

Delegated Report

Planning Reference 26/00555/PIP
Applicant Mrs Zarah Raven
Ward Burbage, Sketchley & Stretton



Application Site Whitehouse Farm, Workhouse Lane, Burbage

Proposal Permission in Principle for the provision of a minimum of 1 and a maximum of 3 serviced plots for self-build and custom housebuilding

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1. **Grant planning permission in principle** subject to planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks planning permission in principle for the provision of up to three self-build and custom house build dwellings at Whitehouse Farm, Workhouse Lane, Burbage.
- 2.2. This is the first stage of the planning in principle route where the application only seeks to establish whether the application site is suitable in principle. The detailed design of the proposal is assessed via a separate application within the second technical details consent stage of this development route.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the southeast of Burbage on the western side of Workhouse Lane in the designated open countryside in the Burbage South and East Landscape Sensitivity Area within the wider Burbage Common Rolling Farmland Landscape Character Area. The application site is located within the wider land associated with White House Farm, which is to the north of the site and not included within the red line boundary of this current application. Several agricultural structures related to White House Farm were converted into extensions to the existing dwelling to the north of a single dwelling via 10/00127/FUL. The red line boundary for this previous application did not include the current application site.

- 3.2. The land that separates the wider Whitehouse Farm site from the built form of Burbage to the north has outline planning permission for the provision of 40 dwellings via the allowed appeal decision against the refusal of 20/01012/OUT. The detailed design of this development is currently being determined by the Local Planning Authority via 26/00113/REM.
- 3.3. On the opposite side of Workhouse Lane is allotments and beyond this to the east and southeast are residential properties within Burbage. The application site is separated from the next residential property, Leachmore, to the south by an existing paddock. The land to the south of Leachmore also benefits from planning permission for up to 80 dwellings via 23/00148/OUT. A Reserved Matters application for 77 dwellings within this site is currently being reviewed by the Local Planning Authority via 25/00971/REM. The decision to refuse 24/00083/HYB for 422 dwellings in this location and 250m to the west of the current application site is being appealed by the respective applicant.

4. Relevant Planning History

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

5. Publicity

- 5.1 In accordance with Paragraph 5G of Part 2A of the Town and Country (Permission in Principle) (Amendment) Order 2017 (as amended), the application has been publicised by giving requisite notice by site display in at least one place near to the land which the application relates and on the Council's website. No responses have been received.

6. Consultation

- 6.1 Burbage Parish Council and Leicestershire County Council as the Minerals and Waste Planning Authority and as the Local Highway Authority did not raise any objections to the application. No further responses have been received within the required 14-day consultation period.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 3: Development in Burbage

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

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

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

- Policy M11: Safeguarding of Mineral Resources

7.4 Burbage Neighbourhood Plan 2015 – 2026 ('BNP') (2021):

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking
- Policy 12: Important Trees

7.5 National Planning Policies and Guidance:

- The Town and Country (Permission in Principle) (Amendment) Order 2017
- National Planning Policy Framework ('NPPF') (2024)
- Planning Practice Guidance ('PPG')
- National Design Guide ('NDG') (2019)
- Levelling-Up and Regeneration Act ('LURA') (2023)
- Self-Build and Custom Housebuilding Act (2015)

7.6 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment ('LCA') (2017)
- Leicestershire Highway Design Guide ('LHDG') (2024)

8. Appraisal

- 8.1. Planning Practice Guidance ('PPG') states that a decision on whether to grant permission in principle to a site must be made in accordance with relevant policies in the Development Plan unless there are material considerations, such as those in the National Planning Policy Framework ('NPPF') and national guidance, which indicate otherwise. Paragraph 3 of the NPPF confirms that the Framework should be read as a whole.
- 8.2. The PPG confirms that the scope of permission in principle is limited to location, land use, and amount of development. Issues relevant to these "principle" matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. It is not possible for conditions to be attached to a grant of permission in principle and planning obligations cannot be secured at the permission in principle stage.
- 8.3. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.4. The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document ('SADMP'), the adopted Burbage Neighbourhood Plan ('BNP') and the Leicestershire Minerals and Waste Local Plan ('LMWLP'). In accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

Transport Sustainability of the Location of the Application Site

- 8.5. Burbage is to the north of the application site and supports Hinckley's position as a subregional centre. The application site is between 400m and 650m from the majority of the facilities and services within Burbage, including bus stops, Burbage Library, and several public houses.

- 8.6. After 85m to the north of the site, the routes to these services are subject to a 30mph speed limit, include pavements and feature street lighting. It is also appreciated that the distance along Workhouse Lane that does not currently feature pavements and street lighting is likely to reduce following the construction of the necessary off-site highway works to facilitate the development to the north of the site allowed at appeal via 20/01012/OUT.
- 8.7. Notwithstanding this, Table 3.2 of the Chartered Institution of Highways and Transportation ('CiHT')'s Guidelines for Providing Journeys on Foot (2000) considers such distances to be within the acceptable to preferred maximum acceptable walking distances to facilities and services for locations in town centres, commuting and other locations.
- 8.8. Leicestershire County Council as the Local Highway Authority have reviewed the application and considered the site to be in a sustainable location in transport terms.
- 8.9. By virtue of these factors, it is considered that the transport sustainability of the location of the proposal would be acceptable in these site-specific circumstances and would accord with Policy DM17 of the SADMP, Key Policy Paragraph 115 and Chapter 9 of the NPPF.

Location of Application Site in the Designated Open Countryside

- 8.10. The application site consists of agricultural land that is located outside of, and is not adjacent to, the identified settlement boundaries of Burbage in the designated open countryside. Policies DM4(a) to (e) of the SADMP do not identify the provision of residential properties as a sustainable form of development in the countryside. As such, the scheme would not be offered any support by Policy 2 of the adopted Core Strategy, Policy DM4 of the SADMP, or Policy 1 of the BNP in principle.
- 8.11. Given the above, the location of proposal in the designated open countryside would not be offered any support by the Development Plan in principle. The provision of up to three dwellings in this location would therefore be considered to result in the loss of the existing rural character of the site and cause the encroachment of urbanising built form into the designated open countryside in the form of ribbon development.
- 8.12. This would result in significant and permanent harm to the character of the surrounding area, the Burbage South and East Landscape Sensitivity Area, and the designated open countryside. As a consequence of this, the proposal would be considered to be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, and Policies 1 and 2 of the BNP.

- 8.13. However, it is acknowledged that the application site is only visually prominent from public views from Workhouse Lane, and the site's eastern boundary to this Lane features timber boarded fencing and residential gates. These factors would be considered to limit the visual effect of the proposed development on the site from public views and the wider character of the surrounding area.
- 8.14. In addition, the size of the application site is considerably smaller than the large surrounding fields that more positively contribute to the character of the Landscape Sensitivity Area. The small size of the site is due to the fact that the site is isolated from these fields and the wider countryside by established hedgerows and vegetation. Based on historic satellite imagery between 2011 and 2015, the delineation between the residential land of Whitehouse Farm and the application site has also been removed, which has increased the site's association with the wider Whitehouse Farm's existing residential use. These factors would be considered to reduce the site's contribution to the character of the surrounding area and the open character of the countryside.
- 8.15. Importantly, the Landscape Sensitivity Area is considered to have an overall low to medium sensitivity to residential development due to the strong influences of the existing settlement edge and the M69 on the rural agricultural character of the area.
- 8.16. The strong influence of the existing settlement edge in this location is likely to significantly increase through the construction of 40 dwellings to the north of the site and 80 further to the south along Workhouse Lane approved via 20/01012/OUT and 23/00148/OUT. The 40 dwellings to the north of the site would in effect connect the application site and the wider Whitehouse Farm site to the built form within Burbage. This would be considered to significantly alter the character and visual experience of the surrounding area and reduce the impact of new residential development in this location on the rural character of the surrounding area and the open character of the countryside.
- 8.17. Due to the size and location of the application site, it is appreciated that the provision of up to three new dwellings within this location would not extend built form any further to the west or east than the host dwelling, nor further to the south than the existing neighbouring residential property, Leachmore. In combination with the nearby extant planning permissions for new major residential development. This would be considered to reduce the impact of development on the character of the area.

- 8.18. Furthermore, this impact could be further reduced through the provision of a high-quality design and landscaping strategy. This could include the replacement of the existing timber boarded fencing along the eastern boundary of the site with native planting and hedgerows, which would improve the character of the site.
- 8.19. In light of the above, the proposal would be considered to result in harm to the rural character of the site, and the surrounding area, including the Barwell South and East Landscape Sensitivity Area and the wider designated open countryside. This would be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP and Policies 1 and 2 of the BNP. However, the extent of this harm would be reduced due to limited public views, the influence of nearby recent major residential development permissions on the surrounding area, and the site's isolation from the wider countryside from established vegetation. Furthermore, the impact of the development could be reduced through a high-quality designed scheme and landscaping strategy at the technical details consent stage of the development. Ultimately, this identified harm should be weighed against the benefits of the scheme within the planning balance of this Report.

The Location and Proposed Use of the Site's Impact upon Residential Amenity

- 8.20. The closest neighbouring residential property is Whitehouse Farm to the north of the site. Based on the approved floor plans from 10/00127/FUL, all the principal habitable windows that serve this existing property face towards the application site. These existing principal windows would be at a distance of over 23m from the northern side boundary of the application site, which would exceed the Council's Good Design Guide's minimum separation distances.
- 8.21. In light of the above, it is considered that the scheme, subject to the detailed matters to come forward at technical details consent stage, could be designed such to have a suitable relationship with the nearby residential units in accordance with Policy DM10 of the SADMP and Key Policy Paragraph 135 of the NPPF.

The Location and Proposed Use of the Site's Impact upon Highway Safety

- 8.22. The proposed residential development would be accessed via Workhouse Lane. Leicestershire County Council as the Local Highway Authority confirmed that they had no pre-existing highway safety concerns at this location and that the application site would be in a sustainable location in transport terms.

- 8.23. It is therefore considered that the scheme, subject to the detailed matters to come forward at technical details stage, the development proposal could be designed to prevent any unacceptable impacts on highway safety or the road network. in accordance with Policies DM17 and DM18 of the SADMP, and Policy 4 of the BNP.

Material Considerations

Housing Land Supply

- 8.44 Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, the 'tilted' balance of Paragraph 11(d) of the NPPF would be triggered within the determination of an application. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.45 The Planning Policy team have reviewed the revisions to the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply. As of April 2024, the Council had a 5.26-year supply of land for housing. However, the Council can no longer demonstrate a five-year housing land supply, and the latest figures as of April 2025 are expected to demonstrate that the Council has a housing land supply of up to 3.95 years.
- 8.46 Given the above, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF would be triggered within the determination of this application. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 8.47 When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.
- 8.48 Paragraph 1.2 of the Planning Statement suggests that the scheme's contribution to the Council's supply of housing should be a benefit that is afforded substantial positive weight in the planning balance. This is not agreed by the Local Planning Authority. It is noted that Paragraph 4.2 of the Planning Statement highlights that the Inspector only afforded significant positive weight to the provision of 40 dwellings to the development at land off Workhouse Lane, Burbage during the appeal against the refusal of 20/01012/OUT.
- 8.49 In light of the above, whilst the Council is unable to deliver a five-year supply of land for housing, in accordance with the requirements of Chapter 5 of the NPPF to deliver a sufficient supply of homes, the limited contribution of up to three additional dwellings within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance.

Self-Build and Custom Housebuilding

- 8.50 The Applicant is on the Council's Self-Build and Custom Housebuilding Register. The Applicant has stated that within the description of their development that the proposal would be for self-build and custom housebuilding properties in accordance with the definition at Section 1 of the Self-Build and Custom Housebuilding Act 2015. To support this, the Applicant has submitted a signed Self-Build and Custom Housebuilding Form, and a draft Unilateral Undertaking to legally secure the development as a self-build and custom housebuilding scheme.
- 8.51 Section 2A of the 2015 Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area. The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidence by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period.

- 8.52 However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.
- 8.53 Currently, the Council has supplied less suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 10, which results in a shortfall of 17 self-build and custom-house build dwellings. Paragraph 1.3 of the Planning Statement suggests that the scheme's contribution to this supply should be a benefit that is afforded substantial weight in the planning balance. This is not agreed by the Local Planning Authority.
- 8.54 If secured by a Unilateral Undertaking ('UU'), this development as a self-build and custom house-build would contribute to the current unmet demand and the cumulative need for permissions by the end of this Base Period (31 October 2025 to 30 October 2026). Nevertheless, it is acknowledged that planning conditions and legal agreements cannot be attached to applications for permission in principle.
- 8.55 On this basis, and in light of the clear intention of the Applicant to progress the development as a self-build and custom housebuilding scheme, as well as in accordance with Paragraphs 63 and 73 of the NPPF and the statutory duties of the 2015 Act, the benefits of this small contribution in addressing the current shortfall in the Council's provision self-build and custom housebuilding developments would be considered to attract moderate positive weight in the planning balance.

Material Considerations Raised by the Applicant

- 8.24. To justify their development, Paragraphs 1.4 to 1.6 of the Planning Statement suggest that significant weight should be given to the scheme's economic benefits, the sustainability of the proposed development, and its ability to build out quickly as a small site. None of these positions are agreed by the Local Planning Authority.
- 8.25. It is acknowledged that there would be potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. Nevertheless, these benefits when associated with the provision of up to dwellings would be modest and would not be considered to maintain or enhance the local community. These potential benefits would therefore be considered to attract limited positive weight in the planning balance.

- 8.26. Although the Applicant has provided a list of opportunities to promote the sustainability credentials of the proposed development at Appendix 2 of their submission, this document does not state that all these identified protocols will take place as part of this development. Importantly, none of these identified protocols can be secured via this permission in principle application, and several of these protocols include requirements for the proposed units that would go far beyond the powers of the planning process. In light of the above, it is considered that no positive weight should be afforded to this matter in these site-specific circumstances.
- 8.27. The scheme's contribution to the Council's supply of housing and supply of self-build and custom housebuilding units as a small-sized site has previously been addressed in this Report with reference to Paragraph 73 and Chapter 5 of the NPPF. To offer significant positive weight to the scheme's status as a small-sized site would be considered to represent a duplication of the benefits of the application. As such, it is considered that no independent positive weight should be afforded to the small size of the development within the determination of this application.

Planning Balance and Conclusions

- 8.28. In conclusion, a decision on whether to grant permission in principle to a site must be made in accordance with relevant policies in the Development Plan unless there are material considerations, such as those in the NPPF and national guidance, which indicate otherwise. The NPPG confirms that the scope of permission in principle is limited to location, land use, and amount of development.
- 8.29. Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, and the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.30. The 'tilted' balance of Paragraph 11(d) of the NPPF would be engaged within the determination of this application and Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.
- 8.31. The provision of up to three dwellings within this location would be considered to result in harm to the rural character of the site, and the surrounding area, including the Barwell South and East Landscape Sensitivity Area and the wider designated open countryside. This would be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP and Policies 1 and 2 of the BNP.

- 8.32. However, it is acknowledged that through the location of the development, the planning context of the wider area, and the provision of a high-quality scheme at the technical details consent stage of the development, the impact of this scheme could be reduced. As such, this conflict would be considered to attract moderate negative weight in the planning balance.
- 8.33. On the other hand, the proposal would be in an acceptable location for transport sustainability, and it is considered that the development proposal could be designed at the technical details stage to prevent any unacceptable impacts on highway safety and the road network, and to have a suitable relationship with nearby residential units. As the proposal would therefore not be considered to materially impact these matters, subject to the technical details stage, these factors would be considered to attract neutral weight in the planning balance.
- 8.34. However, moderate positive weight should be afforded to the proposal's contribution to the Council's supply of self-build and custom housebuilding units, and limited positive weight should be afforded to the scheme's contribution to the Council's supply of land for housing and the associated social and economic benefits.
- 8.35. By virtue of the above factors, it is considered that the harm of the development would not significantly nor demonstrably outweigh the potential benefits of the scheme in these site-specific circumstances in accordance with Paragraph 11(d) of the NPPF. It is therefore recommended that permission in principle is granted.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

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

11. Recommendation

- 11.1 **Grant permission in principle** subject to planning reasons detailed at the end of this Report.

a. Notes to Applicant(s)

1. The application has been determined in accordance with the following details, submitted to the Local Planning Authority:
 - Appendix 1 Bewly Homes PLC v SSLUHC
 - Appendix 2 Sustainability Strategy for Development
 - Appendix 3 December 2025 Planning Committee Report Pack
 - Appendix 4 Draft Unilateral Undertaking
 - Appendix 5 Icení Briefing Note May 2026
 - Appendix 6 Bellway Homes High Court Decision 2025
 - Appendix 7 Corbett v Cornwall Council
 - Appendix 8 Land off Workhouse Lane Appeal Decision 2022
 - Appendix 9 Illustrative Site Plan
 - Appendix 10 Design Code
 - Appendix 11 Plot Passport

- Application Form
- Covering Letter
- Planning Statement
- Self and Custom Build Form
- Site Location Plan
- Unilateral Undertaking
- 59 Kennel Lane Appeal Decision 2026