

Planning and Design and Access Statement

**Land at Lindridge Lane, Desford,
Leicestershire, LE9 9GN**

**Erection of 4 dwellinghouses with
associated garages and associated
development including access and
landscaping**

Client Name: XL Designs (Midlands) Ltd

Date of Issue: November 2025

Local Authority: Hinckley and Bosworth Borough Council

Prepared by: J J M Planning Ltd



J J M Planning

Independent Planning Consultancy Services

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Appendices

Appendix 1	-	23/00445/OUT – decision notice
Appendix 2	-	23/00445/OUT – officer report

1.0 INTRODUCTION AND SITE DESCRIPTION

- 1.1 This Planning Statement has been prepared on behalf of XL Designs (Midlands) Ltd in support of a full planning application for the erection of 4 dwellinghouses with associated garages at land at Lindridge Lane, Desford.
- 1.2 This statement should be read in conjunction with the accompanying documents which include:
- Plans from R3Design Developments Ltd;
 - Application form;
 - Alca Ecology Ecological Appraisal and Biodiversity Net Gain Statement; and
 - MWA Arboriculture Arboricultural Appraisal Report
- 1.3 This statement describes the application site, the locality and comments on the relevant Development Plan and national policy framework policies. It goes on to provide an assessment of the proposal in relation to the relevant policies.
- 1.4 The application site is generally rectangular in shape with the site extending through the adjacent development site, sharing the access and highway. The site is located to the north of Desford, approximately 700 metres north of the village centre. To the north-west of the application site is Tropical Birdland, with dwellings occupying the land on both sides of Lindridge Lane to the south-west. Immediately to the north is the development site approved under 23/00445/OUT and 24/00512/REM which allowed for four dwellings. Further to the north is Lyndale, farm buildings and a redundant sewerage works. To the east is open countryside including footpath R87 which runs parallel to the rear boundary of the site at a distance of approximately 70 metres. To the south is the garden of the neighbouring dwelling on Lindridge Lane.

- 1.5 The site currently accommodates a dense line of trees along the eastern boundary with the countryside along with groups of mature trees and bushes dispersed around the site. The site and its surroundings are shown in more detail on Figure 1 below:



Figure 1 - Aerial photograph of site (Source: Google Maps)

- 1.6 The site lies within the countryside and outside of the settlement boundary of Desford. The application site is not located in a conservation area and is not located in close proximity to any listed buildings. There are no trees on the application site that are protected by tree preservation orders.

2.0 PLANNING HISTORY

2.1 The application site itself has been subject to the following planning applications:

23/01020/OUT - Outline application for the construction of up to 5 dwellinghouses (some matters reserved except for access) – refused on the following grounds:

1. The proposal would fail to complement or enhance the character of the surrounding area, and therefore conflicts with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (SADMP) (2016) and Policies H6 and H7 of the Desford Neighbourhood Plan (2021).

2. The application has failed to demonstrate that safe and suitable access for all users would be provided as required by paragraphs 115 and 116 of the National Planning Policy Framework (December 2024) and Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (SADMP) (2016).

3. The application has failed to demonstrate that the development would not adversely impact upon the habitat of protected species, and therefore conflicts with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (SADMP) (2016), Policy ENV3 of the Desford Neighbourhood Plan, and Paragraph 187 of the National Planning Policy Framework (December 2024).

25/10023/PREHMO - Erection of five detached residential dwellings with detached garaging – Advice provided.

2.2 There is relevant planning history on the site to the north. This includes:

22/00569/OUT - Outline application for proposed erection of up to 4 no. dwellinghouses with associated garages (all matters reserved except for access) – Withdrawn 05.01.2023.

23/00445/OUT - Outline application for proposed erection of up to 4 no. dwellinghouses with associated garages (all matters reserved except for access) – Approved 01.08.2023.

24/00501/DISCON - Application to discharge conditions 7 (Biodiversity) 8 (Landscaping & Tree Protection) 9 (Waste & Recycling) 10 (Drainage) and 11 (Archaeology) of 23/00445/OUT – Approved 09/07/2024.

24/00502/CONDIT - Variation of condition 4 (Access arrangement) and 6 (Offsite footway works) of planning permission 23/00445/OUT – Approved 22/07/2024.

24/00512/REM - Approval of Reserved Matters (appearance, landscaping, layout, scale) for outline application (outline application for proposed erection of 4 dwellinghouses with associated garages (All matters reserved except for access) – Approved 16.08.2024.

24/00915/NMA - Non material amendment to planning permission 24/00512/REM. Amendments to unit 2 include the addition of study and relocation of utility room on ground floor. Amendments to unit 3 include the replacement of the hipped roof to front projection of bedroom 3 with a gable – Approved 21.10.2024.

3.0 PROPOSED DEVELOPMENT

- 3.1 The proposal comprises a full planning application for the erection of 4 dwellinghouses with associated garages at land off Lindridge Lane, Desford. The application includes utilising the access already approved to the north under 23/00445/OUT and 24/00512/REM.
- 3.2 In terms of the proposed layout, the four dwellings would be sited towards the eastern part of the site, with the proposed access road separating the proposed dwellings from the existing neighbouring dwellings that front onto Lindridge Lane. The proposed site and how it relates to the surrounding land is shown in Figure 2 below:

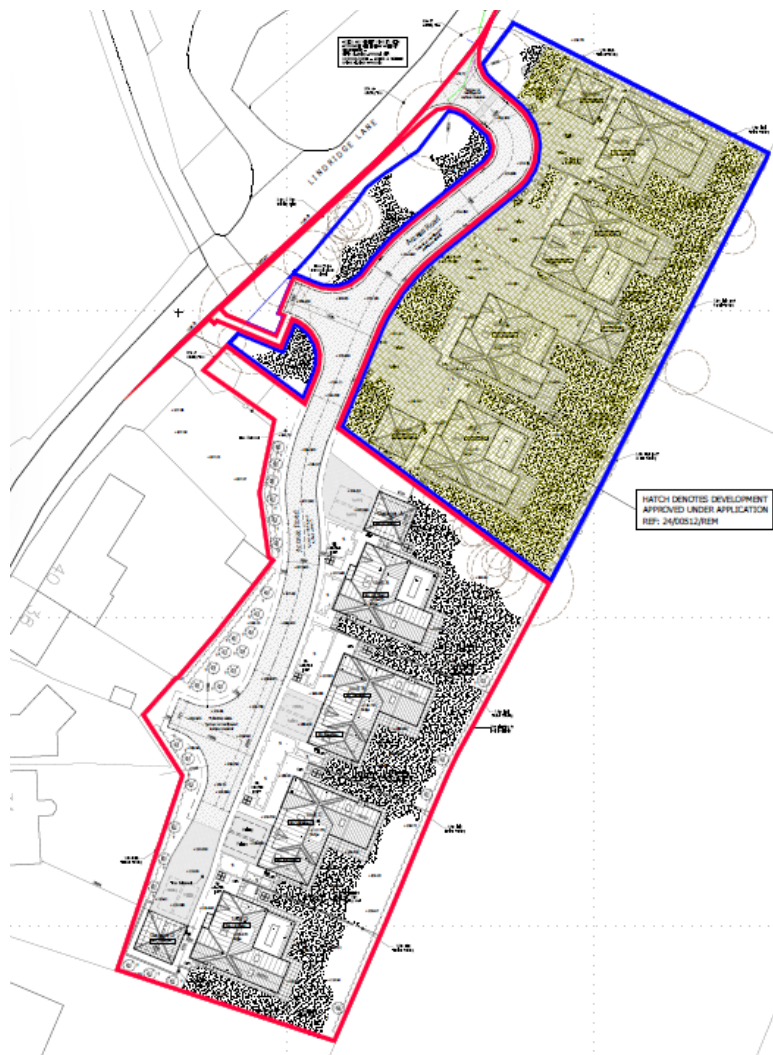


Figure 2 - Site plan

- 3.3 The layout includes joining the approved access road to the north which provides access from Lindridge Lane. A turning area is to be provided within the site along with plots A and D having detached double garages and plots B and C having integral double garages. The proposed garage serving Plot A would be adjacent to the dwelling, the garage serving Plot D would be at the end of the proposed access road. Two parking spaces would be provided in front of each garage.
- 3.4 With regards to scale and design, all four dwellings would be two-storey with two different designs with plots A and D comprising a design with a front two-storey gable and half dormer and plots B and C comprising a two-storey gable with bonnet hipped roof above the garage and a half dormer.
- 3.5 The two housetypes are shown below in Figure 3 below:





Figure 3 - Proposed elevations

- 3.6 All dwellings would each have 4 bedrooms. The dwellings have been designed to appear as traditional buildings comprising feature gables to break up the massing of the dwellings and including brick-built chimneys, corbelling etc. The materials palette would include heritage blend brickwork, natural stone plinth, brick corbelling at the eaves and verges and painted timber joinery. The materials, layout and design would reflect the recently approved dwellings to the north.
- 3.7 The topography of the site has influenced the design and siting and Figure 4 below depicts the approved dwellings alongside the proposed dwellings:



Figure 4 - Proposed streetscene

- 3.8 With regards to landscaping, the proposal includes new native hedgerow planting, the retention of existing trees and hedgerows on the site and the erection of new timber fencing on the site boundaries.
- 3.9 Access into the adjacent site has already been approved as part of the original outline planning permission.

4.0 MAIN ISSUES

- 4.1 Section 70 (2) of the Town and Country Planning Act 1990 requires that when dealing with an application for planning permission, Local Planning Authorities must have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section S38 (6) of the Planning and Compensation Act 2004 requires that decisions on planning applications should be made in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 4.2 Having regard to the above, it is considered that the main issues raised by the application are:
1. Principle of the development
 2. Design and visual amenity
 3. Access and parking
 4. Living conditions of neighbouring properties
 5. Other matters
- 4.3 The main planning policies that are relevant to these main issues are included in Section 5.0 below.

5.0 PLANNING POLICIES

- 5.1 The National Planning Policy Framework (2024) (NPPF) confirms that it does not change the statutory status of the development plan as the starting point for decision making. It also confirms its status as a material consideration in determining planning applications. The NPPF continues to advise that proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF also advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 5.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 5.3 The policy context for this application is provided by the development plan and national planning policy in the NPPF as well as Planning Practice Guidance issued in April 2014 (as subsequently amended) (PPG). The development plan includes the Core Strategy (adopted 2009) (CS), the Site Allocations and Development Management Policies DPD (adopted 2016) (SADMP) and the Desford Neighbourhood Plan (adopted 2020) (DNP).
- 5.4 Those policies which are the most important for determining this planning application are set out below:

Core Strategy (2009)

- 5.5 *Policy 7: Key Rural Centres* sets out a series of criteria to support the Key Rural Centres and ensure they can provide key services to their rural hinterland.

Site Allocations and Development Management Policies DPD (2016)

- 5.6 *Policy DM1 – Presumption in Favour of Sustainable Development* repeats the presumption in favour as found in the Framework.
- 5.7 *Policy DM4 – Safeguarding the Countryside and Settlement Separation* seeks to protect the intrinsic value, beauty, open character and landscape character from unsustainable development and lists suitable sustainable development, subject to satisfying certain criteria.
- 5.8 *Policy DM6 – Enhancement of Biodiversity and Geological Interest* sets out that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.
- 5.9 *Policy DM7 – Preventing Pollution and Flooding* provides a range of criteria which must be taken into account to ensure that adverse impacts from pollution and flooding will be prevented.
- 5.10 *Policy DM10 – Development and Design* provides a series of design-based criteria to which new development is required to meet.
- 5.11 *Policy DM13 – Preserving the Borough's Archaeology* states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

- 5.12 *Policy DM17 – Highways and Transportation* confirms that development proposals should be in accordance with highways design standards as set out in the most up to date guidance adopted by the relevant Highway Authority.
- 5.13 *Policy DM18 – Vehicle Parking Standards* confirms that new development proposals will be required to provide an appropriate level of parking provision justified by assessment.
- 5.14 *Policy DM25: Community Facilities* sets out the Council's planning policy position in respect of the provision of new facilities, retention of existing community facilities and the loss of existing facilities.

Desford Neighbourhood Plan (2020)

- 5.15 *Policy H1: Settlement Boundary* states that development proposals within the plan area on sites within the settlement boundary will be supported where they respect the character of Desford.
- 5.16 *Policy H5: Housing Mix* proposals should provide a mixture of housing specifically to meet identified local needs as evidenced by Parish Housing Needs Report or more recent documents updating this report.
- 5.17 *Policy H6: Windfall Site Development* states that small residential development proposals on infill and redevelopment sites will be supported, subject to proposals being well designed and meeting the relevant requirements set out in other policies in this Plan and Borough wide planning policies and where such development meets with a number of criteria.
- 5.18 *Policy H7: Housing Design* states that new dwellings will need to enhance and reinforce local distinctiveness, provide adequate off-road parking, reflect the

character and historic context of existing developments, enhance biodiversity, enclose plots with suitable materials, use sustainable design and construction techniques, have appropriate lighting, incorporate SUDS and be of an appropriate density.

5.19 *Policy ENV 3: Biodiversity General* states that development proposals that conserve or enhance biodiversity, and incorporate biodiversity in and around them, will be supported.

5.20 *Policy T1: Traffic Management* states that all housing development must:

- a) Be designed to minimise additional traffic generation and movement through the villages.
- b) Incorporate sufficient off-road parking in line with housing policy H6;
- c) Not remove or compromise the use of any existing off-road parking areas unless a suitable equivalent alternative is provided.
- d) Provide any necessary improvements to site access, communal parking and the highway network either directly or by financial contributions.
- e) Consider, where appropriate, the improvement and where possible the creation of footpaths and cycleways to key village services.

5.21 *Policy T3: Electric Vehicles* states that housing and commercial developments will be required, where appropriate, to provide 7KW cabling to the most practical points to facilitate subsequent installation of electric vehicle charging points.

The National Planning Policy Framework 2024 (NPPF)

5.22 At the heart of the NPPF is a presumption in favour of sustainable development. There are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. These are an economic objective,

a social objective, and an environmental objective. The economic objective seeks to ensure sufficient land of the right types is available in the right places at the right time to support growth. The social objective seeks to support strong, vibrant, and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of the present and future generations and by fostering a well-designed and safe built environment. The environmental objective seeks to contribute to protecting and enhancing our natural, built, and historic environment, including making effective use of land.

- 5.23 Amongst other things, paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay.
- 5.24 Paragraph 48 of the NPPF indicates that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 5.25 Paragraphs 56-58 set out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must only be sought where they are a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

- 5.26 Paragraphs 61 to 63 of the NPPF are concerned with delivering a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes. The size, type and tenure of housing needed for different groups should be reflected in planning policies.
- 5.27 Paragraph 116 of the NPPF states that 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.
- 5.28 Paragraphs 124 and 125 of the NPPF seeks to make the effective use of land. It states that planning policies and decisions should promote 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. It goes on to say that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 5.29 Paragraphs 131-135 of the NPPF seeks to achieve well-designed places. It states the creation of high-quality buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live. Planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place using streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.30 Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 states that Local Planning Authorities should ensure that flood risk is not increased elsewhere when determining planning applications.
- 5.31 Paragraphs 192-195 is concerned with habitats and biodiversity and seeks to protect and enhance. It advises that development which results in significant harm to biodiversity should be refused unless it can be adequately mitigated, or, as a last resort, compensated for. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

Other Policy and Guidance

- 5.32 Although not having the formal status and weight of adopted planning policy there are a number of other pieces of guidance relevant to decision-making within Hinckley and Bosworth including:
- National Planning Practice Guidance - March 2014 (as amended)
 - Good Design Guide SPD – 2019
 - The Conservation of Habitats and Species Regulations 2017
 - Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
 - National Forest Strategy 2014-2024
 - National Design Guide – October 2019
 - Leicestershire Highways Design Guide (Leicestershire County Council)

6.0 PLANNING ASSESSMENT

The principle of development

- 6.1 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) and the Desford Neighbourhood Plan (2021).
- 6.2 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 6.3 In terms of the Council's Five-Year Housing Land Supply, the Council needs to deliver 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a). On this basis, the Council cannot demonstrate a Five-Year Housing Land Supply.
- 6.4 Therefore, the application should be determined against Paragraph 11(d) of the NPPF whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. According to paragraph 14 of the NPPF, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and

demonstrably outweigh the benefits, provided that a number of criteria apply. One of these criteria is that the Neighbourhood Plan became part of the development plan five years or less before the date on which the decision is made. In this case, as the neighbourhood plan was made in May 2021, and the Neighbourhood Plan contains policies and allocations to meet its identified housing requirement, therefore paragraph 14 applies.

6.5 Desford is defined as a Key Rural Centre within the Borough of Hinckley. The Core Strategy sets out that Key Rural Centres are villages with populations over 1,500 and have a primary school, local shop, post office, GP, community facilities, employment opportunities, and a 6 day/week bus service.

6.6 The site lies adjacent to but outside of the settlement boundary for the village. Therefore, the site lies within the countryside and Policy DM4 of the SADMP is applicable. Policy DM4 states that that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- It is for outdoor sport or recreation purposes, and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or

- The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or

- It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or

- It relates to the provision of stand-alone renewable energy developments; or

- It relates to the provision of accommodation for a rural worker; and

- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and

- It does not undermine the physical and perceived separation and open character between settlements; and
- It does not create or exacerbate ribbon development

6.7 Policy H1 of the Desford Neighbourhood Plan states that land outside of the defined settlement boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policy. It is acknowledged by the Council that the site has been included in a Neighbourhood Plan consultation document as part of an Open Day to begin preparation of an updated Neighbourhood Plan (22/04/2023). The updated NP has not reached Draft stage and the inclusion of the site as an allocation for 5 dwellings holds no weight at the present time but does indicate a general acceptance towards development potential on the site.

6.8 Policy H6 (Windfall Site Development) states that small residential development proposals on infill and redevelopment sites will be supported, subject to proposals being well designed and meeting the relevant requirements set out in other policies in this Plan and Borough wide planning policies and where such development:

- Comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the built-up areas of the Parish or where the site is closely surrounded by existing buildings;
- Is within the Settlement Boundary;
- Respects the character of each settlement in order to maintain its distinctive character and enhance it where possible;
- Retains and enhances, where possible, existing important natural boundaries such as trees, hedges and streams;
- Does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the existing and future occupiers of the dwelling(s);

-Does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise in line with HBBC advice and Planning Guidance

- 6.9 The proposed development does not fall within any category of sustainable development that is considered acceptable in the countryside. The proposal is not supported by either Policy DM4 of the SADMP or Policies H1 or H6 of the DNP. The purpose of these policies is to protect the intrinsic beauty, open character, and landscape character of the countryside, and to ensure that windfall development is located within the settlement boundary, respecting to character and design of the settlement, as well as the general design and neighbouring amenity relationship. Therefore, the proposal is in conflict with these policies.
- 6.10 Although there is conflict with the spatial policies of the development plan paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must consider all material considerations and any harm arising from the conflict with Policies DM4, H1 and H6 must therefore be weighed against the benefits of the proposal in the planning balance.
- 6.11 In addition to this, paragraph 14 of the NPPF outlines that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

- 6.12 In this case the proposed development would conflict with the neighbourhood plan as it is less than five years old and includes policies and allocations to meet its identified housing requirements. However, it should be noted that the requirements of Paragraph 14 of the NPPF will cease to have effect from 6 May 2026.
- 6.13 Whilst it is acknowledged that there is conflict with the spatial policies within the Development Plan, the Council has a significant shortfall in housing land supply following the revision of the NPPF in 2024. The proposal would make a contribution to the housing stock of the Borough and this represents a clear and significant benefit to the proposal.
- 6.14 Furthermore, the site is well located, being adjacent to the boundary of a settlement which is sustainable and which is suitable for new housing within the boundary. The site comprises a restricted gap in the continuity of an existing frontage, continuing the development approved to the north and the site is closely surrounded by existing buildings. As set out elsewhere in this statement, the proposal would respect the appearance of the surrounding area, maintaining its distinctive character. The scheme retains and enhances, where possible, existing important natural boundaries, does not reduce garden space and does not result in an unacceptable loss of amenity for neighbouring occupiers.
- 6.15 This application relates to the erection of four dwellings on a site within the countryside. The Council cannot demonstrate a 5-year housing land supply and therefore the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, currently the 'tilted' balance in paragraph 11(d) of the NPPF applies and 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 the NPPF 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.

- 6.16 Paragraph 8 of the NPPF sets out three overarching objectives for sustainable development which are interdependent and need to be pursued in mutually supportive ways. The scheme would provide economic benefits through the creation of jobs and demand for services during the construction phases and from the future occupation of the development supporting the local economy.
- 6.17 Socially, the scheme would provide a modest contribution towards housing supply within the Borough and provide dwellings with a high quality design.
- 6.18 Environmentally, although the site is located within the countryside it is located immediately adjacent to the settlement boundary and adjacent to a site that has recently been granted planning permission. The application site is within walking and cycling distance to a range of services within Desford and is located less than 1km from the centre of the village. The layout also demonstrates that the site would be linked to the footpath, which would enable less of a reliance on the use of private cars for trips to and from the site. The planning statement demonstrates that the proposal would have an acceptable impact on trees, ecology, flooding and visual impacts.
- 6.19 It is also acknowledged that the proposal is in conflict with the Neighbourhood Plan. However, as set out above and discussed in more detail below, it is not considered that the adverse impact of allowing development would significantly and demonstrably outweigh the benefits. Paragraph 14 of the NPPF applies as the neighbourhood plan became part of the development plan five years or less before the date of this decision, and the NP contains policies and allocations to meet its identified housing requirement and is therefore afforded significant weight.

- 6.20 Notwithstanding this, the proposal is physically attached to a previous, recent housing development, would develop a limited scale site, infilling an unused space on the edge of the settlement, is well related to a sustainable settlement with pedestrian access into the centre, would have a limited visual impact and is considered to be acceptable in all other respects. Although carrying no formal weight, it is also noted the site has been considered for housing as part of the Neighbourhood Plan review process. This indicates the potential suitability of the site for limited scale housing.
- 6.21 In conclusion on the principle of the development, it is not considered that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the development plan and the NPPF as a whole.

Design and Visual Amenity

- 6.22 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 6.23 Policy DM4 aims to ensure that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 6.24 Policy H6 of the DNP states that small residential development proposals on infill and redevelopment sites will be supported, subject to proposals being well designed and meeting the relevant requirements set out in other policies in this Plan and Borough wide planning policies.
- 6.25 Policy H7 (Housing Design) of the Desford Neighbourhood Plan states that all new development proposals of commercial properties, one or more houses,

replacement dwellings and extensions will need to satisfy the following design principles:

New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views;

Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more;

All new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials. However, contemporary and innovative design and materials will be supported where positive improvement can be robustly demonstrated without detracting from the historic context. Roof and wall construction that follows technical best practice recommendations for integral bird nest boxes and bat breeding and roosting sites will be supported;

Development should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible;

Where possible, enclosure of plots should be of native hedging, wooden fencing, or brick/stone wall with ground-level gaps that maintain connectivity of habitat for hedgehogs;

Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, such as high levels of thermal efficiency, water butts,

photovoltaic cells and ground heat source pumps as appropriate; ensuring running costs are manageable;

Security lighting should be operated by intruder switching, not on constantly. Maximum light spillage onto bat foraging corridors should be 1lux;

Development should incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change; ensure appropriate provision for the storage of waste, recyclable materials and rain water for use in gardens. The Drainage Hierarchy (Planning Practice Guidance Paragraph 80) should be applied to ensure that where possible, surface water is directed towards infiltration or watercourses before considering the use of the sewerage system;

Development should be of a density that respects the desirability of maintaining an area's prevailing character and setting;

Properties, where appropriate, should have built-in facilities for wildlife, for example, bee bricks and swift boxes

- 6.26 The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. It outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Dwellings should be of similar scale, mass and roof form to the wider context, allowing them to sit comfortably within the street scene.
- 6.27 Paragraph 139 of the NPPF states 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. Local policy is considered to accord with the NPPF.

- 6.28 The site lies beyond the northern edge of the village and is part of the countryside surrounding the settlement of Desford. The proposal would extend the built form into the countryside beyond the settlement; however, built development exists to south of the site, and there is a recent permission for 4 dwellings to the north (23/00445/OUT). The site is therefore between development and represents infilling to some extent. The harm to the countryside would therefore be diminished as a result of this recent permission. Although there is technically still conflict with DM4 in terms of the adverse effect on the intrinsic value, beauty open character and landscape character of the countryside, the development to the north would limit the extent of the encroachment to the east only. Any harm arising would be significantly diminished.
- 6.29 The proposal would result in a change from countryside to residential development; however, the impact would be limited as a result of the proposed layout and landscaping that would respond to the character and appearance of the recently approved development to the north and be well integrated with development to the south and west. Policy H6 of the DNP specifically refers to windfall development, stating that it should respects the character of each settlement in order to maintain its distinctive character and enhance it where possible.
- 6.30 Refusal reason 1 for the previous application on this site 23/01020/OUT reads:

The proposal would fail to complement or enhance the character of the surrounding area, and therefore conflicts with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (SADMP) (2016) and Policies H6 and H7 of the Desford Neighbourhood Plan (2021).

- 6.31 The current application has addressed that issue through a comprehensive re-design of the scheme. The proposal now comprises a linear development that has a simplicity of layout and a better flow through the site. The layout responds to the linear development recently approved to the north, which itself reflects the lineality of this part of the settlement. The use of integral garages reduces the number of buildings on the site, the visual impact of the proposed garages has been limited through the layout and the proposed scheme significantly reduces the amount of hardstanding connected to the proposed parking. The area of hardstanding for turning has also been significantly reduced and overall, the proposed layout has a far less engineered appearance than the previously refused scheme.
- 6.32 Furthermore, the proposed footprints of the dwellings and garages respond to the recently approved dwellings on the adjacent site, and the design and materials would complement. This would ensure that the proposed carefully designed scheme would not be detrimental to the character and appearance of the site and surrounding area.
- 6.33 In terms of proposed landscaping, the scheme demonstrates additional landscaping between the approved and proposed buildings and between the buildings. This would help to assimilate the proposed dwellings into the site and surroundings and reduce the visual impact beyond the boundaries. The boundary hedge to the east would be maintained and supplanted where necessary. The applicant is agreeable to planning conditions relating to landscaping.
- 6.34 Furthermore, footpath R87 runs parallel with the eastern (rear) boundary of the site at a distance of approximately 70 metres. Intervening hedgerow/foilage would ensure that only glimpse views are afforded towards the proposed dwelling. This would be further limited by the small-scale nature of the proposals and the amenity of users of the footpath would be affected by a limited degree only for a limited period. On long distance footpaths, many different environments are

experienced, including rural and settlements and it is not considered the impact on users would be materially harmful.

- 6.35 It should also be noted that the proposed scheme follows the form and layout of the dwellings to the north that the Council recently approved. On this basis it is clear that the general layout of a cul-de-sac type of development has already been deemed to be acceptable especially as the access road has been approved as part of the outline planning permission.
- 6.36 The four dwellings would be sited towards the rear of the site away from existing trees and vegetation. Areas of car parking would be provided forward of the proposed dwellings and areas of private amenity space would be located to the rear. It is clear that the proposals accommodate all of the necessary requirements (private garden, parking/turning space and landscaping) without being cramped or resulting in over-development. The layout details supplied successfully demonstrate that the proposed dwellings would sit comfortably within the plot and would be appropriate in relation to the site surroundings.
- 6.37 As can be seen from the submitted drawings the scale of the dwellings would be broken up by differing ridge lines, the use of projecting gable features, stone plinths and projecting brick string courses.
- 6.38 The appearance of the dwellings are traditional in nature and include traditional features such as stone plinths, brick headers, wet bedded verges, brick verge detailing and brick-built chimneys. These architectural features would combine to enhance the appearance of the dwellings. It is clear that the appearance of the dwellings would be suitable in relation to the character and appearance of the surrounding area and of surrounding built development.
- 6.39 It is noted that the Council have granted planning permission for two new dwellings further to the south along Lindridge Lane as part of application

16/00049/FUL. Those applications proposed large, detached dwellings, set back from Lindridge Lane and with landscaping sited forward of the dwelling. The Council concluded the following when assessing the design of 16/00049/FUL:

The development of the site for residential purposes and the additional built form would clearly change the current undeveloped character of the site. Notwithstanding this, subject to the site being developed for only two detached dwellings set back from the highway but with no development at depth, the scheme would complement the low density/large plot pattern and grain of development along this part of Lindridge Lane. Neighbouring properties vary in scale, design and appearance. The scale of the proposed dwellings would be somewhat greater than that of the neighbouring dwellings either side. However, notwithstanding this, by virtue of the substantial plots that they would occupy, the high-quality design of the dwellings with extensive architectural detailing and subject to the use of appropriate external materials to secure a high-quality appearance, the scheme would enhance the built environment along this part of Lindridge Lane and would not result in over development the site.

- 6.40 In approving a similar layout and similar house types under application 24/00512/REM, the Council concluded the following:

Overall, and subject to conditions, it is considered that by virtue of the scale, design, proposed landscaping and use of appropriate external materials, the proposal would complement the character and pattern of existing development. The proposal would not result in significant harm to the character of the area and would therefore be in accordance with Policy DM10 of the SADMP, Policy H7 of the Neighbourhood Plan, the guidance set out in the Good Design Guide and the overarching design principles of the NPPF (2023).

- 6.41 It is considered that this application shares many traits with the scheme approved on the adjacent site at the reserved matters stage. The previous findings reached

regarding scale and design and equally applicable to the current proposals put forward.

- 6.42 In terms of proposed landscaping, it is noted that the site is located within the National Forest boundary. The proposal includes new native hedgerow planting to the eastern and northern boundaries of the site, shrub planting to the site frontage, provision of new trees and areas of turf that would form front and rear gardens for each of the proposed dwellings. The scheme also includes for details of suitable boundary treatments both at the site frontage and to the rear of the site. The Local Planning Authority can use planning conditions to control these aspects of the development.
- 6.43 The Council has declared a climate emergency and adopted a zero-carbon roadmap. Policy T3 of the NP requires new housing development to provide 7KW cabling to facilitate subsequent installation of electric vehicle charging points. This application goes further than that as it provides the electric charging points up front. In addition, the plots include for solar/PV panels on the rear elevation, solar battery back-up and air source heat pumps. The dwellings will achieve an 'A rating' on the Energy Performance Certificate.
- 6.44 The proposal is therefore considered to avoid increased vulnerability to the range of impacts arising from climate change and also help to reduce greenhouse gas emissions given the proposals location, orientation and design. The proposal would accord with the advice Policy T3 of the NP and advice in the NPPF and, therefore, these are considered to be significant positive material planning benefits that should be weighed up in the overall planning balance.
- 6.45 Overall, it is considered that the proposed layout, appearance, scale and landscaping details supplied would result in good design and would be consistent with the aims of Policy DM10 of the SADMP, H7 and T3 of the DNP, the Good Design Guide SPD and Section 12 of the NPPF.

Access and Parking

- 6.46 Paragraph 116 of the NPPF states that 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.
- 6.47 Policy DM17 of the SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 6.48 Policy T1 (Traffic Management) of the DNP states that all housing and commercial development must:
- Be designed to minimise additional traffic generation and movement through the villages.
 - Incorporate sufficient off-road parking in line with housing policy H6;
 - Not remove or compromise the use of any existing off-road parking areas unless a suitable equivalent alternative is provided.
 - Provide any necessary improvements to site access, communal parking and the highway network either directly or by financial contributions
 - Consider, where appropriate, the improvement and where possible the creation of footpaths and cycleways to key village services
- 6.49 The Local Highway Authority were consulted as part of the pre-application enquiry and their response is incorporated into the comments below. This related to the then proposed 5 dwellings but with use of the same access. The current proposal has been amended to now only relate to the erection of 4 dwellings.

Site Access

Lindridge Lane is an adopted, classified C road subject to the national speed limit. Approximately 100 metres to the south of the proposed access Lindridge Lane becomes subject to a 30mph speed limit as the lane enters the village of Desford.

Having reviewed the Planning Statement and drawings submitted, the Applicant is proposing to utilise the approved access from planning application 23/00445/OUT 'Outline Application for proposed erection of 4 dwellinghouses with associated garages (All matters reserved except for access)'.

The LHA note that should this application come forward, this would lead to nine dwellings in total utilising the approved access. However, the LHA are satisfied that the access approved under 23/00445/OUT is suitably designed to cater for the scale of the proposed development in terms of effective access width.

As stated in the LHA's response to planning application 23/00445/OUT, Ardent Consulting Engineers drawing No. 2202690-001 demonstrated a vehicular visibility splay of 75 metres from a setback distance of 2.4 metres to the south and 84 metres from a setback distance of 2.4 metres to the north.

It is noted the above visibility splays have been informed by a speed survey undertaken on 19 May 2022 by Ardent Consulting Engineers which recorded a northbound 85th percentile speed of 37.7mph and a southbound 85th percentile speed of 40.7mph. The LHA accepted the proposed vehicular visibility splays on planning application 23/00445/OUT, therefore no further access details are required.

- 6.50 The proposed scheme would use the access as approved for 23/00445/OUT and as included in the pre-application enquiry. The Highway Authority raised no objection on highway safety or highway capacity grounds. It is therefore

considered that the proposed access would meet the test set in the NPPF and by the highway safety policies in the Development Plan.

- 6.51 It is considered that the proposed internal layout and parking provision also complies. The parking provision would be on the basis of a minimum of three spaces per dwelling, including garaging. This complies with the parking standards which require three parking spaces per dwelling of four bedrooms. A sufficient level of car parking would be provided for each dwelling.
- 6.52 Overall, therefore, the highway safety aspects of this application are considered acceptable and in accordance with the above policies and guidance.

Living conditions of neighbouring properties

- 6.53 Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site. The Council's Good Design Guide states that habitable rooms within rear elevations of neighbouring properties should never be less than 21 metres apart.
- 6.54 Compliance with the Council's Good Design Guide is important as the document contains guidance on separation distances and garden standards in order to protect surrounding residential amenity.
- 6.55 It is not considered that the proposal would have a significant impact on residential amenity in accordance with Policy DM10 of the SADMP. There are no neighbouring dwellings close to the site which are considered to be adversely impacted by the proposed development based on the submitted planning layout. Additionally, the layout details supplied demonstrates that 4 dwellings can be accommodated on the site and that the minimum standards set out in the Council's SPD can be achieved.

- 6.56 The proposed layout has been designed to ensure the residential amenities of occupiers of neighbouring properties would not be unduly affected. The proposed dwellings would be separated by the proposed internal access road and landscaping from the neighbouring dwellings to the west. These properties are set a significant distance from their rear boundaries and enjoy long rear gardens.
- 6.57 To the north the proposed dwelling unit A would essentially be side to side with the approved neighbouring dwelling. There would be no undue overbearing impact or any overlooking or loss of privacy. To the east there are no neighbouring dwellings. To the south Unit D would be set off the boundary and would be set well apart from the neighbouring dwelling to the south-west.
- 6.58 The living conditions for future occupants would be to a high standard with the internal layout meeting national space standards and habitable rooms being served by natural light.
- 6.59 Having regard to the above, the proposals would not have a significant impact on the living conditions of occupiers of nearby dwellings. The impact on the living conditions of existing residents close to the proposals would be minimised and their amenity would be safeguarded in accordance with Policy DM10 of the SADMP. The proposals also comply with the general thrust of the NPPF so far as it seeks to ensure acceptable living standards.

Other Matters

Flooding and Drainage

- 6.60 Policy DM7 of the SADMP requires that development does not create or exacerbate flooding. At the pre-application stage the HBBC Drainage team were consulted and provided the following advice:

According to the Environment Agency (EA) website, the application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of residential development in low flood risk areas is acceptable. Please note that for larger developments, a Flood Risk Assessment will be required where the site area exceeds 1 Hectare.

The EA Surface Water mapping also indicates that the application site is located in an area at low risk of flooding from surface water.

The surface water drainage system for the proposed development should incorporate sustainable drainage principles (SuDS) to mitigate the risk of flooding on the site and ensure that surface water runoff does not increase flood risk elsewhere. The proposals should also include measures to address issues of water quality in accordance with current SuDS guidance.

The proposed outfall for the discharge of surface water runoff from the development should be in accordance with the hierarchical approach outlined in Building Regulations Part H.

The use of infiltration drainage is preferred, subject to the site being free from a contaminated ground legacy. 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.

If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

- 6.61 As such, it is not considered that matters of drainage or flood risk would be an impediment to permission being granted and the proposals comply with the above policies.

Ecology

- 6.62 Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.
- 6.63 Policy ENV 3 (Biodiversity General) of the DNP states that development proposals that cannot avoid (through, for example, locating to an alternative site with less harmful impacts), adequately mitigate, or, as a last resort, compensate for, the loss of a locally identified site of biodiversity value will not be supported. Development proposals that conserve or enhance biodiversity, and incorporate biodiversity in and around them, will be supported. Where a development proposal will adversely affect a protected species, an appropriate and suitable survey will be undertaken prior to development, and mitigation measures will be required as a development condition.
- 6.64 The application is supported by a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) metric to demonstrate compliance with the above policies and guidance. This report concluded the following:

One statutory designated site and one non-statutory designated site were recorded within the search area. No designated sites are expected to be affected by development due to the small-scale nature of proposals.

The site consists of modified grassland, tall forbs, ruderal / ephemeral habitats and individual trees.

GCN are not considered to pose a constraint to development. No further surveys are recommended.

Foraging / commuting / roosting bats are not considered to pose a constraint to development.

Reptiles are not considered to pose a constraint to development.

Badgers are not considered to pose a constraint to development.

The BNG assessment for the site shows a loss of 0.42 (-33.3%) habitat units. Off-site BNG units will need to be purchased to ensure the proposed development achieves an overall 10% gain.

- 6.65 It is therefore considered that subject to suitably worded conditions the ecology issues would be satisfactorily addressed.

Trees

- 6.66 A Tree Survey including details of which trees are to be removed and an assessment of root protection areas has been carried out in support of the application. This concludes the following:

- Only four trees needed to be removed to enable the development, three of these are in poor condition and the third is a category C tree.

- The proposed driveway near Unit C and D does infringe the RPA of T23. This off-site tree can be protected by utilising no dig methods and using a cellular confinement system installed according to the manufacturer's specification.

- The erection of tree protection fencing and limited ground protection should be sufficient to protect the remaining trees that are to be retained.

- Provided that development works take place in accordance with the method statements specified in this report, the works will not be detrimental to the retained vegetation.

6.67 The report concludes that the development should proceed in accordance with the above recommendations with the use of condition(s) to ensure the appropriate methods of working are agreed and any necessary site supervision/enabling works are correctly sequenced prior to the commencement of construction work.

6.68 As such, the proposal would comply with the policies and guidelines above.

Archaeology

6.69 As part of the pre-application enquiry consultation took place with LCC archaeology who made the following comments:

The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located immediately outside the historic medieval and post-medieval settlement core of Desford (HER Ref.: MLE2751). Archaeological excavations c. 100m southeast of the application area, also immediately outside the historic settlement core, recorded a number of medieval finds/features including a pit, gully and a cooking pot (MLE25389). There is therefore a potential for significant archaeological remains relating to the medieval and post-medieval periods to be present within the application area.

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 207, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it

is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 208).

While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.

NPPF paragraph 218, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above-mentioned Brief, and with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

- 6.70 On the basis of the above, the applicant would be content with a suitably worded condition to control the archaeological requirements. As such, the proposal meets the tests set in the policies and guidance.

Affordable Housing

- 6.71 In terms of affordable housing, the site on its own would not meet the threshold for the delivery of affordable housing. As part of the pre-application advice the Council sought clarification regarding the delivery and ownership of the site in order to consider the different phases of development.
- 6.72 It is understood that this was discussed and clarified further as part of a subsequent pre application meeting with Matt Jedruch and Emma Baumber on 19/06/2025. As that meeting it was explained that the land for phase 2 is not owned by XL Designs, it is owned by two other parties. The development of Units 1 to 4 (which is currently under construction) is a separate development under a separate legal ownership. The Council were therefore satisfied that the two parcels of land were classed as separate and therefore would not trigger any affordable housing requirement.
- 6.73 In summary, it is not considered that the threshold would be met as the total, combined number of dwellings would not exceed 10 and the site area combined is considered to be below the size threshold.

7.0 CONCLUSIONS

- 7.1 At the heart of the NPPF is a presumption in favour of sustainable development such that development proposals that are in accordance with the development plan should be approved. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Section S38(6) of the Planning and Compensation Act 2004 requires that any decision on a planning application should be made in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 7.2 The principle of this development is considered to be acceptable. The Council cannot demonstrate the required housing land supply and the tilted balance applies. Although the Neighbourhood Plan triggers paragraph 14 the harm arising from the proposal is considered to be limited and not to meet the test of being significant and demonstrable. This limited harm would be outweighed by the significant benefits which include the provision of four houses to reduce the Council's shortfall in housing, in a sustainable location, generating economic benefits.
- 7.3 It has been demonstrated that the current proposal has addressed the previous reasons for refusal which related to the visual impact, access and protected species. Acceptable layout, scale, appearance and landscaping details have been supplied in relation to the proposed dwellings. These would combine to ensure that the proposed dwellings are in keeping with the character and appearance of the surrounding area and would not result in any highway safety issues or issues of residential amenity. The proposal would be in accordance with policies in the development plan and the guidance in the NPPF.
- 7.4 In conclusion, the submitted details are in accordance with the relevant policies of the development plan, in accordance with the NPPF taken as a whole and the

presumption in favour of sustainable development, taking into account the tilted balance. There are no undue adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and any outstanding concerns that the Council might have are capable of being addressed by negotiation and/or the imposition of suitably worded conditions.

7.5 It is therefore, respectfully requested that the application be granted.

8.0 APPENDICES

Appendix 1 - 23/00445/OUT – decision notice

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Mr and Mrs Kelly
Lyndale
Lindridge Lane
Desford
Leicestershire
LE9 9GN

Name and Address of Agent (if any)

Mr Mark Payne
Architectural Vistadesigns Ltd
118 Paddock Way
Hinckley
LE10 0BZ

Part I - Particulars of Application**Date of Application**

4 May 2023

Application No.

23/00445/OUT

Particulars and location of development :

Outline Application for proposed erection of 4 dwellinghouses with associated garages (All matters reserved except for access)

Lyndale Lindridge Lane Desford Leicester Leicestershire

Part II - Particulars of decision

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

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 plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including proposed materials and finishes
 - b) Landscaping of the site including hard boundary treatments and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

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- d) Scale of each building proposed in relation to its surroundings

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy H7 of the Desford Neighbourhood Plan (2021).

3. Details of the existing and proposed ground levels of the site shall be submitted with the reserved matters application. The development shall then be implemented in accordance with these details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy H7 of the Desford Neighbourhood Plan (2021).

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Ardent Consulting Engineers drawing number 2202690-001 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 84 metres by 2.4 metres to the north and 75 metres by 2.4 metres to the south have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

6. No part of the development shall be occupied until such time as the offsite footway works shown on Ardent Consulting Engineers drawing number 2202690-001 have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

7. No development (including vegetation clearance) shall take place until an ecological mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the LPA. Any mitigation, compensation or enhancement measures need to be clearly shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Reason: In order to provide a net gain in biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy ENV3 of the Desford Neighbourhood Plan (2021), and the requirements of the NPPF (2021).

8. No development (including vegetation clearance) shall commence until a detailed scheme of landscaping and measures for the protection of trees to be retained during the course of development has been submitted to and approved in writing by the Local Planning Authority. This shall include the following items;

- i) A site specific tree protection plan;
- iii) A tree survey of the existing protected trees;
- iv) An arboricultural implications assessment

Thereafter, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root

systems whilst construction work is progressing on site and that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy ENV3, H6 and H7 of the Desford Neighbourhood Plan (2021), and paragraph 170 of the National Planning Policy Framework (2021).

9. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To protect the amenity of neighbours and the character of the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. Development shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority (LPA), and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 110 and 112 of the National Planning Policy Framework (2021).

11. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

o The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

o The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

12. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with

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Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

3. Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended); therefore all vegetation removal should take place outside the breeding season (March - August inclusive) unless carefully checked beforehand by a suitably qualified person.
4. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

C. Brown.

Christopher Brown MRTPI
Planning Manager (Development Management)

Date : 01 August 2023

Appendix 2 - 23/00445/OUT – officer report

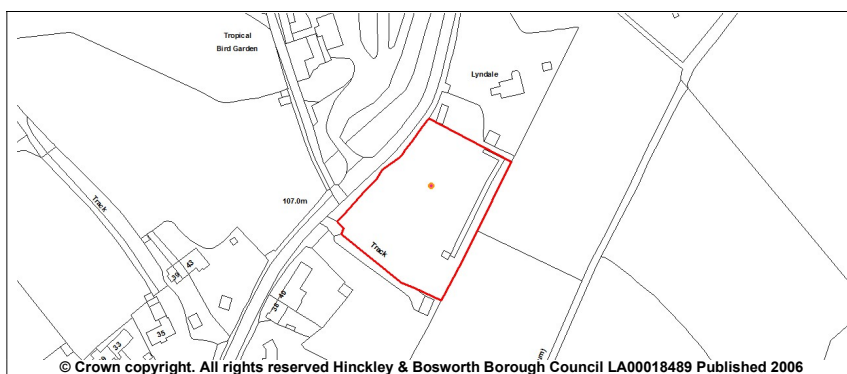
Planning Committee 25th July 2023
Report of the Head of Planning (Development Management)

Planning Ref: 23/00445/OUT
Applicant: Mr and Mrs Kelly
Ward: Newbold Verdon with Desford and Peckleton

Site: Lyndale, Lindridge Lane, Desford, Leicester



Proposal: Outline Application for proposed erection of 4 dwellinghouses with associated garages (all matters reserved except for access)



1. Recommendations

- 1.1. **Refuse planning permission** for the reasons at the end of this report.

2. Planning application description

- 2.1. The application seeks outline planning permission for the erection of four detached dwellings and detached garages on land at Lyndale, Lindridge lane, Desford. The only matter for detailed consideration at this stage is access. All other details are reserved.
- 2.2. A new vehicular access is proposed from Lindridge Lane, and the indicative layout suggests that a pedestrian footpath would be extended to link the site to the existing network.
- 2.3. The application is accompanied by the following reports and documents:
 - Transport Assessment
 - Tree Survey, Tree Report and Constraints Plan
 - Biodiversity Net Gain Assessment
 - Design and Access Statement

3. Description of the site and surrounding area

- 3.1. The site is located to the North of Desford and is accessed via Lindridge Lane. It has an area of approximately 1.16 Acres and is broadly rectangular in shape, lying approximately 700m north of Desford Village Centre. Directly opposite the site is

Tropical Birdland, with dwellings occupying the land on both sides of Lindridge Lane to the southwest. To the north is Lyndale, farm buildings and a redundant sewerage works. The site lies within the countryside and outside of the settlement boundary of Desford.

- 3.2. The site currently occupies a dense line of trees across the boundary with Lindridge Lane and the southern boundary of the site, along with groups of mature trees and bushes dispersed around the site. Along the eastern boundary there is an existing ditch, barbed wire fence and hedgerows overlooking open fields with the existing outbuildings of the Cattery. The Lyndale Boarding Cattery was trading for numerous years but has now ceased operation.

4. Relevant planning history

- 4.1. The application site has the following relevant planning history:

22/00569/OUT

- Outline application for proposed erection of up to 4 no. dwellinghouses with associated garages (all matters reserved except for access)
- Withdrawn
- 05.01.2023

5. Publicity

- 5.1. Neighbours of four neighbouring properties have been notified of the application. In addition, the application has been advertised by means of a site notice.
- 5.2. One objection has been received making the following comments:
- Outside the settlement boundary
 - Exacerbates ribbon development along Lindridge Lane
 - No footpath to the proposed development
 - Poor visibility on access

6. Consultation

- 6.1. Desford Parish Council – supports the application: If this had been submitted for the call for sites, we would have carried out an Strategic Site Analysis and extended the settlement boundary to accommodate this plot as it aligns with our desire for small developments. The neighbouring plot is already included as an allocated site in the draft review of the Neighbourhood Plan.
- 6.2. LCC Highway Authority – No objection subject to conditions: The applicant proposed the formation of a new access onto Lindridge Lane which is an adopted 'C' classified road subject to a 60-mph speed limit. Approximately 50 metres to the south of the proposed access Lindridge Lane becomes subject to a 30-mph speed limit as the lane enters the village of Desford. The new access is proposed to be approximately 20 metres south of the existing access and approximately 17 metres north of the access for the Tropical Birdland centre on the opposite side of the carriageway.

The Applicant has advised of the intention to retain the existing access which will serve the existing dwelling only as the cattery business is to cease trading. Ardent Consulting Engineers drawing No. 2202690-001 shows a 15-metre-wide access where it meets the public highway which then reduces to five metres in width upon

entering the site and a six metre junction radii. Within the site the private drive widens to 6.2 metres as it turns to head south in order to accommodate refuse vehicles which the Applicant proposes will enter the site to serve the dwellings. The LHA confirm that the proposed access accords with Part 3, Paragraph 3.192 of the Leicestershire Highways Design Guide (LHDG) and is suitable to serve four dwellings.

Also shown on the aforementioned drawing is a vehicular visibility splay of 75 metres from a setback distance of 2.4 metres to the south and 84 metres from a setback distance of 2.4 metres to the north. The above visibility splays have been informed by a speed survey undertaken 19 May 2022 by Ardent Consulting Engineers which recorded a northbound 85th percentile speed of 37.7mph and a southbound 85th percentile speed of 40.7mph. The LHA accept the proposed vehicular visibility splays. Approximately 40 metres south of the new access the Applicant proposes the formation of a pedestrian access into the site. Also proposed is the creation of nine metres of public footway with dropped kerbs and tactile paving on either side of the carriageway to enable pedestrians to cross Lindridge Lane and join the existing footway into Desford. The LHA request that the footway is designed and constructed in accordance with Leicestershire County standard drawings.

- 6.3. LCC Ecology – No objection subject to condition requiring an ecological mitigation, compensation and enhancement strategy. The proposals do not achieve the 10% net gain but are close (especially when combining hedgerow and area habitats). Whilst in the future it will become mandatory to achieve a 10% net gain, in this circumstance given the small scale of the development (and the relatively low value habitats present), suitable attempts have been made to achieve net gain and 10% net gain is not enforced. Enhancements for protected and priority species should be incorporated within the development in addition to the habitat enhancements to maximise biodiversity.
- 6.4. LCC Archaeology – A condition requiring a programme of archaeological work is required prior to any development, including demolition, taking place.
- 6.5. HBBC Waste – No objections subject to a condition regarding waste and recycling storage and collection.
- 6.6. HBBC Drainage – No objection subject to pre-commencement condition regarding surface water drainage.
- 6.7. HBBC Environmental Services – no objection
- 6.8. LCC Arboricultural Officer – The proposed development does not impact on any LCC Tree Preservation Orders, as such no comments are made in support or opposition to the proposal.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - Policy 16: Housing Density, Mix and Design
- 7.2. Site Allocations and Development Management Policies DPD (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 DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM25: Community Facilities
- 7.3. Desford Neighbourhood Plan (Made May 2021)
- Policy H1: Settlement Boundary
 - Policy H5: Housing Mix
 - Policy H6: Windfall Site Development
 - Policy H7: Housing Design
 - Policy ENV3: Biodiversity General
 - Policy ENV7: Renewable Energy Infrastructure
 - Policy T1: Traffic Management
 - Policy T3: Electric Vehicles
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - Highway Design Guide
 - Landscape Character Assessment (2017)

8. Appraisal

- 8.1. It is considered that the key issues in the determination of this application are:
- Principle of Development
 - Design and Impact upon the Character of the Area
 - Residential Amenity
 - Highway Safety
 - Flood Risk and Drainage
 - Ecology, Biodiversity and Trees

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. 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.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development,

and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Desford Neighbourhood Plan.

- 8.4. According to paragraph 14 of the NPPF, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that a number of criteria apply. One of these criteria is that the Neighbourhood Plan became part of the development plan two years or less before the date on which the decision is made. In this case, as the neighbourhood plan was made in May 2021, it is now more than two years old and therefore paragraph 14 does not apply.
- 8.5. Following two recent planning inquiries in November/December 2022 (Land at Sketchley Lane, Burbage) and February 2023 (Land east of The Common, Barwell) the Council has agreed through a statement of common ground a revised position on its 5-year housing land supply. The current figure is 4.76-year supply as of 31 March 2022. This is below the current published figure of 4.89-years as of 31 March 2022, with it being demonstrated that a single site of 61 dwellings is not currently considered to be deliverable within the 5-year period. This revised figure of 4.76 years was agreed through the Inquiries and accepted by the Inspectors.
- 8.6. Desford is defined as a Key Rural Centre within the Borough of Hinckley. The Core Strategy sets out that Key Rural Centres are villages with populations over 1,500 and have a primary school, local shop, post office, GP, community facilities, employment opportunities, and a 6 day/week bus service.
- 8.7. As set out above the site lies adjacent to but outside of the settlement boundary for the village. Therefore, the site lies within the countryside and Policy DM4 of the SADMP is applicable. Policy DM4 states that that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
 - It is for outdoor sport or recreation purposes, and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments; or
 - It relates to the provision of accommodation for a rural worker;
 - And
 - It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development

- 8.8. Policy H1 of the Desford Neighbourhood Plan states that land outside of the defined settlement boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policy.
- 8.9. The proposed development does not fall within any category of sustainable development that is considered acceptable in the countryside. The proposal is not supported by either Policy DM4 of the SADMP or Policy H1 of the DNP. The purpose of these policies is to protect the intrinsic beauty, open character, and landscape character of the countryside, and therefore the proposal is in direct conflict with these policies.
- 8.10. Furthermore, although this proposal is in outline, the shape of the site and submitted indicative layout plan suggest that the dwellings would form a linear development which would exacerbate ribbon development along Lindridge Lane to the north/north east. This is directly in conflict with Policy DM4 of the SADMP.
- 8.11. Although there is clear conflict with the spatial policies of the development plan paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all materials considerations and any harm arising from the conflict with Policies DM4 and H1 must therefore be weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.12. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.13. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.
- 8.14. Paragraph 134 of the NPPF states 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. Local policy is considered to accord with the NPPF.
- 8.15. The site lies beyond the northern edge of the village and is part of the countryside surrounding the settlement of Desford. The proposal would extend the built form into the countryside beyond the settlement boundary in a form of linear/ribbon development which would not follow the existing pattern or grain of development in the village. Whilst, the LCC Tree Officer has no objection as none of the trees on the site are protected and although there are some hedges and trees to be retained, there would be a notable change to the character of the site due to the removal of trees and introduction of residential dwellings. The indicative layout suggests that a modern cul-de-sac type of development would be inevitable, which would not reflect the character and appearance of the area and would appear incongruous in this context.

- 8.16. The proposed development would therefore have a significantly harmful effect on the character of the site and surrounding area contrary to the requirements of Policy DM10 of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.

Residential Amenity

- 8.17. 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.
- 8.18. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.19. Policy H6 (e) of the DNP states that development should not adversely impact the amenity of neighbours and the existing and future occupiers of the dwelling(s).
- 8.20. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.21. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.22. Paragraph 186 of the NPPF states that: "Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. [...] Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan".
- 8.23. There are no neighbouring dwellings close to the site which are considered to be adversely impacted by the proposed development judging by the indicative layout. Additionally, the illustrative layout demonstrates that 4 dwellings can be accommodated on the site and that the minimum standards in the SPD can be achieved.
- 8.24. The site is located opposite Tropical Birdland, a popular visitor attraction within the Borough. It is acknowledged that car journeys and general activity in the vicinity of the site would be greater than what would be expected of a residential area, therefore some degree of noise and disturbance may arise due to the relationship between the site and this visitor attraction. Nevertheless, the Council's Environmental Health officer raises no objection to the proposal, and the LPA

consider that there would be a sufficient separation and buffer between the two sites to mitigate any harmful noise or disturbance impacts upon the proposed dwellings.

- 8.25. With the imposition of conditions, the proposal is considered to meet policies DM10(a) and (b) of the SADMP, the BNP, the Good Design Guide SPD and national policy in the NPPF.

Impact upon highway safety

- 8.26. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.27. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.28. Paragraph 111 of the NPPF (2019) outlines that 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. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.29. The Local Highway Authority have confirmed that the proposed new site access accords with the LHDG and would achieve adequate vehicular visibility splays for the proposal. The internal layout is also acceptable as shown in the indicative plans, and would be suitable for a development of 4 dwellings whilst accommodating refuse/emergency vehicles.
- 8.30. The applicant also proposes the formation of a pedestrian access into the site and the creation of nine metres of public footway with dropped kerbs and tactile paving on either side of the carriageway to enable pedestrians to cross Lindridge Lane and join the existing footway into Desford. The LHA request that the footway is designed and constructed in accordance with Leicestershire County standard drawings.
- 8.31. It is considered that the proposal will not have any negative impact on the highway network and the proposal satisfies Policy DM17 and DM10(g) of the SADMP and the NPPF in this regard.

Flood Risk and Drainage

- 8.32. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.33. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate

proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.

- 8.34. The site lies within Flood Zone 1 of the Environment Agency Flood Maps. Part of the site is shown to be at low risk of surface water flooding. HBBC Drainage raises no objection, and it is considered that given the circumstances surface water drainage can be adequately dealt with via the suggested condition should permission be granted. Subject to this condition the development is considered to be acceptable with respect to flooding and surface water runoff issues and satisfies Policy DM7 of the SADMP and the NPPF.

Ecology, Biodiversity and Trees

- 8.35. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value. The policy states that on-site features should be retained, buffered and managed favourably.
- 8.36. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services which includes trees. Paragraph 180 states that development resulting in the loss of veteran trees should be refused unless there are wholly exceptional reasons.
- 8.37. Despite the quantity of trees that would need to be removed to enable development, the LCC Tree officer has no objection as none of the trees on the site are protected. Any prospective reserved matters scheme would be expected to provide compensatory planting and a full landscaping scheme which could mitigate this loss.
- 8.38. County Ecology consider that although there is a shortfall in terms of policy compliant Biodiversity Net Gain, this would not be disputed due to the size of the site and the margin of the shortfall.
- 8.39. In summary, subject to conditions, the proposed development would not adversely impact upon the habitat of protected species and subject to provision of biodiversity net gain complies with Policy DM6 of the SADMP.

Other Issues

- 8.40. Archaeology – the County considers that the interests of the archaeology of the site can be secured via condition.

Planning Balance

- 8.41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.42. This application relates to the erection of four dwellings on a site within the countryside where just a very small part of the site can be considered previously developed land. The most recent housing land monitoring statement for the period indicates that the Council cannot demonstrate a 5-year housing land supply. This is

also a key material consideration and under these circumstances, the NPPF 2021 sets out, in paragraph 11d) that, for decision makers:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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”*

- 8.43. Footnote 8 in the NPPF states that the application of this approach “includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”.
- 8.44. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and 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 the Framework taken as a whole. The degree to which the proposed development conflicts with Policy DM4 of the SADMP and H1 of the Desford Neighbourhood Plan is significant, and it is considered that the impact on the character and appearance of the area would be severe given the nature of the site currently and the proposed development which would result in the loss of a significant number of existing trees on the site.
- 8.45. Furthermore, the submitted indicative layout suggests that the proposed development would exacerbate ribbon development along Lindridge Lane which is an additional criterion set out in Policy DM4 of the SADMP. Additionally, due to the nature of the site, a modern cul-de-sac type of development would be inevitable, which would not reflect the character and appearance of the area and would appear incongruous in this context.
- 8.46. Paragraph 8 of the NPPF sets out three overarching objectives for sustainable development which are interdependent and need to be pursued in mutually supportive ways.
- 8.47. The scheme would provide economic benefits through the creation of jobs and demand for services during the construction phases and from the future occupation of the development supporting the local economy. Socially, the scheme would provide a modest contribution towards housing supply within the Borough. Environmentally, as the site lies within the countryside and is not allocated, there would be conflict with the spatial strategy of the development plan and the NPPF which is clear that the planning system should be genuinely plan led with plans acting as a platform for local people to shape their surroundings. There would be some harm caused to character and appearance of the countryside and the proposal would exacerbate ribbon development along Lindridge Lane.
- 8.48. In terms of locational sustainability, it is acknowledged that although the site is located within a rural area, it is within walking and cycling distance to a range of services within Desford and is located less than 1km from the centre of the village.

The indicative layout also indicates that the current public footpath would be extended to be linked to the site, which would enable less of a reliance on the use of private cars for trips to and from the site.

- 8.49. Having assessed the application it is considered that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the development plan and the NPPF as a whole. Consequently, the presumption in favour of sustainable development set out within policy DM1 and the NPPF does not apply, the proposal is not judged to be sustainable, and material considerations do not indicate that planning permission should be granted for a scheme that is not in accordance with the development plan. As such the application is recommended for refusal.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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. Recommendation

- 10.1. **Refuse planning permission for the reason set out below.**

1. By virtue of the location of the application site within the open countryside, the proposed scheme would represent unsustainable and unjustified ribbon development of new dwellings in the designated countryside beyond the settlement boundary of Desford. Additionally, the proposed development would have a significantly harmful effect on the character of the site and surrounding area. In the absence of a five-year housing land supply, paragraph 11 of the NPPF is engaged. However, the adverse impacts would significantly and demonstrably outweigh the benefits. The proposal would therefore be contrary to Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan

Document (2016), Policies H1 of the Desford Neighbourhood Plan, and the overarching principles of the National Planning Policy Framework (2021).