DELEGATED REPORT

Recommendation Made: 29 August 2008

Reference:- **08/00463/OUT** **Parish:-** **Groby Parish Council**

Applicant:- **Mr Bally Chauhan**
Broom Croft
Bradgate Hill
Groby
Leicestershire

Location:- **Broom Croft Bradgate Hill Groby Leicester Leicestershire**

Proposal:- **PROPOSED ERECTION OF ONE NEW DWELLING**

Introduction:-

This application seeks outline planning permission for the erection of a detached dwelling and creation of a new vehicular access. The application seeks approval for access and siting only at this stage with all other matters reserved. The site lies within the Charnwood Forest area in countryside to the north west of the settlement of Groby and to the north east side of the A50 (Bradgate Hill). The site is currently part of the garden of an existing dwelling known as Broom Croft. It is within a linear development of large individually designed detached dwellings of long-standing that occupy plots either side of the A50. The dwellings are generally set well back from the highway in large grounds. There are open fields to the rear (north east) of the site. An existing vehicular access serves Broom Croft, a new (additional) access would serve the proposed dwelling. The A50 is dual carriageway at this point. There are a number of trees within the site subject to a Tree Preservation Order.

History

91/00606/4	Erection of Dwelling and Alterations to Access	Refused	20.08.91
05/0955/FUL	Extensions and Alterations to Dwelling Including Swimming Pool	Withdrawn	04.11.05
05/01298/FUL	Extension to Dwelling	Approved	15.02.06.

Consultations:-

No objections have been received from:-

Friends of Charnwood Forest
Groby Parish Council
Head of Community Services (Pollution)

No objections have been received subject to conditions from:-

Director of Community Services (Ecology)
Head of Community Services (Land Drainage)

Director of Highways, Transportation and Waste Management (Highways) objects to the proposed development on two grounds:- (i) the proposal, if permitted, could result in an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road which could lead to increased dangers for road users and (ii) the proposal if permitted could result in an unacceptable increase in traffic turning onto or off a Class 1 road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of highway safety.

No response has been received at the time of writing this report from:-

National Forest Company
Site Notice
Neighbours.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Statement 9: Biodiversity and Geological Conservation.

Regional Spatial Strategy for the East Midlands (RSS8)

Policy 2 - Locational Priorities for Development
Policy 3 - Sustainability Criteria

Local Plan Policies

BE1 - Design and Siting
NE5 - Development in the Countryside
NE19 - Charnwood Forest
NE21 - The Principles of Development within the National Forest
T5 - Highway Design and Vehicle Parking Standards
Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'.

Appraisal:-

The main considerations in respect of this application are the principle of residential development in the countryside and the impact of the proposed development on the character and appearance of the surrounding landscape, on highway safety and ecology of the site.

Principle of Development and Impact upon the Character and Appearance of the Countryside

The proposed development constitutes the erection of a new dwelling in an unsustainable location, outside any settlement boundary within the countryside and without any special justification. The principle of such development is contrary to central government guidance, regional policy and policies within the adopted Local Plan that seek to protect the countryside for its own sake from unwarranted development. The proposal would be detrimental to the general appearance and character of the landscape in an area of particularly attractive countryside within the Charnwood Forest and National Forest by consolidating residential development in the countryside and could, if permitted, lead to a proliferation of new dwellings in such locations.

Impact on Highway Safety

The Highway Authority has raised objections to the proposed development on highway safety grounds. The creation of a new vehicular access and the increase in the number of vehicles turning off and onto a Class 1 road (dual carriageway) remote from main development where traffic speeds are generally high could be detrimental to highway safety. The proposed access also lacks appropriate visibility for the speed of traffic on this Class 1 road and could lead to increased dangers for road users.

Impact on Ecology

The Director of Community Services (Ecology) raises issues regarding the potential presence of protected species within the site. This concern relates to the demolition of a detached garage building as part of the development , the presence of ponds within 500 metres of the site and to the previous identification of fields surrounding Broom Croft as having Parish level ecological significance. It is recommended that before planning permission is determined, a full and comprehensive survey for such

species, including bats and nesting birds and great crested newts, should be conducted by an appropriately licensed person as required by Trigger Notes 6 and 8 of Protected Species Decisions for Development Control.

Conclusion

The erection of a new dwelling in an unsustainable location within the countryside without special justification is contrary in principle to central government guidance, regional policies and local plan policies and would be detrimental to the character and appearance of the surrounding landscape. The proposed new vehicular access to serve the development could be detrimental to highway safety contrary to local plan policy and to the guidance contained in the Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'. Insufficient information has been provided to enable the Local Planning Authority to accurately determine the impact of the proposed development on protected species.

RECOMMENDATION :- REFUSE, for the following reasons :-

Reasons :-

1 In the opinion of the Local Planning Authority, the proposal would result in development in the countryside that would be detrimental to the general appearance and character of an area, which should be protected for its own sake; development in an unsustainable location within the Charnwood Forest area of particularly attractive countryside and the National Forest, to the detriment of the appearance and character of the landscape. The proposal is therefore contrary to Policies BE1, NE5, NE19 and NE21 of the adopted Hinckley & Bosworth Local Plan; Policy 2 'Locational Priorities for Development' and Policy 3 'Sustainability Criteria' of the Regional Spatial Strategy for the East Midlands (RSS8); and to Central Government Guidance in Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

2 The proposal, if permitted could result in an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road which could lead to increased dangers for road users, it is therefore contrary to policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'.

3 The proposal, if permitted could result in an unacceptable increase in traffic turning onto and off a Class 1 road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of highway safety and the development is therefore contrary to policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'.

4 The applicant has provided insufficient information to enable the Local Planning Authority to determine that the proposed development would not have an adverse effect on protected species that may be present within the site therefore the proposed development is contrary to central government guidance in Planning Policy Statement 9: Biodiversity and Geological Conservation.

5 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would consequently be difficult to resist and could lead to a proliferation of new residential development in the countryside. The proposal is contrary to Policies BE1, NE5, NE19, NE21 and T5 of the adopted Hinckley & Bosworth Local Plan; guidance contained within Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'; Policy 2 'Locational Priorities for Development' and Policy 3 'Sustainability Criteria' of the Regional Spatial Strategy for the East Midlands (RSS8); and to Central Government Guidance in Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

Contact Officer:- Richard Wright Ext 5894

BACKGROUND INFO

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and address of Applicant
D Piggott
Broomcroft Bradgate Hill
Groby
Leics

Name and address of agent (if any)
David M Haynes
65 Leicester Road
Groby
Leics LE6 0DQ

Part I - Particulars of application

Date of application
19/06/91

Application No.
91/0606/4

Particulars and location of development:

Erection of dwelling and alterations to access (outline)
Land adj Broomcroft Bradgate Hill Groby Leics

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part 1 hereof for the following reasons:

1. The site lies outside the established settlement area as defined in the North Eastern Parishes Local Plan and is therefore subject to the Countryside Policies of the Leicestershire Structure Plan. In such an area it is intended that existing uses will remain for the most part undisturbed and new development will normally only be permitted when it is required for agriculture. In the opinion of the Local Planning Authority the development proposed would be contrary to that policy.

2. The proposal would, if permitted, consitute an unwarranted consolidation of residential development within an area having a distinct rural character to the detriment of that character.

3. The application site is located within the Charnwood Forest Area of Particularly Attractive Countryside as defined in the Leicestershire Structure Plan and the North Eastern Parishes Local Plan. The proposal is considered to be contrary to policies intended to protect the particular character of the area.

4. The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would consequently be difficult to resist.

5. The proposed development, if permited, would intensify the use of an existing access onto this section of the A50, a duel carriageway, where vehicle speeds are high, thereby creating additional dangers to road users.

Date: 20/08/91

Tan Haines

Proper Officer of the Council

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ON THE REVERSE SIDE OF THIS FORM

91/0606/4
D PIGGOTT. LAND ADJ BROOMCROFT BRADGATE HILL. GROBY
ERECTION OF DWELLING AND ALTERATIONS TO ACCESS (OUTLINE)
19/06/91

Introduction :-

This application is for outline planning permission for the erection of one dwelling on land adjacent to Broomcroft. The plot is approximately 0.6 acres in area and is similar in size to the plots to either side. Access is proposed to be shared with the existing dwelling, ~~(Broomcroft)~~. However, all matters are indicated on the application forms as being reserved for further approval.

Consultations :-

County Highways Authority advise that planning permission be refused on the grounds that the proposal would intensify the use of an existing access onto the A50 which would not be in the interest of road safety.

District Engineer has no objections to the proposal but refers to County Highway Authority's observations.

Groby Parish Council are strongly opposed to the proposal on the following grounds :-

- proposal is contrary to Structure Plan, the Groby District Plan and the North Eastern Parishes Local Plan
- proposal entails additional traffic onto the busy A50 road
- permission for this development would set a precedent for other property owners in the area
- trees may be subject to a Tree Preservation Order.

The Parish Council also wish to remind the Local Planning Authority that planning permission was refused in 1987 (ref: 87/0884/4) for a similar proposal on the opposite side of the A50 (Stewarts Hay).

Development Plan Policies :-

The site lies within an area of open countryside where Structure Plan Countryside Policies L/SE 14 and L/SE 18 apply. These policies require that any new dwellings must be shown to be needed for the efficient operation of agriculture, horticulture, forestry, tourism, public utilities or recreation. These policies are also endorsed by the North Eastern Parishes Local Plan which identifies this site as being within open countryside (Policy NE/ENV 15).

Appraisal :-

In view of the location of the site the proposal is considered to be contrary to policy. No agricultural justification has been given. A similar application was refused on this site in 1983 (ref: 83/0927/4). There have been no significant material changes in circumstances which ~~could lead~~ would justify an alteration to a recommendation of approval.

RECOMMENDATION :- **REFUSE**, for the following reasons :-

1 The site lies outside the established settlement area as defined in the North Eastern Parishes Local Plan and is therefore subject to the Countryside Policies of the Leicestershire Structure Plan. In such an area it is intended that existing uses will remain for the most part undisturbed and new development will normally only be permitted when it is required for agriculture. In the opinion of the Local Planning Authority the development proposed would be contrary to that policy.

2 The proposal would, if permitted, constitute an unwarranted consolidation

of residential development within an area having a distinct rural character to the detriment of that character.

3 The application site is located within the Charnwood Forest Area of Particularly Attractive Countryside as defined in the Leicestershire Structure Plan and the North Eastern Parishes Local Plan. The proposal is considered to be contrary to policies intended to protect the particular character of the area.

4 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would consequently be difficult to resist.

5 The proposed development, if permitted, would intensify the use of an existing access onto this section of the A50, a duel carriageway, where vehicle speeds are high, thereby creating additional dangers to road users.

2.

Town and Country Planning Act 1971

Refusal of planning permission

Name and address of applicant

E. Piggott, Esq.,
Broomcroft,
Bradgate Hill,
Groby

Name and address of agent (if any)

David M. haynes,
65 Leicester Road,
Groby,
Leics.

Part I – Particulars of application

Date of application: 25.10.83

Application no.: 83/0927/4

Particulars and location of development:

Erection of a bungalow, Adjacent to Broomcroft, Bradgate Hill, Groby

Part II – Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1971, the Hinckley & Rosworth Borough Council refuses to permit the carrying out of the development referred to in Part 1 hereof for the following reasons:

1. The site is outside any area designated for development and is in a location where the general countryside policies of the Leicestershire Structure Plan apply. In such an area it is intended that existing and uses shall, for the most part, remain undisturbed and new development will only be permitted when it is required for agriculture. In the opinion of the Local Planning Authority the development proposed would be contrary to that policy.

2. The proposed development would consitute an unnecessary intrusion into this rural area and would be injurious to the character and amenity thereof in that it would constitute the undesirable consolidation of existing ribbon development.

3. The application site lies within the Charnwood Forest area of particularly attractive countryside wherein the policy 18.37(i) of the Leicestershire Structure Plan states that: "It is the policy of the County Council that addirional to generally applicable conservation policies in these areas; (i) new development should be permitted only where this is essential".

4. The approval of this proposal would set a precendent for the consideration of further applications of a similar nature to which the Local Planning Authority would also object but which would, consequently, be difficult to resist.

5. The proposed development, if permitted, would intensify the use of an existing access onto this section of the A50 which is dual carriageway and on which traffic

Date: 20th December 1983

Signed on behalf of the Council

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ON THE REVERSE SIDE OF THIS FORM

C.S. 13 Rev. 9/77

83/0927/4 continued

is fast moving and would create additional danger to road users by right turning manoeuvres on the narrow central reservation.

Note To Applicant: Refusal reason 5 is imposed at the direction of the Leicestershire Director of Planning and Transportation.

20th December 1983

Proper Officer of the Council