

Delegated Report

Planning Reference 25/00175/FUL
Applicant(s) Mr G Warren
Ward Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Application Site Valley View, Station Road, Desford

Proposal Proposed erection of dwelling with detached garage, landscaping and associated works including the demolition of existing outbuildings

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a detached, two-storey, three-bedroom dwelling, a detached double garage with accommodation in its roof space and associated landscaping at Valley View, Station Road, Desford. To facilitate these works, the existing timber outbuildings are removed from the site and alterations are proposed to the existing vehicular access onto Station Road. The dwelling is set down from the existing ground levels by 1m.
- 2.2. The property has an unusually angled shape that externally measures 16.8m in width by 19m in depth, which creates a total footprint of 162.5sqm. The proposal features a main two-storey element of the property and a single storey element that protrudes to the northwest of the structure. The single storey element of the property is 3.2m in height and is constructed with metal cladding and a flat green roof.
- 2.3. The two-storey main element of the development is rectangular in shape and externally measures 7.2m in width by 13.7m in depth and has a 7.7m high pitched roof. This main slate-tiled roof features two metal-clad dormer windows with slate-tiled roofs, two rooflights, and solar panels on its rear northwestern elevation, and six rooflights on its side southeastern elevation. The main part of the property is constructed with a 1.1m high brickwork plinth and a monocouche rendered finish above. The front northeastern elevation of the property features a 3.5m high pitched open-sided timber porch.

- 2.4. The proposed double garage externally measures 6.6m in width by 6m in depth and has an additional floor of accommodation within its floor space. The garage has a pitched roof that has a ridge height of 6m, and an eaves height of 2.2m. Two dormer windows are proposed on the front and rear elevations of the structure. The garage is constructed with an oak timber finish and slate roof tiles to match the main property. The ground levels of the garage are set down from the main property by 1.4m.

3. Description of the Site and the Surrounding Area

- 3.1. The 3,859sqm application site is located to the northeast of Desford. The application site itself consists of residential timber framed outbuildings and garden space associated with Valley View ('39 Station Road') to the south of the site. The outbuildings were constructed on the site in 2021 without planning permission.
- 3.2. The existing garden space to the south of the site is within the identified settlement boundary of Desford. However, the existing outbuildings and the land within but to the north and northwest of the site, including the site's existing vehicular access onto Station Road, are outside of the identified settlement boundary of Desford in the designated open countryside.
- 3.3. Valley View was an existing residential dwelling that was approved by the Inspector to be subdivided and extended to support the provision of five apartments following the refusal of planning application 19/01411/FUL. The land levels slope down from Valley View to the application site by approximately 2m.
- 3.4. To the north of the site is open agricultural fields. Public Footpath R93 runs east-to-west to the northwest of the site. The eastern boundary of the site is immediately adjacent to Station Road, which the site has an existing vehicular access to. Station Road is an adopted and classified 'C' road that is subject to a 30mph speed limit in the vicinity of the site access.
- 3.5. Beyond Station Road is one large dwelling, The Cottage, that is set within considerable grounds. To the south of the site is the wider built form of Desford. To the west of the site is the wider residential garden area of Valley View and beyond this is further open agricultural fields.

4. Relevant Planning History

4.1 24/01145/FUL

- Erection of a bungalow
- Refused
- 14.07.2025

4.2 20/00018/PP

- Sub-division and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access
- Allowed
- 11.11.2020

4.3 19/01411/FUL

- Sub-division and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access
- Refused
- 25.03.2020

4.4 13/00110/CLUE

- The use of land as existing garden land
- Permitted
- 05.04.2013

4.5 93/00117/4

- Erection of one house
- Refused
- 24.03.1993

4.6 87/00255/4

- Change of use from agricultural to garden land and construction of tennis court
- Permitted
- 28.03.1988

5. Publicity

5.1 The application has been publicised by sending out letters to local residents, and a site notice was posted within the vicinity of the site.

5.2 No responses have been received.

6. Consultation

6.1 Desford Parish Council objected to the development on the following grounds:

- Desford has exceeded its quota for housing up till 2040.

- Harm to the character of the area and the countryside
 - The proposal is outside of the identified settlement boundary
 - The scheme sets a precedent for further development between Desford and Newtown Unthank
- Highway safety concerns
 - A new dwelling shall create additional movements in and out of the site
 - The proposal has a dangerous site access that is close to a bend on a busy classified 'B' road
 - The existing access is only a gate into a field with an unmade track
- The scheme does not encourage sustainable modes of transport

6.2 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- Leicestershire County Council (LCC)'s Ecology Department (subject to conditions)

Ecology

6.3 Leicestershire County Council's Ecology Department had a holding objection to the development until an updated Preliminary Ecological Appraisal and Pre-Development Baseline Map was submitted alongside amendments to the Biodiversity Net Gain Metric. The Applicant submitted a revised Preliminary Ecological Appraisal on 24 June 2025.

6.4 On 03 July 2025, the Ecology Department accepted the submitted information and considered the development to acceptable subject to the provision of three pre-commencement planning conditions including a Construction Environment Management Plan for Biodiversity, and a 30-year Habitat Monitoring and Management Plan. The Applicant agreed to these conditions on 03 July 2025.

Other Consultation Responses

6.5 The Local Highway Authority referred to standing advice. Leicestershire County Council as the Lead Local Flood Authority did not comment on the proposal.

6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Desford Neighbourhood Plan 2018 – 2036 (DNP) (2021):

- Policy H1: Settlement Boundary
- Policy H7: Housing Design
- Policy ENV3: Biodiversity General
- Policy T1: Traffic Management
- Policy T3: Electric Vehicles

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

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

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

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF.
- 8.4 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.
- 8.5 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the adopted Desford Neighbourhood Plan (DNP). Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.6 Nevertheless, 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.
- 8.7 Policy H1 of the DNP states that development proposals within the settlement boundary will be supported where they respect the character of Desford. Land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.
- 8.8 Whilst the southern elements of the scheme are within the identified settlement boundary of Desford, the northern single storey element of the proposed dwelling, the detached garage, and the associated hard surfacing and residential garden space to the north and northwest of the site are outside of any identified settlement boundary in the designated open countryside.
- 8.9 As a result, outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development.

- 8.10 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.11 Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.12 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. To ensure this, Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.13 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.14 Given the above, there are elements of the scheme that are outside of the identified settlement boundary of Desford in the designated open countryside, which are offered no support by Policy DM4 of the SADMP or Policy H1 of the DNP. As such, the proposal does not fully accord with, and is considered to conflict with, Development Plan Policy in principle. Therefore, the acceptability of the scheme in principle in these site-specific circumstances is subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.15 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.16 Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly
- 8.17 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.18 The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published by Autumn 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.19 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.20 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.

- 8.21 Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135, and 139 of Chapter 12 (Achieving Well-Designed Places).
- 8.22 In this instance, Key Policy Paragraphs 115, 129, 135, and 139 are applicable to this development.
- 8.23 Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.
- 8.24 In summary, due to the age of the relevant housing policies within the adopted Core Strategy, and the fact that the Council are unlikely to be able to demonstrate a five-year housing land supply, the 'tilted' balance in Paragraph 11(d) of the NPPF. Therefore, in accordance with Paragraph 11(d)(ii) of the NPPF, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard for applicable key policy paragraphs.
- 8.25 Although the Council are unlikely to be able to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.26 Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.27 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.28 Key Policy Paragraph 129(d) of the NPPF states that planning decisions should support development that makes an effective use of land, taking into account the desirability of maintaining and area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.

- 8.29 Policy DM4(i) and (iii) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and it does not create or exacerbate ribbon development.
- 8.30 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.31 Policy H7(a) of the DNP states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated. 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.
- 8.32 Policy H7(c) of the DNP requires all new housing to 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 improvements can be robustly demonstrated without detracting from the historic context.
- 8.33 Policy H7(d) of the DNP then states that developments should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible.
- 8.34 Guidance Point C1 of the National Design Guide (NDG) confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.35 Guidance Point I1 of the NDG highlights that new developments should consider the composition of street scenes and individual buildings and their elements including the height, scale, massing and relationship between buildings, as well as views, vistas, landmarks, and landscaping, amongst others.
- 8.36 The northern and north-western elements of the proposal, including the single storey aspect of the dwelling, the detached double garage, the widened vehicular site access, and the associated off-street parking, hard surfacing, and residential garden area, are within the designated open countryside. This encroachment of domesticating features and built form in the designated countryside is considered to result in significant harm to the countryside.
- 8.37 Notwithstanding the above, there are no other examples of residential properties to the north of Valley View on the western side of Station Road. With the exception of the existing site access onto Station Road to the north of the development, the built form of Desford is not experienced from public views when heading southbound along Station Road until the views of the four dwellings within the Valley View complex and the associated vehicular access onto Station Road.

- 8.38 Equally, beyond the existing Valley View complex, the experience of the western side of Station Road when heading northbound is of open agricultural fields.
- 8.39 Therefore, the proposal encroaches into the designated open countryside, and the resultant urbanising effect of the development is likely to result in significant harm to the rural setting of Desford, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside. The visual prominence of this harm is considered to be increased due to the amendments to widen the existing access from Station Road to facilitate the development.
- 8.40 The visual prominence of the adverse impacts of the development is exacerbated by views of the site from Public Footpath R93, which runs to the northwest of the site. This visual prominence from the Public Footpath is heightened due to the rising land levels from north to south towards Desford, which shall make the development appear larger. Based on the submitted Topographical Survey there is likely to be minimum level difference of 5m between the development and the views of the site from Public Footpath R93 to the northwest of the site.
- 8.41 However, based on the Topographical Survey, it is appreciated that the land levels slope down from Valley View to the proposed dwelling by approximately 2m, and this increases to 3.4m for the proposed detached garage. This is considered to reduce the visual prominence of the development from views from the south of the site and views heading northbound along Station Road.
- 8.42 This is supported by the fact that the largest elements of the scheme, including the two-storey massing of the dwelling, is located to the south of the site closest to the existing built form of Valley View and within the identified settlement boundary of Desford. Furthermore, as the development extends to the north of the site into the designated open countryside, the massing of the scheme reduces to single storey. This is considered to assist in reducing its impact on the character of the surrounding area.
- 8.43 In addition, there is existing hard standing within the site from the site access to the existing outbuildings. The current proposal replaces the existing outbuildings, which have been in place beyond the time period in which the Local Planning Authority could have taken enforcement action against these buildings, and the scheme re-utilises the existing hard surfaced areas of the site for off-street parking provision. This is also considered to reduce the development's impact on the character of the area and the designated open countryside.
- 8.44 Due to the existing established vegetation along the eastern boundary of the site, there are limited public views into the site from Station Road. It is also noted that the development is sited 11.6m west of the site's eastern boundary and 16.7m from the public highway, which reduces its impact from wider views.
- 8.45 The scheme is supported by a Tree Protection Plan, which confirms that all the existing trees along the eastern boundary of the site, with the exception of Category 'U Tree T017, are retained. Whilst vegetation cannot be relied upon to mitigate the

impacts of a development, a planning condition can secure the retention of these existing trees in accordance with the Tree Protection Plan in these site-specific circumstances.

- 8.46 It is acknowledged that a development for a proposed bungalow was recently refused by the Local Planning Authority at the Land to the rear of Valley View, Station Road, Desford via planning application 24/01145/FUL. This refused scheme was 50m west of the proposed development and over 50m north of the existing built form of Valley View in the designated open countryside. Public Footpath R93 also runs through the application site of the refused development.
- 8.47 In comparison to this current proposal, the refused development was 45% larger in footprint and despite being single storey in massing had a ridge height that was 1.7m higher than the single storey elements of this current proposal. The refused development replaced dilapidated equestrian structures that could not be used for the intended use, and the scheme included a 136.6m long private access track.
- 8.48 Therefore, Paragraph 8.49 of the Delegated Report for the refused development considered the scheme to represent new and unjustified residential development in the designated open countryside that, by virtue of its size, scale, layout, siting, design, architectural features and use of materials, resulted in the creation of new ribbon development and that caused significant adverse impacts to the character of the site and the surrounding area, and the intrinsic value, beauty, open character and landscape character of the open countryside
- 8.49 Given the above there is a significant number of material differences between the two schemes, including their size, scale, design, layout, siting, architectural features, use of materials, location, and their site-specific circumstances. It is therefore, not considered that the current proposal is not comparable to the previously refused scheme within planning application 24/01145/FUL, and therefore the determination of this previous development is considered to attract little weight in the determination of this current proposal.
- 8.50 In light of the above, whilst the main bulk of the currently proposed dwelling is within the identified settlement boundary of Desford, the proposal encroaches built form into the designated countryside, which is considered to result in harm to the character of the surrounding area and the intrinsic value, beauty, open character, and landscape character of the countryside. Therefore, the proposal conflicts with Policy DM10 of the SADMP and the harm of the development to the character of the area should be assessed against the benefits of the scheme in accordance with the 'tilted' balance at Paragraph 11(d) of the NPPF.

Impact upon Residential Amenity

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

- 8.52 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.
- 8.53 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.54 There are no adjacent residential dwellings within 21m of the development. Therefore, the scheme is not considered to result in any significant adverse impacts to neighbouring residential amenity. Although the proposal is constructed within the residential garden space of the Valley View complex, the reduction in the size of this garden space is not considered to result in any harmful impacts in these site-specific circumstances.
- 8.55 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.56 Proposals for two-storey, three-bedroom properties should provide a minimum of 84sqm of floor space and 2.5sqm of built-in storage in accordance with the NDSS.
- 8.57 The footprint of the ground floor of the development is 141.2sqm, which includes 12.5sqm of in-built storage for a pantry and utility. There is also additional built-in storage and a cloak room on this ground floor. Therefore, the development complies with the floor space and storage requirements of the NDSS.
- 8.58 In accordance with Paragraph 10(c) of the NDSS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the NDSS.
- 8.59 All bedrooms exceed the minimum floor space requirements for a bedroom as detailed within the NDSS.
- 8.60 To comply with the Good Design Guide, three-bedroom houses should also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.61 The scheme is considered to provide a sufficient provision of private outdoor amenity space in accordance with the Good Design Guide.

- 8.62 By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to the residential amenity of neighbouring dwellings or the future occupiers of the scheme. The scheme is therefore considered to be in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.63 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.64 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).
- 8.65 There has been a total of one Personal Injury Collision (PIC) recorded within the last five years within 500m to the north of the existing access and approximately 300m to the south, where Station Road meets Leicester Lane. This was classed as 'slight' in severity. The Local Highway Authority (LHA) have reviewed the PIC data, and, after investigation, the LHA are satisfied that there are no patterns or trends.
- 8.66 The scheme utilises an existing vehicular access onto Station Road. Within this proposal, the existing access is amended to have an effective width of 6m for 1m behind the highway boundary. There is also a wide passing bay proposed within the application site should any vehicles meet the access. The proposed access therefore complies with Table 13 of the LHDG and is considered to be acceptable for the scale of proposed development.
- 8.67 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.68 Table 28 (Residential Parking Standards) of the LHDG requires dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces. This increases to a minimum of three off-street parking spaces for properties with four or more bedrooms. Figure 44 (Dimensions) of the LHDG requires minimum parking sizes to be 2.4m in width by 5.5m in depth, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.69 In accordance with the LHDG double garages should have minimum internal dimensions of 6m in width by 6m in depth, with a minimum door width for 4.2m.

- 8.70 The Proposed Site Plan highlights two off-street parking spaces and a detached double garage. However, it is noted that the double garage does not meet the internal space dimensions to be contribute to off-street parking provision.
- 8.71 Nevertheless, if the double garage is not utilised for off-street parking, it is considered that four parking spaces can accommodated within the application site in accordance with Table 28 and Figure 44 of the LHDG.
- 8.72 In summary, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.73 In summary, due to the age of the relevant housing policies within the adopted Core Strategy, and the fact that the Council are unlikely to be able to demonstrate a five-year housing land supply, the 'tilted' balance in Paragraph 11(d) of the NPPF.
- 8.74 Therefore, in accordance with Paragraph 11(d)ii) of the NPPF, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assess against the policies in the Framework taken as a whole, having particular regard for applicable key policy paragraphs.
- 8.75 In this instance, Key Policy Paragraphs 115, 129, 135, and 139 are applicable to this development.
- 8.76 The proposal is not considered to result in any significant adverse impacts to highway safety or the road network, nor to the residential amenity of neighbouring residents or the future occupiers of the scheme. Therefore, the scheme does not result in a material impact to these matters, and as a result the weight afforded to these factors is considered to attract neutral weight in the planning balance.
- 8.77 Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.
- 8.78 It is also acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. Nevertheless, these benefits when associated with one dwelling are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.

- 8.79 On the other hand, the proposal encroaches built form into the designated countryside, which is considered to result in harm to the character of the surrounding area and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is considered to be heightened by the land levels in the site and the surrounding area, and the visual prominence of the development from Public Footpath R93. This harm is contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, and Policies H1 and H7 of the DNP.
- 8.80 However, the main bulk of the scheme is sited to the south of the site in the identified settlement boundary of Desford, which is closest to, and set down from due to the land levels in the area, the existing built form of Valley View and Desford. Whilst aspects of the scheme encroach further into the designated open countryside, these have a reduced single storey massing and are set lower down than the main two-storey element of the proposed dwelling.
- 8.81 In addition, the development to the north of the site replaces the existing outbuildings within the site and re-utilises the existing hard standing with the site for off-street parking provision. The scheme is also supported by a Tree Protection Plan, which confirms that all the existing mature trees along the eastern boundary of the site adjacent to the public highway, with the exception of Category 'U Tree T017, are retained.
- 8.82 In light of the above, whilst the proposal results in a degree of harm to the character of the surrounding area and the designated open countryside, by virtue of its size, scale, design, massing, siting, ground levels, landscaping, its partial location within the identified settlement boundary of Desford, and the existing built form within the site, it is not considered that the resultant harm of the development significantly and demonstrably outweighs the benefits of the scheme in these site-specific circumstances.
- 8.83 In conclusion, and in accordance with Paragraph 11(d) of the NPPF, although the development is considered to result in a degree of harm to the character of the surrounding area and the designated open countryside, this harm is not considered to significantly and demonstrably outweigh the benefits of the scheme. As a result, the scheme is recommended for approval.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Arboricultural Impact Plan (Rev 2) (submitted: 25.02.2025)
- Proposed Elevations (0125 P02 005) (submitted: 25.02.2025)
- Proposed Floor Plan (0125 P02 004) (submitted: 25.02.2025)

- Proposed Landscaping (0125 P02 007) (submitted: 25.02.2025)
- Proposed Parking Provision (0125 P02 006) (submitted: 25.02.2025)
- Proposed Site Plan (0125 P02 002) (submitted: 25.02.2025)
- Site Location Plan (0125 P02 002) (submitted: 25.02.2025)
- Topographical Survey (0125 P02 001) (submitted: 25.02.2025)
- Tree Constraints Plan (submitted: 25.02.2025)
- Tree Protection Plan (Rev 2) (submitted: 25.02.2025)

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).

3. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include, but shall not be limited to, the following details:

- (a) Identification of potentially damaging construction activities; and
- (b) practical measures and sensitive working practices to avoid or reduce impacts during construction on amphibians; and
- (c) timing of works to avoid harm to nesting birds; and
- (d) responsible persons for overseeing sensitive works; and
- (e) use of protective fencing where required hedgerows.

The approved CEMP shall be adhered to and implemented throughout the construction period.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall take place (including ground works or vegetation clearance) until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the Local Planning Authority. The approved HMMP shall contain, but shall not be limited to, the following:
 - (a) Description and evaluation of the features to be managed; and
 - (b) Ecological trends and constraints on site that may influence management; and

- (c) Aims, objectives and targets for management - links with local and national species and habitat action plans; and
- (d) Description of the management operations necessary to achieving aims and objectives; and
- (e) Preparation of a works schedule, including annual works schedule; and
- (f) Details and a timetable of the monitoring needed to measure the effectiveness of management; and
- (g) Details of the persons responsible for the implementation and monitoring; and
- (h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- (i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

The approved HMMP shall be strictly adhered to and implemented in full for its duration.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan (0125 P02 002) (submitted: 25.02.2025) 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 (2024).

6. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres to the east of the access 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 (2024).

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan (0125 P02 002) (submitted: 25.02.2025). Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 11 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

9. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 11 metres of the highway boundary, nor shall any be erected within a distance of 11 metres of the highway boundary unless hung to open away from the highway..

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2024).

10. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Part 1 of Schedule 2 of Article 3 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 protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The detached double garage associated with the development hereby permitted shall only be used for ancillary accommodation for the private use of

the future occupants of the development hereby permitted and for no other purpose. The approved scheme shall not be used for any commercial or industrial purposes or occupied as an independent unit of residential accommodation.

Reason: To ensure that the proposed development is compatible with existing development in the locality in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. The development shall be carried out in full accordance with the Tree Protection Plan (Rev 2) (submitted: 25.02.2025) and the Arboricultural Impact Plan (Rev 2) (submitted: 25.02.2025).

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 187(b) of the National Planning Policy Framework (2024).

13. 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 for a period of five years from the date of this planning permission. If any trees or hedges to be retained die or are damaged, removed, or seriously diseased, a replacement shall be planted at the same place and that tree or hedge shall be of a similar size and species to the specific tree or hedgerow that requires replacing.

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

a. **Notes to Applicant(s)**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Your attention is drawn to the Biodiversity Net Gain note within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions.

3. *Rhododendron sp* and *cotoneaster sp* are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as plants that may not be planted or otherwise caused to grow in the wild. If it is necessary for (*Rhododendron* and *cotoneaster sp.*) to be removed, it is important to note that Schedule 9 invasive plants are classified as controlled waste and should be handled and disposed of accordingly at a licenced waste facility.
4. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
5. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
6. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
7. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018).

It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.