Paragraph 57-023 goes on to confirm that local authorities must give suitable development permissions to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.
- 2.16 It also confirms that the level of demand is established by reference to the number of entries added to an authority's register during a base period. It clarifies that:

**“The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year.**



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**At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.”**

- 2.17 Paragraph 57-014 sets out that the local authority's self-build and custom housebuilding register needs to be taken into account in preparing planning policies and is a material consideration in decisions involving such proposals.

**Laying the Foundations: A Housing Strategy for England (2011)**

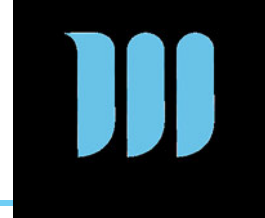
- 2.18 The Housing Strategy confirmed the importance of the custom build industry to the national economy, and how there was huge untapped potential in this type of housebuilding as long ago as 2011.
- 2.19 Paragraph 68 confirmed that there were over 100,000 people looking for building plots across the Country as of 2011. The paragraph also referenced market research which indicated that one in two people would consider building their own home if they could.
- 2.20 The Government stated in paragraph 69 that by making it easier for ordinary people to build their own homes, there is the potential to deliver wider benefits of affordable, greener and innovatively designed homes to make a significant contribution to the number of new homes built across the country.
- 2.21 The Government confirmed in paragraph 71 that it wanted to make the option of building your own home a mainstream housing option, and an affordable way of building a place people are proud to call home.

**The Self-Build and Custom Housebuilding Act (2015)**

- 2.22 As summarised in the Planning Practice Guidance, the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) placed a legal duty on local authorities to keep a register of individuals, and associations of individuals who are seeking to acquire serviced plots of land in the authority's area, for their own self-build and custom housebuilding.

**The Housing and Planning Act (2016)**

- 2.23 Section 10 of the Act confirms that an authority must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.



- 2.24 It also confirms that the demand for self-build and custom housebuilding arising in an authority's area in a base period is the demand as evidenced by the number of entries added during that period to the register (under section 1) kept by the authority.

**The Self-Build and Custom Housebuilding (Time for Compliance and Fees) Regulations (2016)**

- 2.25 Section 2 confirms that the time allowed for an authority to comply with the duty to grant planning permissions in relation to any base period, is the period of 3 years beginning immediately after the end of that base period.

**House – Independent Review into Scaling up Self-Build and Custom Housebuilding (August 2021)**

- 2.26 The independent review (the Bacon Review) commissioned by the former Prime Minister was led by Richard Bacon MP. In the review's report Richard Bacon makes recommendations to Government on how to support growth in all parts of the custom and self-build market, helping to boost capacity and overall housing supply in the housing market.

- 2.27 The opening letter by the former Prime Minister outlined that self-build and custom housebuilding can play a crucial role in increasing choice for consumers and ensuring people can live in the homes that they want, and that are designed to meet their needs. The former Prime Minister confirmed the intention of the review is to increase the availability of serviced plots of land across England, boosting capacity and overall supply.

- 2.28 In its response to the Independent Review, the Government confirmed that<sup>2</sup>:

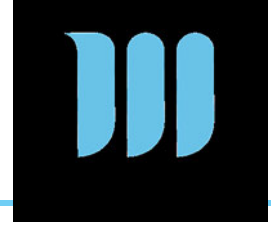
**“While some local authorities are pro-active in their response to the legislation, others are not and have not permissioned sufficient plots to meet their statutory duties. Lack of suitable land is a key barrier to allowing individuals and families to build their own homes and we need local authorities to play their part in both planning for and permissioning suitable land to ensure self-commissioned homes can become a mainstream housing option for people moving home.”**

**Self-build and custom housebuilding in the UK: An Evidence Review (January 2022)**

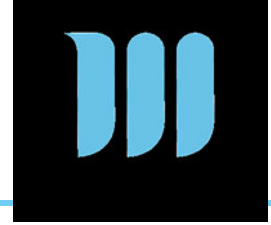
- 2.29 The Review prepared on behalf of the Cambridge Centre for Housing and Planning Research and Places for People was published in January 2022. The Review makes several recommendations necessary to boost the development of the sector,

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<sup>2</sup> Independent review into scaling up self-build and custom housebuilding: government response, June 2022



- including addressing the lack of clarity in the assessment of the share of self-build and custom housebuilding in the UK; the scaling up of Government interventions; and the constraints associated with self-build.
- 2.30 In relation to the lack of a commonly agreed approach to estimating the size of the self-build and custom housebuilding market in the UK, the review recommends that the Department for Levelling Up, Housing and Communities (DLUHC) partner with organisations who hold data associated with self-build and custom housebuilding to bring together and consolidate the available evidence on the size of the market.
- 2.31 The Review presents several methods for calculating demand. Evidence presented in the Review based on VAT refunds shows that the sector constitutes between 7% and 10% of all new housing completions per year across the UK (1996 – 2011). However, this calculation potentially underestimates this proportion given that it excludes people who were either unsuccessful in their application or were unaware of the refund process. The Bacon Review (2021) notes that between 83% and 87% of the general public were unaware of the availability of VAT refunds.
- 2.32 The Review also refers to a second data-based approach drawing upon completions data from a range of sources, from which the (National Custom and Self Build Association) NaCSBA arrives at an estimate of 13,210 self-build and custom housebuilding completions in 2018-19.
- 2.33 The Review goes on to refer to a 7 year forecast by the NaCSBA, which assesses 3 growth scenarios (based upon the level of Government support). The forecasts suggest that, with the Government's full support, the cumulative impact to the sector could reach 91,000 self-build and custom housebuilding completions by 2025 (an almost 700% increase against current completions), but if current trends persist (without Government intervention) the market will add 21,500 new homes per annum by 2025 (a 162% increase against current completions) – the higher of these figures broadly reflecting the demand expressed in the Bacon Review of 100,000 per annum, significantly in excess of local authority right to build registers.



### 3. LOCAL PLANNING POLICY EVIDENCE RELATING TO SELF-BUILD AND CUSTOM BUILD HOUSING

3.1 The previous section of this report summarised national policy and guidance in respect of the self-build and custom build sector. This section of the report provides a summary of policy which is specific to the local authority in which the proposed development site is located, i.e., South Derbyshire alongside the evidence base which underpins the Council's development plan policies.

#### **South Derbyshire Local Plan Part 1 and Part 2, 2011-2028**

3.2 The Adopted Local Plan for South Derbyshire was prepared in two parts. Part 1 was adopted by Full Council on June 13, 2016. The Local Plan Part 2 was adopted by Full Council on November 2, 2017.

3.3 Neither document refers to self-build or custom house building.

#### **South Derbyshire Pre Submission Local Plan Part 1 Review, 2022-2041**

3.4 South Derbyshire's Local Plan Part 1 2022-2041 (Publication Version) consultation ran between 10<sup>th</sup> March 2025 and Friday 25<sup>th</sup> April 2025.

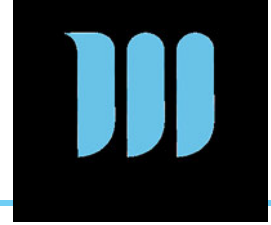
3.5 Policy H20: Housing Balance & Custom/Self-Build, sets out the council's proposed approach to delivering custom/self-build housing in the district in section E of the policy.

3.6 Section E(i) states, "*Within development boundaries proposals that would include provision of dwelling plots to be made available for sale to self-builders and custom builders will be supported.*"

3.7 Section E(ii) moves on to state that "*Sites of 30 or more homes should make provision for 10% of housing capacity to be for serviced plots for self and custom housebuilding.*" This will be confirmed through a legal agreement.

3.8 The remainder of section E goes on to explain the circumstances whereby a proposed self-build plot may be made available for other types of housing, and the design principles to be applied to self and custom build.

3.9 Section E(v) states, "*All planning permissions for a self or custom house building plot outside settlement boundaries will be subject to a Section 106 legal agreement to ensure that the initial occupier(s) of the dwelling(s) fall within the legal definition of*



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*self-build and custom housebuilding as defined by the Self-Build and Custom Housebuilding Act 2015 (or any subsequent government update)."*

- 3.10 The 'explanation' text (paragraph 6.48, page 108) for the policy then goes on to discuss the need for self-build housing and states, *"The Council is required to keep a register of persons and organisations seeking self or custom build housing within the District and to grant sufficient permissions for suitable serviced plots to meet recorded demand. Between 2015, when the register was first established, and 30 October 2024, 116 new entries for persons seeking individual plots were added, representing an average of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 16 years of the plan period to 2041, can be calculated as follows:  $116 + (12.88 \times 17) = 335$ ."*
- 3.11 The draft Plan therefore assumes that the number of registrations in the remaining 17 years of the proposed plan period (i.e., 2024-2041) will be the same annual number as has been the case between 2015 and 2024 (i.e., 12.88 per annum).

#### **South Derbyshire District Council Part 2 Local Plan Review Issues and Options (November 2025)**

- 3.12 The Council have recently consulted on the Part 2 Local Plan which sets the non-strategic policies and allocations against which future planning applications will be determined.
- 3.13 There is no specific reference to self and custom build housing in the Part 2 Plan, however the document confirms how some of Derby City Council's need will have to be met in South Derbyshire.
- 3.14 The Part 2 Plan also states there to be a shortfall as follows on page 8, *"there is a current shortfall of 57 homes over the plan period to meet the minimum plan requirement. The requirement figure is a minimum amount and so the Local Plan should allocate enough sites to ensure flexibility in the supply so that if some sites don't deliver at the time expected or there are unforeseen reasons why a site cannot be delivered as expected the overall requirement will still be met. The shortfall will need to be addressed through new allocations and/or other policies."*
- 3.15 Although there is no specific reference to self and custom build housing the Plan states, *"There may be a need to make additional allocations to meet location specific needs"* (our emphasis) and *"there may be circumstances where additional homes are needed to address a shortfall of a specific type (e.g. bungalows), or there may be the need to address a specific need in an area."* This could be self-build housing.



**Derby and South Derbyshire Local Housing Need Assessment (LHNA, 2023)**

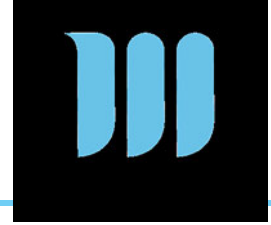
- 3.16 The draft Plan refers to the Derby and South Derbyshire Local Housing Need Assessment (LHNA) published in December 2023. The LHNA includes a section on self and custom build between pages 163 and 167 and we summarise its findings below.
- 3.17 The LHNA reports that neither Derby City Council or South Derbyshire Council have implemented any eligibility criteria for being included on the self and custom build register.
- 3.18 It also goes on to state how *“there is no reporting mechanism to know if self-build homes have actually been delivered or the people on the register have secured a plot.”*
- 3.19 The LHNA then moves on to present all entries from the first base period in 2016, to 1<sup>st</sup> May 2023 in Table 11.4, page 165 which we have reproduced below.

**Table 3.1: South Derbyshire Self and Custom Build Register and Plot Permissions (2016 – 2023)**

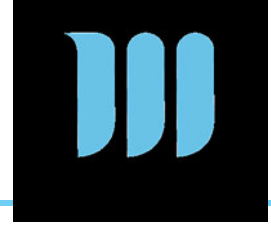
Base Period	Annual Entries	Permissions
Base Period 1 (1 <sup>st</sup> April 2016 to 30 <sup>th</sup> October 2016)	6	
Base Period 2 (31 <sup>st</sup> October 2016 to 30 <sup>th</sup> October 2017)	17	21
Base Period 3 (31 <sup>st</sup> October 2017 to 30 <sup>th</sup> October 2018)	10	28
Base Period 4 (31 <sup>st</sup> October 2018 to 30 <sup>th</sup> October 2019)	19	46
Base Period 5 (31 <sup>st</sup> October 2019 to 30 <sup>th</sup> October 2020)	16	37
Base Period 6 (31 <sup>st</sup> October 2020 to 30 <sup>th</sup> October 2021)	14	29
Base Period 7 (31 <sup>st</sup> October 2021 to 30 <sup>th</sup> October 2022)	12	25
Base Period 8 (31 <sup>st</sup> October 2022 to 30 <sup>th</sup> October 2023) <sup>28</sup>	3	
<b>Total</b>	<b>98</b>	<b>186</b>
<b>Average</b>	<b>13</b>	<b>25</b>

Source: Right to build register monitoring and council data

- 3.20 The information in the table sets out how the draft Plan policy concludes on the need having been 13 plots per annum, but it also indicates that demand has been met with an average of 25 permissions per annum over the same period.



- 3.21 In the context of the data in the above table, the LHNA concludes *“permissions have exceeded annual entries therefore there is no apparent block to delivery.”* We consider how robust this conclusion is later in this report.
- 3.22 Notwithstanding this the LHNA supplements the data from South Derbyshire Council with data from the National Custom & Self Build Association (NaCSBA) in paragraphs 11.51 to 11.54 (LHNA pages 165-166).
- 3.23 This data shows a need for 49 units per 100,000 head of population in South Derbyshire. The LHNA does not then consider what the need would be in South Derbyshire based on the NaCSBA data.
- 3.24 The most recent mid-year population estimates published by the Office for National Statistics (ONS) has recorded 117,493 people in South Derbyshire. This would translate to a requirement for 58 plots of self and custom build housing in 2024 based on 49 units per 100,000 people.
- 3.25 The most recent 2022-based sub national population projections published by ONS show additional population growth of 6,521 people between 2024 and 2041 (the end of the proposed Plan period). This would necessitate a further 3 plots.
- 3.26 Added to the need in 2024 of 58, a total of 61 would be needed between 2024 and 2041, a rate of 4 plots per annum for the remainder of the emerging Plan period.
- 3.27 The figures reported in the LHNA provide an indication of likely demand based upon those individuals who have registered interest with the Council.
- 3.28 Added to this the LHNA (paragraph 11.57) states, *“an increasing number of local planning authorities have adopted self-build and custom housebuilding policies in respective Local Plans to encourage delivery, promote and boost housing supply. There are also a number of appeal decisions in the context of decision-making which have found that paragraph 11(d) of the Framework is engaged in the absence of a specific policy on self-build housing when this is the focus of a planning application.”*
- 3.29 The LHNA (paragraph 11.58) goes on to state, *“As a general principle, the Councils should support the submission and delivery of self-build and custom housebuilding sites, where opportunities for land arise and where such schemes are consistent with other planning policies.”*



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### Self-build and Custom Housebuilding Register

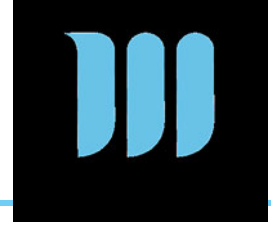
- 3.30 The Council has a webpage dedicated to self-build and custom build housing with details of how to register<sup>3</sup>. We have requested further information from the Council, through a Freedom on Information Request, on how it alerts those on its Register to suitable permissions. The Council has confirmed (Appendix 1) that it does not provide a service to alert those on the register.
- 3.31 The Council has also confirmed that it does not operate a local connection test or fees, and furthermore that it *“does not specifically monitor self and custom build completions.”*

### Summary

- 3.32 In summary, the Council's updated draft Local Plan offers insight into its policy on self-build and custom housing. The LHNA includes registrant figures up to 1<sup>st</sup> May 2023 and indicates that need has been met since the first base period. We consider this in the following sections of this assessment.

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<sup>3</sup> [Self-build and Custom Housebuilding Register | South Derbyshire District Council](#)



## 4. SELF-BUILD & CUSTOM HOUSEBUILDING DEMAND IN SOUTH DERBYSHIRE AND BRETBY PARISH

### Introduction

4.1 There are several means by which demand for self-build and custom housebuilding can be calculated. The Planning Practice Guidance (PPG) confirms that in assessing housing needs, local authorities should use the demand data from the register in their area, supported as necessary by additional data from secondary sources. This is used to understand and consider future need for this type of housing. The PPG confirms that secondary sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents.

### Bacon Review (2021)

4.2 An independent review into scaling up self-build and custom housebuilding was commissioned by the Prime Minister in April 2021 and was led by Richard Bacon MP. The findings were subsequently published in 'House: How putting customers in charge can change everything' on 21<sup>st</sup> August 2021.

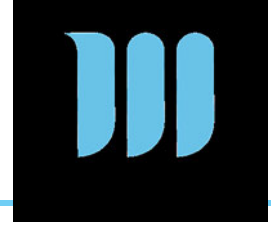
4.3 The review provides a helpful summary of the indicators of demand. It confirms that there are two broad custom and self-build demand indicators: survey based and Right to Build Registers, noting that the terms 'right to build' and 'self-build' are used interchangeably.

4.4 In respect of the Right to Build Register the Bacon Review considers that the consolidated figures show a demand of just over 16,000 registrations per year (since 2016). However, it also confirms that there are several reasons why the Register may not reflect the full extent of demand for Custom Self-Build. The Bacon Review explains that a number of local authorities impose some restrictions on joining the Register, which may present a barrier to individuals wishing to register. In the case of South Derbyshire as we have detailed above, there are no such restrictions.

4.5 However, the Report also goes on to confirm that not all of those wishing to custom self-build are aware of the Register. It quotes from the NaCSBA VAT Recovery Survey which suggested only 42% of respondent custom self-builders were aware of the Register, whilst between 83% and 87% of the general public were unaware according to YouGov polling for NaCSBA<sup>4</sup>. For these reasons the Bacon Review

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<sup>4</sup> <https://nacsba.org.uk/news/1-in-3-adults-interested-in-self-building/>



- concludes that it is very likely that the annual demand for custom self-build is significantly higher than that reported through the Right to Build Registers.
- 4.6 The Bacon Review also outlines the survey-based approach confirming that a long time-series of general population surveys have shown a significant level of public interest in custom self-build. It confirms that studies have consistently shown that around a third of the general population are 'interested' in self-build, whilst YouGov polling for NaCSBA<sup>5</sup> shows 12% being 'very interested'.
- 4.7 The Bacon Review considers that given that these were representative surveys, 'aspirational demand' can be gauged by assuming 12% to 33% of all households would like to custom self-build. However, the Report considers there to be a distinction between aspirational demand and effective demand – effective demand takes account of budget constraints (and availability of finance). The Report considers that the number of transactions in the housing market is a reflection of effective demand – confirming there to have been 1.1 million housing transactions a year in England (according to HMRC stamp duty data).
- 4.8 In calculating effective demand for custom self-build across England the Report applies a range of between 12% and 33% to the transactions data of 1.1 million to arrive at a demand figure of between 132,000 and 363,000 households per annum who wish to custom self-build, and have a means of doing so.
- 4.9 In concluding on demand, the Report takes account of both Right to Build Registration data, as well as survey findings, and considers that true demand for custom self-build in England is at least 30,000 a year, as a minimum, and could conceivably be as high as 100,000 homes a year (as of 2016).
- 4.10 It is possible, using the same approach as the Bacon Review to estimate demand for custom self-build in South Derbyshire. HMRC confirm that the number of Stamp Duty Land Transactions (SDLT) within South Derbyshire totalled 2,400 in 2023/24.
- 4.11 Applying the same range of between 12% and 33% of households who would like to custom self-build to the SDLT transaction (2,400 per annum) results in an effective demand within South Derbyshire for custom self-build of between 288 and 792 plots per annum.

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<sup>5</sup> <https://nacsba.org.uk/news/1-in-3-adults-interested-in-self-building/>



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### Bacon Review Update (2023)

- 4.12 An update to the original review report was published in July 2023. In his review update entitled 'House Extension 2023' Bacon reviews his six recommendations for government, with updates on what's happened to date, and what remains to be done.
- 4.13 The original review dealt with the challenge of scaling up custom and self-build, identifying the sector as a missing market in the UK. In the review update Bacon stands by his recommendations to help achieve this goal, reiterating his call for government to step up to make the changes necessary to support growth.
- 4.14 In reviewing his conclusions on the awareness of the possibility for self and custom build, Bacon comments *"The public remain almost completely unaware of the Right to Build or even the potential option to self-commission a home (except through the lens of Grand Designs). Surveys continually highlight the ambition to self-build, most notable amongst the young. Planning policy requires consideration of demand to self-commission, yet this is often overlooked or limited by the lack of consumer awareness. Local authorities continue to fail to promote their Right to Build Registers, which can be difficult to find and access. Most lack any clear explanation as to the duty placed on authorities under the legislation and some have even been found to omit any mention of the obligation placed on authorities."*<sup>6</sup>
- 4.15 The Update goes on to state, *"In 2016 the Housing & Planning Act set out the Government's aspiration of doubling the number of self-commissioned homes being built within three years. Over 6 years after the legislation was enacted the number of permissions granted has yet to show any sustained upwards trajectory and has fallen short in every year of the numbers joining registers."*<sup>7</sup>

### Self-build and custom build housing (England), 2017

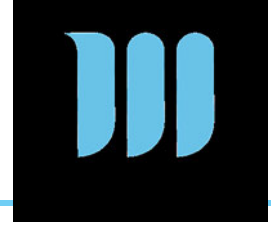
- 4.16 Research undertaken in the House of Commons Library Briefing Paper – Self-build and custom build housing (March 2017)<sup>8</sup>, considered that whilst there was no conclusive figure for the number of self/custom build properties completed each year, the generally accepted estimate was that self-build accounted for between 7-10% of new housing across the UK, equating to 12,000 per annum at the time of the

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<sup>6</sup> Page 5, House extension 2023, How putting customers in charge can change everything (Bacon Review), July 2023

<sup>7</sup> Page 6, House extension 2023, How putting customers in charge can change everything (Bacon Review), July 2023

<sup>8</sup> House of Commons Library Briefing Paper, Self-build and custom build housing, Number 06784, March 2017



analysis<sup>9</sup>, a range broadly consistent with that calculation based upon VAT refunds undertaken by Cambridge Centre for Housing and Planning Research.

- 4.17 The Briefing Paper also referenced AMA Market Research<sup>10</sup>, which predicted that the self-build market was expected to grow steadily by around 7-10% per annum to 2020 (the end of the period of analysis). The research also suggested that demand was suppressed, with a significant level of unmet demand.
- 4.18 Applying the rate of self/ custom build completions referred to above (7-10%) to South Derbyshire's overall housing need (minimum need under the Standard Method 2024 totalling 592 dwellings per annum), would suggest that the level of self/ custom build within South Derbyshire, should according to national averages, total some 41 - 59 plots per annum, growing by 7 – 10% per annum.
- 4.19 Separately, the Council has confirmed through a Freedom of Information request (Appendix 1) that as of 15<sup>th</sup> August 2025, there were a total of 138 individuals (and 0 associations) on its Right to Build Register. Over the course of the 10 base periods which have passed this would suggest that an average of approximately 14 individuals and associations are added to the Register each year.

#### **Custom Build Homes – Demand Assessment**

- 4.20 To assist in providing a more informed level of demand within South Derbyshire and surrounding the site, Custom Self Build Homes have prepared a detailed demand assessment, which is appended to this Report (see Appendix 2).
- 4.21 Custom Build Homes is the UK's only national enabler of Custom Build housing. They offer an all-encompassing service that supports landowners, developers and an increasing number of local authorities within the emerging custom build housing sector and have access to the UK's largest database of custom build housing demand.
- 4.22 Custom Build Homes are part of the BuildStore Group (BuildStore Ltd), and the data used to prepare their Demand Assessment has been provided by the BuildStore Group, either directly through its PlotSearch portal or via its subsidiary Custom Build Homes, which captures data through its website. This data comprises private individuals who are currently registered on the Group's Custom Build and PlotSearch

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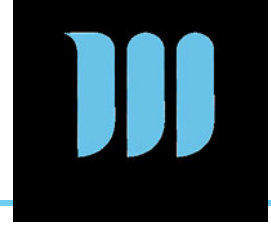
<sup>9</sup> Ibid, original source – Build-it-yourself? Understanding the changing landscape of the UK self-build market, Centre for Housing Policy, 2013

<sup>10</sup> Ibid, page 5 (source Self-build Housing Market Report-UK 2016-2020 Analysis (Summary), AMA Market Research



- registers as wanting to build their home in the area to which the data relates – duplicates are removed.
- 4.23 The data held includes personal information, contact information and where people wish to build their own homes. It also captures many other data sets relating to individual housing preference, homeownership, employment status, number of occupants planned to live in the homes and projected budget for a custom or self-build home.
- 4.24 Custom Build Homes confirm that individuals who register with these databases are required to complete an application form in the form of a questionnaire. They confirm that whilst it is not possible to individually qualify every person that registers within these databases to prove seriousness of their registration, the registration process requires them to answer a series of detailed questions.
- 4.25 Custom Build Homes therefore consider, based upon their experience, that it can be assumed that those who are not genuinely interested will not take time providing detailed information to complete their registration. They therefore confirm that it should be assumed that the dataset reflects a more accurate measure of demand when compared to local authority Self-Build and Custom Housebuilding Registers, which are typically not promoted, and offer no specific benefit to registrants.
- 4.26 As detailed in Appendix 2, Custom Build Homes confirm demand as follows:

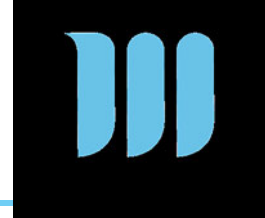
Area	Relevant postcode areas	Number of subscribers
South Derbyshire District Council	DE1 9, DE11 0, DE11 1, DE11 7, DE11 8, DE11 9, DE12 6, DE12 8, DE13 9, DE15 0, DE15 9, DE23 1, DE23 2, DE23 3, DE23 4, DE24 3, DE24 5, DE3 0, DE6 4, DE6 5, DE65 5, DE65 6, DE65 9, DE72 2, DE72 3, DE73 5, DE73 6, DE73 7, DE73 8, LE65 1, LE65 2	380
Bretby Parish	DE11 0, DE15 0	20
2-mile radius from DE15 0PT	DE11, DE12, DE14, DE15	168
5-mile radius from DE15 0PT	DE11, DE12, DE13, DE14, DE15, DE6, DE65, DE7, DE73, LE6, LE65	663



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### **Summary of Self-Build Demand**

- 4.27 In summary, the Council's Right to Build Register currently totals 138 individual registrants who have registered over the past 10 years. The Register appears to be growing at a rate of approximately 14 registrants per annum.
- 4.28 Survey based methods of establishing demand indicate a need of between 288 and 792 plots per annum based upon a proportion of Stamp Duty Land Tax transactions within South Derbyshire reflecting what is considered to be effective demand for Self-Build homes within the housing market.
- 4.29 Separately, national indicators of self-build completions applied to the Standard Method based housing need within South Derbyshire would suggest a need for between 41 - 59 self-build plots per annum.
- 4.30 The Demand Report prepared by Custom Build Homes indicates 380 individuals on the register across South Derbyshire district, of which 20 are in Bretby Parish. Within a 2-mile radius of the proposed development site (DE15 0PT) there are 168 registrants, and within a 5-mile radius, 663 registrants.
- 4.31 Whilst there is significant variation in the estimates of demand based simply upon the Council's current Right to Build Register there exists a total of 138 individuals who have, to date, expressed interest in self-build and the highest figure is in the most recent year (22). True demand could however be far greater than this figure.



## 5. SELF-BUILD & CUSTOM HOUSEBUILDING SUPPLY IN SOUTH DERBYSHIRE

### Introduction

5.1 As detailed earlier within this Report, the Council has a legal duty to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period over the following three years.

### Self-build and custom housebuilding register

5.2 The following Table 5.1 provides a summary of the Council's self-build register for each base period since the period up to 30<sup>th</sup> October 2016 as sourced from the Freedom of Information (Fol) response attached at Appendix 1 of this report. We have then compared the register with the number of planning permissions which the Council have reported in the Fol.

**Table 5.1: Self and custom build housing registrants and plot permissions in South Derbyshire**

A	B	C	Base period (year ending 30th October)										D	E	F
			2016	2017	2018	2019	2020	2021	2022	2023	2024	2025			
Base Period (year ending 30th October)	New Entries	To be met by 30th October in year											Plots permitted	Annual Shortfall/ Oversupply	Cumulative over/under supply
1	2016	6	2019	21	28	46							95	89	89
2	2017	17	2020		0	0	37						37	20	109
3	2018	10	2021			0	0	29					29	19	128
4	2019	19	2022				0	0	25				25	6	134
5	2020	16	2023					0	0	56			56	40	174
6	2021	14	2024						0	0	0		0	-14	160
7	2022	12	2025							0	0	1	1	-11	149
8	2023	5	2026								0	0	0	-5	144
9	2024	17	2027									TBC	TBC	TBC	TBC
10	2025	22	2028										TBC	TBC	TBC
		<b>138</b>	<b>Plot Permissions</b>	n/a	<b>21</b>	<b>28</b>	<b>46</b>	<b>37</b>	<b>29</b>	<b>25</b>	<b>56</b>	<b>0</b>	<b>1</b>	<b>243</b>	

Source: Appendix 1 (Fol received from South Derbyshire Council)

N.B. The Fol (Appendix 1) comments on the plots permitted between 2017 and 2023 as follows: "please note that these permissions correspond to the previous definition of self and custom build permissions (i.e. plots suitable for development on a self or custom build basis) and not to the more recent definition following the Levelling Up Act 2023 (i.e. plots specifically for development on self or custom build basis).

5.3 On the face of it, Table 5.1 indicates that the Council have provided 243 plots for self and custom build housing, against a total of 138 registrants, and have therefore fulfilled their legal obligation.

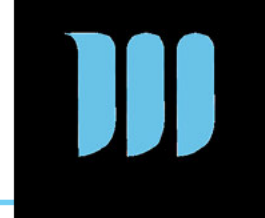
5.4 However, the Council have listed just a single permission since the end of the 8<sup>th</sup> base period (i.e., since 30<sup>th</sup> October 2023). This is due to the figures collected in base periods 1 to 8 being on sites which the Council have described as only suitable for self and custom build, rather than specifically for self and custom build.



- 5.5 In the context of this step change in the number of permissions indicated by the FoI, we consider this to cast doubt on the figures in Table 5.1.
- 5.6 It is notable how since 2021 there is a shortfall of 30 plots over the 3 most recent base periods.
- 5.7 We have therefore analysed planning permissions for self and custom build housing listed on the Council's planning web site and summarise this below.

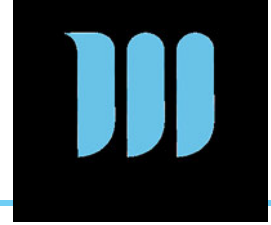
**Planning permissions on the Council's planning web site**

- 5.8 The data set out in the FoI indicates the need to have been met, with 138 registrants and 243 plots permitted.
- 5.9 However, as the FoI caveats in respect of 242 of these permissions, *"please note that these permissions correspond to the previous definition of self and custom build permissions (i.e. plots suitable for development on a self or custom build basis) and not to the more recent definition following the Levelling Up Act 2023 (i.e. plots specifically for development on self or custom build basis).*
- 5.10 In the two base periods since the definition has changed, only one self-build permission has been recorded by the Council. This is a significant contrast with the numbers said by the FoI to be 'suitable' and casts serious doubt over the view that 243 plots have been permitted.
- 5.11 This is emphasised by a search on the Council's online planning system for self or custom-build applications as set out in Table 5.2.
- 5.12 This search reveals only 22 applications for self or custom-build housing with all these applications being validated since 2020.
- 5.13 Of these 22 applications only 7 applications were approved (either by the Council or at appeal) for 7 dwellings in total, with 9 application refusals (either by the Council or at appeal) and 1 application withdrawn.
- 5.14 As of 27<sup>th</sup> April 2026, there are a further 5 applications for self-build which are pending a decision (either locally or at appeal) which would result in 5 further dwellings.
- 5.15 The apparent lack of self-build permissions was emphasised by the Council planning officer's report for one of the recent applications (DMPA/2025/0468) for 4 self-build housing units at The Stables, Cockshut Lane, Melbourne, Derbyshire, DE73 8DG.



**Table 5.2: Planning applications with self or custom-build in the description in South Derbyshire District Council (Source: <https://planning.southderbyshire.gov.uk/>)**

Application Reference	Proposal	Address	Valid	Status
DMPA/2020 /0055	Outline application for three self-build or custom-build single storey dwellings with garages	Land adjacent to the car park for the Queens Head Inn, Swadlincote, DE12 8EX	20/01/20	Appeal dismissed
DMPA/2020 /1467	Proposed change of use of part of the site from agriculture to construct (self-build) infill dwelling	Land between The Cedars and The Stables, Shardlow Road, Aston On Trent, Derby, DE72 2AN	08/02/21	Approved
DMPA/2022 /1480	Demolition of existing dwelling and construction of a new self-build dwelling	Crossfields Lodge, Cauldwell Road, Caldwell, Swadlincote, DE12 6RU	09/11/22	Approved
DMPA/2024 /0568	Erection of a 4 bedroom two-storey self-build dwelling	Grange Court, Pack Horse Road, Melbourne, Derby, DE73 8EG	24/04/24	Approved
DMPA/2024 /0536	The erection of a new self-build dwelling	68 Duck Street, Egginton, Derby, DE65 6HG	16/05/24	Under consultation
DMPA/2024 /0302	New self-build detached dwelling	Pippins Paddock, Stanton-by-Bridge, Derby, DE73 7HT	31/05/24	Appeal dismissed
DMPA/2024 /0433	Detached two-storey dwelling	Land adjacent to 35 The Wharf, Shardlow, DE72 2HG	19/06/24	Refused
DMPA/2024 /0873	Outline application for proposed change of use of land for the erection of 16 Self Build Dwellings	Land Adjacent to 83 Ashby Road, Woodville, Swadlincote	23/09/24	Refused
DMPA/2024 /1656	Self-build infill development through the conversion of agricultural building	Eastfield Farm, Acresford Road, Netherseal, Swadlincote, DE12 8D	13/01/25	Appeal allowed
DMPA/2025 /0027	Outline application for the one self-build dwelling	Manor Farm Lodge, 86 Swarkestone Road, Barrow on Trent, DE73 7H	20/01/25	Appeal dismissed
DMPA/2025 /0098	Detached self-build dwelling	Land located adjacent to 35 The Wharf, Shardlow, DE72 2HG	31/01/25	Refused
DMPA/2024 /1326	Two storey self-build dwelling and detached outbuilding	70 Gresley Wood Road, Church Gresley, Swadlincote, DE11 9QN	03/02/25	Approved
DMPA/2025 /0165	Erection of a self-build dwelling	Hill Farm, 183 Woodland Road, Stanton, Burton on Trent, DE15 9TJ	10/02/25	Under consultation
DMPA/2025 /0038	The erection of a single storey dwelling (self-build)	Land off Church Lane, Newton Solney, Burton on Trent, DE15 0SF	14/02/25	Appeal dismissed
DMPA/2025 /0468	Outline application for demolition of existing buildings and the erection of 4 no. self-build dwelling	The Stables, Cockshut Lane, Melbourne, Derbyshire DE73 8DG	15/04/25	Appeal dismissed
DMPA/2025 /0378	Single storey rear extension to existing dwelling and erection of a self-build dwelling	2 Bladon Farm Cottages, Wheatley Lane, Winhill, Burton On Trent, DE15 0RS	09/05/25	Withdrawn
DMPA/2025 /0691	Conversion of existing barn to a self build dwelling	Grassy Coft Barns, Osleston Lane, Dalbury Lees, Ashbourne, DE6 5BN	25/11/25	Under consideration
DMPA/2025 /0701	The erection of a single self-build dwelling with Integral auxiliary accommodation	Common Farm, B587 From Robinsons Hill to County Boundary, Melbourne, Derby, DE73 8DN	10/06/25	Approved
DMPA/2025 /0861	Outline application for a single self-build dwelling	140 Regent Street, Church Gresley, Swadlincote, DE11 9PH	10/07/25	Under consideration
DMPA/2025 /1055	Erection of a detached self-build dwelling	39 Main Street, Rosliston, Swadlincote, DE12 8JW	22/08/25	Refused
DMPA/2025 /1010	Demolition of dwelling and erection of a replacement self-build dwelling	Field House Farm, Coton Lane, Rosliston, Swadlincote, DE12 8HN	03/09/25	Approved
DMPA/2025 /1145	Outline application for the proposed erection of a self-build dormer bungalow	Hylton Lea, Copperas Road, Newhall, Swadlincote, DE11 0UH	05/09/25	Under consultation



5.16 The delegated report for the application plainly acknowledges the gap in provision, stating the following.

**“The Council’s Planning Policy team keeps a register of persons seeking plots for self or custom build dwellings. At the end of the ninth base period (31/10/2023 – 30/10/2024) there were a total of 116 entries for persons seeking plots for self or custom build dwellings on the self and custom build register. By comparison, there were only two planning permissions with the words self build or custom build with the application description (ref. DMPA/2020/1467 for one self build dwelling approved 30/09/2021; and DMPA/2022/1480 for one self build dwelling approved 15/02/2023). There is currently a large gap therefore between persons seeking self or custom build plots and planning permissions granted for this type of plot; and although the number of self or custom build plots is generally expected to increase (with more applications coming forward identified as self-built to benefit from exemption to Biodiversity Net Gain, and the emerging local policy framework), such factors cannot be taken into consideration at this time.”**

5.17 In these circumstances the planning officer concluded as follows.

**“The application includes a draft legal agreement that demonstrates the commitment to the self-build nature of development. If approved, the development would contribute 4no. self-build dwellings that could be taken up by persons seeking such plots on the self and custom build register. This comprises a material consideration and significant benefit weighing in favour of the application.”**

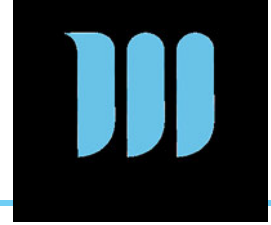
5.18 The application was refused for other reasons and the applicant appealed the decision.

5.19 In the appeal decision notice (see Appendix 3 of this report) published on the 12<sup>th</sup> September 2025 the Inspector stated the following.

**“The appellant has advanced several material considerations in support of the proposal. Chief among these is the intention to deliver four self-build dwellings, which is supported by the National Planning Policy Framework (the Framework) and the Self-Build and Custom Housebuilding Act 2015. The Council’s own data confirms a significant shortfall in permissions for self-build plots relative to the number of individuals on the self-build register.”<sup>11</sup> (our emphasis)**

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<sup>11</sup> Paragraph 12, APP/F1040/W/25/3367818



5.20 Furthermore, the same comments set out above were reiterated in the committee report for planning application reference DMPA/2025/0701 which was subsequently approved by the committee on 27<sup>th</sup> November 2025 (see Appendix 4).

5.21 This confirms a significant shortfall in the number of plots permitted from data submitted by the Council themselves in two decisions within the past 6 months.

### Summary

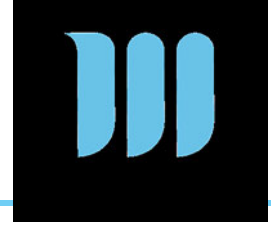
5.22 On the face of it, the evidence provided by South Derbyshire Council in the Freedom of Information request (Appendix 1) indicates that the Council has provided more than enough plots to satisfy the demand for the number of entrants on their self and custom-build register.

5.23 However, our research contradicts this. Doubt over the FoI response was indicated by the caveat which the Council included on the FoI in respect of planning permissions for self-build plots in which they state that the figures prior to base period 9 met a definition of “plots suitable for development on a self or custom build basis.” This is emphasised by there only being one permission reported in the FoI between 30<sup>th</sup> October 2023 and 15<sup>th</sup> August 2025.

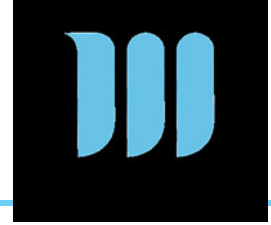
5.24 This has been further emphasised by our research of planning permissions on the Council’s web site, with only 22 applications for self or custom-build housing being validated, and in only 7 applications being approved for 7 dwellings in total. There were 9 application refusals (either by the Council or at appeal) and 1 application withdrawn. There were a further 5 pending planning applications as of 27<sup>th</sup> April 2026. This falls significantly short of the 138 registrants on the self and custom-build register since 2015.

5.25 This was further emphasised by the 2025 planning applications for 4 self-build plots in Melbourne (DMPA/2025/0468) and a further plot in Melbourne (DMPA/2025/0701 – see Appendix 4).

5.26 In both cases the Council’s planning officers stated there is “*currently a large gap therefore between persons seeking self or custom build plots and planning permissions granted for this type of plot.*” The first application was refused and appealed, and the appeal decision on 12<sup>th</sup> September 2025 concluded, “*The Council’s own data confirms a significant shortfall in permissions for self-build plots relative to the number of individuals on the self-build register.*” The application for one dwellings was approved.



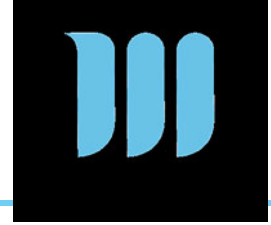
5.27 In this context it can only be concluded that there remains a significant shortfall in the delivery of self and custom build plots across South Derbyshire.



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## 6. SUMMARY & CONCLUSIONS

- 6.1 This Report has been prepared by Marrons on behalf of Willshee's Waste & Recycling and provides an assessment of self-build and custom build housing need within South Derbyshire Council's administrative area and more locally in the area surrounding the proposed development in Bretby parish.
- 6.2 The Government's self-build and custom housebuilding data (5<sup>th</sup> September 2025) reports that across England there were 64,851 individuals and 766 groups recorded on the self and custom-build register between 31<sup>st</sup> October 2023 and 30<sup>th</sup> October 2024, 2% and 5% increases respectively. A total of 4,302 planning permissions were granted, a significant decline of 18% from the previous year.
- 6.3 There is a clear failure nationally to deliver enough plots. This has been highlighted recently by The Times newspaper article titled '*How lawbreaking councils are killing Britain's self-build dream*'.
- 6.4 In South Derbyshire the Council's FoI response (Appendix 1) indicates a level of delivery (243 plots) which has comfortably met the number of people recorded on the self and custom-build register (138) since its inception in 2015.
- 6.5 However, our evidence highlights a clear lack of supply, evidenced most recently by the Council's own planning officers in their reports which assessed proposals in Melbourne in late 2025.
- 6.6 In both reports (one delegated and the other a committee report) the officers stated there is "*currently a large gap therefore between persons seeking self or custom build plots and planning permissions granted for this type of plot.*"
- 6.7 One of the applications was approved. The other was refused and appealed, and the appeal decision on 12<sup>th</sup> September 2025 concluded, "*The Council's own data confirms a significant shortfall in permissions for self-build plots relative to the number of individuals on the self-build register.*"
- 6.8 Furthermore, from a detailed review of the Council's planning application register we have concluded on their being only 22 planning applications in total for self and custom build housing. Of this figure only 7 applications have received approval to date.
- 6.9 There is also a general consensus within Government research and other evidence that local authority self and custom build registers are not representative of the full



- demand, and as such the need for more self and custom build plots. This is largely due to a lack of awareness in the general public.
- 6.10 Government guidance therefore recommends that when assessing the need for self and custom build plots, in addition to assessing numbers on a local authority's Right to Build Register that they also draw from secondary data sources.
- 6.11 As shown in Appendix 2, the demand appraisal from the Right to Build Register (RTBR) by Custom Build Homes (CBH) indicates that there are 380 subscribers in South Derbyshire.
- 6.12 Of these, 20 are in the Bretby parish, where the proposed development by Willshee's is located. Furthermore, within a 2-mile radius of the site's postcode, there are a total of 168 subscribers, and within a wider 5-mile radius, 663 subscribers.
- 6.13 This suggests that the demand for self-build and custom homes is significantly higher than indicated by the Council's register in line with the conclusions of the Council officer who assessed the proposed development in Melbourne.
- 6.14 As the Inspector in the Melbourne appeal (see Appendix 3) concluded *"the provision of self-build housing aligns with national policy objectives and, in principle, attracts significant weight in the planning balance."*
- 6.15 The Council's approval set out in Appendix 4 in late 2025 reiterated the shortfall in South Derbyshire in the committee report.
- 6.16 In the context of the evidence set out in this report we consider the proposed self-build housing should also be afforded at least significant weight.

## **APPENDIX 1**



**Ardip Sandhu**  
**Executive Director – Law and People**  
South Derbyshire District Council,  
Civic Offices, Civic Way,  
Swadlincote, Derbyshire DE11 0AH.

[www.southderbyshire.gov.uk](http://www.southderbyshire.gov.uk)

@SDDC on Twitter

@southderbyshiredc on Facebook

Dan Usher

Typetalk 18001

[FOI@southderbyshire.gov.uk](mailto:FOI@southderbyshire.gov.uk)

FOI2025/00651

11 September 2025

Dear Dan Usher

## **FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST**

Your request for details under the Freedom of Information Act 2000 has been considered. Please see information below

This Freedom of Information Request is made in light of paragraph 63 of the National Planning Policy Framework (the NPPF), which is clear in stating that Local Planning Authorities should cater for needs of different groups in the community, including those people 'wishing to commission or build their own homes' under section 1 of the Self Build and Custom Housebuilding Act 2015.

A formal request is made for the LPA to provide the information requested in the following:

- 1. The number of individuals on South Derbyshire District Council's Self Build and Custom Housebuilding register in each of the following base periods:**
  - a. Period 1 (up to 30/10/2016) 6
  - b. Period 2 (up to 30/10/2017) 17
  - c. Period 3 (up to 30/10/2018) 10
  - d. Period 4 (up to 30/10/2019) 19
  - e. Period 5 (up to 30/10/2020) 16
  - f. Period 6 (up to 30/10/2021) 14
  - g. Period 7 (up to 30/10/2022) 12
  - h. Period 8 (up to 30/10/2023) 5
  - i. Period 9 (up to 30/10/2024) 17
  - j. Period 10 (from 31/10/2024 to date 15/08/2025) 22
- 2. The number of associations of individuals on South Derbyshire District Council's Self Build and Custom Housebuilding register in each of the following base periods:**

- a. Period 1 (up to 30/10/2016)
- b. Period 2 (up to 30/10/2017)
- c. Period 3 (up to 30/10/2018)
- d. Period 4 (up to 30/10/2019)
- e. Period 5 (up to 30/10/2020)
- f. Period 6 (up to 30/10/2021)
- g. Period 7 (up to 30/10/2022)
- h. Period 8 (up to 30/10/2023)
- i. Period 9 (up to 30/10/2024)
- j. Period 10 (from 31/10/2024 to date 15/08/2025)

None in respect of all the above

**3. The number of individuals on the South Derbyshire District Council's Self Build and Custom Housebuilding register in each of the following base periods specifying either Repton Ward or Newhall and Stanton ward as their preferred location:**

- a. Period 1 (up to 30/10/2016)
- b. Period 2 (up to 30/10/2017)
- c. Period 3 (up to 30/10/2018)
- d. Period 4 (up to 30/10/2019)
- e. Period 5 (up to 30/10/2020)
- f. Period 6 (up to 30/10/2021)
- g. Period 7 (up to 30/10/2022)
- h. Period 8 (up to 30/10/2023)
- i. Period 9 (up to 30/10/2024)
- j. Period 10 (from 31/10/2024 to date 15/08/2025)

The Council's application form does not request the identification of locational preference within the District

**4. The number of associations of individuals on South Derbyshire District Council's Self Build and Custom Housebuilding register in each of the following base periods specifying either Repton Ward or Newhall and Stanton ward as their preferred location:**

- a. Period 1 (up to 30/10/2016)
- b. Period 2 (up to 30/10/2017)
- c. Period 3 (up to 30/10/2018)
- d. Period 4 (up to 30/10/2019)
- e. Period 5 (up to 30/10/2020)
- f. Period 6 (up to 30/10/2021)
- g. Period 7 (up to 30/10/2022)
- h. Period 8 (up to 30/10/2023)
- i. Period 9 (up to 30/10/2024)
- j. Period 10 (from 31/10/2024 to date 15/08/2025)

The Council's application form does not request the identification of locational preferences within the District

**5. The date on which South Derbyshire District Council commenced its Self-Build and Custom Housebuilding register?**

1 April 2016

**6. South Derbyshire District Council's entry requirements for joining its Self-Build Register.**

Please see Council webpage [Self-build and Custom Housebuilding Register | South Derbyshire District Council](#)

**7. Does South Derbyshire District Council apply a local connection or other test to facilitate joining the Register?**

No

**8. The number of (and application references for) Self Build and/or Custom Housebuilding permissions South Derbyshire District Council granted in each of the following base periods across the authority's administrative area:**

- a. Period 1 (up to 30/10/2016) 0 \*
- b. Period 2 (up to 30/10/2017) 21 \*
- c. Period 3 (up to 30/10/2018) 28 \*
- d. Period 4 (up to 30/10/2019) 46 \*
- e. Period 5 (up to 30/10/2020) 37 \*
- f. Period 6 (up to 30/10/2021) 29 \*
- g. Period 7 (up to 30/10/2022) 25 \*
- h. Period 8 (up to 30/10/2023) 56 \*
- i. Period 9 (up to 30/10/2024) 0
- j. Period 10 (from 31/10/2024 to date 15/08/2025) 1

\* Please note that these permissions correspond to the previous definition of self and custom build permissions (i.e. plots suitable for development on a self or custom build basis) and not to the more recent definition following the Levelling Up Act 2023 (i.e. plots specifically for development on self or custom build basis).

**9. The number of (and application references for) Self Build and/or Custom Housebuilding permissions South Derbyshire District Council granted in each of the following base periods in either Repton Ward or Newhall and Stanton ward:**

- a. Period 1 (up to 30/10/2016)
- b. Period 2 (up to 30/10/2017)
- c. Period 3 (up to 30/10/2018)
- d. Period 4 (up to 30/10/2019)
- e. Period 5 (up to 30/10/2020)
- f. Period 6 (up to 30/10/2021)
- g. Period 7 (up to 30/10/2022)
- h. Period 8 (up to 30/10/2023)
- i. Period 9 (up to 30/10/2024)
- j. Period 10 (from 31/10/2024 to date 15/08/2025)

Please find attached an excel spreadsheet of all self and custom build permissions. It is possible to identify the wards within which each are located by searching for each on the Council's planning applications webpage [South Derbyshire Planning Applications](#). The one permission for Period 10 (DMPA/2024/0568) is not yet included in the table.

**10. Of the above in questions 8 and 9, how many had the term 'self build' or 'custom build' or variants thereof in the description of development or planning officers report in each of the following base periods:**

- a. Period 1 (up to 30/10/2016)
- b. Period 2 (up to 30/10/2017)
- c. Period 3 (up to 30/10/2018)
- d. Period 4 (up to 30/10/2019)
- e. Period 5 (up to 30/10/2020)
- f. Period 6 (up to 30/10/2021)
- g. Period 7 (up to 30/10/2022)
- h. Period 8 (up to 30/10/2023)
- i. Period 9 (up to 31/10/2024)
- j. Period 10 (from 31/10/2024 to date 15/08/2025)

It is possible to obtain this information by searching for each permission (shown in the excel spreadsheet referred to above) on the Council's planning applications webpage [South Derbyshire Planning Applications](#)

**11. How does South Derbyshire District Council monitor Self Build and Custom Housebuilding permissions and completions?**

The Council monitors permissions for self and custom build permissions by interrogating its development management system. The Council does not specifically monitor self and custom build completions.

**12. How does South Derbyshire District Council alert individuals and associations of individuals on its Self-Build and Custom Housebuilding Register to any self-build and custom housebuilding permissions it grant?**

The Council does not provide this service.

**13. How has South Derbyshire District Council publicised the existence of its Self-Build and Custom Housebuilding Register? When did this first take place?**

The Council website includes a webpage dedicated to self and custom build housing development [Self-build and Custom Housebuilding Register | South Derbyshire District Council](#). This has not been the subject of any specific publicity exercise.

**14. If South Derbyshire District Council are counting CIL Self-Build Exemptions towards meeting demand, then please advise how many of these have been subject to a CIL Form 7 Part 2 in each of the following base periods:**

- a. Period 1 (up to 30/10/2016)
- b. Period 2 (up to 30/10/2017)
- c. Period 3 (up to 30/10/2018)
- d. Period 4 (up to 30/10/2019)
- e. Period 5 (up to 30/10/2020)
- f. Period 6 (up to 30/10/2021)
- g. Period 7 (up to 30/10/2022)
- h. Period 8 (up to 30/10/2023)
- i. Period 9 (up to 30/10/2024)
- j. Period 10 (from 31/10/2024 to date 15/08/2025)

The Council does not currently operate a CIL regime, but rather uses legal agreements prepared under Section 106 of the Town and Country Planning Act

Please note that the supply to you of any material does not give you the right to use that it in a way that breaches the copyright or other intellectual property rights in that material. For example, publishing or otherwise re-using it for commercial purposes. You must get the consent of the copyright owner which may involve the granting of a licence and the application of a fee.

This does not restrict your rights under the fair dealing provisions of the Copyright, Designs and Patents Act 1988.

For more information on the Freedom of Information Act, including our publication scheme, please look at our web site at [www.southderbyshire.gov.uk](http://www.southderbyshire.gov.uk) under Council Services.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted in writing, outlining your grounds of appeal, within two months of the date of receipt of the response to your original letter and should be addressed to: Ardip Sandhu, Executive Director – Law and People, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, DE11 0AH.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Helpline number: 0303 123 1113

[Information Commissioner's Office \(ICO\)](http://www.ico.org.uk)

Please do not hesitate to contact me if you require any further information. In addition, any feedback you may have on the way your request has been handled would be beneficial, so that any future requests can be handled more effectively.

Yours sincerely

Information Governance Team

## **APPENDIX 2**



**RIGHT TO  
BUILD REGISTER**  
powered by Custom Build Homes

# Demand Appraisal

Custom and self-build housing

Request for data

September 2025

[righttobuildregister.co.uk](http://righttobuildregister.co.uk)





**Request for data**

<b>Enquiry from:</b>	Marrons LTD
<b>Date:</b>	19/09/25
<b>Site or area related to request:</b>	DE15 0PT
<b>Local Planning Authority:</b>	South Derbyshire District Council
<b>Parish Council or Ward area(s)</b>	Bretby Parish

## Demand in the area

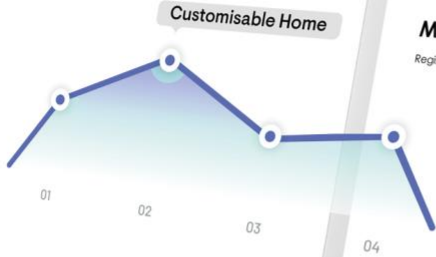
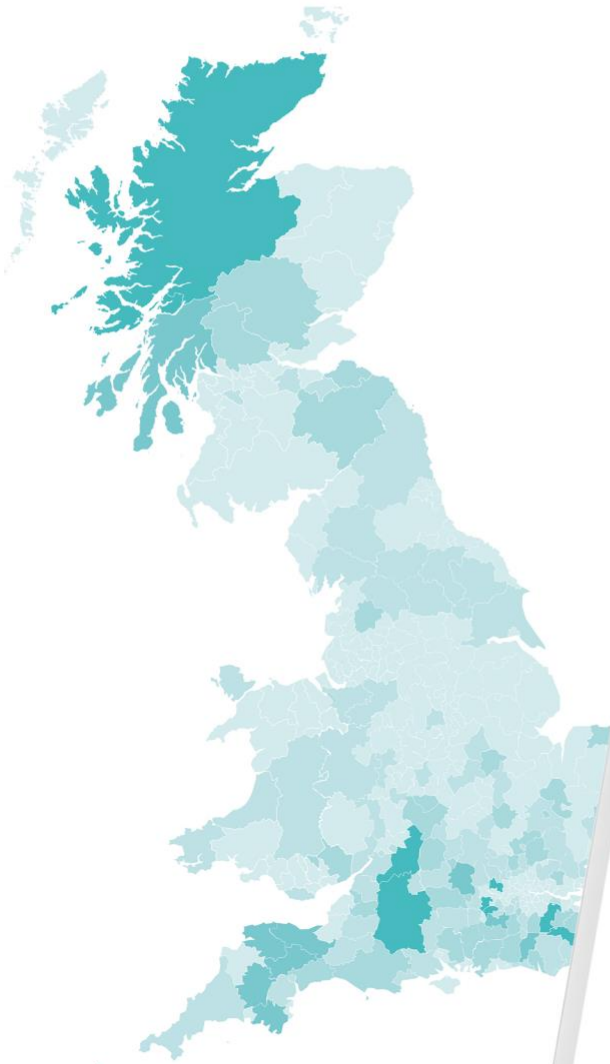
This Demand Appraisal comprises the number of people currently subscribed to the Right to Build Register, held by Custom Build Homes, who want to custom or self-build their home within the local authority area.

Where requested, the number of people currently subscribed who live in a specific Parish/Ward and who want to custom and self-build in the local authority area is also provided.

All demand figures by specified postcode area are set out in Table 1 below.

Table 1: Demand Figures

Area	Relevant postcode areas	Number of Subscribers
South Derbyshire District Council	DE1 9, DE11 0, DE11 1, DE11 7, DE11 8, DE11 9, DE12 6, DE12 8, DE13 9, DE15 0, DE15 9, DE23 1, DE23 2, DE23 3, DE23 4, DE24 3, DE24 5, DE3 0, DE6 4, DE6 5, DE65 5, DE65 6, DE65 9, DE72 2, DE72 3, DE73 5, DE73 6, DE73 7, DE73 8, LE65 1, LE65 2	380
Bretby Parish	DE11 0, DE15 0	20
2-mile radius from DE15 0PT	DE11, DE12, DE14, DE15	168
5-mile radius from DE15 0PT	DE11, DE12, DE13, DE14, DE15, DE6, DE65, DE7, DE73, LE6, LE65	663





## RIGHT TO BUILD REGISTER

powered by Custom Build Homes

### House Levels



### House Type



### Payment method

8375	8372	7406
75%	82%	65%

### Preference



8.375	9.945	4.468
-------	-------	-------



### Mid Suffolk DC

Registered for custom build: 953

## How is our data collected?

The data is collected by consumers signing up to the Right to Build Register at [www.righttobuildregister.co.uk](http://www.righttobuildregister.co.uk).

The data is provided voluntarily by private individuals wishing to custom or self-build their own home in local authority areas across England, Scotland, and Wales.

The Right to Build Register mirrors the statutory processes in place to determine whether an applicant benefits from the "Right to Build" as set out in the Self-build and Custom Housebuilding Act 2015 (as amended). To register, subscribers are required to confirm:

- Being 18 years of age or over
- Current address, postcode, telephone number and email address
- Being a British Citizen, a national of an EEA state other than the UK or a national of Switzerland
- Their nationality
- Seeking to acquire a serviced plot of land to build a house to be their main house of residence

## What data do we hold?

The Right to Build Register holds data including personal information, contact information and where people wish to custom or self-build their own homes. It also captures many other datasets relating to applicants housing preferences and status. These include, but not limited to:

- Preference of house type, size, and specification
- Employment and current living situation
- Budget and payment method
- Reasons for custom or self-building
- Desire to build as part of a group

Parish/Ward level demand data is derived from the number of applicants registered to live in the local authority area that are currently registered in that Parish/Ward. This data set is therefore a subset of the local authority area demand population.

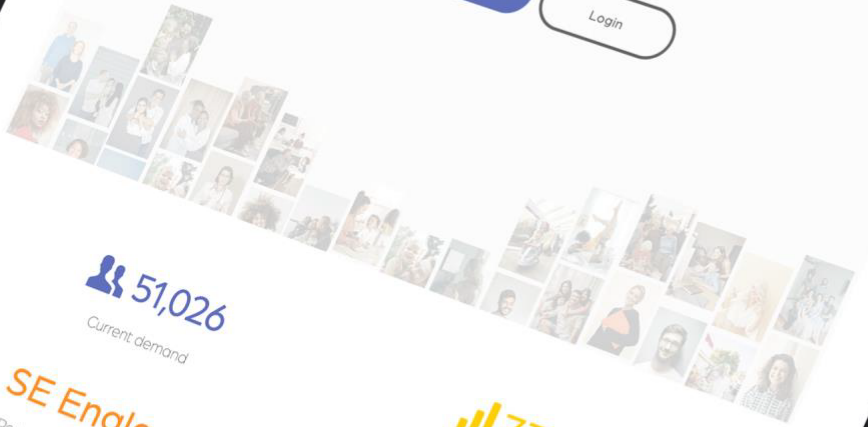
Detailed Demand Assessments and bespoke surveys can be prepared on request.

## Together we can build better

Be part of the housing "evolution", where consumer demand and primary legislation can harness the wills and skills of landowners and professional developers to enable you to custom and self-build your home.

Sign up

Login



**51,026**  
Current demand

**SE England**  
Region with highest demand

**7,715**  
New this month

**Wiltshire**  
Council with highest demand

Join the housing  
**evolution**

**Why sign up to the Right to Build Register?**

Applicants who register on the Right to Build Register receive the benefit of emailed updates on upcoming serviced plot and custom home opportunities, as well as “tips and tricks” from Custom Build Homes and BuildStore relating to accessing, delivering, and financing a custom or self-build project. These communications add value to consumers with a desire to build their own homes, they build confidence in consumer’s ability to build a home successfully and increases their likelihood of engaging with an opportunity to access a plot when they come to market.

While it is not possible to individually qualify the seriousness of every applicant, the sign-up process is robust, with a series of detailed questions that must be answered in full to complete a registration. Given our extensive industry experience, those who are not genuinely interested in finding a plot will not take the time to provide such detailed information.

Therefore, given the comprehensiveness of the sign-up process, and the fact individual benefit from being on the Right to Build Register, the dataset reflects a more accurate measure of demand when compared to local authority Self-build and Custom Housebuilding Registers which are typically not promoted, offer no specific benefit to applicants and are often subject to local eligibility criterion and/or the payment of registration fees.

**How important is this data?**

All 'relevant authorities' in England have a legal duty under the Self-build and Custom Housebuilding Act 2015 (as amended) to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area and to have regard to that register when carrying out their planning, housing, land disposal and regeneration functions. Unless exempt, they also have a legal duty to grant sufficient 'development permissions' to meet the demand for Self-build and Custom Housebuilding in their area on an annual basis.

These duties are complemented by the policy in the revised National Planning Policy Framework which asks that local planning authorities plan for the needs of different groups with specific housing requirements as part of their overall housing need and that land with permission is developed without unnecessary delay.

Practice has shown that local authority self-build and custom housebuilding registers only provide a short-term, supply-led, picture because they rely on people knowing about the register and then registering their interest. Given its 'opt-in' nature and high dependency on publicity, promotion, registration fees and eligibility criteria being applied, a local register cannot predict longer-term demand for plots in an area. Indeed, the lack of local awareness of local registers was underlined in the Government commissioned Bacon Review (Independent review into scaling up self-build and custom housebuilding: report, 21 August 2021) which concluded that a very high proportion of the public (83-87%) are not aware of local registers and therefore demand for custom and self-build housing is higher than data on local registers would suggest. This is also increasingly recognised in planning appeals.

In this context, the Government's Planning Practice Guidance advises that local planning authorities should use the demand data from the register, supported as necessary by additional data from secondary sources and other wider market signals, when planning for the delivery of a sufficient supply of homes.



Right to Build Register is a trading style of BuildStore Custom Build Ltd. t/a Custom Build Homes.

It generates consumer demand data from those wishing to custom or self-build homes in local authority areas in England, Scotland, and Wales. It provides “live analysis” of the data it holds and presents this across various reports that are accessible to landowners, developers, housebuilders, consultants, and local planning authorities.

The dataset held on the Right to Build Register is industry leading. The lists are cleaned annually, and at any given time there are tens of thousands of applications from people looking for an opportunity to build their own homes in their preferred local authority areas.



Custom Build Homes (CBH) is the preeminent Enabler of custom and self-build housing development projects in the UK. It harnesses a deep understanding of the planning and delivery processes to deliver custom and self-build housing nationally on behalf of landowners, developers, housebuilders, and local planning authorities. These projects are designed to reflect the individual preferences of those subscribed to the Right to Build Register, and subscribers can offer notices of interest for new plots coming to market.

CBH was developed as a subsidiary of BuildStore Ltd. BuildStore is the UK's leading financial services provider to the custom and self-build market, having manufactured many of the mortgage, insurance, and protection services that thousands of custom and self-builders utilise annually.

BuildStore Ltd remains the single largest shareholder in CBH.



The Right to Build Register is operated by Custom Build Homes

Custom Build Homes  
8 Houstoun Interchange Business Park  
Livingston  
EH54 5DW

0345 223 4452  
hello@custombuildhomes.co.uk  
custombuildhomes.co.uk

Front cover photograph: 15 completed self-build homes on serviced plots enabled by Custom Build Homes at Long Four Acres, Mulbarton, Norfolk

**Disclaimer**

Illustrations shown within this document are artist's impressions only and may not accurately depict our products. The information detailed in this document is correct at the time of issue. We operate a live database and the demand figures will change with time.

## **APPENDIX 3**



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## Appeal Decision

Site visit made on 13 August 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12<sup>th</sup> September 2025

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**Appeal Ref: APP/F1040/W/25/3367818**

**The Paddocks, Cockshut Lane, Melbourne, Derby, Derbyshire DE73 8DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr Earp of MAE Trading Ltd against the decision of South Derbyshire District Council.
  - The application Ref is DMPA/2025/0468.
  - The development proposed is Demolition of Existing Buildings and Erection of 4 no. self build dwellings: The Stables, Cockshut Lane, Melbourne, Derbyshire DE73 8DG.
- 

### Decision

1. The appeal is dismissed.

### Applications for Costs

2. An application for costs has been made by the appellant against South Derbyshire District Council and is the subject of a separate decision.

### Preliminary Matters

3. The application sought outline planning permission with all matters reserved other than access and layout. I have determined the appeal on that basis, treating any details relating to the reserved matters as illustrative only.

### Main Issue

4. The main issue is whether the proposed development would be in a suitable location for housing, having regard to the spatial strategy of the development plan.

### Reasons

5. The appeal site is located to the west of Cockshut Lane and outside the defined settlement boundary of Melbourne. It forms part of a horticultural holding and comprises two adjoining buildings previously used as part of a commercial plant nursery. The site is accessed via a private road that also serves neighbouring residential and commercial properties. The surrounding area is predominantly rural in character, comprising open agricultural land, with some sporadic development nearby.
6. The site's location outside of a defined settlement boundary means it forms part of the countryside, as designated by Policy SDT1 of the South Derbyshire Local Plan Part 2, adopted 02 11 2017 (the LP2). The spatial strategy, as articulated through Policy H1 of the South Derbyshire Local Plan Part 1, adopted 13 06 2016 (the LP1), and Policies BNE5 and H28 of the LP2, seeks to direct new residential

development to sustainable locations within settlement boundaries, whilst seeking to strike an appropriate balance between development and conserving and enhancing the built and natural environment.

7. Policy H1 establishes a settlement hierarchy that prioritises development in areas with appropriate infrastructure and services. In rural areas, such as the appeal site, the policy restricts residential development to limited infill and conversions of existing buildings. The proposed development, comprising the demolition of existing buildings and erection of four new-build dwellings, does not fall within these categories and is therefore contrary to the spatial strategy set out in Policy H1.
8. Policy BNE5 reinforces the spatial strategy by permitting development outside settlement boundaries only in narrowly defined circumstances, such as where it is essential to a rural activity, unavoidable, or constitutes limited infill normally comprising of no more than two dwellings. The proposal does not meet any of the exceptions listed under the policy. Furthermore, BNE5 requires that development in rural areas must not unduly impact landscape character, biodiversity, or heritage assets. Although the Council has not raised specific concerns in relation to these matters, their inclusion within the policy highlights its overarching purpose to safeguard the countryside from inappropriate forms of development.
9. Policy H28 supports the conversion of existing buildings to residential use in rural areas, provided the buildings are of permanent and substantial construction and suitable for conversion without extensive alteration or rebuilding. However, the current proposal involves the complete demolition of existing buildings and their replacement with new dwellings. As such, it does not constitute a conversion and falls outside the scope of Policy H28.
10. In summary, the proposed development lies outside a defined settlement boundary and does not meet the criteria for exceptions under Policies BNE5 or H28. It also conflicts with the settlement hierarchy established by Policy H1, which seeks to direct housing growth to sustainable locations with appropriate infrastructure and services. For these reasons, I conclude that the proposed development would not represent a suitable location for housing, having regard to the spatial strategy of the development plan and the resulting conflict with Policies BNE5, H1, and H28.

### **Planning Balance**

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. As outlined above, the proposed development conflicts with the relevant policies of the development plan, and I attach significant weight to this conflict in the overall planning balance.
12. The appellant has advanced several material considerations in support of the proposal. Chief among these is the intention to deliver four self-build dwellings, which is supported by the National Planning Policy Framework (the Framework) and the Self-Build and Custom Housebuilding Act 2015. The Council's own data confirms a significant shortfall in permissions for self-build plots relative to the number of individuals on the self-build register.

13. Although self-build housing is clearly supported by national policy, I note there are currently no adopted development plan policies that specifically relate to it. Whilst the emerging Local Plan includes draft policies aimed at addressing this gap, it remains at an early stage and can be afforded only limited weight. Nonetheless, the provision of self-build housing aligns with national policy objectives and, in principle, attracts significant weight in the planning balance.
14. However, whilst the concept of self-build housing is clearly supported by national policy and carries weight in principle, it must be secured through a legally binding and enforceable mechanism to attract full weight in the planning balance. In this case, a signed and dated unilateral undertaking seeks to address this requirement. However, I am concerned that it lacks sufficient clarity and enforceability. In particular, the absence of a specific planning reference under the operative clauses, a defined marketing period, and a mechanism for monitoring compliance, undermines the certainty that the development would be delivered in accordance with the statutory definition of self-build and custom housebuilding. As a result, I am not convinced that the benefits associated with the provision of self-build housing could be fully secured, and this significantly limits the weight that can be attributed to it in the planning balance.
15. The appellant also refers to a fallback position under extant planning permission DMPA/2024/1077, which permits the conversion of the existing buildings on site to four dwellings. It is noted that the footprint of the development proposed under this appeal would be smaller than that approved under the fallback scheme. The Council also considers that, given the outline nature of the current proposal and the matters reserved for future determination, an acceptable design could likely be secured at the reserved matters stage.
16. However, the fallback scheme involves the conversion of existing buildings and met the requirements of Policy H28. In contrast, the appeal proposal seeks the demolition of existing buildings and the construction of new-build dwellings, which do not benefit from the same policy support. The appellant also seeks to rely on the fallback position as justification under Policy H24 of the LP2, which relates to replacement dwellings in rural areas. However, the appeal proposal is not for replacement dwellings. To comply with Policy H24 would require the implementation of the fallback scheme followed by the demolition of the converted buildings to facilitate new-build development. The Council has reasonably concluded that such a scenario is unlikely. Accordingly, the fallback position attracts only limited weight in the overall planning balance.
17. Reference is also made to the Council's previous decision to approve a dwelling at Robinson Hill (DMPA/2022/0476), which the appellant contends is comparable. However, I have not been provided with full details of that case, and in any event, each proposal must be assessed against its specific considerations. The existence of a favourable decision elsewhere does not, in itself, justify a departure from the development plan in this instance.
18. There appears no dispute between the main parties that the Council can demonstrate a five-year supply of deliverable housing sites. However, this does not preclude the delivery of additional housing, and the provision of new homes built to high standards of sustainable construction carries weight in line with the Government's objective to significantly boost the supply of housing, as set out in the Framework. Although the age of the development plan policies is

acknowledged, the policies most relevant to the determination of this appeal remain broadly consistent with the Framework. As such, although the contribution to housing supply is a material consideration, there is no compelling basis to conclude that the presumption in favour of sustainable development under paragraph 11.d) of the Framework is engaged.

19. Taking all of the above into account, whilst the material considerations advanced by the appellant are relevant, they do not outweigh the substantial weight that must be given to the conflict with the development plan.

### **Conclusion**

20. The proposed development would conflict with the development plan as a whole and there are no considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

*P Storey*

INSPECTOR

## **APPENDIX 4**

**Item No.** 1.1

**Ref. No.** [DMPA/2025/0701](#)

**Valid date:** 29/05/2025

**Applicant:** Mr P Tuckwell

**Proposal:** The demolition of an existing agricultural building (benefiting from prior approval for residential conversion ref. DMPN/2024/1410), the change of use of adjoining land, and the erection of a single self-build dwelling with Integral auxiliary accommodation, together with associated landscaping, access improvements and infrastructure works at Common Farm, B587 From Robinsons Hill To County Boundary, Melbourne, Derby, DE73 8DN

**Ward:** Melbourne

### **Reason for committee determination**

This item is presented to the Committee at the discretion of the Head of Planning and Strategic Housing due to the proposal not being fully in accordance with the provisions of the Development Plan.

### **Executive Summary**

Common Farm is located c.330m to the east of the B587 and to the south of Melbourne. It incorporates Common Farmhouse (a Grade II listed farmhouse) and curtilage listed courtyard buildings. The application site is situated to the south of the listed buildings and incorporates a contemporary agricultural barn that is c. 45m distant from the traditional range and benefits from Class Q permission for conversion to a single dwelling.

The proposal is for demolition of the existing contemporary barn and replacement with a new, self-build dwelling together with integral auxiliary accommodation and associated works. The dwelling would have a contemporary appearance and would be distinct from the listed buildings by virtue of its appearance and physical separation.

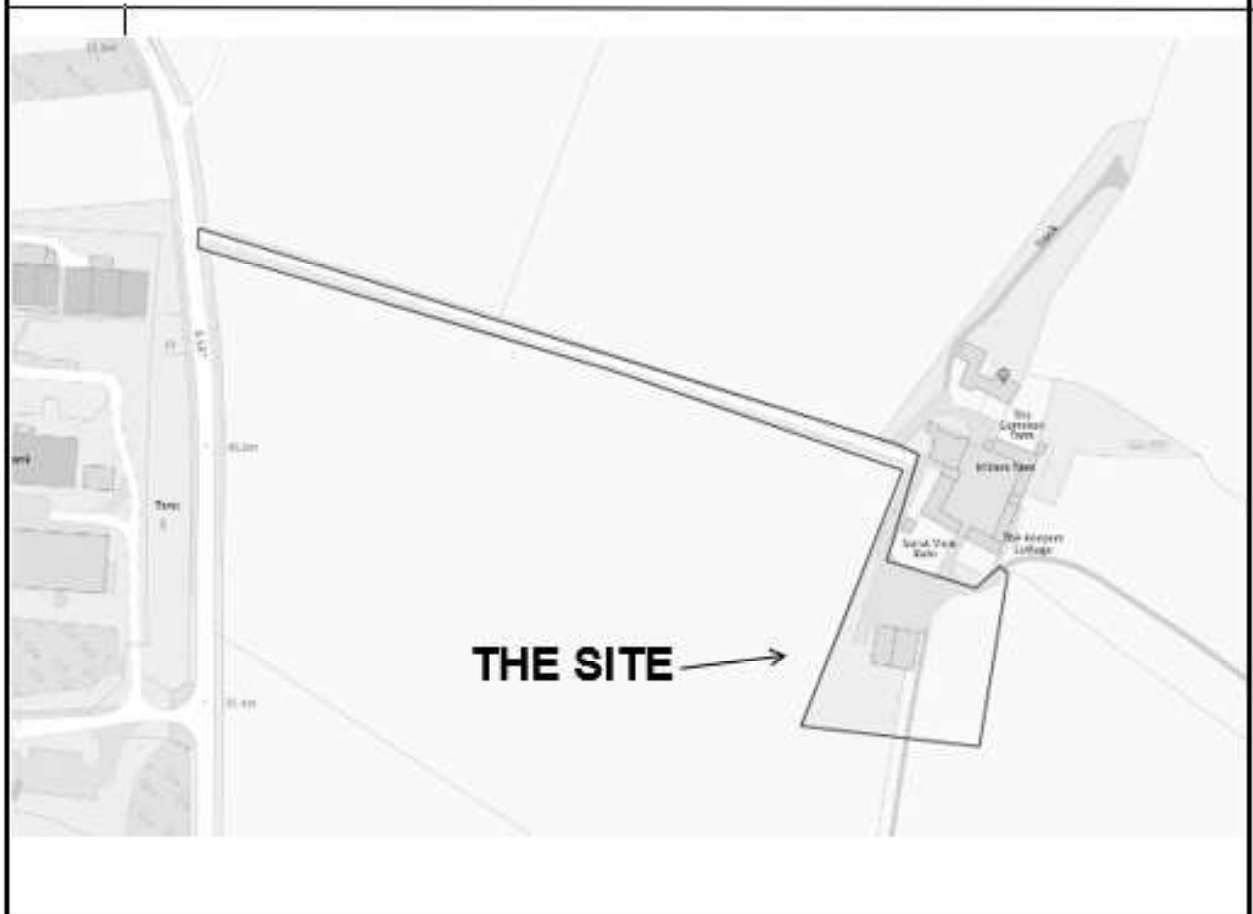
There are no objections to the proposal from the technical consultees and seven comments of support from members of the public have been received. The local Civic Society objects to the proposal on basis of non-conformity with the development plan, and one objection to the proposed design has been received from a member of public.

The proposal is outside of any defined settlement boundary and there is no policy that allows for the demolition of an agricultural barn and its replacement with a dwelling.

Whilst this proposal would be contrary to a strict interpretation of Policy H24 as the works have not yet been implemented to convert the building to be demolished to a dwelling, the existence of this conversion permission is a fall-back position to be taken into account in assessing the merits of the current application. Weight is afforded to the conflict of the proposal with the settlement hierarchy.

However, in this instance the material considerations, and in particular the great weight attributed to the enhancement of the setting of the listed buildings (through provision of a high-quality, contemporary design dwelling, representing a betterment to the existing situation and Class Q alternative), when considered collectively with other benefits of the proposal would outweigh the conflict with the development plan in principle. There are no material considerations weighing negatively in the balance. Accordingly, the application is recommended for approval subject to conditions.

**DMPA/2025/0701 – Common Farm, B587 From Robinsons Hill To County Boundary, Melbourne, Derby, DE73 8DN**



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## Site Description

The application site is located c.330m to the east of the B587 and to the south of Melbourne. The site is situated to the south of Common Farmhouse (a Grade II listed building) and curtilage listed courtyard buildings, and incorporates a contemporary agricultural barn that has planning permission for a Class Q conversion to one large dwellinghouse (ref. DMPN/2024/1410). The former farmstead is set in the centre of large agricultural fields with a Public Right of Way (PROW) that runs north to south c. 200m to the east.

## The proposal

The application seeks the demolition of the existing contemporary agricultural building, the change of use of adjoining land, and the erection of a single self-build dwelling with integral auxiliary accommodation, together with associated landscaping, access improvements and infrastructure works. The new dwelling would have the appearance of a contemporary rural building, with an L-shaped footprint that would be positioned in a north-easterly / south-westerly orientation within the site, c. 39m to the south of the curtilage listed courtyard buildings. The main linear form of the building would be two storey with gable roof form (c. 7.8m to the top of the ridgeline, with low eaves of c. 4.2m), from which there would be single storey projections (c. 6.1m to the ridgeline) to the north and west. The southern two storey gable end would incorporate a glass balustrade. Materials would comprise sandstone cladding with black panelling above. Anthracite seam sheeting with integral PV panels would be used for the roof. Windows would predominantly comprise full, rectangular apertures with aluminium frames, canopies or sandstone headers.

The proposed site layout shows that the dwelling would be accessed via an existing agricultural track, which would be refurbished. A driveway and parking would be provided in front of the dwelling (on the western side). There would be patio and garden areas to the south and east. Access for agricultural vehicles would be maintained in between the new dwelling and curtilage listed courtyard buildings and would wrap around the eastern side of the new dwelling's garden.

## Applicant's supporting information

### Application Drawings

- Site Location Plan (2505-PJT-A-L01, received by the LPA on 29th May 2025)
- Existing Block Plan (2505-PJT-A-E01, received 29th May 2025)
- Proposed Block Plan (2505-PJT-A-P03, received 29th May 2025)
- Existing Floor Plan and Elevations (2505-PJT-A-E02, received 29th May 2025)
- Proposed Floor Plan (2505-PJT-A-P01, received 29th May 2025)
- Proposed Elevational Plan (2505-PJT-A-P02, received 6th June 2025)
- Curtilage Comparison Plan (2505-PJT-A-P06, received 1st July 2025)
- Elevations Comparison Plan (2505-PJT-A-P05, received 1st July 2025)

### Application Documents

- Materials Statement (received 29th May 2025), including visualisations
- Design and Access Statement (received 29th May 2025)
- Land Contamination Assessment - Phase I & II Geo-Environmental Assessment (Werda Associates Ltd, received 29th May 2025)
- Preliminary Bat Roosting Assessment (Consultant Dr. Louise Sutherland MIALE & Dr Stefan Bodnar MCIEEM, received 29th May 2025)
- Planning Statement Addendum Rev A Comparison Document (received 1st July 2025)

## Relevant planning history

DMPN/2024/1410 Application to determine if prior approval is required under Part 3 Class Q (Agricultural buildings to dwellinghouses) for the proposed conversion of an agricultural barn to one large dwellinghouse – approved December 2024

## Responses to consultations and publicity

### Conservation Officer

*Initial Response* - The application site is adjacent to, and associated with curtilage Listed barns related to the principal Listed Building; Common Farmhouse Common Farmhouse and Attached Garden Walls. The application site is not located with a Conservation Area. My assessment relates to the principle of the following, and their potential impact upon the setting of the Listed Buildings.

For the purpose of this assessment, although I know the site very well from previous applications to the Listed and curtilage listed buildings, I have conducted two site visits. The first to walk the site thoroughly to view from all angles and assess the relationship between the existing building and its surroundings. The second visit was to walk the public footpath from Melbourne Hall towards the site to assess the existing relationship at a distance, to consider the current impact of the building and its relationship with the surrounding built form. I make the following observations:

#### Existing Building

- The existing building reads as a contemporary farm structure, built for modern-day changes in farming/storage purposes, and at a reasonable distance from the historic outbuildings.
- The existing building reads as part of the farmstead, but with a clear visual separation in style, material and form.
- There are limited visual interactions between the principal Listed building and the existing building.
- The existing building is visible from a distance, and the character and visual relationship between the existing building and the historic buildings is limited. The two read very separately; a historic farmstead with a tight pattern of brick-built form, and a standalone barn.
- The existing building is of a standard of build and construction that is now showing its age and quality. Unlike the original brick-built outbuildings associated with Common Farm which are of a high build and design quality comparable with the Listed farmhouse, this is a building which is indicative of being required for a specific purpose and has no heritage significance.
- The existing building, whilst indicative of the evolution of farming practice and change, does not have a heritage value. Given that there is no farming use now requiring the building, it is vacant and no longer serving a purpose to Common Farm. It is therefore starting to have a negative impact on the character and appearance of the heritage assets.
- Since change of ownership of Common Farm, the renovations, change of use and reuse have impacted upon the character and appearance of the designated heritage assets. The setting, curtilage and appearance has changed from active agricultural use to domestic. The activity on site has changed. The regularity of vehicle movements and requirements for parking, the boundary details creating separation and garden space, the type of species planted in garden spaces, the addition of extensions, garages and outbuildings all impact on domesticating what was originally an active rural enterprise.

No objection to the demolition of the existing barn. Positive impact on the setting of the designated heritage assets.

#### Change of use of the adjoining land

- The character and appearance of the curtilage of Common Farm has altered through the domestication of the historic buildings. This is not necessarily negative; the reuse of vacant redundant historic buildings is preferable to their total loss.
- The existing use and curtilage of the historic buildings is now relevant to the proposed change of use of the adjoining land. The historic farm has been subdivided into several units, each requiring their own curtilage for driveway, parking, boundary separation and outdoor amenity space. The storage of bins, air source heat pumps, patio furniture and washing lines all alter the

character of the farmstead to a domestic appearance.

- The existing barn is located upon a plot that is contained on three sides; hedgerow on two side, and the farmstead on one side. One side is open the wider countryside. The plot is not cultivated, having previously been the hardstanding for farm use.

No objection to the change of use of the adjoining land to domestic garden. Whilst there is an impact on the character and appearance of the plot, especially resulting from boundary treatment and domestic planting/hardstanding, the neighbouring land has also changed in character and appearance, therefore I assess no additional harm to the setting of the heritage assets.

Proposed building

- The architectural style, material palette, scale and appearance takes its cues from the existing setting without being pastiche.
- The proposed dwelling is a contemporary barn style house, utilising the linear form of the curtilage outbuildings.
- The width, height and length is comparable to the curtilage barn and outbuildings on the site.

No objection to the proposed new building. I assess no additional harm to the setting of the principal listed building of Common Farmhouse. I assess no additional harm to the setting of the curtilage Listed Buildings. (02/07/2025)

*Subsequent Response* - I have revisited the application for the Class Q, reference DMPN/2024/1410. My observations note the following points of the Class Q

- Reuse of a redundant building
- Clear evolution of the farmstead
- Minimal impact to the curtilage and hardstanding of the yard
- Limited fenestration and interrelationship between the setting and the domestic use
- As is sometimes required for a building that was never intended to be converted to housing; a slightly contrived redesign/floorplan to reuse the barn.

As per my comments for application DMPA/2025/0701, the existing building is redundant. There is no requirement for its use as an active agricultural barn, and as such the condition is deteriorating and poor. This building is not a high-quality example of such a structure, therefore its reuse and repurpose is adequate, but does not enhance the setting of the heritage assets.

The character of the curtilage of Common Farm has altered through the domestication of the historic buildings. The existing use and curtilage of the historic buildings is now relevant to the proposed change of use of the adjoining land. The historic farm has been subdivided into several units, each requiring their own curtilage for driveway, parking, boundary separation and outdoor amenity space. The storage of bins, air source heat pumps, patio furniture and washing lines all alter the character of the farmstead to a domestic appearance. Given the change and evolution of the buildings within the curtilage of Common Farm, the existing building could now be considered to be incongruous to the setting; a redundant barn within a setting no longer active as a farm, but rather a number of domestic sites. Therefore, I assess the proposed DMPA/2025/0701 as an enhancement to the approved DMPN/2024/1410 (04/07/2025).

Derbyshire Wildlife Trust

No objection. Sufficient survey work has been undertaken. Conditions recommended for sensitive lighting and submission of a biodiversity enhancement plan. (03/07/2025)

County Highways

Based on the analysis of the information submitted it is noted that the site is served by an existing vehicular access that has satisfactory visibility in both directions. Therefore, the Local Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion and there are no justifiable grounds on which an objection could be maintained. (16/06/2025)

### Environmental Health

No objection. Conditions requested to control construction working hours and to prevent burning of materials. (13/06/2025)

### Melbourne Civic Society

Melbourne Civic Society objects to this Planning Application on the basis that your Authority deemed there was no requirement for prior approval for the conversion of the existing steel framed 'barn' into a dwelling house, reference DMPN/2024/1410 on the 23 December 2024, and that consequently the development must be carried out in accordance with the plans and details specified forming the application. However, this Planning Application for the same site proposes that the structurally 'sound' existing Barn be demolished to make way for a completely new building, which therefore does not satisfy one of the exceptions for residential development in rural areas as specified in Policy BNE5 of the Local Plan, i.e. demolition of an existing building capable of conversion, and should therefore be unacceptable. The proposal is also located outside of the settlement boundary and within the rural area of the District (as defined by Policy SDT1 of the Local Plan). The proposed development, which would be contrary to the District's settlement hierarchy and Policy H1 of the Local Plan, comprises an unsustainable form of development located in an isolated location which would fail to secure the benefits that would otherwise be secured through reuse of rural buildings under Policy H28. We would, therefore, restate our objection to this unacceptable application.

### Public Comments

One member of public objected to the proposal stating that the design is poor and basic.

Seven members of public wrote in support of the application and commented:

- a) That the design represents a thoughtful and sustainable reuse of land, replacing an outdated agricultural building with a well-considered self-build home. The planned landscaping, improved access, and infrastructure upgrades will enhance the local environment and contribute positively to the character of the area.
- b) The existing building is an eyesore and the removal of this and provision of a new building, with sustainability measures, would be an enhancement.
- c) The scheme demonstrates a sensitive and well-considered approach to rural development, making use of an existing building footprint and ensuring the new dwelling integrates well with the surrounding landscape.
- d) The design reflects a high standard of architecture, with thoughtful landscaping and access improvements that will enhance the setting and overall appearance of the site.
- e) The application supports the government's objective to encourage self-build homes, providing a bespoke, high-quality alternative to standard housing developments.
- f) The proposal makes efficient use of previously developed land.

### **Relevant policy, guidance and/or legislation**

The relevant Development Plan policies are:

(2016) Local Plan Part 1: H1 (Settlement Hierarchy), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure). (2017) Local Plan Part 2 (LP1): SDT1 (Settlement Boundaries and Development), BNE5 (Development in Rural Areas), BNE10 (Heritage), H24 (Replacement Dwellings in Rural Areas), H28 (Residential Conversions).

Melbourne Neighbourhood Plan: DP1, OS3, HC1

The relevant local guidance is:

South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:  
National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

### Emerging Local Plan

On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications.

The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the period for comments concluded on 25 April and these comments are being reviewed in advance of a report to Environmental and Development Services committee in the summer of 2025. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to policies in the publication version of the Local Plan is low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies.

Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination. The plan is intended to be submitted for examination in Autumn 2025.

### **Planning considerations**

The determining issues are as follows:

- Principle of the Development
- Material Considerations
  - o Fallback Position
  - o Provision of a Self Build Dwelling
  
- Design and Impact on the Character of the Surrounding Area (including Heritage Assets)
- Ecology
- Access and Parking
- Other Considerations.

### **Planning assessment**

#### Principle of the Development

The application site is located within the rural area outside of the village settlement boundary for Melbourne. In rural areas, Policy H1 states that only development of limited infill and conversions would be considered acceptable. This point is reiterated in Policy BNE5. Policy H28 supports the conversion of buildings to residential accommodation and Policy H24 allows for replacement dwellings. Policy DP1 of the Melbourne Neighbourhood Plan states that proposals for development beyond the settlement boundaries of Melbourne and Kings Newton will only be supported where they comply in full with relevant policies of the Neighbourhood Plan and Local Plan.

It is noted that the Class Q (DMPN/2024/1410) allowed a dwelling through the conversion of agricultural building on the site.

Policy H24 allows for the provision of replacement dwellings within rural areas provided *i) the form and bulk does not substantially exceed that of the existing dwelling or that which could be achieved as permitted development; ii) is not more intrusive in the landscape than that which it replaces and iii) the new dwelling has substantially the same siting as the existing.* Whilst Policy H24 supports replacement dwellings in the countryside this Class Q development has not been implemented therefore this policy cannot be applied in its literal sense as a dwelling is not currently present. It is acknowledged however that if this development was completed, then a dwelling would be acceptable in principle under policy H24 particularly as this policy allows consideration of the scale of development allowing for permitted development.

The comments from the Civic Society are noted. There is no planning policy within the Local Plan Parts 1 or 2, or the Neighbourhood Plan, that supports the demolition of agricultural buildings and erection of new dwellings in their place. Although the proposal is considered to be in conflict with the Local Plan settlement hierarchy and Policy H1 in relation to new dwellings the development does have the fall back of the Class Q approval on the site.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The material considerations in this case are explored below.

### Material Considerations

#### Fallback Position

The applicant, through the Planning Statement puts forward a case that there is a lawful fall-back position for residential use of the site and the cases of *Mansell v Tonbridge and Malling Borough Council* (2017) EWCA Civ 1314 and *R v Secretary of State for the Environment and Havering BC* (1998) EnvLR189 are cited. In the latter case, Mr Lockhart-Mummery QC established the following three elements: *'first whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly if the answer to the second question is 'yes' a comparison must be made between the proposed development and the fallback use'*.

The application site benefits from permission (ref. DMPN/2024/1410) for the conversion of an agricultural barn to one large dwellinghouse. The lawful ability to convert the building is provided through the Class Q conversions, and there is also a real prospect that the building would be converted. Taking into account the scale of the proposal which relates to a single dwelling, it is more realistic that in this instance the fallback would be realised, than in similar applications for multiple dwellings within the District. The position is afforded limited weight, although more weight than would be afforded in the case that the fallback scheme involved multiple dwellings.

Policy H24 allows for the provision of replacement dwellings within rural areas provided *i) the form and bulk does not substantially exceed that of the existing dwelling or that which could be achieved as permitted development; ii) is not more intrusive in the landscape than that which it replaces and iii) the new dwelling has substantially the same siting as the existing.* Whilst Policy H24 supports replacement dwellings in the countryside, this Class Q development has not been implemented and therefore this policy cannot be applied in its literal sense as the building is not a dwelling at present. The applicant has provided plans and volumetric calculations that compare the siting, scale and volume of the Class Q and current proposal. These show that the new dwelling would have similar siting to the Class Q. It would be taller in places, although the volume would be reduced overall. If the fallback were realised then the new dwelling would meet the criteria for Policy H24.

#### Provision of a Self Build Dwelling

Paragraph 73 of the National Planning Policy Framework (NPPF) part b) notes that small and medium sites can make an important contribution to meeting the housing requirement of an area, and to promote the development of a good mix of sites, local planning authorities should 'seek opportunities, through policies and decisions, to support small sites to come forward for community led development for housing and self-build and custom-build housing'.

The Self and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places a duty on relevant authorities to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. As per the guidance in the Planning Practice Guidance, the level of demand is to be established by reference to the number of entries added to an authority's register during a base period. The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year. At the end of each base period, relevant authorities have three years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.

There is no policy relating specifically to the provision of self-build plots within the adopted Local Plan. The Council's Draft Local Plan Part 1 is currently being reviewed and includes draft Policy H20 which relates to housing balance and custom/self-build. This policy would require major development sites of 30 or more homes to include a percentage (15%) of self and custom housebuilding plots to be accommodated. As the policy is in draft (having undergone Regulation 19 consultation) it is attributed limited weight at this time.

The Council's Planning Policy team keeps a register of persons seeking plots for self or custom build dwellings. At the end of the ninth base period (31/10/2023 – 30/10/2024) there were a total of 116 entries for persons seeking plots for self or custom build dwellings on the self and custom build register. By comparison, there were only two planning permissions with the words self build or custom build with the application description (ref. DMPA/2020/1467 for one self build dwelling approved 30/09/2021; and DMPA/2022/1480 for one self build dwelling approved 15/02/2023). There is currently a large gap therefore between persons seeking self or custom build plots and planning permissions granted for this type of plot; and although the number of self or custom build plots is generally expected to increase (with more applications coming forward identified as self-build to benefit from exemption to Biodiversity Net Gain, and the emerging local policy framework), such factors cannot be taken into consideration at this time.

The applicant is on the Council's self build register and has advised in writing that they would commit to the self-build nature of development through legal agreement. If approved, the development would contribute 1no. self-build dwelling that would be occupied by the applicant and their family, and contributing towards the needs of persons seeking such plots on the self and custom build register. This comprises a material consideration and significant benefit weighing in favour of the application.

#### Design and Impact on Character of the Surrounding Area (including Heritage Assets)

The 1990 Planning (Listed Buildings and Conservation Areas) Act places a duty on local planning authorities to preserve or enhance Conservation Areas, listed buildings and their settings. This is underpinned by Paragraph 212 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Local Plan policy BNE2 states that development that affects South Derbyshire's heritage assets will be expected to protect, conserve and enhance the assets and their settings; and Policy BNE10 expands upon these requirements. Policy HC1 of the Neighbourhood Plan seeks to promote and support heritage assets in the plan area in order to maintain the character and distinctiveness of the area.

Policy BNE1 sets out principles for design excellence, which is supported by the detail within the South Derbyshire Design Guide SPD. It requires new development to create places with a locally inspired character that respond to their context and have regard to valued landscape, townscape and heritage characteristics. New development should be visually attractive, appropriate, respect important views, and possess a high standard of architectural and landscaping quality amongst other factors.

The proposal would result in the removal of the existing, poor quality portal frame barn to the south of the listed buildings. In place of this, a new contemporary dwelling would be provided, set in an area of landscaping and parking. The new dwelling would have a rural appearance with a traditional L-shaped footprint and gable roof form. The comments of support and one objection from members of public are noted. The Conservation Officer visited the site twice specifically for this planning application and confirmed that there are limited visual interactions between the site and the principal listed building. Also, that the existing building, whilst indicative of the evolution of farming practice, does not have a heritage value. The building stands alone and physically separated from the traditional range by c. 45m. The Conservation Officer raises no objection to demolition of the existing barn, with a positive impact resulting on the setting of designated heritage assets. The new dwelling takes cues from its setting, however would be distinct by virtue of its contemporary appearance and the distance from the existing buildings. No objection is raised to the new building and the conclusion is that there would be no additional harm to the setting of the principal listed building of Common Farmhouse or to the setting of the curtilage listed buildings.

The proposed change of use of land from agricultural to domestic use would also have impact on the setting of the buildings and landscape character. Policy BNE4 states that development which has an unacceptable impact on landscape character, visual amenity and sensitivity and cannot be satisfactorily be mitigated, will not be permitted. The Conservation Officer has considered this aspect of the scheme and noted that the character and appearance of Common Farm has been altered through domestication of the historic buildings. The historic farm has been subdivided into several units, each with its own curtilage for driveway, parking, boundaries and amenity space. The storage of bins, air source heat pumps, patio furniture and washing lines all alter the character of the farmstead to a domestic appearance. The Conservation Officer raises no objection to the change of use of the land and assesses there would be no additional harm arising from this part of the scheme. The plot is visually contained on three sides from the wider countryside, although visible from the PROW to the east. The periphery of the development would be physically defined by the agricultural track that already has permission (ref. DMPN/2024/1121), limiting the potential for countryside encroachment. The new patio areas would be predominantly to the south and west of the dwelling with the garden area on the eastern side. Soft boundary treatments could be secured by planning condition to ensure that the impact on landscape character is minimised, and permitted development rights for outbuildings, extensions etc. also removed. These features would likely represent an improvement compared to the current bare ground and hard core surrounding the agricultural building.

Paragraph 219 of the NPPF states that LPAs should look for opportunities for new development within Conservation Areas, and the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. In the Officer's report for the Class Q, it was noted that the scheme would have neutral impact on the setting of the nearby designated heritage assets. It was noted in the Conservation Officer's comments on this application that the *'existing building is not a high-quality example of [an agricultural barn], therefore its reuse and repurpose is adequate, but does not enhance the setting of the heritage assets'*. It is pertinent that volumetrically, the new build would be smaller than the Class Q scheme and that full planning permission would enable the LPA to secure boundary treatments and remove permitted development rights that would otherwise be available under the Class Q scheme. The Conservation Officer concluded that the proposed new dwelling would represent an enhancement to the setting of the listed buildings compared to the previously

approved Class Q scheme. Overall, the proposal would therefore comply with paragraph 219 of the NPPF, Policies BNE1, BNE2, BNE4 and BNE10 of the Local Plan, and Policy HC1 of the Neighbourhood Plan, and as per paragraph 212 of the NPPF, great weight should be attributed to assets' conservation.

### Ecology

Policy BNE3 of the South Derbyshire Local Plan Part 1, states that development will be supported which contributes to the protection, enhancement, management and restoration of biodiversity. Policy OS3 of the Neighbourhood Plan also seeks to protect and enhance biodiversity.

The application has been supported by an Internal / External Bat Survey Report, which found negligible potential for roosting bats within the building. Derbyshire Wildlife Trust (DWT) reviewed the submitted information and advised that the proposal would be unlikely to have a substantive adverse effect on biodiversity, although given the rural nature of the proposed condition for sensitive lighting scheme would be reasonable to attach to any planning approval. As a self-build dwelling the application would be exempt from the mandatory requirement for Biodiversity Net Gain (BNG). DWT recommended a biodiversity enhancement plan be secured through planning condition, which would also be reasonable in the context of Policies BNE3 and OS3. This is afforded some weight as whilst the development is exempt from the 10% net gain (as with the Class Q development) there was no opportunity to seek enhancement opportunities with that scheme, which this proposal provides.

### Access and Parking

Policy INF2 sets the policy framework for sustainable transport and states that planning permission will be granted for development where appropriate provision is made for safe and convenient access to and within the development for users of the private car and other modes of transport.

The proposal would use the existing access to the public highway. Within the site there would be some upgrading of the private estate drive, with the proposed site plan indicating that the existing track would be refurbished. The applicant has confirmed that this would be through application of recycled tarmac clippings to improve the appearance of the track and ensure it remains permeable. The County Highway Authority has been consulted on the proposals and confirmed that the existing access to the public highway would be satisfactory to serve the proposed development. Four parking spaces are indicated on the proposed site plan, which would exceed the recommendations of the Design Guide SPD for a single dwelling, although it is noted that the accommodation also incorporates integral auxiliary accommodation. Still, the proposed driveway is large and the parking provision would be sufficient. Although the application site is located within the rural area, the Design and Access Statement states that the site is within walking distance of a bus route that has a stop at the bottom of Robinson's Hill (at its junction with Ashby Road) provides connections to Melbourne, Swadlincote and the wider area. The proposed development would not have an unacceptable impact on the public highway and would overall comply with Policy INF2.

### Other Considerations

The new dwelling would be sufficiently separated from the existing dwellings to the north such that it would not materially impact neighbouring residential amenity.

Policy BNE1, k) states that new development should be designed to facilitate the efficient use of resources and support the reuse and recycling of waste throughout the life cycle of development. Retention of the modern building (through conversion) would not therefore be without merit, as it would enable the existing building fabric and structure to be utilised. On the other hand, the Design and Access Statement highlights that there would be a suite of sustainable technologies with ground source heat pump, triple glazing, photovoltaic panels and rainwater harvesting. These features are identified on the proposed site plan. Such features could conceivably be incorporated into the conversion scheme, although they were not committed to on the Class Q plans. As no life

cycle analysis has been put forward, it is not possible to provide a quantified comparison of the energy and sustainability credentials of the Class Q or new build.

A condition could be attached to ensure the dwelling be fitted out to restrict water usage in accordance with the Optional Standard G2 of the Building Regulations (2015), as per Policy SD3 of the Local Plan.

It is noted that there is a stable block currently within the land of the application site, which does not benefit from planning permission. The applicant has confirmed that the building would be used for the temporary storage of materials and welfare facilities for staff during construction of the new dwelling and subsequently removed from site. It would need to be removed in order for the proposed site layout to be adhered to and so the matter has not been referred to planning enforcement at this time.

### Conclusion

The Council has a five-year supply of deliverable land for housing. Decisions should therefore be made in consideration of the requirements of the development plan unless material considerations indicate otherwise.

There is no planning policy within the Local Plan Parts 1 or 2 that supports the demolition of agricultural buildings and erection of dwellings in their place. The proposal is outside of the Local Plan settlement hierarchy, and this is afforded significant weight.

The applicant has put forward a case that the new build dwellings would be acceptable due to a fallback position being in place. Taking into account the scale of the proposal which relates to a single dwelling, it is more realistic that in this instance the fallback would be realised, than in similar applications for multiple dwellings within the District. The position is afforded limited weight, although more than would be afforded in the case that the fallback scheme involved multiple dwellings, resulting in a finer planning balance.

Merits of the scheme include: The provision of 1no. self build dwelling meeting the needs of the applicant who is identified on the Council's self build register. This is attributed significant positive weight in the balance. Provision of a high-quality new build that would be an improvement to the setting of the listed heritage assets when compared to the Class Q scheme, particularly taking into account the additional planning controls available. This positive is attributed great weight. Contributions to biodiversity through conditions for biodiversity enhancement are attributed minor weight. There would also be the opportunity for integration of sustainable design measures, attributed minor weight in recognition that this would be offset to an extent by the loss of opportunity for reuse of the existing building fabric. Matters of access and other considerations are attributed neutral weight in the planning balance. There are no material considerations weighing negatively in the balance.

In this case, whilst the proposal would be in some conflict with the strict interpretation of the development plan, specifically Policy H1 and H24, great weight would be attributed to the improvement in setting of the listed heritage assets when compared to the Class Q scheme and significant weight attached to the self build provision. These factors are considered to outweigh the conflict that the proposal has with the development plan in principle. Accordingly, the application is recommended for approval subject to conditions.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

## Recommendation

- A. Grant delegated authority to the Head of Planning and Strategic Housing to complete an agreement under section 106 of the Town and Country Planning Act 1990 so to secure the dwelling is occupied as a self-build as outlined in this report; and
- B. Subject to A, **Approve** the application subject to the following conditions:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

- Site Location Plan (2505-PJT-A-L01, received by the LPA on 29th May 2025)
- Existing Block Plan (2505-PJT-A-E01, received 29th May 2025)
- Proposed Block Plan (2505-PJT-A-P03, received 29th May 2025)
- Existing Floor Plan and Elevations (2505-PJT-A-E02, received 29th May 2025)
- Proposed Floor Plan (2505-PJT-A-P01, received 29th May 2025)
- Proposed Elevational Plan (2505-PJT-A-P02, received 6th June 2025)
- Curtilage Comparison Plan (2505-PJT-A-P06, received 1st July 2025)
- Elevations Comparison Plan (2505-PJT-A-P05, received 1st July 2025), unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development in accordance with Policies BNE1, BNE2, BNE10 of the Local Plan and Policy HC1 of the Neighbourhood Plan.

3. Materials, including facing materials, doors and windows, used in the development shall be as detailed on the approved plans and Materials Statement (received by the LPA on 29 May 2025) unless, prior to their incorporation into the development hereby approved, alternative details are first submitted to and approved in writing by the Local Planning Authority pursuant to an application made in that regard, whereafter the approved alternative details shall be incorporated into the development.

Reason: In the visual interest of the area and to preserve the setting of the designated heritage assets in accordance with Policies BNE1, BNE2 and BNE10 of the Local Plan and Policy HC1 of the Neighbourhood Plan.

4. Prior to incorporation within the development, a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include specifications of hard landscaping materials; and for soft landscaping evidence the proposed locations of each tree species, the size of each type of tree (standard, select standard, or heavy standard with girth dimensions), the mix of any proposed grass areas, and the proposed locations and sizes of any ornamental shrubs (in litre pots). All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following first occupation of the dwelling or completion of the development (whichever is the sooner); and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In accordance with Policies BNE1, BNE2, BNE4 and BNE10 of the Local Plan, Policy HC1 of the Neighbourhood Plan and in the interest of landscape character and the impact on setting of the designated heritage assets.

5. Notwithstanding the plans hereby approved, prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the dwelling is first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, no further boundary treatments shall thereafter be erected without the permission of the Local Planning Authority pursuant to an application made in that regard.

Reason: In the interests of the character and appearance of the area in accordance with Policies BNE1, BNE2, BNE4 and BNE10 of the Local Plan.

6. Prior to occupation of the dwelling a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
  - 1no. integrated universal nest box / swift brick in the new dwelling (avoiding southern elevations)
  - 1no. integrated bat box in new dwelling at eave height (favouring southern elevations)
  - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs
  - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

Reason: In order to achieve a species enhancement in accordance with Policy BNE3 of the Local Plan and Policy OS3 of the Neighbourhood Plan.

7. Any external lighting within the site shall be low level, low wattage down lights (on PIR sensors), positioned away from trees, hedgerows or any bat/bird boxes. No uplighting shall be provided during construction or for the lifetime of the development. The external lighting scheme shall comply with the requirements of Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018).

Reason: In order to protect biodiversity and habitat on or adjacent to the site in accordance with Policy BNE3 of the Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the dwelling hereby permitted shall not be enlarged or extended and no outbuildings shall be erected, without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the proximity to existing features on or adjacent to the site, and the effect upon neighbouring properties and/or the street scene.

9. The dwellings shall be fitted out so that the estimated consumption of wholesome water by persons occupying the dwellings will not exceed 110 litres per person per day, consistent

with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The development must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively and to satisfy the requirements of policy SD3 of the Local Plan.

10. During the period of construction, no ground, construction or fitting out works shall take place and no deliveries shall be taken at or dispatched from the site other than between 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays. There shall be no construction works (except for works to address an emergency) or deliveries on Sundays or Bank Holidays.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers.

11. During the period of construction there should be no clearance of vegetation by burning, or disposal of other materials by burning.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby in accordance with Policy SD1.

Informatives:

- a) This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990. All formal submissions to discharge obligations of the undertaking or agreement, or queries relating to such matters, must be made in writing to s106@southderbyshire.gov.uk with the application reference included in correspondence.

b) Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and  
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Derbyshire District Council. Based on the information available **this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.**

4.8 Self and Custom Build Development, meaning development which:

- iv) consists of no more than 9 dwellings;  
v) is carried out on a site which has an area no larger than 0.5 hectares; and  
vi) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

**Regulation 19 Addendum: Proposed Modifications to the South Derbyshire  
Local Plan Part 1 Review 2022-2041  
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING)  
(ENGLAND) REGULATIONS 2012  
Regulation 19 Addendum  
REPRESENTATION FORM**

The easiest way to **submit your comments is online** at <https://bit.ly/Part-1-Local-Plan-Review> or by scanning the QR code. We would encourage you to use the online form wherever possible. Where online is not possible, you can complete this form and return it to us using the postal address on the final page.



**Submission form**

**This form has two parts**

**Part A** – Personal Details: need only to be completed once.

**We will not be able to accept responses where personal details are not provided.**

**Part B** – Your representation(s): **Please fill in a separate sheet for each representation you wish to make relating to each individual policy.**

You will be asked to give details on whether you think the plan is legally compliant and why you consider the proposed modifications to the policies of the Local Plan to be sound or unsound, please be as precise as possible.

You will also be asked to set out the modification(s) you consider necessary to make the Local Plan legally compliant and the policies sound in respect of any matters you have identified. You will need to say why each modification will make the Local Plan legally compliant or policy sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

**Privacy Notice**

**Representations (including your name) will be made publicly available following the close of the consultation however personal details (personal address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress.**

**Who has access to your information?**

Personal details will be protected although it may be necessary to disclose these to a Planning Inspector appointed by the Secretary of State at a later date. For further information, please visit our Privacy section of our website at [www.southderbyshire.gov.uk/privacy](http://www.southderbyshire.gov.uk/privacy) where you can see a full copy of our privacy notice.

For further information, please visit our Privacy section of our website at [www.southderbyshire.gov.uk/privacy](http://www.southderbyshire.gov.uk/privacy) where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by emailing [local.plan@southderbyshire.gov.uk](mailto:local.plan@southderbyshire.gov.uk)

### Part A: Personal Details\*

**We will not be able to accept responses where personal details are not provided.**

#### 1. Please provide your contact details.

Respondent details	Agent details (where applicable)
Name*: Mr Dean Willshee	Name*: Matthew Roe
Organisation:	Organisation: Marrons
Address*: C/o Agent	Address*: [REDACTED]
Email: C/o Agent	Email: [REDACTED]

\*indicates required field

#### Future notification

The District Council will retain your contact details to inform you of future consultations on the Local Plan. If you do not wish for your contact details to be added to the consultation database, please email [local.plan@southderbyshire.gov.uk](mailto:local.plan@southderbyshire.gov.uk)

**Part B: Please use a separate sheet for each representation you wish to make**

**3. To which part of the Local Plan does this representation relate?**

Please provide the reference of the policy, paragraph, policies map, evidence etc that your comment relates to. Please use a separate Part B form for each Proposed Modification that you wish to comment on.

<b>Comment being made against:</b>	<b>Please tick only one</b>		
PM1		PM23	
PM2		PM24	
PM3		PM25	
PM4		PM26	
PM5		PM27	
PM6		PM28	
PM7		PM29	
PM8		PM30	
PM9		PM31	
PM10		PM32	
PM11		PM33	
PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21		Other (Please specify) Policies S1, E7 and INF10 and associated amendments	
PM22			

<b>4. Do you consider the Local Plan is:</b>	<b>Please tick the relevant box</b>	
	Yes	No
1) Legally compliant		<b>x</b>
2) Sound  (If you check 'No', please also confirm below which of the 'tests' it fails to meet)		<b>x</b>
a) Positively prepared		<b>x</b>
b) Justified		<b>x</b>
c) Effective		<b>x</b>

d) Consistent with national policy		<b>x</b>

**5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate.** Please be as precise as possible (e.g., if objecting on the basis of legal compliance, please quote the specific law that the Local Plan does not comply with). If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to accompanying representations

(Continue on a separate sheet /expand box if necessary)

**6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above.** (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to accompanying representations

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation, you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues identified during the examination.**

**7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?**

Please check the relevant box

No, I do not wish to participate in hearing sessions

Yes, I wish to participate in hearing sessions

X

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

**8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

Investigation of the proposed key objectives and vision and the proposed wording of the relevant conditions on rural employment, development and spatial strategy will need to be investigated by the appointed Inspector in light of the substantial evidence in support of rural tourism and leisure that is existing within South Derbyshire

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Please return your completed representation form(s) by post to: Planning Policy Team, Council Offices, Civic Way, Swadlincote, DE11 0AH

Forms must be received by **5pm on Tuesday 16<sup>th</sup> June 2026.**

# **SOUTH DERBYSHIRE DISTRICT COUNCIL LOCAL PLAN PART 1 (2022 – 2041)**



## **REPRESENTATIONS**

**On behalf of Mr Dean Willshee**

**June 2026**

**Project Name:** Regulation 19 Addendum: Proposed Modifications to South Derbyshire Local Plan Part 1 Review Publication Version (2022 – 2041)

**Client Name:** Mr Dean Willshee

**Prepared By:** MR

**Signed:** Matthew Roe, Associate

**Date:** 16 June 2026

**Reviewer** BM

**Signed** Brian Mullin, Head of Marrons

**Date:** 16 June 2026

**Revision:** 1

## TABLE OF CONTENTS

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<b>1. Introduction</b>	<b>3</b>
<b>2. Vision, Objectives and Plan Period</b>	<b>4</b>
<b>3. Policy S1: Sustainable Growth Strategy</b>	<b>7</b>
<b>4. Policy E7: Rural Employment Development</b>	<b>8</b>
<b>5. Policy INF10: Rural Tourism</b>	<b>10</b>
<b>6. Knights Lodges of Bretby</b>	<b>11</b>

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## LIST OF APPENDICES

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**Appendix 1 – Site Location Plan**

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# 1. INTRODUCTION

## 1.1 BACKGROUND

1.1.1 Marrons is instructed by to prepare representations to the Regulation 19 Addendum: Proposed Modifications to South Derbyshire Local Plan Part 1 Review Publication Version (2022 – 2041, “**the Plan**”) in relation to its soundness and legal compliance on behalf of our client, Mr. Dean Willshee.

1.1.2 The emerging Local Plan for the South Derbyshire District has been in preparation for an extended period, since December 2022. The Council’s existing Development Plan, the strategic policies of which were first adopted on 13 June 2016, predates the second iteration of the National Planning Policy Framework (“**NPPF**”), and there a clear imperative to secure a sound and legally compliant plan to guide the District’s spatial development across all sectors.

1.1.3 The plan’s preparation has been protracted to the point that it has been overtaken by events several times, most recently the changes to the Standard Method introduced by the 2024 NPPF.

1.1.4 The Council’s advice not to invite re-submission of comments on the earlier draft is noted. However, it is evident that the plan has undergone no substantive changes with regards to leisure and tourism development, particularly within the rural area of the District since the adoption of the original Local Plan Part 1 (June 2016). The wording of proposed Policy INF10 remains unaltered.

1.1.5 In light of the substantial revisions to the National Planning Policy Framework that have taken place since the adoption of the Local Plan Part 1, Marrons remain of the view that the relevant policies pursuant to leisure and tourism development would benefit from further analysis and review against the strategic objectives of the emerging Local Plan, namely *Strategic Objective 3: Supporting and promoting a robust and diverse economy*, *Strategic Objective 6: Sustainable living and working* and *Strategic Objective 10, Economic, social and environmental opportunities*. It is within this context that these representations are made.

## 2. VISION, OBJECTIVES & PLAN PERIOD

### 2.1 THE PLAN PERIOD

2.1.1 The plan sets out a vision extending to 2042, revised upwards from the original date of 2041. As plans are required to look at least fifteen years beyond adoption, and adoption is anticipated in late 2026, this approach is appropriate. The choice of a 2022 base year is also justified and will allow the Plan and is evidence to respond to the most recent demographic and economic trends published under the 2021 census. We therefore support this element of the plan.

### 2.2 VISION

2.2.1 The vision reiterates that development will be focused upon the main urban areas and close to key services and facilities, including the Derby HMA. There is an inherent recognition within the vision for the District that the District's population is growing, ageing and diverse in its needs, and that there is a clear requirement for a more diverse economic base. The District has three times the national average of residents working in manufacturing, for example.

2.2.2 These key visions are reiterated within the Vision for South Derbyshire set out in the Plan at Para. 3.2, where it is stated that:

*"...South Derbyshire will have continued to be a major ingredient in the success of the National Forest and the District will have become an increasingly important tourist destination in the region".*

### 2.3 OBJECTIVES

2.3.1 The Plan recognises that the District benefits from its central location in the UK and good road, rail and air connections (Para. 2.3). Regarding overall economic prosperity, South Derbyshire as a whole enjoys relative prosperity, with high levels of economic activity and annual earnings and low levels of unemployment and deprivation (Para. 2.6). However, pockets of deprivation do exist. There are also recognised high-levels of out-commuting, although the latter partially reflects the extent of population growth on the fringes of Derby and Burton-on-Trent.

2.3.2 The Plan also recognises that during the Plan Period, significant employment growth is anticipated in the visitor economy (Para. 2.11). Whilst no particular reason for this anticipated level of growth is identified, this growth is likely tied to the central location of the District, it's good overall levels of connectivity and transport infrastructure, and the presence of the National Forest which attracts over 8.1 million visitors per year<sup>1</sup>. The Plan also recognises that villages and rural areas are attractive places to live and are important to tourism, but a key challenge for the Plan will be to ensure their sustainability by promoting the right amounts and types of development (Para. 2.14).

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<sup>1</sup> National Forest. (2024). About the Forest | National Forest. [online] Available at: <https://www.nationalforest.org/about>.

2.3.3 Para. 3.1 of the Plan summarises the key issues that the Plan will need to address, with it being recognised that the District will need a more diverse economic base, and that there will need to be opportunities to live and work in the District.

2.3.4 It is clear that a key objective of the Plan is to promote and enhance the local tourism offering, with the Council rightly recognising the significant regional role that the District can play in delivering the Government's vision for tourism as set out within the Government Tourism Strategy (DCMS), recognised within South Derbyshire Local Plan Sustainability Appraisal Appendix A as the most ambitious marketing campaign ever to attract visitors to the UK in the years following 2012. The DCMS seeks to Increase the proportion of UK residents who holiday in the UK to match those who holiday abroad each year, improving the sectors productivity to become one of the top 5 most efficient and competitive visitor economies in the world.

2.3.5 As a result, Strategic Objective 10 of the Plan reads as follows:

*10. To make the most of the economic, social and environmental opportunities presented by the District's central location within the National Forest and promote the continued growth of local tourism and leisure offer across the whole of the District.*

### 3. POLICY S1: SUSTAINABLE GROWTH STRATEGY

#### 3.1 THE TOURISM AND LEISURE STRATEGY

3.1.1. The tourism and leisure strategy set out within Policy S1 makes clear that the Council will be proactive on new tourism development which is recognised as making an important contribution to the local economy, with criterion iv) of the policy stating as follows:

*iv) Supporting and encouraging tourism within the District which makes an important contribution to the local economy. The District Council support The National Forest objectives including the increase of woodland cover. There will also be encouragement for healthy lifestyles through leisure pursuits, open space and greater accessibility for residents.*

3.1.2 The Policy also requires all new development to ensure that the scheme responds to and addresses environmental and social issues, including climate change, improving the quality of the natural and built environment, minimise resource use and improve access to services and facilities.

3.1.3 Turning specifically to tourism related development, expressly supported in principle under Policy S1 of the Plan, the wording at present seeks to ensure that all proposals improve access to services and facilities. The wording of this policy, through requiring all tourism related development, particularly those within the rural area to seek to improve access to services and facilities is restrictive, and could place an unnecessary burden upon new development insofar as the delivery of additional infrastructure, such as public transport and highways improvements to make developments acceptable. This is contrary to the NPPF, specifically Para. 89, which only requires new development to make a location more sustainable where such opportunities can reasonably exist. The wording of Policy S1 is currently open to interpretation and it should be revised to reflect the direction of planning policy at a national level, and improve access to services and facilities where suitable opportunities exist.

## **4. POLICY E7: RURAL EMPLOYMENT DEVELOPMENT**

### **4.1 INTRODUCTION**

4.1.1 The supporting text for Policy E7 makes clear that the countryside has undergone significant economic change, resulting in a decline in agricultural employment and providing an impetus for rural economic diversification. In addition, much of South Derbyshire has taken on a dormitory role, providing residential accommodation away from the place of work. Rural economic diversification can assist in providing jobs, helping to maintain the vitality of rural areas and reducing the need to travel (Para. 7.28).

4.1.2 Para. 7.29 recognises that the reuse or adaption of existing redundant farm buildings can be a means of providing suitable premises for small business at low cost whilst avoiding harm to the environment. Re-use for employment purposes would generally be preferable to use for other purposes as it can make the greatest contribution towards addressing economic needs and enhancing the sustainability of rural communities.

### **4.2 FLEXIBILITY AND CONTINGENCY**

4.2.1 The objectives of Policy E7, encouraging the re-use of existing buildings in the rural area is recognised and is inherently welcomed, but the current wording of the Policy is overly restrictive and does not reflect the NPPF's directives on new rural employment development.

4.2.2 The wording of Policy E7, specifically the requirement for an applicant to demonstrate "that no suitable alternative accommodation can be found" essentially requires all planning applications for rural employment proposals to undertake a sequential test of existing buildings within the District, demonstrating that they are not suitable for the proposed use. This is confirmed within supporting Para. 7.30 and 7.31 of the Plan. There is no such requirement set out under Paras. 88 nor 89 of the NPPF, with the wording of Para. 88 recognising the important role that well designed, new buildings can have in delivering a diversification and overall strengthening of the rural economy. The approach set out within the NPPF is an "either / or" approach, and is not reflected within Policy E7 currently where no inherent flexibility is built into the proposed wording.

4.2.3 Similarly, Para. 89 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations not well served by public transport. Again, no assessment of other alternative sites is required under Para. 89, simply that should such opportunities exist, these should be explored first.

4.2.4 Criterion i) of Policy requires Applicants to demonstrate that their proposal will support the social and economic needs of rural communities. Within the context of rural tourism development, this specific criterion is overly restrictive and fails to recognise that a rural tourism site will contribute significantly towards encouraging trips into the District, delivering socially, environmentally and economically sustainable development as required under Para. 8 of the NPPF on-site and within the wider area through wider use of the rural economy by visitors. There is no such requirement under Para's 88 and 89 of the NPPF for rural employment proposals to demonstrate how the social and economic needs of rural communities will be met. It is evident that rural tourism

development will deliver on-site employment opportunities by default through investment in the surrounding area.

4.2.5 On a similar note, Criterion vi) of Policy E7 also requires all proposals to be supported by a sound business case. Again, this requirement is overly restrictive and discourages innovation within the rural economy as required under Para. 85 of the NPPF, which reads as follows:

*“...Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future”.*

4.2.6 The Plan at present presents something of a juxtaposition, where the key visions and objectives outlined at Chapter 2 of these Representations, specifically the District continuing to be a major ingredient in the success of the National Forest and an increasingly important tourist destination in the region, are at risk of not being delivered through an overly restrictive rural employment generating policy. Policy E7 would only be required to undergo minor revisions to bring into alignment with the visions and Key Objectives of the Plan, and in greater accordance with the objectives set out within the NPPF.

## **5. POLICY INF10: TOURISM DEVELOPMENT**

### **5.1 INTRODUCTION**

5.1.1 The wording of Policy INF10 has effectively undergone no revisions since it was first adopted within the current Local Plan Part1. Whilst it is recognised that the key objectives of the Policy support rural tourism development, the wording is now in excess of 10 years old and the revisions within the NPPF, which has sought to promote and encourage sustainable rural tourism growth are not adequately conveyed through the proposed wording.

5.1.2 For example, the explanatory paragraphs to Policy INF10 recognise that the District has a good range and diversity of visitor attractions and things to do. The National Forest, which covers roughly one third of the District, offers an important opportunity to develop the visitor economy further, whilst recognising the need to protect the rural character of the area, which is in itself a key tourism asset. Elsewhere within the District, Mercia Marina, Elvaston Castle and Country Park, Calke Abbey including Foremark & Staunton Harold Reservoirs, Rosliston Forestry Centre, Melbourne Hall & Gardens and Catton Hall estate are all recognised as important tourism destinations.

### **5.2 FLEXIBILITY AND CONTINGENCY**

5.1.3 Similar to Policy E7, the wording of INF10 and the retention of the requirements for new tourism developments to demonstrate that identified needs are not met by existing facilities is overly restrictive. There is no definition or clarity as to what identified needs are within the Policy nor supporting text, and there is no clarity on how close in proximity any identified needs would need to be to existing facilities in order to be found acceptable, and meeting an identified shortfall in need.

5.1.4 Whether the intention of the Council or not, Policy INF10 as currently drafted could require development proposals to assess identified needs across the entire District, which itself is cumbersome and places an additional barrier in front of otherwise sustainable growth and does not reflect the wording of Para's 88 and 89 of the NPPF, which expressly supports new rural employment and tourism facilities within the countryside. Within the NPPF, the key requirement for such proposals is to ensure that the character of the countryside is respected, which is accounted for within the Policy, but the additional restrictions to development are counter-intuitive to innovation and responding proactively to changes in the local economy.

## **6. KNIGHTS LODGES OF BRETBY, KNIGHTS LANE**

### **6.1 INTRODUCTION**

- 6.1.1 Marrons are Mr Willshee's planning agent for all matters related to the Knights Lodges of Bretby Holiday Lodge site. Since the site opened for business in 2019, Mr Willshee has developed a reputation as a holiday lodge operator of the highest quality, providing bespoke, luxury Hoseasons range holiday lodges within this attractive rural area of the District. The quality of the facilities operated has been recognised at a national level, with the site being an award winning tourism destination. The site is one of only 55 locations in the UK to be part of Hoseasons ultra-luxurious "Autograph" tier<sup>2</sup>.
- 6.1.2 Since the original grant of planning permission for 8 holiday lodges at the site in 2019, planning permission ref: 9/2017/1402, Mr Willshee has gradually expanded the number of holiday lodges and facilities available at the site. At the time of these representations, the site is currently occupied by 16 holiday lodges, alongside a leisure building complex with associated access and landscaping, with a live planning application with the Council for determination for a further 8 holiday lodges, bringing the potential total number of holiday lodges on-site to 24, across a mix of one bedroom to three bedroom guest facilities.
- 6.1.3 Mr Willshee's involvement and clear commitment to the site should give confidence to the Council that further tourism development is deliverable and capable of coming forward quickly to address the clear need for additional tourism development within South Derbyshire, on a site where the wider principle of development has been accepted by the Council under the current Development Plan through several planning permissions.

### **6.2 DEVELOPMENT POTENTIAL OF OUR CLIENTS SITE**

- 6.2.1 The wider Knights Lodges site extends to 3.86 hectares, with the built development located within the northern area of the site. The aforementioned current planning application for a further 8 lodges, planning application ref: DMPA/2025/1304 is located in the southern area of the site, to the rear of the leisure building on-site.
- 6.2.2 The site benefits from an existing level of on-site infrastructure including a drainage infiltration basin and SuDs, a well established and safe access from Knights Lane, and is visually well screened from the surrounding countryside through established hedgerows and tree planting. The inherent acceptability of the site for further tourism development under the emerging Local Plan should be evident through there being no objections to the latest planning application from any statutory consultees, namely the Local Highway Authority.
- 6.2.3 It should also be recognised that The National Forest where a consultee on the application and there were no objections to the proposals, unsurprisingly given that the development of further tourism uses on-site would assist in the wider delivery of their strategic tourism objectives.

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<sup>2</sup> Hoseasons.co.uk. (2022). *Knights Lodges in Bretby, Derbyshire, Derbyshire* | Hoseasons. [online] Available at: <https://www.hoseasons.co.uk/accom/knights-lodges-qnlo> [Accessed 16 Jun. 2026].

- 6.2.4 The Council were provided with a Business Plan for the latest proposals which was unequivocal in its findings. The average level of occupancy at the site in late 2025, 78% was well above the regional average for comparable Hosesons establishments and the business was highly profitable, employing the equivalent of 7.5 full time members of staff through the management of the holiday lodges and management of the leisure building. Further holiday lodges would only result in more employment opportunities within this area of South Derbyshire.
- 6.2.5 The tourism development evidence base for the Plan is virtually non-existent, despite the latest tourism publication for Derbyshire inherently recognising the strength of this part of the rural economy in delivering wider economic prosperity. Two of the key goals present within The Peak District, Derbyshire and Derby Destination Management Plan 2025-2035 for example are to offer economic progress via actively promoting the visitor economy to unlock broader career opportunities and boost visitor spending by encouraging both domestic and international guests to extend their stays and showcasing the diverse activities the region has to offer. Another key objective is to continuously elevating service quality and standards, positioning the Peak District, Derbyshire, and Derby as premier destinations. The diverse offer, from outdoor adventures to urban experiences, are backed by a commitment to exceptional customer service and investment in people, products, and places.
- 6.2.6 Another key objective is to highlight distinctive accommodation options, from boutique hotels to eco-friendly lodges and glamping sites, to enhance the visitor experience, which the Knights Lodges of Bretby site evidently contributes positively towards.
- 6.2.7 Despite all of these recognised key objectives and opportunities, for the reasons outlined above, it is strongly felt that the current requirements of Policy, specific the quasi-sequential approach required under Policies E7 and INF10 are overly restrictive and, more importantly, do not account for, nor recognise the objectives of national planning policy set out within the NPPF, discouraging innovation and investment within the rural area. Amendments to these policies, recognising the significant contribution that existing facilities make to the tourism objectives of the District would ensure their continued, long term prosperity and allow for the key strategic objectives of the local plan, specifically the employment strategy and tourism strategies to be proactively delivered in a highly sustainable way.

### **6.3 CONCLUSIONS**

- 6.3.1 Our clients site is evidently capable of accommodating further tourism development that would meet the Spatial Objectives and rural employment objectives set out within the Regulation 19 Local Plan and its evidence base. The development of the site for tourism development, despite the barriers to innovation and investment imposed by the current Local Plan policies has been endorsed by the relevant statutory consultees as part of the planning applications at the site, and there is a clear opportunity for the site to continue to contribute significantly and positively towards addressing the Council's self acknowledged tourism objectives, which are ambitious in scope yet overly restrictive in their directiveness and wording.
- 6.3.2 The site has been promoted during the Neighbourhood Plan adoption process, and previously at the Regulation 19 consultation stage for the previous version of the draft Local Plan from 2021. Mr Willshee's clear commitment to the site, considering and addressing proactively the relevant statutory consultee comments as part of the latest application at the site for further accommodation, addressing identified objectives and needs, should give confidence to the

Council that it is deliverable and capable of coming forward quickly to provide further guest accommodation in a sustainable and desirable location.

6.3.3 For all the reasons set out above we respectfully request that the wording of Policies E7 and INF10 are revisited to encourage investment into the District and ensure that the Council's key objectives and visions are met. Furthermore, whilst it is recognised that the Local Plan Part 1 Review does not deal with specific site allocations, we encourage the Council to engage in dialogue with Mr Willshee with a view of getting Knights Lodges of Bretby designated as a premier tourism destination under the emerging Local Plan Part 2 review, which we understand will be forthcoming later this year or early 2027.

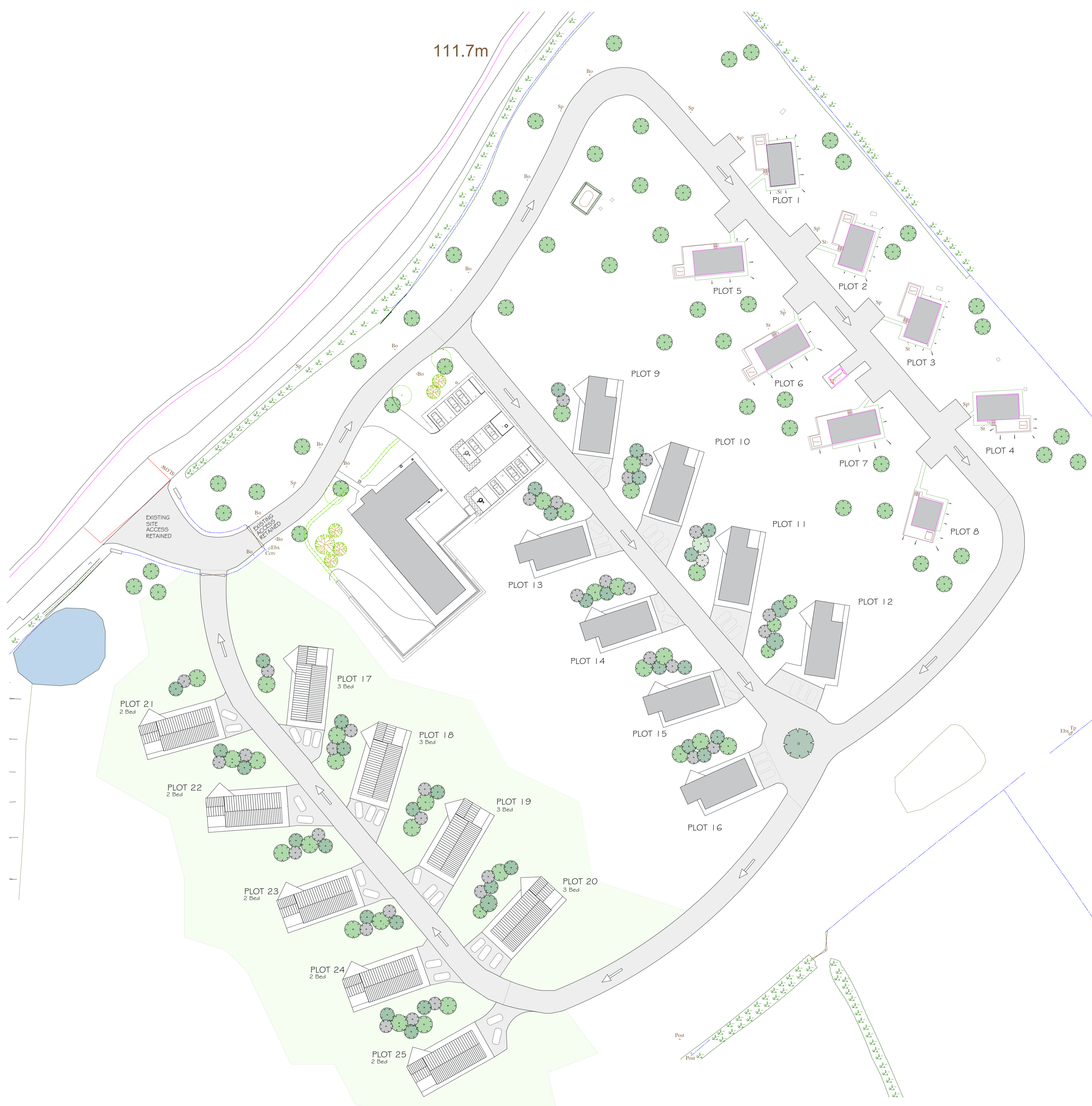


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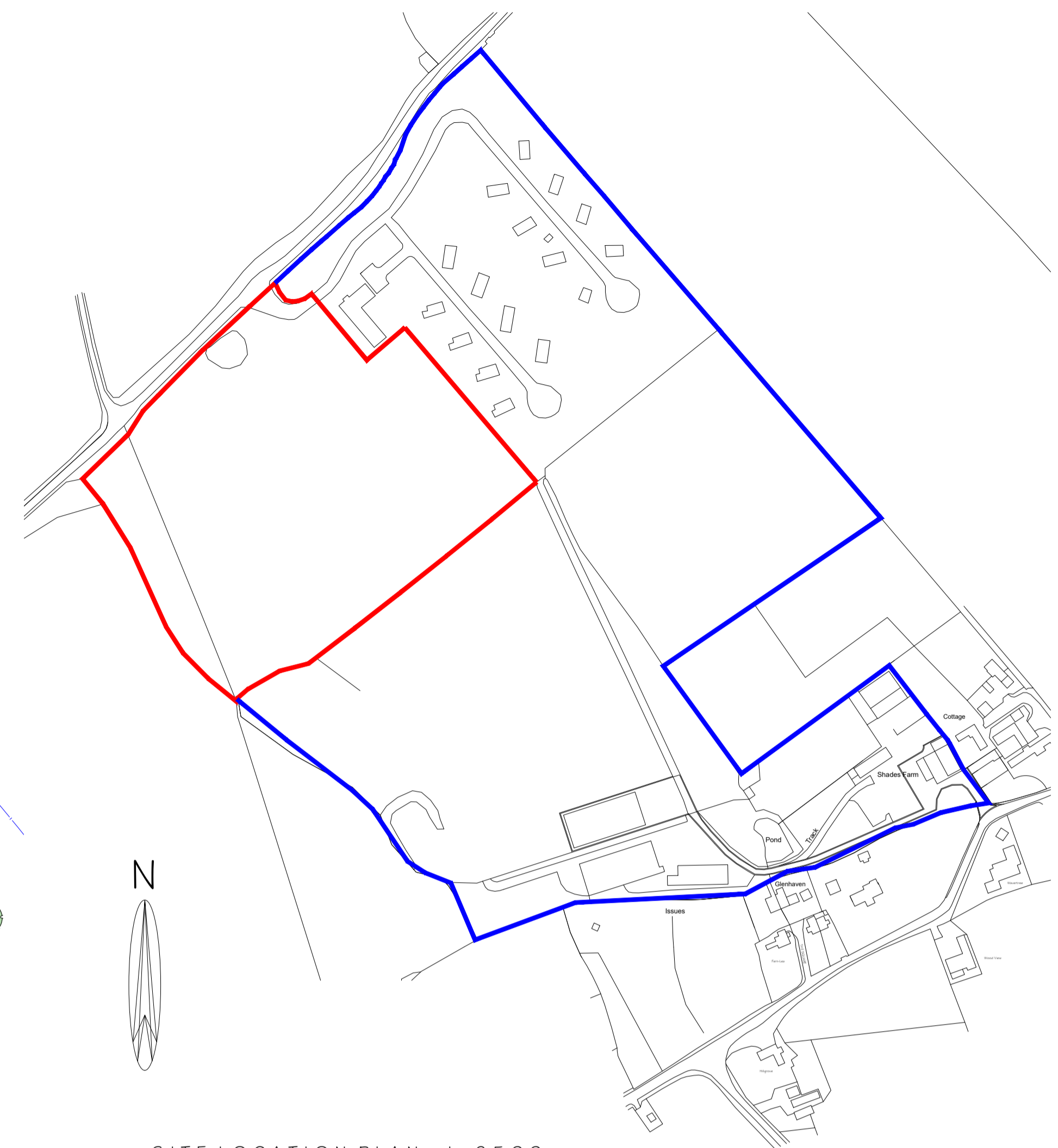
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SITE LOCATION PLAN

111.7m

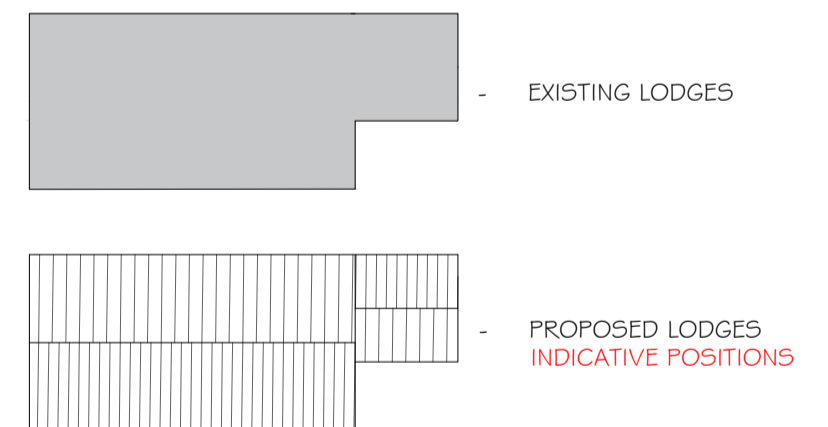


PROPOSED INDICATIVE SITE BLOCK PLAN - 1:500



SITE LOCATION PLAN - 1:2500

KEY



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Project: Proposed new holiday lodges at  
 Address: Knights Lodges, Bretby, Burton-on-Trent, DE15 0RT  
 Client: Wilshee  
 Drawing: As Proposed - Site Plan  
 Job Ref: 1560W Date: 22/05/2025  
 Drawn By: LS / AM Check By: DB  
 Scale: 1:500 # 1:2500 Drawing No:  
 Paper Size: A1

