

Delegated Report

Planning Ref: 26/00636/FUL
Applicant: Mr Alan Marriott
Ward: Barlestone, Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: Land Rear of 30 Barton Road, Barlestone

Proposal: Erection of a single storey self-build dwelling

1. Recommendations

1.1. Refuse planning permission due to:

- Reasons outlined at the end of this report

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the erection of a single storey self-build dwelling, located to the rear of 30 Barton Road, Barlestone.
- 2.2. The proposal consists of a one-bedroom dwelling, with an integrated garage, a 'courtyard' garden, parking provision and is accessed from Barton Street, which is a narrow highway off Barton Road, leading to Saints Walk and Barlestone St Giles Football Club.
- 2.3. The application has been proposed as a self-build dwelling and has been supported by a self-build and custom housebuilding evidence form but has not been secured via any legal mechanism.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the north and rear of Nos 26-34 Barton Road, Barlestone. The site currently consists of a number of garages and ancillary outbuildings, belonging to the owners of No. 30.
- 3.2. The site is accessed along a narrow road, which is Barton Street, and is accessed through an existing set of 1.8m high solid gates.
- 3.3. There are dwellings to the north, south and west of the site, which are of two storey nature, with gardens located on the aforementioned boundaries to the development site. To the east is Barton Street and the adjacent cemetery.
- 3.4. The site benefits from existing boundary treatments, consisting of predominantly 1.8m high close boarded fencing, with some boundaries to the south being lower level, and in the case of 30 Barton Road, there is no existing boundary treatment to the development site.

4. Relevant Planning History

99/00375/OUT

Erection of one dwelling
Outline planning approval
21/07/1999

19/10150/PREHMO

Construction of dwelling house
Response given, not supported
06/12/2019

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 Four no. letters were received from four separate addresses, one in support of the application (from the same address as the applicant) which included no written representation, one neither in support or objection which requested clarity on the sites land levels and boundary treatments, and two objections, of which the points of objections are summarised below:
- Inappropriate back land development
 - Residential amenity harm
 - Not in keeping with the character of the area
 - Not in accordance with Good Design Guide
 - Not in accordance with Neighbourhood Plan

6. Consultation

LCC Highways

- 6.1 LCC Highways have confirmed their September 2011 standing advice.

Pollution

- 6.2 No objections.

HBBC Waste

- 6.3 HBBC Waste have confirmed they have no objections subject to planning condition, and have commented the below:
- 6.4 All domestic recycling, garden waste, and refuse collections must take place from the adopted highway boundary in accordance with Hinckley & Bosworth Borough Council's policy. If any part of the new road serving the properties is

private/unadopted, you must provide adequate and safe collection point space at the adopted highway boundary for the placement of all containers on collection day. Allow for up to 3 bins per property at one time. Ensure the space is accessible and safe for both residents and collection crews.

6.5 It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the designated collection point on collection day and returned to storage location once waste collection has taken place.

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

Barlestone Parish Council

6.7 No objections.

LCC Minerals

6.8 The county planning authority has no objections to the proposal. Whilst, the site is within the mineral safeguard area for sand & gravel, it will be unlikely that mineral extraction in an environmental manner can occur due to the size and location of the development.

HBBC Drainage

6.9 No objections, and recommended note to applicant in relation to the below:

6.10 Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

6.11 Any proposed 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

LCC Ecology

6.12 LCC Ecology have no objections and have confirmed the following:

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- 6.13 There are existing buildings on the proposed site, including a shed and two felt-roofed garages. The current structures do not appear to contain a separate roof void, and proposed works are sited on what appears to be entirely hard standing. Therefore, it is considered to have limited suitability for protected species. As such, the proposed changes are likely to have minimal impact on ecology and no ecological surveys are required.
- 6.14 Enhancements: In line with the National Planning Policy Framework (NPPF), the application must deliver measurable biodiversity gains, for example through the provision of bird nesting features. Integrated or woodcrete bird boxes should be installed at least 2 m above ground level and close to the eaves, in a shaded area, and with a clear approach.
- 6.15 Details of ecological enhancements, including their type (make/model) and location, should be clearly shown on an elevation plan prior to determination or alternatively the following condition applied.
- 6.16 Recommended condition: No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) at least one woodcrete/integrated bird box, the make/model and their locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.
- 6.17 All new planting should be composed of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres

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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Barlestone Neighbourhood Development Plan (2022):

- Policy H2: Settlement Boundary
- Policy H3: Windfall Sites

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- Policy H6: Design Standards
 - Policy TR1: Traffic Management

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

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

- Principle of development
- Impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Ecology
- Self and Custom House Build
- Planning balance

Principle of Development

8.2 Paragraph 3 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 15 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 17 of the NPPF. Therefore, in accordance with Chapter 4 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.4 Policy 7 of the adopted Core Strategy (2009) relates to Key Rural Centres. Barlestone is identified as an anomaly within Policy 7, in that it does not have employment provision, however, is considered a sustainable location which the council will support housing development within the settlement boundary that provides a mix of housing types and tenures.

8.5 Policy DM1 of the SADMP confirms that there is a presumption in favour of sustainable development, in that planning applications that accord with the policies

in the local plan, and, where relevant, within policies in neighbourhood plans, will be approved without delay, unless material considerations indicate otherwise. Development shall be granted permission unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in that framework indicate that development should be restricted.

- 8.6 Policy H2 of the BNDP (2022) confirms that development proposals on sites within the settlement boundary will be supported where they respect the character of the area of Barlestone and comply with other Plan policies.
- 8.7 Policy S3 of the NPPF (2026) relates to a presumption in favour of sustainable development, meaning that Policy S4 of the framework should be applied when considering development proposals within settlements.
- 8.8 The development is located within the defined settlement boundary of Barlestone, and as such, Policy S4 of the NPPF (2026) is engaged. Policy S4 of the NPPF, confirms that development proposals within settlement boundaries should be approved unless the benefits of doing so would be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:
- a) Have a substantial adverse impact in relation to:
 - i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or
 - ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).
 - b) Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or
 - c) Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.
- 8.9 The development is therefore considered acceptable in principle, subject to satisfying the sections a-c. The development does not have adverse impacts on sections a and b, and Policy S4(c) shall be assessed within the wider sections of this report, alongside additional material planning considerations. The development also complies with Policy 7 of the Core Strategy, Policy H2 of the BNDP and Policy

DM1 of the SADMP, in that the development is located within the settlement boundary and is therefore a sustainable location for development of this nature.

- 8.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.11 The Council's latest Five Year Housing Land Supply (5YHLS) statement confirms that for the period of 2026-2031 the council can demonstrate 4.47 years housing land supply, equating to a deficit of 388 dwellings.
- 8.12 As such it is considered that the provision of one additional dwelling towards the evidenced unmet need would be attributed moderate weight, and that the development is in accordance with the development plan and NPPF in principle.

Design and Impact upon the Character of the Area

- 8.13 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.
- 8.14 Policy DP3 of the NPPF relates to key principles for well-designed places. It confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features. Development proposals should be refused if, without clear, justification they conflict with policy DP3 or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans).
- 8.15 Policy H6 of the BNDP confirms that development proposals for one or more properties will be supported where they meet a set of criteria outlined in the policy from sections a-i. The relevant section a) confirms, proposals should respect the character and historic context of nearby existing development within the village.
- 8.16 The Good Design Guide provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The Good Design Guide provides specific guidance for both backland and infill sites, the guidance confirms that building plots should be of similar size and shape to the wider context, allowing sufficient space between buildings. Built development should be of similar footprint, plot position and layout to the wider context, allowing sufficient space between buildings and not adversely impacting upon the prevailing grain of development. Built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the streetscene. Backland development will require clear and convincing justification in relation to its context. Proposals will

need to demonstrate that they would not result in the over-densification of land, leading to a loss of character.

- 8.17 The proposed development would consist of a single storey, 1-bedroom detached dwelling, with an integrated garage. The development is proposed to consist of red clay brickwork. The dwelling is L shaped, with a blank elevation to the north, and west, a front elevation consisting of a window serving the hallway and garage door to the east, and a set of patio doors serving the kitchen, living room and bedroom, facing southwards onto a small courtyard garden area.
- 8.18 The overall design of the dwelling is considered to be of a reasonable design, however, the key issues which arise relates to the context of the site. The neighbouring residential development to the north, west and south of the site, consist of two storey properties, with large, detached plots to the south, semi-detached to the west and a row of terraced properties to the north, all with sufficient sized gardens to the rear.
- 8.19 There is the significant backland development to the rear of Barton Road, however, this consists of comprehensive developments which have shared character and retain open spaces between plots. The existing site does contain a number of single storey garages, however, these appear as clear ancillary structures and the proposed dwelling is larger than the existing built form on site. The proposed development does not respect the wider building lines or built form and leads to a cramped and overdeveloped character to the site and immediate area, by virtue of the dwellings footprint and its proximity to three of the sites boundaries. The dwelling is set back in the site which offers no active frontage to Barton Street, unlike other backland developments in the area which ensures they have a sense of place which the current proposal does not achieve.
- 8.20 Therefore, the context of the site is at odds with the wider character of the area and built form, providing an incongruous infill development, not matching the wider grain of development.
- 8.21 The development is therefore in direct conflict with Policy DP3 of the NPPF (2026), Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016), Policies H3 and H6 of the Barlestone Neighbourhood Development Plan (2022), and the general principles of the Good Design Guide (2020).

Impact upon Residential Amenity

- 8.22 Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers is fully considered when assessing planning applications.
- 8.23 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.

- 8.24 Policy H6 of the BNDP confirms that proposals should not lead to an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise.
- 8.25 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.26 Policy P3 of the NPPF (2026) relates to living conditions and pollution. Within both P3 (1) and (2), it is confirmed that development proposals should provide healthy living conditions for occupiers and users in terms of adequate light.
- 8.27 Despite the close proximity to neighbouring dwellings and their garden boundaries, the development by way of its scale is unlikely to give rise to impacts to neighbouring residents in terms of overlooking, overshadowing, loss of light or overbearing impacts, alongside amenity issues of noise pollution, owing to the height of the proposed dwelling, existing boundary treatments surrounding the plot (which measure approximately 1.8m in height and consist of close boarded fencing) and separation distances. The rear elevation of the dwellings to the north are approximately 9.5 metres from the proposed single storey dwelling, the neighbouring dwellings to the west and south also exceed this distance, in line with the Good Design Guide. However, concern arises in relation to the amenity of future occupiers of the scheme.
- 8.28 The development provides windows into the habitable rooms of the proposed 1-bedroom single storey dwelling, shown within the submitted proposed elevation plans Drg No. 2503-PA-0021, through patio doors on the south elevation and the shown roof lights. As such matters relating to adequate light for the future occupiers is considered acceptable.
- 8.29 However, the windows of all the habitable rooms of the dwelling, including living space and bedroom face onto a small courtyarded garden space, which faces onto the proposed and existing boundary treatments, which measures 1.8m in height and consist of close boarded fencing, approximately 2.88m away. This is not considered to provide a high level of visual amenity, with all habitable rooms having poor outlook and a high degree of enclosure.
- 8.30 In addition, to comply with the Good Design Guide, it states the minimum dimensions for the garden sizes required. This includes being a minimum of 7m in length, and a minimum of 60sqm. It is considered that the main and only private garden space provided is within the smaller courtyard area to the south west of the site, with the frontage to the site not being a conventional or usable garden space. As such the dimensions of the amenity space provided is wholly insufficient in this instance.

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- 8.31 Given the above, the development is not considered to achieve an acceptable standard of amenity for future residents and would not be in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016), Policy P3 of the NPPF (2026) and the principles of the Good Design Guide (2020).

Impact upon Parking Provision and Highway Safety

- 8.32 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.
- 8.33 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.
- 8.34 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.35 The Highways authority have confirmed their 2011 standing advice and have therefore raised no objections to the scheme. From a review of the standing advice, concerns were raised regarding the visibility splays from the access to the proposal site. LCC Highways did respond and confirmed that from a site visit they acknowledged that this access point would likely not achieve the desired visibility, however, given the sites existing use as garaging and parking, and given the scale of the development, it is unlikely that the number of vehicular movements to and from the site would be intensified significantly. As such, the LHA would not support a refusal on this basis, and on balance, find the scheme acceptable.
- 8.36 The development also provides a sufficient degree of parking with one space located within the integral garage, and two spaces located within the hardstanding area to the front of the proposed dwelling.
- 8.37 The development is therefore considered to be in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016).

Ecology

- 8.38 Policy DM6 of the SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.

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- 8.39 On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.40 Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- a) The need and benefits of the development in that location clearly
 - b) It has been adequately demonstrated that the irreplaceable habitat
 - c) Appropriate compensation measures are provided on site wherever possible and of site where this is not feasible.
- 8.41 If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.42 LCC Ecology have been consulted as part of this proposal and have confirmed that they have no objection to the proposal subject to a planning condition requesting the submission of a biodiversity enhancement scheme, including features such as integrated bird boxes.
- 8.43 It is considered that from the LCC Ecology comments that there would be no harm to Ecology, subject to a planning condition as a post permission matter, and as such would be in accordance with Policy DM6 of adopted Site Allocations and Development Management Policies DPD (2016),

Self and Custom House Build

- 8.44 Policy HO7 of the NPPF (2026) confirms that in applying policies within the framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessment prepared for the area of the local planning authority and other relevant evidence. This includes, but is not limited to, homes needed for different groups assessed under Policy HO1.
- 8.45 Section 1 of the Self-Build and Custom Housebuilding Act defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals to be occupied by as homes by those individuals.
- 8.46 The application proposal is for a single self-build unit, and the application has been submitted with an accompanying self and custom house build evidence form, but without the proposal being secured by a signed unilateral undertaking.
- 8.47 The Council accepts that its supply of self-build and custom build units is such that its statutory duties are not being met, with a shortfall in units identified. However, in the absence of a suitable mechanism in the form of a unilateral undertaking, a self-

build unit is not secured. In the absence of this mechanism, the benefit of a self-build unit cannot be secured and no weight attributed is attributed to this.

8.48 It is also confirmed that a condition requiring the occupation of a dwelling by the person who built it would not pass the enforceability test for conditions.

8.49 This is supported by the following appeal decisions in which the inspectorate has supported this stance.

- APP/K2420/W/25/3364808 - Land north east of Old White Cottage, 2 Newbold Road, Desford
- APP/K2420/W/24/3357989 - Pond Barn, Cold Comfort Farm, Rogues Lane, Stoke Golding
- APP/F2415/W/24/3338486 – Land adjoining The Causeway, Church Causeway, Church Langton, Market Harborough

Planning Balance

8.50 Annex A of the NPPF confirms that the policies within the framework are material considerations which must be taken in account in decision-making. It goes on within section 2 to state that development plan policies which are materially inconsistent with national decision-making policies should be given very limited weight, except where they have been examined and adopted against the updated framework (2026). Other development plan policies should be given reduced weight simply because they were adopted prior to the publication of this framework.

8.51 Section 3 of Annex A states that where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, for the purposes of policy S5(1)(j), if the most up-to-date local housing need figure (calculated using the standard method set out in Annex D) is greater than the housing requirement set out in adopted development plan policies, this should not be considered as evidence of unmet need, for a period of five years from the date of the plan's adoption.

8.52 In this instance the Council cannot demonstrate a five-year housing land supply and as such the provision of 1no. dwelling to the evidenced unmet need would be attributed moderate positive weight, in line with Policy HO7 of the NPPF.

8.53 As mentioned within this report, and in line with the aforementioned appeal decisions, in the absence of a legal mechanism securing it the proposed contribution of a self-build home to the unmet need cannot be afforded additional positive weight.

8.54 It is considered that the development would provide minor social and economic benefits through the provision and construction of a one bedroom dwelling,

however, this would be afforded limited positive weight due to the minor scale of the development.

- 8.55 Policy S4 of the NPPF (2026) confirms that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. The policy then sets out a number of stipulations which may be a reason for refusal for development within the settlement boundary. Of which, Policy S4(c) confirms that one of these reasons is the failure for the proposal to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.
- 8.56 Policy DP3(3) of the NPPF states that development proposals should be refused if without clear justification, they conflict within DP3(1) or (2). As established within the design and character of the area of this report, the proposal is in clear and direct conflict with both Policy DP3 of the NPPF, DM10 of the adopted Site Allocations and Development Management Policies DPD (2016) and Policy H6 of the BNDP (2022), and as such would be attributed significant negative weight.
- 8.57 In addition to the harm, there are concerns in relation to residential amenity of future occupiers, conflicting with Policy DM10 of the SAMDP (2016), and Policy P3 of the NPPF (2026). It is considered that the aforementioned policies of the development plan are compliant with the NPPF and as such should be afforded significant weight, in this instance, significant negative weight is attributed to the proposal due to the conflict.
- 8.58 It is not considered that the benefits of the proposal demonstrably would be substantially outweigh by the adverse effects caused by the development to the character of the area and residential amenity of future occupiers, with clear policy conflict with both the NPPF and Development Plan identified. As such the development is recommended for refusal on this basis.

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;

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- (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 be refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Reasons detailed at the end of this report

11.2 Reasons

1. The proposal fails to respond to its context and therefore fails to integrate with or enhance the character of the area, including built form, and introduces an incongruous degree of built form which is not well related to the surrounding existing residential development, contrary to and in conflict with Policy DP3 of the NPPF (2026), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies H3 and H6 of the Barlestone Neighbourhood Development Plan (2022) and the Good Design Guide (2020).
2. The proposal fails to provide an acceptable level of amenity for future occupants of the development, which is contrary to and in conflict with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy P3 of the National Planning Policy Framework (2026) and the Good Design Guide (2020).