PLANNING STATEMENT IN SUPPORT OF AN APPLICATION FOR PERMISSION IN PRINCIPLE

For a single private self-build dwellinghouse on land to the rear of 49 to 65 Oaklands Avenue, DE75 7BB, with access from Elmsfield Avenue, DE75 7BD

1. Introduction

1.1 This statement accompanies an application for permission in principle for a single private self-build dwellinghouse on land to the rear of 49 to 65 Oaklands Avenue, Heanor, DE75 7BB. The application is also accompanied by the location plan, the existing site plan and a measured site survey.

1.2 The statement describes the site and its context and assesses the proposal against the relevant policies of the Amber Valley Borough Local Plan 2022 to 2040 and the National Planning Policy Framework.

2. The site and its context

2.1 The site is a parcel of approximately 0.37 hectares to the rear of 49 to 65 Oaklands Avenue, together with a strip of land currently comprised within 45 Elmsfield Avenue, DE75 7BD, which provides access to the site. The applicant owns both.

2.2 The parcel is the undeveloped residue of the land from which the Redhill Farm Estate was built out in the late 1960s and 1970s. Its only known use was grazing of horses under licence from the then owner until the 1980s. Since then, it has been an unmanaged and overgrown wasteland. The land contains no buildings or structures and is not in active use. The applicant acquired the land in July 2025.

2.3 The parcel is bounded to the north by woodland, to the east by a steep embankment, to the south by the rear gardens of 49 to 65 Oaklands Avenue and to the west by the rear gardens of 45 and 46 Elmsfield Avenue. It lies between 1.5 and 2 metres below the properties on Oaklands Avenue.

2.4 Aside from the access strip on Elmsfield Avenue, the site has no frontage to any street and is not visible from Oaklands Avenue, Elmsfield Avenue or Aldreds Lane.



The view from Oaklands Avenue looking towards the parcel, which lies between 1.5 and 2 metres below the bungalows and between 3 and 4 metres below the highway. It is therefore not visible from the street.



The view from Elmsfield Avenue looking towards the parcel, which lies beyond the bungalows. It is therefore not visible from the street.



The view from Aldreds Lane looking towards the parcel, which lies behind the vegetated bank and below the level of the road. It is therefore not visible from the carriageway.

2.5 The access strip is an existing but surplus driveway with an existing dropped kerb and vehicle crossing onto Elmsfield Avenue at the head of the cul-de-sac. It will serve the new dwellinghouse exclusively and is currently one of two driveways serving 45 Elmsfield Avenue. The existing property will retain the other driveway and garage for its exclusive use, with its own dropped kerb, so no new access onto the highway would be required to implement the proposal. All other bungalows on Elmsfield Avenue have only one driveway each.



Left: The driveway providing access to the site, with its dropped kerb and vehicle crossing. Right: The driveway and garage which will continue to serve the existing bungalow.

2.6 The surrounding area is residential. Oaklands Avenue and Elmsfield Avenue consist of a mixture of bungalows and two-storey houses. Land on the opposite side of Aldreds Lane is allocated in the Local Plan as housing growth site HGS1(A).

2.7 The site lies within the built framework of Heanor, an urban area under Policy SS3, and within walking distance of the services and facilities of the town.

3. The proposal

3.1 The proposal is for a single private self-build dwellinghouse with front and rear gardens, taking vehicular and pedestrian access from Elmsfield Avenue over one of the two existing driveways currently flanking 45 Elmsfield Avenue. It is intended for the occupation of the applicant.

3.2 The application seeks permission in principle for one dwellinghouse, which is both the minimum and the maximum amount of development proposed. Access constraints are explained in this document because they affect the amount of development appropriate for the site.

4. Planning policy

4.1 The development plan is the Amber Valley Borough Local Plan 2022 to 2040. The policies discussed in this document are EN3, EN8, EN15, H1, IN1, IN4, SS1 and SS3. The National Planning Policy Framework policies discussed are DP3, HC7, HO1, HO7, L2, L3, N2, P3, S3, S4, TR3 and TR4. The September 2024 Standing Advice and Planning, Streets and Places documents issued by the highway authority are also relevant, as are Inclusive Mobility by the Department for Transport and Approved Document B, Volume 1, of the Building Regulations.

4.2 Policy S3 directs that Policy S4 be applied to proposals within settlements. Policy S4 provides that such proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the National Planning Policy Framework. No such adverse effects have been identified. The Council can demonstrate a five-year supply of deliverable housing land, with its published position as of 1st April 2026 being 5.80 years including a 20% buffer.

4.3 The proposal provides an additional home within the settlement, and its effects on the site and neighbouring properties are assessed in the following section.

5. Assessment

The principle of development

5.1 Policy H1 permits housing development within the built framework of the urban areas, including new dwellinghouses where the land is not specifically allocated for other purposes in the Local Plan. The site lies within the built framework of Heanor and is not allocated for any purpose in the Local Plan. Policy H1 requires development also to comply with the other policies of the Local Plan, and the sections that follow address those policies. The proposal accords with Policy H1 and with the presumption in favour of sustainable development in Policy SS1.

Open land and amenity value

5.2 Policy EN15(l) requires development to avoid existing open land of amenity value where it contributes to the visual character of the surrounding urban area and where built development would be visually inappropriate. Paragraphs 10.4.4 and 10.4.6 of the Local Plan explain that not all green and open space is of value to the community and its contribution to the environment must be assessed.

5.3 The parcel makes no such contribution to the urban area. For four decades it has been an unmanaged, overgrown wasteland. A single dwellinghouse built on it would not materially impact on any streetscape.

5.4 The site has never been used or maintained as a recreation ground or play area, and the proposal would not remove an existing recreational facility. It is not open space, sports or recreational land within the meaning of Policy IN4 or Policy HC7, and its development involves no loss of existing open space.

Density and the effective use of land

5.5 Policy EN15(e) requires development to make the most effective use of land. Policy EN15 further requires all new housing development to be at a density that makes the most effective use of land, unless there are significant constraints.

5.6 There are significant constraints to development beyond a single dwellinghouse. Around 4.8 metres separate the northern boundary of the site from the external wall of the existing bungalow, on which are utility meters, windows and the rear external door of the kitchen. The measured site survey records 4.46 metres between the existing fence and the bungalow wall, with a further 0.36 metres between the fence and the northern title line at a nearby point alongside the bungalow. The porch shown on the survey against that wall is to be removed. A driveway 3.7 metres wide is sufficient for the new dwellinghouse, and this width follows Approved Document B, Volume 1, for fire appliance access as the dwellinghouse will be more than 45 metres from the highway. The remainder will be left within the curtilage of the existing bungalow as a walkway to serve the rear external door and the utility meters, and for maintenance of the windows, door and guttering on that wall. A wider driveway would be detrimental to that walkway.

5.7 A fixed boundary treatment will separate the new private driveway from the retained curtilage of 45 Elmsfield Avenue. Its position, height and materials will be determined at the technical details stage, with the aim of protecting amenities and privacy while allowing use of the rear external door, access to the utility meters and maintenance of the bungalow, all safely and without conflict with vehicles. This aligns with Policy L2(1)(d)(ii), which looks to safe access and egress and to acceptable living standards for residents and neighbours. The applicant is willing for the inclusion of a boundary treatment to be secured by a planning condition on the technical details consent.

5.8 Paragraph 7.2 of the Standing Advice states that where the driveway serves two or more dwellings, it should be widened to 4.1 metres for the first 15 metres. Section 5.8 of Planning, Streets and Places makes it a requirement rather than a recommendation, stipulating that the driveway must be a minimum of 4.1 metres wide for the first 15 metres behind the back of the carriageway in order to allow two vehicles to enter and leave simultaneously. Those 15 metres run about half the length of the bungalow, past its rear external door, utility meters and kitchen window, ending just before the bathroom window and, outside it, the drainage inspection chamber serving the property, with a direct connection to the lavatory.

5.9 Laying the driveway out to that standard, with a boundary treatment on the northern boundary, would reduce the retained width beside the bungalow to around 60 centimetres, against roughly 1 metre alongside the 3.7-metre driveway of a single dwellinghouse. Neither figure allows for the boundary treatment described at 5.7, which would reduce the width further. That arrangement would limit use of the rear external door, including for escape in an emergency. It would leave insufficient room to work at the inspection chamber if the foul and surface water drainage becomes blocked, as downstream rodding would require working space along the reduced walkway. Maintenance and cleaning of that side of the property, including the window, door and guttering, would be severely restricted. Such an arrangement would not be maintainable, durable or adaptable as Policy EN15(g) requires, and would reduce the space for separation and screening.

5.10 That reduction would also prejudice use of the walkway by people using walking aids, contrary to the requirement in Policy EN15(d) for sufficient widths of pedestrian routes. Section 3.2 of Inclusive Mobility identifies 75 centimetres as the minimum width for a person using a walking stick and 90 centimetres for two sticks, crutches or a walking frame. Such a walkway falls below both minimums, contrary to Policy TR4(1)(c)(ii), which requires routes to meet the needs of disabled people, older people and children. By comparison, a walkway retained beside the bungalow alongside a 3.7-metre driveway of a single dwellinghouse, minus the width of a suitable boundary treatment, would meet both figures.

5.11 Omitting the boundary treatment would not resolve the fundamental issue, as the occupants of 45 Elmsfield Avenue would step from their rear external door directly onto the driveway, with neither the occupants nor an approaching driver having sight of the other. They would also have vehicles and occupants of another household passing close to their door and kitchen window, with no screening for privacy. Widening the driveway to serve more than a single dwellinghouse would have detrimental consequences for living conditions at 45 Elmsfield Avenue, contrary to Policies DP3(1) and DP3(2)(a) on integration with surroundings and places that function well, to Policy P3(2)(d) on minimising noise impact, and to Policy L2(1)(d)(ii) on safe egress and living standards for neighbours.

5.12 Section 5.8 of Planning, Streets and Places advises that refuse collection points should be provided within 25 metres of the highway, while Policy EN15(o) requires adequate recycling storage and access for refuse collection vehicles. A refuse collection point serving several households requires more space than one serving a single dwellinghouse, concentrating more bins in public view on collection days.

5.13 The existing driveway beside 45 Elmsfield Avenue is the only established access to the site. The land between the eastern boundary of the site and the carriageway of Aldreds Lane is not owned by the applicant, and access over it is not in the gift of the applicant. In any case, Aldreds Lane runs on an embankment that rises locally at approximately 1 in 3, whereas section 4.3.5 of Planning, Streets and Places specifies a maximum junction approach gradient of 1 in 20 for the first 10 metres from the carriageway. The road runs about 2 metres above the southern end of the eastern boundary of the site and about 2.8 metres above the lowest ground at its northern end, based on levels taken from the Environment Agency LiDAR composite 1-metre digital terrain model. Any access via Aldreds Lane would also require a new junction with a through road that will be the main access to the housing growth site HGS1(A) on its opposite side, at a point where visibility is restricted, whereas the Elmsfield Avenue access is at the closed end of a cul-de-sac and lies at substantially the same level as the site. The constraints at 5.6 to 5.12 therefore restrict development of the site and not merely one route into it.

5.14 Policy L3(2)(a) seeks increased residential density within settlements, while allowing exceptions where there is clear justification that this is inappropriate or not possible, and gives conflict with other policies in the National Planning Policy Framework as an example of such justification. Policy TR4(1)(c)(i) requires the arrangement of routes to minimise the scope for conflict between pedestrians, cyclists and vehicles, which the wider, unscreened shared-drive arrangement at 5.8 to 5.11 would not achieve. That conflict and the matters at 5.6 to 5.13 provide that justification. Policy L3(1) also requires the scope for improving infrastructure to be taken into account, but widening the access to serve additional dwellings would lead to the adverse effects at 5.9 to 5.11. Therefore, development beyond a single dwellinghouse is inappropriate having regard to the constraints identified.

5.15 The proposal would remediate unmanaged land within the Development High Risk Area. It would make better use of a neglected parcel that has been unused for forty years. Policy L2(1)(a) and (b) attaches substantial weight to such benefits.

5.16 The applicant is entered on the register kept by the Council pursuant to the Self-build and Custom Housebuilding Act 2015, under two of the plot descriptions the Council offers, being a 'large home with a garden' and 'significant outside space'. The Council must have regard to its register when exercising its planning functions, under section 2(1) of the 2015 Act. The applicant will have primary input into the final design and layout of the dwellinghouse, will commission its construction, and will occupy it as a home. Policy HO1(2)(i) identifies people wishing to commission or build their own homes as a group whose accommodation needs should be taken into account, and Policy HO7 attaches substantial weight to the benefits of homes that contribute towards meeting evidenced accommodation needs. Policy L3(1) requires efficient use of land to be assessed taking into account the identified need for different types of housing, and Policy L3(2)(a) gives, as an example of clear justification, accommodation whose nature precludes higher densities. A plot with 'significant outside space' is, by its nature, a plot at a lower density. Despite its access constraints, this site is still capable of effective use as a serviced single plot of that description, its size being what allows a 'large home with a garden' and 'significant outside space' to be accommodated without detriment to its neighbours. A grant of permission would contribute towards fulfilling the duty of the Council under section 2A of the 2015 Act. Meeting the self-build demand of the applicant, as evidenced on the register, further supports the effective use of the site under Policy L3(1).

5.17 There is a need-based justification for this proposal, which provides a serviced plot for a self-builder on the register kept by the Council, on a parcel neglected for four decades. What can actually be delivered on the site is therefore part of the assessment. The site is burdened by a restrictive covenant which the solicitors for the covenantee have confirmed prevents more than a single dwellinghouse, so permission for a greater number cannot be implemented without breaching it. The covenant limits the site to one dwellinghouse, which is what the proposal delivers.

5.18 Given the constraints at 5.6 to 5.13, the benefits at 5.15 to 5.16 and the covenant at 5.17, a single dwellinghouse is the most effective use of the land achievable in practice. It would bring the parcel into use for the first time in forty years.

Residential amenity

5.19 Policy EN15(h) protects the amenities or privacy of adjoining properties, including from residential tandem development immediately behind existing properties sharing the same access. The access strip is one of two driveways at 45 Elmsfield Avenue, which is the only property on the street with two. It will serve the new dwellinghouse exclusively, while the other driveway and garage will continue to serve the bungalow, leaving it with one driveway, as every other bungalow on the street has. The proposal therefore does not share the access of an existing property. The only existing dwellinghouse directly alongside the access strip is 45 Elmsfield Avenue, which would keep a sufficiently wide walkway beside the bungalow, separated from the access strip by the boundary treatment at 5.7.

5.20 The adjoining dwellinghouses stand at their road frontages with rear gardens behind them, so their rear elevations lie at a substantial distance from the boundaries of the site. The ground of the parcel lies between 1.5 and 2 metres below the Oaklands Avenue properties and between 3 and 4 metres below the highway itself, which minimises the visual impact of any dwellinghouse on the site in the view from those properties. The site is long and its width is such that the separation distance from the adjoining dwellinghouses can be at least equal to that conventionally applied between facing habitable room windows. The position of the site on the northern side of the gardens on Oaklands Avenue is favourable in limiting overshadowing, and the position of the dwellinghouse and its layout will be established at the technical details stage to protect the privacy and living conditions of all neighbours, including those on Elmsfield Avenue.

Access and transport

5.21 Access will be from Elmsfield Avenue, an adopted public highway. The access is over one of the driveways adjoining 45 Elmsfield Avenue. Both driveways have existing dropped kerbs and vehicle crossings.

5.22 No new access onto the highway is required. Each driveway at 45 Elmsfield Avenue has functioned as a vehicular access onto the highway for many years. The proposed access is at the closed end of Elmsfield Avenue, remote from any junction, for the exclusive use of a single dwellinghouse. The access as proposed will comply with Policy IN1, the Standing Advice and Planning, Streets and Places.

Ecology

5.23 The northern boundary of the site, including the access strip, immediately adjoins land mapped in the Natural England Priority Habitat Inventory as deciduous woodland for nearly its whole length. The proposal does not encroach on that mapped habitat at all, consistent with the objectives of Policy EN8 and Policy N2.

Ground conditions and flood risk

5.24 The site is within the Development High Risk Area defined by the Mining Remediation Authority (Coal Authority), so a coal mining risk assessment will be submitted at the technical details stage.

5.25 The site lies within Flood Zone 1. Surface water disposal will comply with Policy EN3, with details provided at the technical details stage.

Sustainability of the location

5.26 The site lies in the Heanor urban area and is within walking distance of shops, supermarkets, schools, a library and public transport links. It is surrounded by residential development and is served by existing infrastructure. It is a sustainable location under Policies SS1 and SS3 and Policy TR3.

5.27 The site is within walking distance of bus and rail services. Bus stops on Mansfield Road, two streets away, are served by routes to and from Ripley, Mansfield, Hucknall, Nottingham and Derby, calling at the towns and villages in between, with connections at Nottingham and Derby onto National Express coach services to destinations across the country. Langley Mill railway station is a fifteen-minute walk from the site and provides direct train services to and from Nottingham and Sheffield and the intermediate stations, with onward connections to towns and cities further afield. Many journeys can be made on foot or by public transport.

6. Conclusion

6.1 The site lies within the built framework of Heanor and is not allocated for any other purpose, so the principle of a dwellinghouse on it complies with Policy H1. The land has never been used for recreation and makes no contribution to the visual character of the area, so no valuable open space is lost.

6.2 The site has only one realistic means of access, over a surplus driveway at 45 Elmsfield Avenue. Its width is a significant constraint on the development of the site, such that a single dwellinghouse is the most effective use of the land, especially as a self-build plot would contribute towards fulfilling the statutory duty of the Council. The access will be used exclusively by the new dwellinghouse, so no existing property will share it, no new highway access will be required, and the existing bungalow will retain a driveway and garage.

6.3 The site is also burdened by a restrictive covenant preventing more than a single dwellinghouse with ancillary outbuildings and gardens, which would preclude the implementation of any planning permission for more than one dwellinghouse.

6.4 The size of the site allows for appropriate separation from the adjoining dwellinghouses on Oaklands Avenue and Elmsfield Avenue, with the layout, scale and window positions to be determined at the technical details stage to avoid unacceptable overlooking, overshadowing and overbearing effects.

6.5 Sustainability has been considered, and ground conditions will be assessed at the technical details stage. The proposal would remediate neglected land and bring a long-unused parcel into use. These benefits carry substantial weight under national policy.

6.6 For these reasons, the proposal accords with the development plan, and permission in principle is respectfully sought.