

Land off Charity Close, Desford

Planning Statement

In support of:

"Full application for residential development of 83 dwellings with associated vehicular access, footpaths, public open space, landscaping and drainage infrastructure including pumpstation."

On behalf of:

Miller Homes Limited

May 2026

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SCHEDULE OF PLANNING APPLICATION DOCUMENTS

Application Document	Author	Date
Planning Application Form and Certificate	-	-
Planning Statement (including Statement of Community Involvement and Affordable Housing Statement)	Freeths LLP	May 2026
Design and Access Statement Revision A	Nineteen47	May 2026
Landscape and Visual Appraisal	FPCR	October 2025
Transport Assessment	Rodgers Leask Ltd	May 2026
Travel Plan	Rodgers Leask Ltd	May 2026
Flood Risk Assessment and Drainage Strategy	Rogers Leask Ltd	October 2025
Phase I Geo-Environmental Site Assessment	Rogers Leask Ltd	November 2024
Arboricultural Assessment	FPCR	May 2026
Preliminary Ecological Appraisal	FPCR	October 2025
Bat Report	FPCR	October 2025
Heritage Statement	RPS	September 2024
Geophysical Survey	Magnitude Surveys	October 2024
Biodiversity Net Gain Report	FPCR	April 2026
Biodiversity Net Gain Metrix	FPCR	April 2026

SCHEDULE OF DRAWINGS

Drawing Title	Drawing Reference
Site Location Plan (Nineteen47)	n2235-001 Rev D
Technical Planning Layout (Nineteen47)	n2235-008 Rev C
Colour Planning Layout (Nineteen47)	n2235- 008-01 Rev A
Materials Plan (Nineteen47)	n2235- 008-02 Rev A
Boundary Treatment Plan (Nineteen47)	n2235- 008-03 Rev A
Net Developable Area Plan (Nineteen47)	n2235- 008-04 Rev B
Car Parking Plan (Nineteen47)	n2235- 008-05 Rev A
Surface Material Plan (Nineteen47)	n2235- 008-06 Rev A
Site Sections (Nineteen47)	n2235- 008-07 Rev A
Landscape Masterplan (FPCR)	12485-FPCR-XX-XX-DR-L-001 Rev P05
House Type Pack (Revision A)	
Delmont Housetype Plans and Elevation (Miller Homes)	L255811V
Whitton Housetype Plans and Elevations (Miller Homes)	L358811C
Chilton Housetype Plans and Elevations (Miller Homes)	L360811C
Chilton Housetype C-L360 Plans and Elevations (Miller Homes)	-
Hampton Housetype Plans and Elevations (Miller Homes)	L363811C
Fordwood Housetype Plans and Elevations (Miller Homes)	L461811C
Beauwood Housetype Plans and Elevations (Miller Homes)	L467811C
Crosswood Housetype Plans and Elevations (Miller Homes)	L472811C
Denford Housetype Plans and Elevation (Miller Homes)	L553811C

Kingford Housetype Plans and Elevations (Miller Homes)	L555811C
Hasting Housetype Plans and Elevation (Miller Homes)	AL11811V
Shermont Housetype Plans and Elevation (Miller Homes)	AL22811V
Hayton Housetype Plans and Elevation (Miller Homes)	AL30811V
Sales Garage Floor Plans and Elevations	-
Garages GS20, GD10 & GD30 Floor Plans and Elevations	-
Engineering Drawings	
Fire Tender Vehicle Tracking (Rodgers Leask Ltd)	24724-RLL-24-XX-DR-C-3001 Rev P05
Highway General Arrangement (Rodgers Leask Ltd)	24724-RLL-24-XX-DR-C-1007 Rev P01
Refuse Vehicle Tracking (Rodgers Leask Ltd)	24724-RLL-24-XX-DR-C-3000 Rev P07
Preliminary Finished Floor Levels and Drainage Strategy (Rodgers Leask Ltd)	24724-RLL-24-XX-DR-C-1004 Rev P04
Cut and Fill (Rodgers Leask Ltd)	24724-RLL-24-XX-DR-C-1008 Rev P02

1. INTRODUCTION

1.1. This Planning Statement has been prepared by Freeths LLP on behalf of Miller Homes Limited (“the Applicant”) in support of an application for detailed planning permission for the construction of 83 no. dwellings (“the proposed development”) at Land off Charity Close, Desford (“the Site”).

1.2. The description of development is as follows:

“Full application for residential development of 83 dwellings with associated vehicular access, footpaths, public open space, landscaping and drainage infrastructure including pumpstation.”

1.3. The proposed site totals 3.98ha of land on the eastern edge of Desford, which is a sustainable village identified as a Key Rural Centre in the adopted Core Strategy.

1.4. Miller Homes developed the adjacent site ‘Land opposite Bosworth College, Leicester Lane, Desford, Leicestershire’ (“Cortanis Lane”) under application reference 19/00149/OUT and reserved matters approval 19/01416/REM. The site delivered 80 residential dwellings, of which 40% were affordable. This scheme effectively comprises Phase 2 of that successful scheme.

Statement Contents

1.5. This Statement will describe the site and its locality; consider the prevailing planning policy; and assess the proposed development. The Statement will identify the relevant components of the Development Plan and other material considerations that would justify the grant of planning permission.

1.6. This Statement should be read in conjunction with the submitted drawings and supporting technical documents that comprise the planning application, as listed above.

1.7. The remainder of this Statement is set out as follows:

- **Section 2:** provides a description of the site and the surrounding area, together with the site's planning history, and an overview of the pre-application public and stakeholder engagement undertaken;
- **Section 3:** provides a description of the proposed development;
- **Section 4:** sets out an overview of the relevant planning policy context of the site and the proposed development;
- **Section 5:** sets out an assessment of the proposed development against the Statutory Development Plan and material considerations;
- **Section 6:** assesses the planning balance; and
- **Section 7:** provides an overall summary and conclusions.

2. KEY BACKGROUND INFORMATION

Application Site and Surrounding Area

- 2.1. The application site comprises 3.98 hectares of land on the eastern edge of Desford. The site comprises an agricultural field associated with Manor Hill Farm.
- 2.2. To the west and north of the site lies residential development. Miller Homes developed land to the west, 'Land opposite Bosworth College, Leicester Lane, Desford, Leicestershire' ("Cortanis Lane") under application reference 19/00149/OUT and reserved matters approval 19/01416/REM. The site delivered 80 residential dwellings, of which 40% were affordable.
- 2.3. Residential dwellings to the north of the site comprise detached dwellings in large plots which create ribbon development along Station Road.
- 2.4. To the east and south of the site is further agricultural land. A right of way for access to adjoining farmland exists through the site. This is a similar position to the Cortanis Lane Development, where a track provides access from Barns Way to agricultural land to the east.
- 2.5. There is a hedgerow along the western boundary of the site, and the application site sits at a lower level than the drainage basin and play area created by the earlier Miller Homes site. There is some landscaping along the eastern boundary of the site and minimal sporadic trees along the southern boundary. Generally the northern and southern boundaries of the site are quite open.
- 2.6. The site slopes from north to south, but also slightly from west to east, with the lowest point of the site being the south-east corner of the site.
- 2.7. Adjacent to the northwest boundary of the site is Charity Fields, a Local Wildlife Site (LWS). This is a mixed grassland and mesotrophic grassland field. Botcheston Bog (SSSI) is also located 710m to the north of the site boundary.

- 2.8. Desford is identified as a Key Rural Centre in the current Local Plan. Key Rural Centres are defined as those villages with a population over 1500 and have a number of facilities (generally containing most of a primary school, local shop, post office, doctors surgery, community/leisure facilities, employment and a 6 day a week bus service).
- 2.9. The site is located circa 800m from the 'core' of Desford, which includes a pub house and coffee shop, library and convenience store. The village also contains a medical centre, pharmacy, 2 further convenience stores, post office, hairdresser and children's nurseries. Bosworth Academy (secondary school) is located circa 400m south-west and Desford Primary School circa 1.4km south-west.
- 2.10. The site also has good connectivity to Leicester City Centre, which is circa 10 km to the east and provides significant employment opportunities and transport connections as a major city in the region.
- 2.11. The closest bus stops are located along the B582 to the south-west of the site, with both bus stops known as the "Bosworth College" bus stops. The westbound and eastbound bus stops are approximately 650m and 850m from the centre of the site, respectively.
- 2.12. The site is currently unallocated and sits outside the settlement boundary of Desford. However, it is noted that the site is proposed for allocation through both the emerging new Local Plan and the Desford Neighbourhood Plan Review. There are no specific allocations or designations, albeit land to the east is designated as a local wildlife site (Barns Charity Fields).
- 2.13. There are no listed buildings within the site itself, nor is it located in a Conservation Area. Desford's Conservation Area is centred around the 'core' of the village and includes a number of listed buildings. However, there is no intervisibility between these and the site.
- 2.14. The site falls wholly within Flood Zone 1. There are some minor and localised areas of surface water flood risk in the centre of the site.

Planning History

- 2.15. There is no planning history relevant to the application site.
- 2.16. The site was submitted as part of the call for sites process for the preparation of the new Local Plan and was assessed in the 2022 Strategic Housing and Economic Land Availability Assessment (SHELAA). The land (reference LPR86). The site was assessed by the LPA as suitable, available and achievable and therefore developable within a 6-10 year period.

Pre-Application Engagement

- 2.17. The site has been the subject of a number of pre-application meetings with Hinckley and Bosworth Borough Council (HBBC).
- 2.18. The first submission was in April 2024 (ref. 24/10048/PREMAJ) and HBBC provided their written response on 23 August 2024. This considered only the principle of development on the site. At this time HBBC advised they could demonstrate a 5.6 year housing land supply, although noted that the 'tilted balance' in paragraph 11(d) of the NPPF was triggered due to the age of the policies in the Core Strategy. HBBC considered landscape and impact on countryside would be a key consideration.
- 2.19. A second pre-application advice request was submitted to on 11 April 2025 and HBBC issued its formal written pre-application advice on 06 June 2025 (ref. 25/10061/PREAPP). This advice sets out the following key considerations:
- **Principle of Development:** This site is not allocated in the Development Plan, and the development is therefore not supported by the Development Plan. HBBC cannot demonstrate a 5-year housing supply land supply and as such the tilted balance, is engaged. Both the provision of market and affordable housing should be given significant weight.
 - **Landscape:** The scheme extends into the countryside away from the identified settlement boundary of Desford. This results in harm to the character of the countryside and surrounding area. A Landscape and Visual

Impact Assessment is necessary to support any application to ensure that this harm does not outweigh the benefits of housing delivery.

- **Density:** Density of the scheme requires consideration of the adjoining site, which was delivered at a density of 23.1 dwellings per hectare.
- **Layout:** Consideration should be given to pedestrian and cycle routes which can create permeability across the site and to the existing Cortanis Lane Development and wider settlement of Desford.
- **Design:** Acknowledges that red brick is the predominant building material in the historic core of Desford. Considers that the site should seek to create a place with locally inspired or distinctive character.
- **Trees:** The development should provide tree-lines streets in accordance with national design guidance.
- **Access:** Advice was provided from Leicestershire County Council (LCC) which identified points to consider in respect of access, width of access roads, junction capacity, farm right of way, parking standards and internal layouts.

2.20. Since the second pre-app advice note was issued the planning policy position has changed, further details of which is set out in Section 4 of this report. A meeting was therefore held with an officer on 17 October 2025 to discuss the principle of development of this site following the changing policy position. At this meeting officers confirmed that the principle was generally acceptable but that the design of the scheme would be important.

Stakeholder engagement

2.21. Both national and local policies encourage developers to consult with local communities and stakeholders before submission of a planning application. Paragraph 40 of the NPPF places emphasis on improving communication and engagement at pre-application stage with the local community.

- 2.22. This community involvement section provides a summary of the pre application consultation undertaken in respect of the proposed development. The objective of the consultation process was to identify issues related to the development of the site that were of particular importance to the local community and other stakeholders and ensure that such issues were addressed as part of the evolution of the design.
- 2.23. Details of the scope of the consultation process, feedback received and responses to issues raised during consultation are set out below.

Scope of Consultation

- 2.24. Throughout the pre-application stages of development, the development team have liaised with local stakeholders regarding their proposals for this site.
- 2.25. On 26 March 2025 the team meet with Desford Neighbourhood Plan working group to discuss their proposals and timescales for development of the site. A presentation was then given to Desford Parish Council on 7 May 2025 where the proposal for the site was presented and the team answered questions regarding the proposed development. The Applicant has regularly liaised with the Parish Council on the proposed development of this site since 2023.
- 2.26. The scope and format of the wider public consultation has been informed by the desire to engage as many local residents as possible in the process. As such all consultation has been undertaken virtually to ensure that residents could participate at a time that suited them.
- 2.27. The consultation consisted of a virtual exhibition of the proposed development plans. The details of the proposals were published on a consultation website which went live on 6th May 2025: www.cortanislane.co.uk and remained open till 20th May 2025.
- 2.28. Leaflets were produced (see **Appendix A**) and delivered to circa 1,224 properties (1168 residential properties and 56 business) in Desford by BHD Creative Limited.

A map showing the properties where leaflets were delivered is contained in **Appendix B**.

2.29. The consultation website had details of the site, the proposals (which included a site masterplan and details of potential house types), landscaping plans as well as commentary on key issues including housing need, highways, local services and amenities and open space.

2.30. The website contained a form for respondents to fill out with the following questions:

1. Do you agree that more housing is required in the District?
2. What times of homes do you think are needed
3. Are you happy with the green space provision on the site?
4. Do you support development of this site?
5. Please give us any other views on the proposal, or further comments you may have.
6. Where do you live?
7. Which age bracket do you fall within?
8. What is your housing tenure?

2.31. All comments have been reviewed in the context of the proposed plans.

Public Consultation

2.32. The website received views from 511 users. Of those who viewed the proposal, 116 people provided comments on the consultation website.

2.33. Of the 116 people who responded 112 identified that they did not support the proposals and 4 supported the scheme.

2.34. The key issues raised during consultation were:

- Noise and disruption to existing residents
- Highway capacity in Desford
- Concern regarding access through the existing Cortanis Lane Development

- Lack of services and facilities within Desford
- Number of new houses already being built in Desford
- Capacity of Barns Way Junction

2.35. A summary of consultation responses is provided in **Appendix C**.

Response to issues raised

- 2.36. As can be seen from the key issues highlighted above, the primary concern is with the principle of development in Desford, taking into account the number of residential permissions already granted in the settlement. Whilst this is acknowledged, against the background of the ongoing housing need, Desford is identified as a sustainable settlement where housing development is appropriate.
- 2.37. In respect of the impact on services and facilities the Applicant will be required to provide financial contributions to mitigate the impact of the proposed development (where insufficient capacity is demonstrated to exist), and these will be secured through a Section 106 Agreement.
- 2.38. Highways/Transport issues are fully addressed in the Transport Assessment which has been submitted with this application. That addresses comments made with regards to highway capacity and safety.
- 2.39. It is acknowledged that a lot of frustration has been voiced from residents of the existing Cortanis Lane Development. This site has come forward as a result of the ongoing need for additional residential development within HBBC and the opportunity to extend a successful development site. Concerns over construction and noise will be managed through conditions on any future permission.

3. THE PROPOSED DEVELOPMENT

3.1. The proposed development comprises a detailed planning application for 83no. residential dwellings, of which 40% are affordable dwellings, across a mix of tenure types and sizes. This will contribute to the creation of a mixed and balanced new community.

3.2. The housing mix is as follows:

- 1 bed house – 6no. dwellings (7%)
- 2 bed houses – 27no. dwellings (33%)
- 3 bed houses – 29no. dwellings (35%)
- 4 bed houses – 9no. dwellings (11%)
- 5 bed houses – 12no. dwellings (14%)

Total: 83no. dwellings

3.3. Of the dwellings proposed, 33 are affordable dwellings in the following mix:

- 1 bed houses – 6no. dwellings (18%)
- 2 bed houses – 18no. dwellings (55%)
- 3 bed houses – 9no. dwellings (27%)

Total: 33no. dwellings

3.4. The tenure of the affordable properties is shown on the submitted site plan (ref: n2235-008 Rev C) but equates to 24% shared ownership and 76% affordable rent.

Layout and Scale

3.5. The layout has been designed to be outward facing, creating an edge to the settlement whilst maintaining safe and secure perimeter blocks. Dwellings have been carefully positioned to face onto the existing public open space (POS) from the adjacent scheme, enclosing the space and providing a strong and attractive frontage.

3.6. Dwellings are set out in a perimeter block formation that ensures front doors address and enliven streets and overlook areas of open space. Rear garden areas are then

secured within the block. Separation distances are predominantly in accordance with the requirements of the Good Design Guide.

- 3.7. Dwellings have been set out along the northern boundary so that they generally back on to it. This sets buildings away from the boundary as a positive response to the amenity of the adjacent dwelling.
- 3.8. A group of dwellings are arranged to address the vista along the extended Charity Close, acting as a recognisable feature of the legible movement framework.
- 3.9. As the primary street meanders through the development zone, houses (or groups of houses) are set up to address vistas experienced on the journey. Buildings are located so that views along streets are terminated at the main elevation of a dwelling rather than at a blank side gable, garage, or parking area; or are intentionally left open to allow views out into areas of open space.
- 3.10. Streets leading to the eastern edge of the development zone are “open” at their ends, allowing for views out to the new area of open space and planting. Buildings are shown that have corner-turning plan forms to provide dual-aspect outlooks at external corners of the perimeter blocks.

Appearance

- 3.11. Two subtly different elevational treatments are proposed across the site that complement the approach of the adjacent recently completed development.
- 3.12. Smaller homes adopt an un-fussy traditionally inspired approach that includes the use of brick soldier course window heads with stretcher course window cills. Larger detached dwellings include a little more detail to enhance their status in the street scene, such as arched window heads, apex canopies over front doors, contrasting brickwork courses and elements of render.
- 3.13. Hipped roofs are used across the site, creating a roofscape that allows space between buildings. This has been used to soften the views towards the skylines, opening up spaces between dwellings and reducing the overall visual impact of the

development. The occasional front and side gable has been used throughout the site to create variety in the street scenes.

- 3.14. A clear strategy is proposed for the distribution of materials throughout the site, with the specification of bricks and tiles reserved for agreement at a later date, secured by condition.
- 3.15. The strategy reinforces the route of the primary street through the consistent use of one brick and roof tile, other than for feature buildings where a contrast is proposed to aid legibility. Additional brick types and roof tiles are then used on the edges of the site bringing variety to development whilst enhancing the primary street strategy. Garages and brickwork screen walls will use bricks and tiles that match the associated dwelling.
- 3.16. The accompanying **Design and Access Statement** explains in detail the design process that has been undertaken in developing this proposal.

Access

- 3.17. Access to the site is proposed via Charity Close, a residential street that forms part of the earlier residential development to the west. Charity Close links into Cortanis Lane, which forms a priority T junction with Barns Way at its south-western end.
- 3.18. Charity Close is a 4.8m wide single carriageway residential street, with street lighting, a 2m wide footway along the southern side of Charity Close and a 1m wide surfaced service strip along the northern side. The road has been designed for 20mph speeds.
- 3.19. At present Charity Close has an existing turning head at the end of the carriageway, which allows for a refuse vehicle to manoeuvre around the site and serve the dwellings accessed by the private drive.
- 3.20. To the north of Charity Close, there is a separate gated agricultural access which runs on a parallel alignment from Barns Way to the agricultural land to the east of the site, crossing Archers Way in the vicinity of the raised table junction.

- 3.21. The proposal will widen Charity Close from 4.8m to 5.5m. It will also seek to increase the footpath from 1.2m to 2m wide. There are a couple of pinch points where the footpath will be slightly less than 2m wide. It is however noted that there is an existing 2m wide footpath on the other side of Charity Close.
- 3.22. The layout of the site has been designed around a simple hierarchy of streets which will create a legible place and form the basis of a permeable movement framework. The hierarchy of street consists of:
- The Primary Street – a 5.5m carriageway with 2m footpaths either side. Street trees follow the Primary Street throughout the site, allowing buildings to be set back with areas of front parking;
 - Secondary Streets – a 4.8m carriageway with 2m footpaths either side;
 - The Lanes – total width of 7.5m, designed to create a pedestrian focused route; and
 - Shared Private Drives.
- 3.23. Shared private driveways have been designed to accord with building regulations requirements for fire tender access and refuse collection. In some instances, driveways are linked, with access restricted by demountable bollards.
- 3.24. Bin collection points are proposed along shared private driveways, where bins can be presented by residents for collection. Bin storage points are also shown for each dwelling within their private curtilage.
- 3.25. A variety of car parking typologies are proposed across the scheme, including on-plot parking beside houses and front parking areas separated by landscaping. This approach to using various parking typologies will create well-balanced streetscapes where cars do not overpower the overall environment.
- 3.26. Allocated car parking is provided in accordance with the recently revised Leicestershire Highways Design Guide, with tandem parking scenarios restricted to a maximum of two spaces.

- 3.27. Visitor car parking spaces are accommodated across the scheme at a rate of 0.25 spaces per dwelling in accordance with the Leicestershire Highways Design Guide. The 21 spaces are provided within the carriageway and parallel to shared private driveways and have been tracked to ensure safe vehicle movements.
- 3.28. It is proposed that the required cycle storage is met through space within garages or, where a garage is not proposed, by space in a rear garden for the installation of a shed or cycle store.
- 3.29. Footpath connections are proposed across the western boundary of the site to the existing routes in the adjacent area of open space. This allows new residents to access and use the existing children's play area, assisting in helping the developments create a sense of one community.
- 3.30. Footpath routes are also proposed in the new areas of open space in the eastern part of the site that link through streets to the adjacent area and form the basis for a short walking route that could be attractive for leisure use and dog walking.
- 3.31. Further details in respect of transport and highways matters are set out in the **Transport Assessment**.

Landscaping

- 3.32. The proposal includes 1.38ha of open space which includes a mix of landscape buffers on the southern and eastern boundaries, a surface water attenuation pond in the south-east corner of the site and pedestrian paths through the site.
- 3.33. Of the 1.38ha of Open Space, 0.62ha is Public Open Spaces (POS). The overall quantity of Public Open Space proposed is beyond the total requirement of Core Strategy Policy 19: Green Space and Play Provision (0.51ha).
- 3.34. Green nodes feature within the site creating legibility as you arrive and through the site as you approach the eastern POS. The proposed landscaping buffers have been designed to create a distinct boundary between the countryside and Desford.

- 3.35. Details of the landscaping are set out on the **Landscape Masterplan Drawing** (ref: 12485-FPCR-XX-XX-DR-L-0001 Rev P05) and landscape section of the **Design and Access Statement**.

4. RELEVANT PLANNING POLICY

- 4.1. This section considers the relevant planning policy framework for the development proposed. It evaluates relevant national planning policy, together with policies contained within the Statutory Development Plan and other local planning policy guidance.

The Development Plan

- 4.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004, states that all planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this respect, this comprises the Hinckley and Bosworth Local Plan 2006 – 2026 which includes the Core Strategy (2009), Site Allocations and Development Management (SADM) Policies DPD (2016) and the Desford Neighbourhood Plan 2018-2036 (DNP) which was made in May 2021. The two area action plans which also make up the Local Plan are not relevant to this site or Desford.
- 4.3. The adopted policies which are the most relevant for determining the acceptability of the proposed development at this site are considered to be as follows:

Core Strategy (2009)

- **Policy 7 (Key Rural Centres):** This policy supports Key Rural Centres to ensure they can provide key services to their rural hinterlands. The policy explicitly supports housing developments within settlement boundaries that provides a mix of housing types and tenures.
- **Policy 8 (Key Rural Centres Relating to Leicester):** Desford is identified as one of these centres and the policy supports the allocation of a minimum of 110 new homes in Desford. It also sets out a number of other criteria and projects which should be undertaken to ensure the local services are supported and that local people have access to a range of housing.

- **Policy 14 (Rural Areas: Transport):** Sets out how accessibility will be supported within rural areas through and number of initiatives and requiring developers to contribute to these through development contributions and or land (where they meet the tests in National Guidance).
- **Policy 15 (Affordable Housing):** Requires the delivery of 40% affordable housing in rural areas, with a tenure split of 75% social rented and 25% intermediate housing. Figures may be negotiated on a site-by-site basis taking into account identified need, existing provision, characteristics of the site and viability.
- **Policy 16 (Housing Density, Mix and Design):** Requires a mix of housing types and tenures to be provide on-site. Developments of 10 or more dwellings are required to meet a very good rating against the Building for Life criteria and meet a minimum density of 30 dwellings per hectare in Key Rural Centres (unless individual site characteristics dictate a lower density may be acceptable).
- **Policy 19 (Green Space and Play Provision):** Set out the standards in relation to green space and play provision in the borough to ensure all residents have access to sufficient, high quality and accessible spaces.

Site Allocations and Development Management DPD (2016)

- **Policy DM1 (Presumption in Favour of Sustainable Development):** Aligning with the NPPF, planning Applications which accord with the Development Plan will be approved without delay, unless material considerations indicate otherwise. Where policies are out of date at the time of decision making then the Borough Council will grant permission unless material considerations indicate otherwise, taking into account whether any adverse impact of granting permission would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole, or specific policies in the Framework indicate that development should be restricted

- **Policy DM3 (Infrastructure and Delivery):** Where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism
- **Policy DM4 (Safeguarding the Countryside and Settlement Separation):** To protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where it meets certain criteria as set out in the policy.
- **Policy DM6 (Enhancement of Biodiversity and Geological Interest):** Major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value.
- **Policy DM7 (Preventing Pollution and Flooding):** This policy sets out to ensure that development proposals consider air quality, contamination, flood, noise and vibration, light and land instability.
- **Policy DM10 (Development and Design):** Sets out the requirements for design of development including in relation to amenity of existing and proposed residents, character of the development, use of materials, landscaping of the site, sustainability, parking, drainage and the principles of Secured by Design.
- **Policy DM12 (Heritage Assets):** All development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough.
- **Policy DM13 (Preserving the Borough's Archaeology):** Where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where

applicable, the results of a field evaluation detailing the significance of any affected asset. Where preservation of archaeological remains in situ is not feasible and/or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.

- **Policy DM17 (Highways and Transportation):** Development Proposals will be supported where they seek to make the best use of existing public transport services, ensure convenient and safe access for walking and cycling, demonstrate that there is not a significant adverse impact upon highway safety, where the development is located where the need to travel is minimised and use of sustainable transport maximised and where the residual cumulative impacts of development on the transport network are not severe.
- **Policy DM18 (Vehicle Parking Standards):** All proposals for new development will be required to provide an appropriate level of parking provision justified by an assessment of the site location, type of housing, other modes of transport available (e.g. public transport and cycle provision) and appropriate design.

Desford Neighbourhood Plan ("DNP") (May 2021)

4.4. The relevant policies from the adopted Desford Neighbourhood Plan are as follows:

- **Policy H1 (Settlement Boundary):** Development proposals within the Plan area on sites 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.
- **Policy H2 (Residential Land Allocation):** Land off Barns Way in Desford was allocated for around 80 units.
- **Policy H4 (Affordable Housing):** To meet identified needs within the community at least 40% of all new housing developments of 10 units or more

will be affordable housing. The provision of affordable housing through Starter Homes or Shared Ownership schemes is supported alongside social rented housing in line with local evidence of need. The affordable housing stock should be made available as an integral part of the development, should be visually indistinguishable from the equivalent market housing on the site and should be provided as clusters dispersed throughout the development, subject to a registered provider being prepared to take the dwellings on if applicable.

- **Policy H5 (Housing Mix):** Housing development proposals should provide a mixture of housing types specifically to meet identified local needs as evidenced in the Parish Housing Needs Report or more recent document updating this report. The provision of dwellings of 1, 2 and 3 bedrooms and of homes suitable for older people including single level living and a supported living complex will be supported. Dwellings, where possible, are required to be built for people with restricted mobility including those with disabilities or special needs requiring support in the community. Where possible, all homes should be built to Building Regulations M2 (accessibility standard), with 10% built to the Building Regulations M3 (wheelchair standard). The inclusion of 4 bedroom or larger houses in housing developments will only be supported where they are subservient in number to 1, 2 and 3 bedroom accommodation and meet a specific housing need.
- **Policy H7 (Housing Design):** Sets out design principles that should be satisfied, including:
 - New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views;
 - Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more;

- All new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials.
 - Development should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible;
 - Where possible, enclosure of plots should be of native hedging, wooden fencing, or brick/stone wall with ground-level gaps that maintain connectivity of habitat for hedgehogs;
 - Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology.
 - Development should incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change;
 - Development should be of a density that respects the desirability of maintaining an area's prevailing character and setting;
- **Policy ENV3 (Biodiversity General):** Development proposals that conserve or enhance biodiversity, and incorporate biodiversity in and around them, will be supported.
- **Policy ENV5 (Local Heritage Assets):** Development proposals that affect an identified building or structure of local significance (as listed here) or its setting will be required to preserve and enhance the significance and setting of that heritage asset.
- **Policy ENV6 (Safeguarding Important Views):** Development that adversely affects the identified locally important and valued views will not be supported unless the proposal includes effective site-specific mitigation measures. Development shall be designed to sustain significant views that contribute to the character and appearance of the area.
- **Policy T1 (Traffic Management):** Development should be designed to minimise additional traffic generation and movement through the village,

incorporate sufficient off-road parking, provide necessary improvements to the highway network and consider the improvement and creation of footpaths and cycleways.

Local Plan Review

- 4.5. HBBC are working on a new Local Plan which will set out land allocations and planning policies for the period 2024-2025. Whilst consultation was undertaken in Autumn 2024 on a Regulation 18 draft local plan, changes to the National Planning Policy Framework (NPPF) in December 2024 in relation to the revised Standard Method for calculating housing need, resulted in new targets for the borough.
- 4.6. A follow up Regulation 18 Plan was therefore published in October 2025, with consultation taking place until 28 November 2025. Consultation on the Regulation 19 plan is expected in Summer 2026. At this stage it is acknowledged that the plan is at an early stage of development and the weight which can be attributed to this is limited.
- 4.7. The change to the Standard Method for calculating housing need initially resulted in an increase for the borough from 432 dwellings per annum (dpa) to 649 dpa. The new Standard Method contains an adjustment based on local housing affordability ratios that are released annually in March, which is applied in order to ensure that the Standard Method for assessing local housing need responds to price signals and is consistent with the Government's policy objective of significantly boosting the supply of homes. In May 2025, new housing stock data was released which once fed into the Standard Method calculation adjusted the final outcome to 663 dpa.
- 4.8. The quantum of unmet need from Leicester City was previously finalised and the Leicester & Leicestershire Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) was signed. However, the scale and distribution of housing in response to the new Standard Method (December 2024), including un-met need post 2036, is currently being reviewed through a Leicester & Leicestershire Housing and Economic Needs Assessment (Distribution Paper) update, based on new Standard Method figures. This evidence is being prepared

jointly by the eight plan making authorities in Leicester and Leicestershire, as well as Leicestershire County Council given their statutory responsibilities.

- 4.9. Policy NEW02 identifies that over the plan period 2024-2045 provision should be made for 15,603 new homes (743 dwellings per annum), including meeting a proportion of Leicester City's unmet housing need. Once the existing supply is taken from this housing figure, there is a requirement to allocate land for 11,594 dwellings. Previous draft Policy SP02 identifies allocation for 7,884 dwellings. As such there is a need to find further sites to meet the identified shortfall of 3,710 dwellings up to 2045.
- 4.10. The Borough Council have identified further, potential housing site allocations in Policy NEW03. Combined, these sites have the potential to deliver an estimated 4,191 dwellings over the new plan period up to 2045.
- 4.11. The Site, identified as Land off Barns Way and North of Leicester Lane, Desford (LPR86) is proposed for allocation as a small non-strategic development site in Policy NEW03 to deliver 94 homes.
- 4.12. It is noted that a further site in Desford, Land South of Desford (LPR151A) is also proposed for allocation as a strategic site of 500 homes. Supporting text identifies that this presents an opportunity to provide a site which has the potential to address a number of the issues identified with infrastructure capacity constraints in the settlement. This includes the provision of a new GP surgery, sports pitch provision and highway improvements.

Desford Neighbourhood Plan Review

- 4.13. Desford Parish Council ("DPC") is formally reviewing its Neighbourhood Plan. The Parish Council have submitted documents for their Regulation 16 consultation to HBBC. Consultation has not yet commenced.
- 4.14. When commencing the Neighbourhood Plan Review, HBBC were unable to provide an indicative housing requirement for the Neighbourhood Area.

- 4.15. Based on the standard method, the Parish Council has calculated that the minimum figure for HBBC is 800 dwellings per annum, including the unmet need from Leicester City and a buffer of 5% up to 2045. The pro-rata share of the HBBC population in Desford is approximately 3.75%. This would make an annual housing requirement for the Neighbourhood Area of 30 dwellings in total. The unmet need for Leicester city is unknown beyond 2036. Desford Parish Council ("DPC") has therefore decided to align the Plan period to 2036 where future housing need can be more accurately determined.
- 4.16. The housing requirement for the Neighbourhood Area is therefore proposed by the Neighbourhood Plan Review as 30 dwellings x 12 years, making a gross requirement of 360 dwellings up to 2036. There appears to be some confusion about what can be considered a commitment or completion within the plan period, and we made representations to this through the Regulation 14 consultation. The Neighbourhood Plan also proposes an allowance for windfall at a level of 5 dwellings per annum (60) making a proposed net housing requirement figure for Desford of 207 dwellings up to 2036. The Neighbourhood Plan allocates a single site for a total of 138 dwellings, leaving a balance of 69 dwellings up to 2036.
- 4.17. DPC has advised that they have received confirmation from developers with planning approvals that a total of over 200 dwellings are scheduled to be completed in the Neighbourhood Area by 2036, significantly exceeding the minimum housing requirement.
- 4.18. The wording of Policy H1 remains as per the adopted neighbourhood plan, however the settlement boundary has been amended to reflect the proposed allocation in Policy H2. This includes the site subject to this application as part of a larger allocation on land off Barns Way.
- 4.19. Policy H2 allocates land off Barns Way for around 138 dwellings. Development will be supported where:
- The housing mix shall accord with the requirements in Policy H4;
 - The design and layout of the development and the materials used should be in accordance with the design quality principles included in Policy H6 of this Plan.

- Where possible, all affordable units should be made available to eligible households with a local connection to the Parish;
- The affordable housing units should be visually indistinguishable from the equivalent market housing on the site and should be provided as clusters of units dispersed throughout the development;
- Where possible, all of the units to be developed will achieve Part M (2) of the 2016 Building Regulations (unless a specific waiver is granted on a plot-by-plot basis);
- Where possible, a minimum of 10% of all the units developed will achieve Part M (3) of the 2016 Building Regulations;
- Of the affordable units developed around 60% will be provided as “social rent” or “affordable rent” housing to be owned and managed by a housing association or charitable trust; and
- The First Homes will be offered at a full market discount of 50% and in line with the terms and conditions of the Government schemes in place at the time of sale.

4.20. Policy H3 seeks 40% of all new housing developments of 10 units or more to be affordable housing. The provision of affordable housing through First Homes (at a discount of 50%) or Shared Ownership schemes is supported alongside social rented housing in line with local evidence of need. A tenure split of 40% affordable home ownership and 60% affordable rent is supported in line with the findings of the Housing Needs Assessment.

National Planning Policy Framework (December 2024)

4.21. The revised National Planning Policy Framework (NPPF) was published in December 2024 (and updated in February 2025) and sets out the government’s planning policies for England and how these are expected to be applied.

Achieving Sustainable Development

4.22. Chapter 2 of the NPPF sets out how the Government aims to achieve sustainable development. Paragraph 7 of the NPPF advises that, ‘The purpose of the planning system is to contribute to the achievement of sustainable development.’

4.23. Paragraph 8 continues, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- an **economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a **social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an **environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.24. Paragraph 11 identifies that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, 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.

Decision-Making

- 4.25. Chapter 4 of the NPPF provides key guidance for decision making. Paragraph 39 states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 4.26. Paragraph 49 acknowledges that weight may be given to relevant policies in emerging plans according to the state of preparation of the emerging plan (the more advanced its preparation the greater the weight that may be given), the extent to which there are unresolved objections to the relevant policies and the degree of consistency of the relevant policies to the framework.
- 4.27. The NPPF provides guidance on planning conditions and obligations. Paragraph 55 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 4.28. Paragraph 56 continues to state that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.
- 4.29. Paragraph 57 advises that planning obligations must only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Delivering a Sufficient Supply of Homes

- 4.30. Paragraph 61 confirms that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
- 4.31. Paragraph 61 notes that in addition to local housing need, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 4.32. Paragraph 78 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
 - b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply

Promoting Healthy and Safe Communities

- 4.33. Chapter 8 of the NPPF seeks to promote healthy and safe communities. Paragraph 96 advises that, 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a. promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each

other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

- b. are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
- c. enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.’

Promoting Sustainable Transport

- 4.34. Chapter 9 of the NPPF provides guidance on the promotion of sustainable transport. Paragraph 110 identifies that the planning system should actively manage patterns of growth in support of the objectives of sustainable transport. As such significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 4.35. Paragraph 115 recommends that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b. safe and suitable access to the site can be achieved for all users;
 - c. the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

- d. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

4.36. Paragraph 116 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Making Effective Use of Land

4.37. Paragraph 124 confirms planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

4.38. Paragraph 129 confirms planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed and beautiful, attractive and healthy places.

Achieving Well-Designed and Beautiful Places

4.39. Paragraph 131 states 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.'

4.40. Paragraph 135 states that 'Planning policies and decisions should ensure that developments:

- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

4.41. Paragraph 136 recognises the contribution of trees to the character and quality of urban environments and therefore seeks to ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments.

4.42. Paragraph 139 identifies that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 4.43. Paragraph 170 sets out inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 4.44. Paragraph 174 confirms the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 4.45. Paragraph 181 sets out when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 4.46. Paragraph 182 highlights major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Conserving and Enhancing the Natural Environment

- 4.47. Paragraph 187 confirms that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia; a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in

a manner commensurate with their statutory status or identified quality in the development plan); d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

- 4.48. Paragraph 193a states that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last result, compensated for.

Good Design Guide (Supplementary Planning Document) (2020)

- 4.49. The Good Design Guide SPD aspires to *“Substantially raise design quality in Hinckley and Bosworth Borough whilst ensuring that the local identity and heritage of the Borough is preserved and enhanced”*.
- 4.50. A principal window to a habitable room should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two storey property and above. An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.
- 4.51. A general guideline for garden sizes is:
- A minimum garden length of 7m
 - 80sqm for a three bedroom house
 - 60sqm for a two bedroom house.

National Planning Practice Guidance

- 4.52. The National Planning Practice Guidance (PPG) is a web-based resource which was launched in 2014, and together with the NPPF sets out what the Government expects from Local Planning Authorities. The PPG specifically adds further context

and more detailed practical guidance to the NPPF, and it is intended that the two are read together.

5. PLANNING CONSIDERATIONS

5.1. This Section provides a comprehensive assessment of the proposed development having regard to the development plan policies and other material considerations outlined in Section 4 above.

5.2. From analysis of the Development Plan, national policy and the statutory tests the following planning considerations represent the key policy issues against which the planning application should be assessed :

- Principle of Development;
- Affordable Housing;
- Design;
- Landscape and Visual Impact;
- Highways and Access;
- Ecology and Biodiversity Net Gain;
- Arboriculture;
- Flood Risk and Drainage; and
- Heritage (Below Ground);

Principle of Development

5.3. As set out in Section 4 of this Statement, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, states that all planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In respect of this site the Development Plan comprises the Hinckley and Bosworth Local Plan 2006 – 2026 which includes the Core Strategy (2009), Site Allocations and Development Management (SADM) Policies DPD (2016) and the Desford Neighbourhood Plan 2018-2036 (DNP) which was made in May 2021.

5.4. The Core Strategy sets out a requirement from the East Midlands Regional Plan for 9,000 homes to be built in Hinckley and Bosworth between 2006-2026. The Core Strategy identifies that in determining the distribution and development, the East

Midlands Regional Plan sought to concentrate development in urban areas whilst also providing for the development needs of rural areas.

- 5.5. Desford is a 'Key Rural Centre' within the Core Strategy and is a sustainable settlement, well positioned to the west of Leicester. Policy 7 of the Core Strategy supports housing development for Key Rural Centres within settlement boundaries.
- 5.6. The Site currently sits outside of the settlement boundary as defined by either the SADMP or the DNP and is classed as 'countryside'.
- 5.7. Policy H1 of the DNP highlights that development proposed outside the defined settlement boundary of Desford shall be treated as open countryside, where development will be carefully controlled in line with Local and National Strategic Planning Policies.
- 5.8. Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Development in the countryside will be 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
- 5.9. The scheme does not meet any of the exceptions set out in Policy. Development of this site is therefore contrary to Policies DM4 and H1.
- 5.10. Paragraph 11 of the NPPF sets out that where there are no relevant development plan policies, or the policies which are most important for determining the application

are out-of-date, planning permission should be granted unless, (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, (part d) 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..

- 5.11. Footnote 8 confirms that policies are to be considered out-of-date for the purposes of paragraph 11 for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.12. As part of pre-app discussions, HBBC confirmed that the housing target in the HBBC Core Strategy, which is derived from the withdrawn East Midlands Regional Plan, does not reflect current housing need, and the policies relating to the provision of housing are therefore out-of-date. As such the 'tilted balance' in paragraph 11d of the NPPF is engaged.
- 5.13. The 2024 updates to the NPPF have also changed the five-year housing land supply position for HBBC. As the adopted Local Plan for HBBC is over five years old the housing land supply is assessed against the local housing need, calculated using the standard methodology.
- 5.14. The standard methodology, utilising the local housing affordability ratios from March 2025 and housing stock data from May 2025, currently creates a requirement of 663 dwellings per annum.
- 5.15. The Council haven't published an up to date housing land supply report, however at a recent appeal (ref: *APP/K2420/W/24/3357570 at the Oddfellows Arms, 25 Main Street, Higham on the Hill*) the Council's position was that they did not have a five year housing land supply. Their indicative position is that there is a 3.89 year housing land supply. For the purposes of this application we have not interrogated this further as in any instance this triggers paragraph 11d of the NPPF.

- 5.16. There are no policies in the NPPF that protect areas or assets of particular importance that would provide a clear reason to refuse residential development on this site (as defined by footnote 7 of the NPPF). This is demonstrated through the analysis of the various technical issues later in this Statement and the supporting application documents.
- 5.17. Paragraph 14 of the NPPF states that the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits when the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made and contains policies and allocations to meet its identified housing requirement.
- 5.18. The DNP, made in May 2021, is just less than five years old and contains policies which, at the time that the NP was made, reflected the housing requirement as set out by HBBC. However, by the time of the determination of this application the DNP will be more than five years old and as such Paragraph 14 of the NPPF is not triggered.
- 5.19. Moreover, DPC is currently working on an update to their NP. This site was identified as being one of two preferred sites for allocation for housing (for around 102 dwellings) and at a consultation event in April 2023, the proposed housing allocations in the draft NP received a response of 46 in support and only 1 opposed. This signifies positive support for development in this location. It is noted that traffic is a major consideration for the village and the site's position on the eastern side of the settlement, closer to the Leicester urban area is considered advantageous and significantly preferable by local residents.
- 5.20. Following on from the consultation event in April 2023, Policy H2 now proposes allocating this site, as part of a wider parcel of land, for development for 138 dwellings.
- 5.21. The emerging allocation in the Neighbourhood Plan Review is a material consideration in the determination of this application. Although the Neighbourhood

Plan Review is still in preparation, the proposal will deliver housing to meet identified local need in a location which is supported by the draft Neighbourhood Plan Review.

- 5.22. Furthermore, as part of the Regulation 18 consultation for HBBC Local Plan Review 'Land off Barns Way and North of Leicester Lane, Desford' (LPR86) is identified as a small non-strategic development site in Policy NEW03 with potential to deliver 94 homes.
- 5.23. Overall, therefore, it is clear that the Local Plan is based on an out-of-date housing requirement. Further HBBC cannot demonstrate a five-year housing land supply. As such, the application falls to be determined in accordance with the tilted balance at paragraph 11(d) of the NPPF. We return to the planning balance at the end of this Statement.

Affordable Housing

- 5.24. The proposed development will deliver 40% affordable homes, which equates to 33 dwellings, in a mix of 1-, 2- and 3-bedroom properties. This will be split between affordable rent and shared ownership. The affordable dwellings as distributed throughout the site, as shown on the Technical Planning Layout (drawing ref n2235-008 Rev C).
- 5.25. As such the development is in accordance with Policy 15 (Affordable Policy) and Policy H4 (Affordable Housing).
- 5.26. The Leicester and Leicestershire Housing and Economic Development Need Assessment (2017) identified a net need for affordable housing per annum for HBBC for the period 2011-2036 of 247 dwellings.
- 5.27. As can be seen from HBBC latest Residential Land Availability Monitoring Statement (2022/23), between 2006/07 and 2022/23 the Council have delivered 1,799 affordable homes, which equates to 23.7% of all completions and an on average, 106 dwellings per annum (it is noted that the year 2022/23 delivered significantly higher with 350 dwellings).

- 5.28. The latest Housing Needs Study (2024) suggests that there is a need for 430 affordable homes per annum across the Borough, with a net need in Newbold Verdon with Desford and Peckleton of 27 dwellings per annum. Whilst the report does not set an affordable housing target it does suggest that *“the Council should maximise the delivery of such housing at every opportunity”*.
- 5.29. The Desford Neighbourhood Plan Housing Needs Assessment undertaken by AECOM to support the Neighbourhood Plan Review has also identified a need for 23 affordable rented and 106 units of affordable home ownership over the plan period (2020-2039). The report notes that *“affordability is a serious and worsening challenge in the Neighbourhood Area”*.
- 5.30. Noting the historic level of completions in the District and the requirement to maximise affordable housing delivery, alongside the affordability challenges in Desford, this scheme will make an important and significant contribution to meeting the need for affordable dwellings.

Landscape and Visual Impact

- 5.31. A Landscape and Visual Impact Assessment has been undertaken by FPCR.
- 5.32. That identifies that the site and immediate area is not covered by any landscape designations. Whilst boundary hedges and trees are of some local value, and which would be retained and reinforced by the Proposed Development, the site contains no significant landscape features and is influenced by the adjacent built-up area. The site not subject to any natural or heritage designations. The site is not publicly accessible. In conclusion and having appraised the above factors it is judged that the site and the immediate landscape is of medium landscape value.
- 5.33. A visual appraisal has been undertaken for the site. This has explored the nature of the existing visual amenity of the area and sought to establish the visibility of the site from surrounding locations and receptors. A series of photo viewpoints have been selected which support this analysis.

- 5.34. The baseline assessment has identified that there are close range views of the site for residents that lie directly to the west off Barns Way, and for users of the adjacent play area and recreational route. There are views of the site (and the built up area of Desford) for Footpath users (SD/1) as they heading towards Desford near Park Hill House.
- 5.35. The screening effects of the built-up area of Desford, which occupies a rise in the landscape, prevents visibility of the site from the wider landscape to the west. From elevated footpaths to the north, views of the site are restricted by intervening woodland, trees and hedgerows. This includes vegetation within the vicinity of Station Road.
- 5.36. There are also no clear views of the site for receptors within Newton Unthank and Botcheston as a result of intervening screening elements in the landscape which comprise overlapping vegetation and gentle rises in landform character.
- 5.37. The landscape proposals include the retention and enhancement of boundary hedgerows with the planting new corpses, trees, and hedgerows to create a wooded edge to the development. The proposals also include a broad arc of natural greenspace that can be designed and managed to provide biodiversity and recreational benefits. This landscaping strategy will sensitively integrate built development into the landscape.
- 5.38. The report identifies that whilst there will be impacts and levels of adverse effects, as there would for any development on a greenfield site, these effects would be localised in extent.
- 5.39. In conclusion, it is therefore assessed that the site and its immediate context have the ability to absorb change through the introduction of the proposed development and associated landscaping proposals. The proposals will be appropriate within the local landscape and settlement context, and the effects, as a result of the development, will not give rise to any unacceptable landscape or visual harm.
- 5.40. The proposed development is therefore in accordance with Policy DM10 (Development and Design), Policy ENV6 (Safeguarding Important Views) and

paragraph 135 of the NPPF, as there will be no unacceptable landscape and visual harm.

Housing Mix

- 5.41. Policy 16 of the Core Strategy identifies that sites should provide a mix of housing types and tenures. Policy H5 of the DNP identifies that development proposals should provide a mixture of housing types to meet identified local needs as evidenced in the Parish Housing Needs Report.
- 5.42. The AECOM Housing Needs Assessment for the Neighbourhood Plan Review identifies an indicative dwellings size mix to 2039 Desford Parish should focus on 3-bedroom dwellings at 48.3%, next should be 2-bed dwellings at 37.7% and lastly 1-bedroom dwellings at 13.9% of the indicative mix.
- 5.43. The proposed development provides 35% of dwellings as 3 bedroom, 33% as 2 bedroom and 7% at 1 bedroom. 11% are 4 bedroom and 14% 5 bedroom. This mix is considered representative of the need which is set out in the AECOM report and the overall thrust of Policy H5.
- 5.44. Given the above, the proposed development is acceptable in respect of housing mix, in accordance with Policy 16 (Housing Density, Mix and Design) and Policy H5 (Housing Mix).

Density

- 5.45. Core Strategy Policy 16 requires a minimum net density of 30 dwellings per hectare (dph) in Key Rural Centres but acknowledges that individual site characteristics may dictate that a lower density may be acceptable. Policy DM10 of the SADMP seeks to ensure that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 5.46. The site is 3.98 hectares in size and is delivering 83 dwellings. This equates to a gross density of 20.9 dph. The land use plan identifies that 2.33ha of land is being

used for residential development, with 1.65ha being used for Open Space and Landscaping. The net density of the site is therefore 35.6dph.

- 5.47. The development conforms with Policy 16, Policy DM10 and NPPF Paragraph 124.

Layout

- 5.48. The layout of the site has been informed by the surrounding site context and through some key design elements, which are set out on page 24 of the accompanying Design and Access Statement.
- 5.49. The scheme has been designed as an extension to the existing Cortanis Lane Development and as such proposes dwellings which look out onto the existing children's play area and drainage basin along the eastern edge of the site providing natural surveillance and a positive outlook for occupiers and users of this space.
- 5.50. The development proposes footpath links into this space to facilitate integration of residents and facilities. Footpath routes are also proposed in the new areas of open space in the eastern part of the site that link through streets to the adjacent area and form the basis for a short walking route that could be attractive for leisure use and dog walking on both sites.
- 5.51. The scheme delivers 1.65ha of open space. The majority of this open space is provided along the eastern edge of the site, to provide an appropriate transition from urban to rural setting and a landscape buffer to views beyond.
- 5.52. Policy 19 requires 0.51ha of open space to be provided, and so this site significantly exceeds policy requirements.
- 5.53. As part of pre-application discussions HBBC queried whether the open space should be located alongside the existing children's play area and drainage basin on the Cortanis Lane Development to form effectively a single open space area that is a feature of both developments.

- 5.54. Asides from the landscape mitigation which is achieved when the open space is delivered on the eastern side of the site, this has been discounted for a number of reasons, as set out below.
- 5.55. The application site sits at a lower level than the Cortanis Lane Development site, and slopes away to the south-east corner. Raising levels to create a single open space would be difficult in the context of development of the whole site.
- 5.56. There is a hedgerow which separates the two sites. Policy H8 states that development should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible. Removal of the hedgerow would be contrary to this policy and would also have a significant impact on the Biodiversity Net Gain Metric.
- 5.57. The existing open space is effectively a children's play space and drainage pond with footpaths around it. Delivering another parcel of open space alongside this, with the hedgerow and levels retained, would result in a space that had obviously been designed in phases, rather than a coherent attractive centralised open space on which development was designed around. This is not considered to create good design in accordance with Paragraph 131 of the NPPF.
- 5.58. The scheme does provide footpath links into the existing open space and provides an outward facing edge with dwellings fronting onto it to address and integrate with this area. On this basis, noting the landscape benefits of putting the open space along the eastern boundary, and the challenges of effectively creating a single coherent area of open space between the two sites, the layout is considered to be the most effective design response.
- 5.59. The site is arranged around a simple hierarchy of streets, as set out in Section 4 of this statement and the submitted Design and Access Statement. The Primary Street is tree-lined, in accordance with Paragraph 136 of the NPPF.
- 5.60. As the primary street meanders through the development zone houses (or groups of houses) are set up to address vistas experienced on the journey. Buildings are located so that views along streets are terminated at the main elevation of a dwelling

rather than at a blank side gable, garage, or parking area; or are intentionally left open to allow views out into areas of open space. Streets leading to the eastern edge of the development zone are “open” at their ends, allowing for views out to the new area of open space and planting. Buildings are shown that have corner-turning plan forms to provide dual-aspect outlooks at external corners of the perimeter blocks. The layout therefore contributes positively to legibility and the character of the area in accordance with Building for Life Criteria.

- 5.61. The layout of the site has been designed with reference to both space and amenity guidance set within the Good Design Guide and all dwellings have been designed to meet Nationally Described Space Standards (NDSS).
- 5.62. With the exception of the ‘Hasting’ housetype all dwellings have private outdoor amenity space. The Hasting housetype is an affordable product and is a single building providing 4 no. 1 bedroom flats. Delivery of private, accessible amenity space for these dwellings is difficult because of the layout of the building. It is noted that HBBC have accepted these dwellings on the Market Bosworth site being delivered by Miller Homes.
- 5.63. Overall, the site complies with Policy DM10 (Development and Design), Policy H7 (Housing Design), Paragraphs 135 and 136 of the NPPF and guidance in the Good Design Guide.

Scale and Appearance

- 5.64. The Good Design Guide notes that Desford is a large early medieval village with a historic core, including High Street, Main Street and Church Lane which retains much of its medieval street pattern. Beyond this are modern housing estates to the south, west and east of the village.
- 5.65. The proposed development therefore seeks to respond to the adjoining housing development and complement the approach of that scheme. All dwellings are two storey in nature, which is in keeping with the surrounding scale of development.

- 5.66. Two elevational approaches are taken to the houses. Smaller homes adopt an unfussy traditionally-inspired approach and larger detached dwellings include a little more detail to enhance their status in the street scene.
- 5.67. Hipped roofs are used across the site, creating a roofscape that allows space between buildings, softening the views towards the skylines, opening up spaces between dwellings and reducing the overall visual impact of the development. The occasional front and side gable has been used throughout the site to create variety in the street scenes.
- 5.68. A clear strategy is proposed for the distribution of materials throughout the site, with the specific specification of bricks and tiles reserved for agreement at a later date.
- 5.69. The material strategy reinforces the route of the primary street through the consistent use of one brick and roof tile, other than for feature buildings where a contrast is proposed to aid legibility. Additional brick types and roof tiles are then used on the edges of the site bringing variety to development whilst enhancing the primary street strategy.
- 5.70. Garages and brickwork screen walls will use bricks and tiles that match the associated dwelling.
- 5.71. The development is therefore considered to reinforce the local character and distinctiveness in accordance with Policy DM10 (Development and Design) and Policy H7 (Housing Design).

Highways and Access

- 5.72. A Transport Assessment has been prepared by Rogers Leask and accompanies this application. The Statement provides details of the site context, including its accessibility by relevant transport modes, describes the site access arrangements and parking provision and provides an assessment of the vehicular attraction and trip generation of the proposed development and its traffic effects.

- 5.73. With respect to accessibility, the assessment concludes that the site is accessible by a choice of sustainable transport modes and it is located in close proximity to a selection of everyday destinations.
- 5.74. In terms of access, a new vehicle access will be provided from Charity Close by extending the road from the Charity Close turning head east into the site. Charity Close will be widened to 5.5m to accommodate this, with a primarily 2m wide footway on the northern edge of the carriageway. The development will therefore utilise the existing priority junction onto Barns Way to access the wider highway network.
- 5.75. The access arrangements have been subject to a Stage 1 Road Safety Audit (RSA), with the RSA and Designers Response included within the Transport Assessment. A Road Safety Risk Assessment (RSRA) has also been undertaken in respect of access to the site from the junction of Cortanis Lane with Barns Way. The report concluded that *“The proposed development does not give rise to unacceptable highway safety risks, and no further intrusive or heavy engineering measures are deemed reasonably practicable given the scale and context of the development”*.
- 5.76. Pedestrian connectivity will be supported through the provision of footways along the roads within the development, with 2m wide footway provided along each side of all roads that are not shared surface. In addition, there will be two pedestrian links extending from the site in towards the existing play area, connecting into the existing footways that link to Cortanis Lane and Cooper Close.
- 5.77. In respect of parking, the scheme has been designed in accordance with the standards set out in Leicestershire County Council Highway Design Guide. All properties meet the minimum parking standards, except for the 6 no. 1 bedroom properties, where there are 1.5 spaces per dwelling rather than 2. Visitor parking of 21 spaces has been provided on street.
- 5.78. In terms of effect from the traffic that would be created by the development, the assessment concludes that the proposed development could attract an average of 56 vehicle movements in the weekday AM peak hour, and 57 vehicle movements in the weekday PM peak hour.

- 5.79. The Barns Way/Cortanis Lane junction and the Barns Way/Station Road junction have both been modelled to determine the potential impacts associated with the additional traffic which would be generated by the proposed development.
- 5.80. The modelling shows that the Barns Way/Cortanis Lane junction is predicted to operate significantly undercapacity in all scenarios with and with the inclusion of the development traffic. The queues and delay increase slightly with the addition of the development traffic, but the impact is minimal.
- 5.81. The Station Road / Barns Way junction is predicted to operate within its theoretical capacity in the PM peak hour with and without the inclusion of development traffic. In the 2030 forecast + development scenario, the queue increases by 4.7 PCUs, with the delay increasing by 35 seconds. This is not considered to be a significant change from the 2030 forecast results. This therefore does not meet the threshold of severe impact in the NPPF.
- 5.82. It is acknowledged that the Station Road/ Barns Way junction is predicted to operate over its capacity. It has been identified that any physical improvements will provide limited benefit to capacity and will require significant alterations to the existing layout, with third party land required and potentially land from the public realm.
- 5.83. Instead, it is proposed that mitigation should focus on improvements to the wider network accessibility, to support walking, cycling and public transport trips. A Section 106 contribution is proposed to improve the local bus service, which would include upgrades to the nearest bus stops along the B582.
- 5.84. A Residential Travel Plan (RTP) has been produced to support this application. The document outlines the proposed measures to encourage sustainable travel to / from the proposed development. In conjunction with the proposed physical infrastructure shown on the masterplan to facilitate walking, cycling and public transport trips, the RTP will outline objectives, targets and measures to reduce car travel for the proposed development.
- 5.85. Overall, the Transport Assessment concludes that the access is safe and suitable and the scale of residual impact cannot be considered to be severe when viewed in

the context of the paragraph 116 of the NPPF. The development is therefore acceptable from a transport perspective, in accordance with Policy DM17 (Highways and Transportation), Policy DM18 (Vehicle Parking Standards), Policy T1 (Traffic Management) and the NPPF.

Ecology / Biodiversity Net Gain

- 5.86. An Ecological Appraisal has been undertaken by FPCR. To inform this assessment a Desktop Study, a UK Habitat Classification (UKHab) assessment, preliminary protected species surveys and Biodiversity Net Gain Calculations were carried out on the site.
- 5.87. There are no non-statutory sites present within the site boundary, although thirteen sites (four LWS, eight historic sites and one pLWS) were identified within 1km of the Site, with the closest site 'Charity fields LWS', located adjacent to the eastern site boundary. Given the close proximity of Charity fields to the development Site, there is some potential for adverse impacts during construction. Whilst there will be no direct impacts, precautionary mitigation is recommended to avoid potential indirect impacts arising as a result of construction activities, including best practice Site protocols with regards to avoidance of accidental pollution/contamination incidents, dust pollution and the safe storage of site materials as detailed in a Construction Environmental Management Plan (CEMP).
- 5.88. The majority of the site comprises arable land which is considered to be of negligible conservation value. Similarly, the limited pockets of tall ruderal vegetation are also deemed to be of low ecological value due to the lack of species diversity. It is not considered that the loss of these habitats to the proposed development poses a constraint to development.
- 5.89. Bat surveys, breeding bird surveys and eDNA survey for Great-Crested Newts (GCN) have been undertaken, and results are set out fully in the Ecological Appraisal and Bat Report.
- 5.90. Based on the Bat Report it is concluded that the project is likely to result in a minor adverse impact on the local bat population at a site level during the construction

phase but have a minor positive impact in the long-term following the maturation of the green infrastructure.

- 5.91. The existing habitats of higher value to bats, such as the hedgerows and areas of woodland will be retained almost entirely, with the exception of two small sections of hedgerow proposed to be lost on the western boundary to allow access for public footpaths. As a result, it is expected that the more common species, such as common pipistrelle and soprano pipistrelle which constituted the majority of on-site bat activity will continue to use the site upon completion of the development.
- 5.92. No roosts were identified in any of the trees throughout any of the tree assessments. Trees that have potential for roosting bats and are situated within the survey area have had a full suite of surveys undertaken in accordance with the guidance.
- 5.93. In respect of birds, the majority of the species recorded are typical of the habitats present within the Site, being heavily influenced by the current agricultural management. The internal sections of arable fields support a very limited assemblage of birds and provide few breeding opportunities for most species recorded with the exception of pheasant.
- 5.94. The retention of all perimeter features of value to breeding birds ensures that the proposed development will not have a significant impact on the status of local breeding bird populations.
- 5.95. In respect of GCN the site itself has negligible potential in their breeding phases and limited suitability for GCN in their terrestrial phase. The possible presence of GCN in the adjacent pond, P3, was ruled out using eDNA survey techniques. An additional two ponds (P1 and P2) were identified within 250m of the site boundary. Pond P1 is a field pond located 120m east of the site boundary. Access was not granted to survey the pond, but optimal terrestrial habitat surrounds the pond in the form of a woodland parcel. Pond P2 is a garden pond situated 150m west of the site boundary. Access was not granted to survey the pond, but optimal terrestrial habitats were also present immediately surrounding this pond in the form woodland habitats.

- 5.96. Both off-site ponds are located over 100m from the site boundary and are surrounded by optimal terrestrial habitat for this species. It is therefore considered unlikely that, should GCN be present in these ponds, they would migrate from the off-site areas of higher quality habitats to the lower quality on-site habitats.
- 5.97. As impacts to on-site habitats will be confined to intensively managed arable habitat, with all habitat of higher value retained except for two short sections of H6 planned for removal to facilitate access, it is considered reasonable to assume that with an absence of records within 1km, the likely absence of GCN in the adjacent P3 and distance of all other off-site ponds that GCN do not pose a constraint to the works and no further survey or mitigation is recommended.
- 5.98. In terms of biodiversity net gain, a Biodiversity Net Gain Assessment, also prepared by FPCR, accompanies this application. It confirms that the baseline value of the site has been calculated at 8.93 area habitat units and 4.41 hedgerow units.
- 5.99. In order to ensure that the proposed Site can deliver BNG, the development design will seek to avoid habitats of greatest value (such as hedgerows and mature trees) where feasible, using these as a framework for the green infrastructure and creating new habitats alongside these. However, off-site BNG will be required to deliver 10% net gain on this site.
- 5.100. Overall, the proposed development is acceptable in ecological and biodiversity net gain terms, in accordance with Policy DM6 (Enhancement of Biodiversity and Geological Interest) and Policy ENV3 (Biodiversity General).

Arboriculture

- 5.101. An Arboricultural Assessment has been prepared by FPCR and accompanies this application. It confirms that tree cover on site is typical of that within an agricultural context being limited to site boundaries.
- 5.102. A total of nine individual trees, five groups of trees and three hedgerows were surveyed as part of the Arboricultural Assessment. Trees were surveyed as individual trees, groups, and hedgerows as per the survey methodology.

- 5.103. Tree cover across the site was predominantly recorded as category C, low value in terms of arboricultural quality.
- 5.104. One category A (T7) and one category B (T8) individual trees were recorded as part of the assessment, although these are located outside of the site boundaries in residential gardens to the north. The root protection areas of these trees do not extend into the confines of the site although the crown of T8 extended over the site by c. 3 metres. It is also noted that these trees, alongside T6 and T9, are also covered by a TPO which covers land to the north. This is set out in an appendix to the Arboricultural Report.
- 5.105. By virtue of all the existing tree cover being confined to the site boundaries; some of which were recorded as being within third party ownership and offsite yet in close proximity, in order to facilitate the proposed development as per the above plan no significant tree or hedgerow loss will be required.
- 5.106. The removal of three individual trees from G1 and a short section of H3 is shown to allow for access into the southwest corner of the site. These were regarded as category C for their arboricultural quality and the loss of these should not pose a constraint to development from an arboricultural perspective.
- 5.107. Openings in hedgerow H3 are proposed to provide pedestrian connectivity into the adjoining site. These will be kept to the minimum size required.
- 5.108. After appraising the proposals for arboricultural implications, the impacts upon the existing tree stock is minimal and by developing this parcel of land there is opportunity to increase the overall canopy cover and arboricultural value of the site.
- 5.109. Retained trees should be adequately protected during works through the erection of the requisite tree protection measures. These protection measures should be detailed as part of a site-specific Arboricultural Method Statement, which could be imposed as a condition of planning approval.

- 5.110. In arboricultural terms, there will be a significant net gain of trees and canopy cover and the proposed development is therefore considered acceptable in arboricultural terms, in accordance with Policy DM6 (Enhancement of Biodiversity and Geological Interest), Policy H7 (Housing Design) and Policy ENV3 (Biodiversity General).

Flood Risk and Drainage

- 5.111. A Flood Risk Assessment and Drainage Strategy have been prepared by Rogers Leask Associates and accompany this application submission.
- 5.112. The Flood Risk Assessment confirms that the entirety of the site is located within Flood Zone 1. The Risk of Flooding from Surface Water map confirms that the site has a low risk of flooding from surface water, however there are some small isolated areas of low to medium risk associated with the unnamed ordinary watercourse along the southern boundary encroaching into the site.
- 5.113. Infiltration into the ground does not appear to be feasible for the site due to the underlying strata. As infiltration is unfeasible, discharge to the watercourse is the next option inline with the drainage hierarchy.
- 5.114. The Drainage Strategy confirms that a sustainable surface water drainage system will be provided to manage surface water run-off from the site itself up to the 1 in 100 year plus 40% climate change event. It is proposed, in accordance with the drainage hierarchy, that surface water runoff will be directed to an existing unnamed ordinary watercourse to the southeast corner of the site.
- 5.115. It is proposed to drain the catchment via below ground sewer network which discharges into the attenuation basin in the southeast corner of the site. The attenuation basin will provide a volume of 1485m³ for events up to the 1 in 100 year return period.
- 5.116. The surface water runoff generated from the site will be restricted to Greenfield Run off Rates which equate to a QBar rate of 7l/s. Surface water runoff will be controlled via an appropriately sized flow control device.

- 5.117. Although the site is subject to a small area of surface water flooding as per Paragraph 027 of PPG the proposed layout, design and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere. As such the sequential test need not be applied to this application.
- 5.118. In terms of foul water, it is proposed that foul water drainage will be put forward for adoption with the local water authority, Seven Trent Water ("STW"). STW have confirm that they would not have any objections to the anticipated additional foul flows of approximately 1.54 litres/second 2xDWF to the receiving 150mm diameter public foul sewer, as this will not have an adverse impact on the network. The nearest available point for a gravity connection to this sewer is in the highway with the nearest manhole reference 5901. However, a pumped connection to this sewer maybe required due to the lie of the land.
- 5.119. Overall, the proposed development is considered acceptable in flood risk and drainage terms, in accordance with Policy DM7 (Preventing Pollution and Flooding).

Ground Conditions

- 5.120. A Phase 1 Land Contamination Preliminary Risk Assessment report was undertaken by Rogers Leask in November 2024 and is enclosed with this application submission.
- 5.121. The investigation determined that given the history of the site and surrounding area, and the anticipated ground conditions, there is not considered to be any significant risk of land contamination. There is a residual risk of potential localised Made Ground related to agricultural uses and a ground investigation is required to confirm the presence and composition of any Made Ground, in order to refine the contamination risk assessment.
- 5.122. As such, the proposed development is considered acceptable in ground condition terms, in accordance Policy DM7 (Prevention Pollution and Flooding).

Heritage Impact (Above and Below Ground)

- 5.123. A Heritage Statement has been prepared by RPS and accompanies this application, alongside a Geophysical Survey Report by Magnitude Surveys.
- 5.124. There are no designated heritage assets located within the site. The 1km search area contains Desford Conservation Area, which is located c.550m to the west of the site and contains 14 of the 17 Listed Buildings of the area.
- 5.125. There is no inter-visibility between the designated heritage assets and the study site. Owing to the nature of the proposals reflecting nearby development and based on evidence of the site visit and professional judgement, the study site is not considered to form any part of the settings of these designated heritage assets and their significance will remain unaffected by the proposals. These designated heritage assets are given no further consideration within this report
- 5.126. Given the above the proposed development is acceptable in above ground heritage terms, in accordance with Policy DM11 (Protecting and Enhancing the Historic Environment), Policy DM12 (Heritage Assets) and Policy ENV5 (Local Heritage Assets).
- 5.127. In terms of below ground heritage, a geophysical survey was undertaken of part of this site in September 2024 but the results were negatively impacted by the presence of green waste.
- 5.128. Geophysical survey and trial trenching were carried out within the adjacent site. A single, very abraded shard of possible Late Neolithic or Bronze Age date was identified in a pit. The heavily abraded condition of the pottery may indicate this to be a residual find, rather than in-situ, but a Prehistoric date for the pit cannot be ruled out. The area surrounding the possible pit was further investigated by excavation but no other finds or features of archaeological interest were identified.
- 5.129. Based on the negative results of the intrusive fieldwork to its immediate south-west and the available archaeological data for the site and surrounding area, the site is considered to have a low/negligible potential for significant (i.e. non-agricultural)

archaeological remains of all periods. Any features extant within the site are likely to be of no more than local importance significant for their evidential value dependent upon their potential to contribute to relevant research agendas.

- 5.130. The heritage statement and geophysical survey were sent to Leicestershire County Council Archaeology Team who confirmed in October 2024 that following a review of the heritage statement, which suggests a limited potential for significant archaeological buried remains, and in light of the largely negative results from the trial trenching for the adjacent site, they are satisfied that the likely archaeological implications are manageable through a programme of staged archaeological investigation secured by condition on any future planning approval.
- 5.131. As such, the proposed development in terms of archaeological impact will be appropriately managed, in accordance with Policy DM13 (Preserving the Borough's Archaeology).

6. PLANNING BALANCE

- 6.1. The 'most important' policies for the determination of the application are:
- Core Strategy
 - o Policy 7 (Key Rural Centres)
 - o Policy 8 (Key Rural Centres Relating to Leicester)
 - Site Allocations and Development Management DPD
 - o Policy DM4 (Safeguarding the Countryside and Settlement Separation)
 - Desford Neighbourhood Plan
 - o Policy H1 (Settlement Boundary)
- 6.2. These are out of date and accordingly the tilted balance of Paragraph 11d is engaged.
- 6.3. Firstly, there are no policies within the NPPF, as defined by footnote 7, which provide a clear reason for refusal. Accordingly, the scheme is to be judged against the balancing of whether any adverse impacts from the scheme “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.”
- 6.4. The development would result in a number of benefits which can be summarised as follows:

Economic

- Significant and positive contributions to building a strong, responsive and competitive economy through the creation of temporary construction employment and expenditure. This economic benefit carries **moderate weight**.
- Ongoing contribution and additional expenditure to the local economy both in terms of employment, spending and service usage from the creation of 83no. additional households, boosting vitality and viability. This economic benefit carries **moderate weight**.

Social

- Provision of housing on a site supported by both the Borough and Parish Council through emerging Local and Neighbourhood Plans. This carries **significant weight**.¹
- Boosting housing supply, to meet needs both locally and contributing to wider requirements. This is in a context where HBBC is unable to demonstrate a five year housing supply and the deficit is significant. The social benefits through the creation of new housing carries **substantial weight**.
- The provision of 40% affordable housing in a context of growing affordable need is capable of being classed as an independent benefit and again should be given **substantial weight**.
- The site is accessible to a range of services, facilities and public transport opportunities. The sustainable nature of this site carries **significant weight**.
- Creating a high-quality environment that would complement and be compatible with neighbouring residential development. The social benefit through the creation of a high-quality environment carries **significant weight**.
- Financial contributions (as required) towards the provision and enhancement of local social infrastructure. This carries **neutral weight**.

Environmental

- No insurmountable technical issues have been identified in respect of landscape, flooding, drainage, arboricultural, ecology or archaeological impacts. This carries **significant weight**.

6.5. The collective benefits from the scheme, particularly the provision of market and affordable housing, is compelling and includes economic, social and environmental dimensions of sustainable development.

¹ The proposed allocations themselves are acknowledged as only having limited weight at this stage.

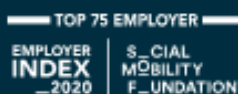
- 6.6. There have been no significant adverse effects identified through the various supporting technical reports on matters such as flooding and drainage, ecology, arboriculture, landscape and visual impact, or archaeology.
- 6.7. Whilst the scheme is not 'development plan led', in the context of the absence of a five-year housing supply this should only be afforded limited harm.
- 6.8. The site is also proposed for allocation through both the Desford Neighbourhood Plan Review and the HBBC Local Plan Review. Although both documents are still at an early stage of preparation, and as such limited weight can be applied to these, this indicates an acceptance of the principle of development of this site.
- 6.9. There is also some limited harm from incursion into the countryside.
- 6.10. In accordance with paragraph 14 of the NPPF, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- 6.11. The Neighbourhood Plan for Desford is five years old and does contain policies to meet its housing requirements, though again these have changed significantly since the plan was made. After May 2026, and when a decision is made on this application, the Neighbourhood Plan will be more than 5 years old. As such Paragraph 14 of the NPPF is not engaged.
- 6.12. Furthermore, the Regulation 15 Plan for the Neighbourhood Plan Review proposes this site for housing. This is a significant material consideration.
- 6.13. Paragraph 11d puts particular emphasis for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. As is demonstrated above, the scheme performs strongly against each of these requirements.

- 6.14. In this context the proposed scheme meets the tests of Paragraph 11d of the NPPF and the benefits of the scheme outweigh any adverse impacts.

7. CONCLUSION

- 7.1. This Planning Statement has been prepared by Freeths LLP on behalf of Miller Homes Limited in support of an application for detailed planning permission for the construction of 85 no. dwellings at Land off Charity Close, Desford.
- 7.2. Overall, it is clear that the Local Plan is based on an out-of-date housing requirement. Further HBBC cannot demonstrate a five-year housing land supply. As such, the application falls to be determined in accordance with the tilted balance at paragraph 11(d) of the NPPF.
- 7.3. The site is located on the edge of the settlement of Desford, that being a Key Rural Centre in the Development Plan. The scheme will deliver up to 83no. dwellings of which 33 will be affordable homes, which are substantial benefits to be weighed in favour of the application, particularly given HBBC's clear housing shortfall, and the Government's pressing objective to significantly boost the supply of homes (NPPF, paragraph 60).
- 7.4. The site is also proposed for allocation through both the Desford Neighbourhood Plan Review and the HBBC Local Plan Review. Although both documents are still at an early stage of preparation, and as such limited weight can be applied to these, this indicates an acceptance of the principle of development of this site.
- 7.5. As demonstrated through the Statement, in applying the tilted balance, detailed evidence has been provided, demonstrating that there are no adverse impacts that would significantly and demonstrably outweigh the development's clear economic, social and environmental benefits, as set out above. As such the development is acceptable, in accordance with the tilted balance applied by paragraph 11(d) of the NPPF.
- 7.6. Overall, the benefits of the proposed development are substantial. As the proposed development constitutes sustainable development for the purposes of the NPPF, the application should be approved.

Awards and accreditations



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