

Delegated Report

Planning Ref: 24/00286/OUT
Applicant: Mr Michael Latimer
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: Pinewood, Overton Road, Nailstone, Leicestershire, LE67 6PD

Proposal: Outline planning permission for the erection of a single dwelling (C3 self-build) (all matters reserved except for access)

Recommendations

1.1. Approve planning permission subject to

- The conditions at the end of this report.

2.0 Planning application description

2.1. This planning application seeks outline planning permission for the erection of one self-build chalet bungalow (C3 self-build) on land south west of Pinewood, Overton Road, Ibstock. The proposed access would be off Overton Road as approved under a 2019 application for five log cabins (19/00111/FUL) and would lead around Pinewood Lodge Hotel to the proposed site which is on the eastern side of the Overton Road & Ibstock Road intersection. The site utilises half of the site area approved for 5 log cabins under application 19/00111/FUL. The southern half of the 2019 site is not part of this proposal.

2.2. The proposal is made in outline with all matters reserved except for the access. An indicative layout and details have been submitted showing how a property with associated drive and storage areas could be accommodated.

3.0 Description of the site and surrounding area

3.1. The application site comprises a parcel of land which is part of a holiday accommodation site (which has permission for touring caravans and tents for holiday/leisure purposes & more recently five log cabins for leisure and holiday let). The applicant has advised that the above approval (19/00111/FUL) unfortunately coincided with the Global Covid 19 pandemic and the business model underpinning the financial viability of site was severely compromised. Consequently, the required funding streams were no longer available to maintain or operate the site as originally intended and the site has remained disused ever since. Concrete bases and the shell structure of 2 of the approved cabins have however been built & the site looks unfinished and disordered. The consent remains extant and the site is judged to be previously developed.

3.2. The main dwelling (Pinewood Lodge) to which the site is associated with, comprises a residential dwelling and a block of self-contained holiday chalets, a toilet block (for the users of the site) and a swimming pool.

3.3. The site is surrounded by mature hedging and fencing making the actual site difficult to see from both Overton Road & Ibstock Road. The site is located within the Countryside, outside of any settlement boundary. However, the surrounding area is not free from development, Pinewood Lodge hotel lies immediately to the east of the site. There are also residential dwellings to the west of Ibstock Road and to the southeast along Ibstock Road. Beyond Belchers Cottage to the south east and on the corner of Ibstock Road & Grange Road permission has been granted through

22/00090/OUT for 1 dwelling, also outside the settlement boundary. Further afield to the north of Grange Road is a row of linear development.

- 3.4. As above the site is located outside of any defined settlement boundary, the site is situated approximately 1.2km beyond the south-eastern fringes of Ibstock and 1.5km to the north of Nailstone.
- 3.5. The present access direct onto Overton Road is used by both Pinewood Lodge Accommodation and the residential unit adjacent to it on the eastern side. The commercial access would remain. The existing access to the site is well screened on both sides for the section parallel to Overton Road.

4.0 Relevant planning history

21/01348/HOU- Ground floor entrance hallway and first floor extensions. Approved 11/04/2022.

19/00111/FUL- Five log cabins for leisure and holiday let. Approved 26/03/2019.

18/00780/FUL- Log cabin for use as holiday let. Approved 25/10/2018

11/00114/FUL- Change of use of paddock to caravan/camping site (nine pitches) (resubmission of 10/00606/COU). Approved 13/04/2011.

10/00606/COU- Change of use of paddock to caravan/camping site (nine pitches). Approved 17/09/2010.

10/00130/FUL- Extensions and alterations to provide family dining/breakfast room with bar and change of use of part ground floor of dwelling to provide dining room/tv lounge and kitchen for guests of the pinewood lodge holiday village. Approved 16/06/2010.

5.0 Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No comments have been received.

6.0 Consultation

- 6.1. LCC Highways refer to standing advice provided by the Local Highway Authority in 2011. LCC Highways had no objection to the 2019 proposal for 5 log cabins.
- 6.2. No objections (some subject to conditions) from:
 - HBBC Drainage
 - HBBC Pollution
 - HBBC Waste
 - National Forest Company
 - LCC Ecology
- 6.3. Nailstone Parish Council objects to this application on the grounds that (i) the construction of a dwelling in this site would be contrary to Policy DM4 of the Local Plan; and (ii) the additional access is unnecessary.

7.0 Policy

- 7.1. Core Strategy (2009)
 - Policy 21 – National Forest
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM3: Infrastructure and Delivery
 - 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 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - Self-Build and Custom Housebuilding Act (2015)
 - Levelling-Up and Regeneration Act (LURA) (2023)
- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - Landscape Character Assessment (2017)
 - Leicestershire Highways Design Guide

8 Appraisal

- 8.1. Key Issues
- Principle of development
 - Housing land supply
 - Custom and self-build housing
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety
 - 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.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. 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.

Transport Sustainability of the Location of the Application Site

- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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 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.
- 8.12 The application site is not within the identified settlement boundary of Nailstone or any other defined settlement boundary. The site is situated approximately 1.2km beyond the south-eastern fringes of Ibstock and 1.5km to the north of Nailstone. Within Ibstock there is quite a wide range of amenities in the village centre, including a supermarket, a 24/7 petrol station, schools and other facilities. There is no surfaced footpath to Nailstone where there is a primary school and pub. There is a surfaced footpath along most of the A447 to Ibstock, however, this does not extend to the site itself furthermore the path is overgrown in places and unlit and by virtue of its distance

and nature it is unlikely that future residents would access services within Ibstock by walking or cycling. No public transport options are available within a reasonable distance of the site with the nearest bus stop located at the edge of Ibstock over 1km away via the aforementioned unlit and narrow footpath.

- 8.13 In light of the above, the location of the application site does not feature convenient and safe access for walking and cycling to services and facilities and the future occupiers of the scheme are highly likely to be dependent on private motorised travel to meet their day-to-day needs. As a result, the application site is considered to suffer from poor transport sustainability and represent an unsustainable location for new residential development.
- 8.14 However, this harm is tempered by the fact that the site has extant approval for five holiday lodges which would be superseded by this permission. The scale of vehicle movements and subsequent environment impact from a single dwelling as opposed to five holiday lodges is considered to be less.

Location of Application Site in the Designated Open Countryside

- 8.15 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.
- 8.16 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.
- 8.17 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.
- 8.18 Policy 12 of the adopted Core Strategy supports housing developments within the settlement boundaries of rural villages such as Nailstone that provide a mix of housing types and tenures as detailed in Policies 15, 16 and 17 of the adopted Core Strategy.
- 8.19 Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development.

- 8.20 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.
- 8.21 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.
- 8.22 Key Policy Paragraph 129(d) and (e) of the NPPF states that planning decisions should support development that makes efficient 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; and the importance of securing well-designed, attractive and healthy places respectively.
- 8.23 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. 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".
- 8.24 Importantly, Policy DM4 of the SADMP then states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.

8.25 The application site is located outside of the identified settlement boundaries of Stapleton in the designated open countryside, and the development proposal does not comply with the limitations set out in Policy DM4(a) to (e) of the SADMP. Therefore, the proposal is not supported by Policy 12 of the adopted Core Strategy or Policy DM4 of the SADMP in principle. An assessment on the proposals impact on the character of the site and intrinsic value of the countryside is carried out in the report below.

8.26 In this case, the site is previously developed and the NPPF offers some support for the use of previously developed land in rural areas where suitable (para.89). Whilst not a determinative factor in the acceptability of the scheme this again adds some support to the proposal in sustainability terms.

Housing Land Supply

8.27 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. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.

8.28 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.

8.29 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.

8.30 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.

8.31 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.

8.32 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.
- 8.33 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 115, 129, 135, and 139 of the NPPF are applicable to the current development proposal in these site-specific circumstances.
- 8.34 The development is for one residential property, 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.
- 8.35 Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Custom and Self-Build Housing (CSB)

- 8.36 Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who required affordable housing; families with children; older people (including those who require retirement housing, housing-with-care, and care homes); students; people with disabilities; service families; travellers; people who rent their homes; and people wishing to commission or build their own homes.
- 8.37 As of 31 January 2024, Section 123 of the Levelling Up and Regeneration Act 2023 (LURA) came into force regarding amendments to the duty in relation to self-build and custom housebuilding within Section 2A of the Self-Build and Custom Housebuilding Act 2015.
- 8.38 Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.

- 8.39 Section 6 of Section 2A of the Self-Build and Custom Housebuilding Act confirms that the demand for self-build and custom housebuilding in an authority's area in respect of a base period is an aggregate of:
- (i) The demand for self-build and custom housebuilding arising in the authority's area in the base period; and
 - (ii) Any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which:
 - (a) The time allowed for complying with the duty in Subsection (2) expired during the base period in question, and
 - (b) The duty in Subsection (2) has not been met.
- 8.40 The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidenced by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period. However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.
- 8.41 Section 5 of the Self-Build and Custom Housebuilding Act confirms that a, "*Serviced plot of land,*" means a plot of land that has access to a public highway, and has connections for electricity, water, and waste water, or can be provided with those things in specified circumstances or within a specified period. For clarity, "*Specified*" in this instance means specified by regulations.
- 8.42 The Applicant claims that the proposed development is classified as a 'self-build'; within the definition provided within the Self-Build and Custom Housebuilding Act 2015, which is a material consideration within this planning application.
- 8.43 Section 1 of the Self-Build and Custom Housebuilding Act defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals to be occupied by as homes by those individuals.
- 8.44 The Local Planning Authority notes that the Applicant has referenced a self-build development within the description of the application and the Design and Access Statement. The applicant has also completed a HBBC Self and Custom Build Evidence Form and subject to the positive outcome of this application the applicant intends on occupying the future dwelling as their sole or main residence. The applicant has submitted a Unilateral Undertaking to secure the development as a self/custom build dwelling. As such, the Applicant has demonstrated that their development is eligible for consideration as a self-build proposal in accordance with the definition within Section 1 of the Self-Build and Custom Housebuilding Act 2015 and this has adequately been secured through the legal agreement.
- 8.45 Currently, the Council has supplied less suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 10, which results in a modest shortfall of 17 self-build and custom housebuilding dwellings.

- 8.46 Whilst the Local Planning Authority are not meeting their statutory duty to permit a sufficient number of self-build and custom house-build schemes, the current proposal only provides one additional dwelling to this supply. As such, the benefits of this small contribution in addressing the limited current shortfall in the Council's provision self-build and custom housebuilding developments would be considered to attract moderate weight in the planning balance.

Design and impact upon the character of the area

- 8.47 Section 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. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.48 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.49 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i. It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii. It does not undermine the physical and perceived separation and open character between settlements; and
 - iii. It does not create or exacerbate ribbon development.
 - iv. If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v. If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.50 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.
- 8.51 By virtue of the current unfinished nature of the site from a previous permission for larger scale development, which is land associated with Camping, log cabins and tourism and with existing residential dwellings on the north east, south west and south east sides and some commercial activity also to the south-east the character of the site is not considered to be one of typical open countryside.
- 8.52 The site is identified as Landscape Character J (Barton Village Farmlands) in the Landscape Character Assessment (2017). This area is characterised by patterns of medium sized fields which are smaller around settlements with a mix of arable and pasture farmland. A key landscape strategy of the area is to respect the strong character of the villages, maintain rural views and conserve the small scale field pattern by protecting the hedgerow network.
- 8.53 The application site can be considered to be both visually and physically separated from the open countryside to the north of the site by the highways, the boundary condition as well as by the existing development on the eastern side of the junction. These features form a clear boundary between the residential appearance of the area to the south and east and the open countryside to the north and west.
- 8.54 The site itself is not farmland and although Belchers Bar has a clear rural agricultural setting with extensive rural views from outside of them, this site itself is an infill site

between existing dwellings. The boundaries of the site are already well screened and also create a clear boundary to the surrounding open countryside. The existing access to the site is wide and visible from Overton Road, as an existing access no further alterations to the access are required. As the boundaries of the site are already well screened additional planting is only suggested for the eastern boundary, part of the southern boundary and internally to separate the proposed dwelling from the storage and garage area. A condition would be added to any permission, if granted, to help re-harmonise the proposed planting with the surrounding countryside.

- 8.55 The site is partially previously developed with foundations and bases in connection to the planning approval for 5 log cabins. At present the site is unkempt and not particularly attractive, however, it is well screened from the surrounding countryside. From reviewing the plans for application 19/00111/FUL it is clear that a reasonably extensive amount of built form has been permitted on the site. This is an extant fall-back position and given the layout and domestic nature of the cabins would offer a domestic feel to the site. This is a material consideration and subject to careful and considerate design a proposed dwelling with suitable landscaping could offer visual benefits to the extant consent.
- 8.56 By virtue of the size and location of the plot, the current unfinished nature of the site, the previous permissions for the site and subject to satisfactory layout, scale, design, landscaping and appearance of the proposed dwelling which could be controlled by conditions and which would be assessed at the reserved matters stage, the development of the site for one new dwelling could complement the character and pattern of development in the area, and it is considered that there would be no significant conflict with the strategic policies of DM4 of the SADMP in terms of protecting the intrinsic value of the countryside. The proposal would also therefore be in accordance with Policy DM10 of the adopted SADMP.
- 8.57 In terms of the reserved matters submission as an infill site between two residential sites, the application site should ensure that built development is of a similar scale, mass and roof form to the wider context to ensure that it would sit comfortably within the street scene. To date it has been suggested that the dwelling would be a chalet bungalow, this concept should be adhered to at reserved matters stage given the prominent corner plot. An illustrative layout has been suggested, the layout is not judged to be wholly acceptable at this stage as the dwelling sites too far forward of the neighbour Pinewood Lodge to respect the prevailing grain of development on the southern side of this junction. The illustrative layout will therefore not be conditioned as part of this approval and further consideration of the layout will need to be given at reserved matters stage. It is considered that the building plot and layout is comparable to those within the immediate context and that a suitable development and layout can however be achieved.
- 8.58 Any reserved matters submission will be expected to safeguard and enhance the existing boundary hedges and provide further soft landscaping to soften the development.

Impact upon residential amenity

- 8.48 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.
- 8.49 Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers are fully considered when assessing planning applications.

- 8.50 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.
- 8.51 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.51 The nearest neighbour to the south is approximately 80m away from the proposed site. With the existence of mature hedging and tree screening on the common boundary and the distance between the residential dwelling and the proposed it is not considered that the proposal would have any significant impact on the residential amenities of the occupiers of the adjacent dwelling & would certainly be much better than it would be if the 2019 permission for 5 log cabins was completed
- 8.52 The dwelling associated with Pinewood is approx. 25m to the east with some well-established trees on this part of the eastern boundary & an existing driveway between the proposed and Pinewood. Landscaping is not being assessed in this outline application but this screening could be further enhanced at reserved matters stage. It is considered the amenity of this neighbour would be maintained.
- 8.53 Given the size of the site it is considered a moderate sized dwelling with an appropriately sized garden and parking area satisfying the standards set out within the good design guide could be met at any reserved matters application.
- 8.54 The proposal would not have a significant impact on residential amenity, with regard to both existing neighbouring dwellings and any potential future occupiers, in accordance with Policy DM10 of the SADMP in terms of residential amenity.

Impact on Highway Safety

- 8.55 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.56 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 115 of the NPPF.
- 8.57 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards.
- 8.58 Policy DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments. The proposed dwelling would be served by the existing access and internal driveway into the site. No details of the quantum, dimensions, or layout of the parking provision for the application site have been provided but from the illustrative block plan submitted on 18 April 2024 a 2 bay detached garage is shown. Notwithstanding this, it is considered that sufficient off-

street parking that complies with the requirements of the LHDG and Policy DM18 of the SADMP can be provided within the application site during the Reserved Matters Stage of the development.

- 8.59 For the 2019 approval for 5 log cabins LCC Highways commented that the existing access with Overton Road may be substandard but had no objections to the proposal and did not recommend any conditions. Due to the low number of potential additional movements and size of the development, the proposal is considered acceptable under the provisions of Policy DM18.
- 8.60 Subject to further information being provided by the Applicant at reserved matters stage in terms of parking and turning, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP and the LHDG.

Drainage and Pollution

- 8.61 Policy DM7 of the SADMP requires that development does not create or exacerbate flooding, drainage and pollution.
- 8.62 HBBC Drainage have no objection to the application. The suitability of the ground strata for soakaway drainage should be means tested. The soakaway must be constructed either as a brick or concrete lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps.
- 8.63 Any access drives, parking and patio areas should be constructed in permeable paving, with or without attenuation storage, depending on ground strata permeability.
- 8.64 HBBC Pollution also have no objection to the application.
- 8.65 Subject to providing the above the proposal would have a minimal impact on flooding, drainage and pollution in compliance with policy DM7 of the SADMP.

Ecology

- 8.66 Policy DM6 of the SADMP requires development proposals to demonstrate how features of ecological value on site will be conserved and enhanced.
- 8.67 The LCC Ecology Officer commented that the proposed development is sited on mown grassland, currently used for caravans and 3 half built log cabins. The grassland is likely to have limited ecological value, and the log cabins are unlikely to support bats, given their age and structure. Therefore, no ecology surveys are required.
- 8.68 As a self-build dwelling the development is exempt from providing mandatory 10% BNG. However, as required by the NPPF, all applications must demonstrate measurable net gains for biodiversity. Therefore, if landscape plans at reserved matters include removal of trees or hedgerow, this will need to be compensated for with biodiversity enhancements such as a native planting scheme, and integrated bat and bird boxes.

Other matters

- 8.69 HBBC Waste have recommended a condition that requires the details of the waste and recycling storage and collection details are submitted to the Council, this would be addressed at reserved matters stage. The bins could be collected from Overton Road as they are now for the existing dwelling

Planning Balance

- 8.70 In conclusion, the planning decision must be made in accordance with relevant policies in the Development Plan unless there are material considerations, such as those in the NPPF and national guidance, which indicate otherwise. 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.
- 8.71 In this instance, 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, 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. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF are applicable to the current development proposal.
- 8.72 The proposal represents the creation of new residential development in an unsustainable location in the designated open countryside where the future occupiers of the scheme are heavily reliant on private motorised travel to meet their day-to-day needs. There is in principle conflict with Policies DM4 and DM17 of the SADMP and Policy 12 of the Core Strategy.
- 8.73 However, as outlined in the report there are material considerations which temper the harm attributed to this conflict. Firstly, the site is previously developed with an extant consent for the development of 5 log cabins for tourism purposes. The proposed development would lead to fewer vehicle movements and less environmental harm than the extant tourism development. Secondly, no harm has been identified to the intrinsic character of the countryside owing to the site specific circumstances. The conflict with the aforementioned policies is therefore only attributed limited-moderate weight in this specific case.
- 8.59 Weighed against the harm attributed to the conflict with Policy DM4 are the social and economic benefits of the proposal. In this case these arise through the provision of a single dwelling to the Council's housing supply and through the expenditure and use of local services from future residents and during construction. However, as a single dwelling these benefits are afforded only limited weight. Furthermore, although the Local Planning Authority are not meeting their statutory duty to permit a sufficient number of self-build and custom house-build schemes, the current proposal only provides one additional dwelling to this supply. As such, the benefits of this small contribution in addressing the current shortfall in the Council's provision self-build and custom housebuilding developments would only be considered to attract moderate weight in the planning balance.

- 8.74 Taken individually none of these benefits alone would overcome the conflict with Policy DM4, DM17 and Policy 13 and whilst each application is assessed on its own merits the provision of one self-build dwelling in such an unsustainable location is unlikely to overcome such harm. However, it is clear from the above that there are very site specific circumstances which temper the harm of the development in this case and in combination, and on balance, the adverse impacts here would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Equality implications

- 8.75 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.
- 8.76 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.
- 8.77 There are no known equality implications arising directly from this development.
- 8.78 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).

9 Conclusion

- 9.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission be granted subject to the requirements outlined below.

10 Recommendation

- 10.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

10.2 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

2. No development shall be commenced until details of the layout, scale, appearance and landscaping of the development (hereafter called the reserved matters) have been submitted in writing to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan - received on 25th March 2024

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. As part of the reserved matters detailing the landscaping of the development a scheme of hard and soft landscaping works, including boundary treatments, for the site and an implementation scheme, shall be submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for

maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

4. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens).
5. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, any vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
6. Please ensure adequate space on properties to store the various containers and also space at the kerbside (where the properties meet the public highway) for the placement of the containers on the collection day. It would be advisable to include an area near to the roadside for safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point.