

Delegated Report

Planning Reference

25/00695/FUL

Applicant(s)

Jack Hemmings

Ward

**Barlestone, Nailstone and
Osbaston**



**Hinckley & Bosworth
Borough Council**

Application Site

87 Barton Lane, Nailstone, Nuneaton

Proposal

**Demolition of existing building, greenhouses and raised
beds and erection of 2 dwellings**

Case Officer

Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons detailed at the end of this report.

2. Planning Application Description

2.1. This planning application seeks full planning permission for the provision of two single storey two-bedroom dwellings with accommodation in their roof space at land west of, and adjacent to, 87 Barton Lane, Nailstone. To facilitate this development an existing outbuilding and greenhouses are removed from the site.

2.2. The two properties externally measure 11.1m in width by 7.1m in depth, which creates a total footprint of 74.4sqm per dwelling. Both properties are constructed with a gable-ended dual pitched roof that has a ridge height of 6.5m and an eaves height of 3.1m. Both properties feature a protruding gable-fronted pitched roof that forms the front porch of the property, which has a ridge height and eaves height that match the main roof of the property. Two rear dormers are also proposed on each dwelling.

2.3. Several amendments have been made to the scheme following concerns raised by the Case Officer regarding the scheme's impact on highway safety, the character of the surrounding area and the residential amenity of the future occupiers of the scheme.

3. Description of the Site and the Surrounding Area

3.1 The 474sqm application site is located to the west of, and outside of the identified settlement boundary of Nailstone in the designated open countryside and the Barton Village Farmlands Landscape Character Area. The site is on the southern side of Barton Lane, which is an adopted and classified 'C' road that is subject to a 30mph speed limit, which increases to the National Speed Limit at the western boundary of the site.

- 3.2 This part of Barton Lane features a small historic example of ribbon development, which is formed of two semi-detached bungalows, including 87 Barton Lane, to the east of the site, and one detached two-storey dwelling to the west of the site. Beyond this existing built form is open countryside in every direction. Public Footpath S47 runs east-to-west 196m to the south of the site, and Public Footpath S48 runs east to southwest 324m to the south of the site.
- 3.3 The application site itself is to the west of, and distinct from, 87 Barton Lane. The land levels of the site are higher than the ground levels of 87 Barton Lane and the two sites are separated by existing landscaping. The site features an existing access onto Barton Lane, a dilapidated single storey 3.1m high outbuilding and several greenhouses that are in a poor state of disrepair.
- 3.4 Based on historic satellite imagery, the site was previously utilised as an allotment and the Existing Site Plan highlights that the site previously contained raised garden beds. Based on the Case Officer's site visit on 15 August 2025, the site was disused and feature a considerable amount of construction waste. The Applicant has stated that the outbuilding was previously utilised in association with the previous owner of 87 Barton Lane's building contracting business, which ceased in 1996 due to ill health.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site. No responses have been received.

6. Consultation

- 6.1 Nailstone Parish Council objected to the development because the scheme resulted in the overdevelopment of the site and highway safety concerns and represented unsustainable development.
- 6.2 No objections have been received from the Council's Drainage Department, nor Leicestershire County Council as the Minerals and Waste Planning Authority. The Council's Environmental Health Department, Leicestershire County Council's Ecology Department, and Severn Trent Water Limited raised no objections to the development, subject to planning conditions. Leicestershire County Council as the Local Highway Authority referred to standing advice.
- 6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 12: Rural Villages
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

7.2 Site Allocations and Development Management Policies Development Plan Document ('SADMP') (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Leicestershire Minerals and Waste Local Plan ('LMWLP') (2019):

- Policy M11: Safeguarding of Mineral Resources

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2024)
- National Design Guide (2019)
- Planning Practice Guidance ('PPG')

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- HBBC's Landscape Character Assessment ('LCA') (2017)
- Leicestershire Highway Design Guide ('LHDG') (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Minerals safeguarding

- Planning balance

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions. Paragraph 3 of the NPPF confirms that the Framework should be read as a whole.
- 8.3 In accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.4 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and Leicestershire Minerals and Waste Local Plan. In accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

Assessment of the Transport Sustainability of the Application Site

- 8.5 Paragraph 161 of the NPPF confirms that the planning should support the transition to net zero by 2050. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and association infrastructure.
- 8.6 Chapter 9 of the NPPF promotes sustainable transport. Key Policy Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location, and ensure a safe and suitable access to the site can be achieved for all users. Nevertheless, it is appreciated that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
- 8.7 In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.8 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals

should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.

- 8.9 Highway Development Management (HDM) Policy 1 of the Leicestershire Highway Design Guide (LHDG) states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.
- 8.10 Guidance Point M2 of the National Design Guide (NDG) confirms that in well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities.
- 8.11 The application site is approximately 400m west of the western settlement boundary of Nailstone. To access Nailstone from the application site, any future occupier of the property is required to travel eastwards along Barton Road, which is a classified 'C' road that is predominantly unlit and does not feature any pedestrian footpaths or cycle paths, and before crossing a classified 'A' road that is subject to a 50mph speed limit.
- 8.12 Notwithstanding this, public transport options are extremely limited from Nailstone, and the rural village only benefits from a primary school and a church. Nailstone does not benefit from a shop or a public house. Therefore, the future occupiers of the scheme are dependent on private motorised travel to meet their day-to-day needs.
- 8.13 Given the above, the application site is in an unsustainable and isolated location that is outside of any identified settlement boundaries and suffers from poor transport sustainability. Therefore, the future occupiers of the scheme are highly likely to be dependent on private motorised travel to meet their day-to-day needs. This is considered to result in significant environmental harm in principle that is contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Key Policy Paragraph 115, and Paragraphs 83 and 161, and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide.

Assessment of Residential Development in the Designated Open Countryside

- 8.14 Policy 12 of the adopted Core Strategy supports housing developments within the settlement boundaries of rural villages that provide a mix of housing types and tenures as detailed in Policies 15 and 16 of the adopted Core Strategy.
- 8.15 The development is for two residential properties, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme. In addition, the application site is located outside of the identified settlement boundaries of Nailstone in the designated open countryside. Therefore, the proposal is not supported by Policy 12 of the adopted Core Strategy in principle.

- 8.16 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.17 Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.18 Key Policy Paragraph 84 of the NPPF confirms that planning decisions should avoid the development of isolated homes in the countryside, unless one or more of the following circumstances apply:
- (a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; or
 - (b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - (c) The development would re-use redundant or disused buildings and enhance its immediate setting; or
 - (d) The development would involve the subdivision of an existing residential building; or
 - (e) The design is of exceptional quality, in that it:
 - i. Is truly outstanding, reflect the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
- 8.19 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.
- 8.20 To ensure this, Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or

- (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.21 Notably, the proposal does not comply with any of the limitations set out above, and therefore the development is contrary to, and in conflict with, Key Policy Paragraph 84 of the NPPF and Policy DM4 of the SADMP.
- 8.22 However, this does not mean that the development is not sustainable. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.

Assessment of the 'Isolated' Location of the Application Site

- 8.23 The definition of 'isolated' homes in the countryside within Key Policy Paragraph 84 of the NPPF is not defined in the NPPF.
- 8.24 To demonstrate that the application site is not within an isolated location, Appendix 2 of the Applicant's Design, Access, and Planning Statement ('Planning Statement') refers to the High Court Decision (2018 EWCA Civ 610) at Land east of Lower Green Road, Blackmore End, Westerfield Essex ('the Braintree Judgement.')
- 8.25 Paragraphs 31 of the Braintree Judgement confirms that:
- "The word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgement for the decision maker in the particular circumstances of the case in hand."*
- 8.26 Paragraph 4.7 of the Planning Statement suggests that the application site is not isolated or remote because it represents infill development between a cluster of dwellings and is less than 400m from the settlement boundary of Nailstone.
- 8.27 Since the Braintree Judgement in 2018, case law has progressed on this matter. For example, Paragraph 33 of the High Court Decision (2021 EWCA Civ 320) relating to development at Bramshill Park in Hampshire states:

“To adopt remoteness from other dwellings, instead of remoteness from a settlement, as the test for “isolated homes in the countryside” would seem inconsistent with the Government’s evident intention in producing the policy in paragraph 79 [of the NPPF]. It would mean, presumably, that the policy would not apply to a development of housing in the countryside – large or small – on land next to an individual dwelling remote from the nearest settlement, because although the new homes might be “isolated” from the settlement, they would not be “isolated” from existing development. It would prevent the policy from applying to the development of additional dwellings, one or two at a time, on sites next to other sporadic rural housing, again on the basis that they would not then be “isolated”. It might even prevent the policy from applying to a proposal for two or more dwellings on a single, undeveloped site in the countryside, because none of them would itself be “isolated” from another dwelling, and the development as a whole would therefore not be “isolated”. If this were so, only the development of a single dwelling, on its own, separate from any other dwelling already built or proposed nearby, would engage the policy. This would be hard to reconcile with the Government’s aim, as policy-maker, to “promote sustainable development in rural areas.”

- 8.28 It is noted that the application site is located in an area that suffers from poor transport sustainability and is physically separated and isolated from the nearest settlement, Nailstone, which has very few services and amenities, by over 400m and by the A447. Whilst three residential properties are in the immediate vicinity of the application site, this is not considered suitable justification to demonstrate that the site is not within an isolated location.
- 8.29 In light of the above and the assessment of the transport sustainability of the application site on Pages 4 and 5 of this Report, the application site is physically separate and remote from any identified settlement, services and facilities within the Borough, and the future occupiers of the scheme are dependent on private motorised travel to meet their day-to-day needs. By virtue of the above factors, Key Policy Paragraph 84 of the NPPF applies in these site-specific circumstances, and the proposed scheme represents the development of an isolated homes in the countryside that does not enhance or maintain the vitality of rural communities.

Assessment of the Application Site’s Classification as ‘Previously Developed Land’

- 8.30 Paragraph 4.1 of the Planning Statement states that the application site is considered to represent previously developed land.
- 8.31 The NPPF defines ‘previously developed land’ as:

“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.”

- 8.32 However, the NPPF's definition of previously developed land excludes:

"Land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

- 8.33 The Town and Country Planning Act 1990 sets out the definition of 'agriculture' to include:

"Horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes."

- 8.34 Based on historic satellite imagery, the majority of the application site and its associated structures have been utilised as, and in association with, an allotment for the purposes of horticulture and fruit growing for over twenty years. Therefore, the use of the site is considered to be agricultural and as a result does not represent 'previously developed land' as defined by the NPPF.

- 8.35 However, it is appreciated that there is an existing outbuilding within the site that was associated with the building contracting business operated by the previous owners of 87 Barton Lane, and therefore this structure and its associated hardstanding are considered to represent previously developed land. Notwithstanding this, as confirmed by Paragraph 1.1 of the Planning Statement, the existing structure is dilapidated and is not considered to be useable in its current condition without significant rebuild or alteration. Ultimately, the presence of an existing non-residential structure that is in a state of significant disrepair does not justify the provision of two new residential properties in the designated open countryside.

- 8.36 By virtue of these factors, whilst the workshop and its associated hardstanding are considered to represent previously developed land, the majority of the site has been predominantly utilised as an allotment and is not considered to represent previously developed land. Ultimately, the presence of the existing non-residential structure that is in a state of significant disrepair does not justify the provision of two new residential properties in the designated open countryside.

Summary

- 8.37 In summary, Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, and the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

- 8.38 The application site is physically separate and remote from any identified settlement, services and facilities within the Borough, and the future occupiers of the scheme are dependent on private motorised travel to meet their day-to-day needs. As a result, the application site is in an unsustainable location, and the proposed scheme represents the development of isolated homes in the countryside. This is considered to cause significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside in principle.
- 8.39 Whilst the workshop and its associated hardstanding are considered to represent previously developed land, the majority of the site has been utilised as an allotment and is not considered to represent previously developed land. Ultimately, the presence of the existing non-residential structure that is in a state of significant disrepair does not justify the provision of two new residential properties in the designated open countryside.
- 8.40 By virtue of these factors, the proposal is considered to be unacceptable in principle, and contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Chapters 2, 11, 12, and 15, and Key Policy Paragraphs 84 and 115, Policies DM4 and DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.41 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.42 Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.43 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.44 The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published by Winter 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.

- 8.45 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the ‘tilted’ balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.46 For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.47 When the ‘tilted’ balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 84, 115, 129, 135, and 139 of the NPPF are applicable to the current development proposal in these site-specific circumstances.
- 8.48 Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing two dwellings within this application site towards the Council’s supply of housing is considered to attract limited weight in the planning balance.
- 8.49 In summary, the ‘tilted’ balance of Paragraph 11(d) of the NPPF is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing two dwellings within this application site towards the Council’s supply of housing is considered to attract limited weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.50 Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.51 Key Policy Paragraph 129(d) of the NPPF states that planning decisions should support development that makes an effective use of land, taking into account the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change.

- 8.52 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.53 Policy DM4(i) and (iii) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, and where it does not create or exacerbate ribbon development.
- 8.54 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.55 Guidance Point C1 of the NDG confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.56 The Good Design Guide states that infill sites provide a specific set of challenges and opportunities for new development. They provide one jigsaw piece of a wider picture and as such must be carefully considered in relation to their potential impact on their setting. This highly specialised nature means that all development will be assessed on its own unique merit.
- 8.57 Whilst there is an existing structure within the site, this is not currently in residential use. As confirmed at Paragraph **Error! Reference source not found.** of this Report, the presence of the existing non-residential structure that is in a state of significant disrepair does not justify the provision of two new residential properties in the designated open countryside.
- 8.58 Given the above, and as confirmed at Paragraph 8.38 of this Report, the development proposal represents new residential development in an unsustainable location in the designated open countryside that results in significant harm to the character of the area and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is exacerbated by the visual prominence of the application site from Barton Lane and the Public Rights of Way to the south of the site.
- 8.59 The provision of two new dwellings within the site is considered to significantly diminish the distance between the existing residential properties along Barton Lane. This is considered to exacerbate ribbon development, along Barton Lane to the significant detriment of the character of the surrounding area and the designated open countryside. Furthermore, the new development creates a total built form within the site that is double the width, height, and footprint of the existing dilapidated outbuilding within the site. This significant increase in built form within this small site is considered to represent the overdevelopment of the site that causes harm to the character of the site, the surrounding area, and the designated open countryside.

- 8.60 The overdevelopment of the site can also be seen by the fact that, to ensure both properties are served with the minimum provision of private outdoor amenity space advised by the Council's Good Design Guide, the two dwellings are sited directly up to the site's boundary with the public highway. Notably the proposed areas of private outdoor amenity space do not meet the minimum depth standards detailed within the Good Design Guide. As a result of the above, the two properties are almost 5m in front of the principal elevation of 87 Barton Lane, which is not considered to respect the existing building line along Barton Lane. This incongruous siting is also considered to increase its visual prominence from the public highway, which heightens the development's harm to the character of the surrounding area.
- 8.61 Furthermore, to ensure suitable vehicular visibility splays from the two site accesses, the scheme results in the total loss of all the existing hedgerows and landscaping that currently face the public highway and positively contribute to the rural character of the site and the surrounding area. This is considered to contribute to the scheme's harm to the character of the area.
- 8.62 Notwithstanding the above, the proposal is of a size, scale, and design that is similar to that of the existing properties to the east of the site. Although the materials of the scheme have not been confirmed at this stage, they can be secured via condition to ensure that the development has a satisfactory appearance.
- 8.63 To summarise, the proposal represents the provision of new residential development in an unsustainable location in the designated open countryside and by virtue of its size, scale, design, height, siting, and footprint, the proposal represents the overdevelopment of a constrained site that exacerbates ribbon development in the countryside. As a result, the development is contrived and fails to reflect local design policies and government guidance on design. This harm is heightened by the visual prominence of the development from Barton Lane and Public Footpaths S47 and S48, and the scheme's loss of all the existing landscaping and vegetation along the site's boundary with the public highway to facilitate the vehicular accesses.
- 8.64 Therefore, the scheme is considered to result in significant harm to the character of the site and the surrounding area, including the intrinsic value, beauty, open character, and landscape character of the designated open countryside. This is contrary to, and in conflict with, Chapter 12 and Key Policy Paragraphs 129 and 135 of the NPPF, Policies DM4 and DM10 of the SADMP, the National Design Guide, and the Good Design Guide. In accordance with Key Policy Paragraph 139 of the NPPF, it is recommended that the planning application is refused.

Impact upon Residential Amenity

- 8.65 Key Policy Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.

- 8.66 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.67 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity. Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.68 Both proposed properties are provided with large windows on both of their ground floor side elevations, which serve the living room and the kitchen respectively. These are not the principal windows to these habitable rooms. Whilst these windows could result in some overlooking or loss of privacy impacts to neighbouring properties, by virtue of their location on the ground floor of the properties and their status as secondary windows, it is considered that a planning condition that secures either the obscure glazing of these windows in combination with the details of the proposed boundary treatment of the two sites can overcome this concern.
- 8.69 The plot closest to 87 Barton Lane is separated from this neighbouring property by approximately 6m. By virtue of this separation distance the size, scale, and massing of the development, the scheme is not considered to result in any significant harm to the residential amenity of the occupiers of 87 Barton Lane as a result of any overbearing or loss of light impacts.
- 8.70 99 Barton Lane is separated from the site by its existing single storey garage that runs adjacent to its shared boundary with the site. By virtue of this, the separation distance between the two properties, and the size, scale, and massing of the development, the scheme is not considered to result in any significant harm to the residential amenity of the occupiers of 99 Barton Lane as a result of any overbearing or loss of light impacts.
- 8.71 The two new dwellings are separated from each other by 4.3m. In light of this, and the size, scale, and massing of the development, the scheme is not considered to result in any significant harm to the residential amenity of the future occupiers of either property as a result of any overbearing or loss of light impacts.
- 8.72 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.73 Both dwellings are considered to meet the minimum internal floor space and bedroom space requirements of the NDSS.

- 8.74 To comply with the Good Design Guide, two-bedroom houses should also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m.
- 8.75 The rear gardens of both properties exceed the minimum area requirements of the Good Design Guide, but neither provide a minimum depth of 7m. The depth of both gardens is 6.3m and 6.8m respectively. However, it is appreciated that both dwellings are provided with 74sqm and 84sqm of private outdoor amenity space respectively. In light of these factors, and in consideration of the shape and layout of these outdoor amenity spaces, the minor departure from the minimum depth standards is not considered to result in any significant adverse impacts to the residential amenity of the future occupiers of the scheme in these site-specific circumstances.
- 8.76 In summary, the scheme is not considered to result in any significant harm to the residential amenity of neighbouring properties or the future occupiers of the scheme. Therefore, the proposal is acceptable and in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.77 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.78 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).
- 8.79 The scheme utilises an existing vehicular access and creates a new vehicular site access onto Barton Lane, which is subject to a 30mph speed limit, which increases to the National Speed Limit at the western boundary of the site.
- 8.80 Both accesses exceed 2.75m in width, which exceeds the requirements of Table 13 of the LHDG for an access to a single dwelling. Both site accesses have eastbound vehicular visibility splays that exceed the minimum distance requirements for 85th percentile vehicle speeds of 40mph and both accesses have westbound vehicular visibility splays that exceed the minimum distance requirements for 85th percentile speeds of 63mph. These splays were discussed with Leicestershire County Council as the Local Highway Authority, and it was considered that the visibility splays met the minimum requirements of Table 6 of the LHDG and were acceptable in these site-specific circumstances. Given the above, the proposed vehicular accesses to the development are not considered to result in any significant adverse impacts to highway safety or the road network in these site-specific circumstances.
- 8.81 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.

- 8.82 Table 28 (Residential Parking Standards) of the LHDG requires dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces. This increases to a minimum of three off-street parking spaces for properties with four or more bedrooms. Figure 44 (Dimensions) of the LHDG provides the minimum sizes for off-street parking spaces.
- 8.83 Both plots are provided with two off-street parking spaces, which meet the minimum requirements of Table 28 and Figure 44 of the LHDG. Therefore, the proposal is provided with adequate off-street vehicle parking provision in accordance with Policy DM18 of the SADMP and the LHDG.
- 8.84 Given the above, the proposal is not considered to result in a significant adverse impact upon highway safety or the road network in accordance with Policies DM17 and DM18 of the of SADMP, and the LHDG.

Mineral Safeguarding

- 8.85 Policy M11 of the Leicestershire Minerals and Waste Local Plan states that mineral resources located within Minerals Safeguarding Areas ('MSA') shall be protected from permanent sterilisation by other development. The policy sets out criteria that development must meet in order for it to be granted within a MSA.
- 8.86 Leicestershire County Council as the Minerals and Waste Planning Authority have not objected to the development noting its location adjacent to a MSA for sand and gravel and within existing built development. The development is therefore unlikely to lead to permanent sterilisation of sand and gravel resources and complies with Policy M11 of the Leicestershire Minerals and Waste Local Plan.

Planning Balance

- 8.87 To conclude, the 'tilted' balance is engaged whereby, in accordance with Paragraph 11(d)(ii) of the NPPF, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies. Key Policy Paragraphs 84, 115, 129, 135, and 139 of the NPPF are applicable to the current development proposal in these site-specific circumstances.
- 8.88 The proposal is not considered to result in any adverse impacts to residential amenity or highway safety nor lead to mineral sterilisation. As these matters do not improve the existing situation, these factors attract neutral weight in the planning balance.
- 8.89 The proposal represents the provision of new residential development in the designated open countryside and by virtue of its size, scale, design, height, siting, and footprint, the proposal represents the overdevelopment of a constrained site that exacerbates ribbon development in the countryside.

- 8.90 As a result, the development is contrived and fails to reflect local design policies and government guidance on design. This harm is heightened by the visual prominence of the development from Barton Lane and Public Footpaths S47 and S48, and the scheme's loss of all the existing landscaping and vegetation along the site's boundary with the public highway to facilitate the vehicular accesses.
- 8.91 Therefore, the scheme is considered to result in significant harm to the character of the site and the surrounding area, including the intrinsic value, beauty, open character, and landscape character of the designated open countryside. This is contrary to, and in conflict with, Chapter 12 and Key Policy Paragraphs 129 and 135 of the NPPF, Policies DM4 and DM10 of the SADMP, the National Design Guide, and the Good Design Guide. In accordance with Key Policy Paragraph 139 of the NPPF, it is recommended that the planning application is refused. This is considered to attract significant weight in the planning balance.
- 8.92 In addition, the application site is physically separate and remote from any identified settlement, services and facilities within the Borough, and the future occupiers of the scheme are dependent on private motorised travel to meet their day-to-day needs.
- 8.93 As a result, the application site is in an unsustainable location, and the proposed scheme represents the development of isolated homes in the countryside. This is considered to cause significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside in principle. By virtue of these factors, the proposal is considered to be contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Chapters 2, 11, 12, and 15, and Key Policy Paragraphs 84 and 115, Policies DM4 and DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide. This is considered to attract significant weight in the planning balance.
- 8.94 Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.
- 8.95 The Applicant's Planning Statement relies on the justification that the application site represents previously developed land, the Council cannot demonstrate a five-year supply of housing, and that the application site is not within an isolated location.
- 8.96 The Local Planning Authority consider the application site to be within an isolated and unsustainable location, and it is not considered that the presence of the existing non-residential structure that is in a state of significant disrepair justifies the provision of two new residential properties in the designated open countryside.
- 8.97 In spite of this, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services.

- 8.98 Nevertheless, these benefits when associated with two dwellings are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP. Furthermore, whilst the Council is unlikely to be able to deliver a five-year supply of land for housing, the benefit of providing two dwellings within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.
- 8.99 By virtue of these factors, the development proposal is contrary to, and in conflict with, all applicable Key Policy Paragraphs of the NPPF. Ultimately, the significant adverse effects of the proposed development are considered to significantly and demonstrably outweigh the potential benefits associated with the provision of two dwellinghouses in an unsustainable location in the designated open countryside in these site-specific circumstances.
- 8.100 In accordance with Paragraph 11(d) and Key Policy Paragraph 139 of the NPPF, it is therefore recommended that the proposal is refused.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.

11. Recommendation

- 11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Conditions and Reasons

1. The proposal creates new residential development in an unsustainable location in the designated open countryside and by virtue of its size, scale, design, height, siting, and footprint, the proposal represents the overdevelopment of a constrained site that exacerbates ribbon development in the countryside. As a result, the development fails to reflect local design policies and government guidance on design. This harm is heightened by the visual prominence of the development from Barton Lane and Public Footpaths S47 and S48, and the scheme's loss of all the existing landscaping and vegetation along the site's boundary with the public highway to facilitate the vehicular accesses.

Therefore, the scheme results in significant harm to the character of the site and the surrounding area, including the intrinsic value, beauty, open character, and landscape character of the designated open countryside. This is contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapter 12 and Key Policy Paragraphs 129 and 135 of the National Planning Policy Framework (2024), the National Design Guide (2019), and the Council's Good Design Guide (2020). The significant adverse effects of the proposed development significantly and demonstrably outweigh its potential benefits in these site-specific circumstances. In accordance with Key Policy Paragraph 139 of the National Planning Policy Framework, the planning application is refused.

2. The application site is in an unsustainable location, and the proposed scheme represents the development of isolated homes in an area of poor transport sustainability in the designated open countryside whereby the future occupiers of the scheme are highly likely to be dependent on private motorised travel to meet their day-to-day needs. This is considered to cause significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside.

By virtue of these factors, the proposal is contrary to, and in conflict with, the Chapters 2, 11, 12, and 15, and Key Policy Paragraphs 84 and 115 of the National Planning Policy Framework (2024), Policies DM4 and DM17 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), and the National Design Guide (2019).

a. **Notes to Applicant**

1. The application has been determined in accordance with the following submitted details:

- Application Form (submitted: 15.07.2025)
- Biodiversity Gain Plan V2 (submitted: 23.09.2025)
- BNG Metric V2 (submitted: 23.09.2025)
- BNG Technical Note (V3) (submitted: 23.09.2025)
- Design, Access, and Planning Statement (submitted: 15.07.2025)
- Existing Elevations (631 225 03) (submitted: 15.07.2025)
- Existing Floor & Roof Plan (631 225 02A) (submitted: 15.07.2025)
- Existing Site Plan (631 225 01) (submitted: 15.07.2025)
- Individual Trees Condition Sheet (submitted: 15.07.2025)
- Preliminary Roost Assessment (V2) (submitted: 14.08.2025)
- Proposed Elevations (631 225 05F) (submitted: 22.10.2025)
- Proposed Floor Plans (631 225 04H) (submitted: 22.10.2025)
- Proposed Visibility Splays (07A) (submitted: 01.10.2025)
- Site Location Plan (631 225 06A) (submitted: 15.07.2025)