

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

WRITTEN STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

PLANNING APPEAL BY MR G. WARREN OF INVICTA UNIVERSAL LTD

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE PROPOSED
OUTLINE APPLICATION FOR THE CONSTRUCTION OF A 3-BEDROOM SPLIT-
LEVEL DWELLING WITH LANDSCAPING (SELF-BUILD) (SCALE,
LANDSCAPING, LAYOUT, AND ACCESS TO BE CONSIDERED)**

AT

**LAND NORTH EAST OF OLD WHITE COTTAGE, 2 NEWBOLD ROAD
DESFORD, LEICESTERSHIRE, LE9 9GS**

HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE

24/00975/OUT

THE PLANNING INSPECTORATE REFERENCE

APP/K2420/W/25/3364808

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1. INTRODUCTION

- 1.1. This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse outline planning permission for the construction of a custom-build and self-build, three-bedroom, split-level dwelling with landscaping (Scale, Landscaping, Layout, and Access to be considered) at Land northeast of Old White Cottage, 2 Newbold Road, Desford.

2. DESCRIPTION OF THE APPEAL SITE AND THE PROPOSAL

- 2.1. A full description of the appeal site and the appeal proposal are set out within Sections 2 and 3 of the Delegated Officer Report and so is not repeated here.
- 2.2. In summary, the appeal proposal seeks outline planning permission (Scale, Landscaping, Layout, and Access to be considered) for a self-build and custom-build, detached, three-bedroom, split-level dwelling that has a total footprint of 179.9sqm, following the removal of five trees and two groups that are protected by a Tree Preservation Order (TPO) at the Land northeast of Old White Cottage, 2 Newbold Road, Desford.
- 2.3. The appeal site comprises an area of sloping woodland that is wholly protected by a TPO, which is located to the north of Desford in the designated open countryside within the setting of the Desford Conservation Area. The Desford Conservation Area Appraisal Map highlights an Important Tree within the site.

3. SITE HISTORY

- 3.1 The relevant site history for this appeal is set out in detail at Section 4 of the Delegated Officer Report and so is not repeated here. However, the Local Planning Authority wish to draw the Inspector's attention to the fact that the provision of dwellings within this appeal site has been refused four times prior to planning application 24/00975/OUT, one of which (17/00305/FUL) was appealed and subsequently dismissed by the Inspector (APP/K2420/W/17/3178033), which is attached at Appendix D.

4. NATIONAL POLICIES

- 4.1 National Planning Policy Framework (NPPF) (2024).
- 4.2 National Planning Practice Guidance (PPG).
- 4.3 National Design Guide (NDG) (2019).

5. LOCAL POLICIES

5.1 The Development Plan policies referred to for the purposes of the application were:

5.2 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 16: Housing Density, Mix and Design

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

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

- Policy H1: Settlement Boundary
- Policy H7: Housing Design
- Policy ENV3: Biodiversity General
- Policy ENV5: Local Heritage Assets
- Policy T1: Traffic Management

5.5 Other Relevant Guidance:

- The Council's Good Design Guide (2020)
- Desford Conservation Area Appraisal (2010)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Levelling-Up and Regeneration Act (LURA) (2023)
- Self-Build and Custom Housebuilding Act (2015)
- Technical Housing Standards – Nationally Described Space Standards (2015)

6. THE CASE FOR THE LOCAL PLANNING AUTHORITY

6.1 The planning application was refused on 11 March 2025 under delegated powers for the following reasons:

1. The proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, ground levels, and siting, the development results in a significant adverse impact to protected trees within the site, the character of the site and the surrounding area, and the intrinsic value, beauty, open character and landscape character of the open countryside.

Therefore, the proposal is contrary to, and in conflict with, Policy H7 of the adopted Desford Neighbourhood Plan, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document, Chapters 2, 12, and 15 of the National Planning Policy Framework (2024), and the Good Design Guide (2020). The adverse impacts of the development significantly and demonstrably outweigh the potential benefits of the scheme.

2. By virtue of its size, scale, layout, ground levels, and siting, the development results in a significant adverse impact to the protected trees within the site and the rural and verdant character of the site, which provide a positive contribution to the visual amenity, and the rural character, appearance, and significance of the setting of the Desford Conservation Area. The proposal therefore has a significant detrimental impact on the significance and setting of the Desford Conservation Area, which is considered to represent result in less than substantial harm in terms of the National Planning Policy Framework. The harm of the development to the heritage asset is not outweighed by any identified public benefits of the scheme.

Therefore, the proposal is contrary to, and in conflict with, Policy H7 of the adopted Desford Neighbourhood Plan, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document, Chapters 2, 12, and 16 of the National Planning Policy Framework (2024), the Good Design Guide (2020), and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

3. By virtue of the size, scale, massing, layout, and siting of the development, the scheme results in significant harm to the future occupiers of the scheme due to poor visual outlook to principal habitable windows, overbearing impacts, an inadequate provision of private outdoor amenity space, and an insufficient level of natural light to habitable windows and the private outdoor amenity space. If approved, the development will create further pressure for the alteration or the complete removal of the protected trees to provide additional light and space to the proposed dwelling, which would result in additional significant harm to the character of the area.

Therefore, the proposal is contrary to, and conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document, Paragraph 135 of the National Planning Policy Framework (2024), and the Good Design Guide (2020). The adverse impacts of the development significantly and demonstrably outweigh the potential benefits of the scheme.

- 6.2 It is considered that the main planning issues in relation to this appeal are the adverse effects of the proposed development on the intrinsic value, beauty, open character and landscape character of the countryside, and the setting and therefore significance of the Desford Conservation Area, as well as and the impact of this development on the residential amenity of the future residents.

Determination of the Appeal Proposal

- 6.3 As confirmed at Paragraph 8.18 of the Delegated Officer Report, the age of the relevant housing policies within the adopted Core Strategy are out of date. Therefore, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered within the determination of this application.
- 6.4 However, as highlighted by Paragraph 8.5 of the Delegated Officer Report, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF
- 6.5 For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.6 Footnote 7 of the NPPF confirms that areas and assets of particular importance includes, but is not limited to, designated heritage assets (and other heritage assets of archaeological interest referred to in Footnote 75 of the NPPF), such as the Desford Conservation Area.

- 6.7 Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135, and 139 of Chapter 12 (Achieving Well-Designed Places).
- 6.8 It is noted that only Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF are applicable in these site-specific circumstances.
- 6.9 Notwithstanding this, Paragraph 14 of the NPPF confirms that in situations where the presumption (at Paragraph 11(d) of the NPPF) applies to applications involving the provisions of housing, the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- (a) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - (b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement, where that requirement has been identified within five years or less of the date on which the decision is made.
- 6.10 It is noted that the Appellant, who is professionally advised, has failed to acknowledge the requirements of Paragraph 14 of the NPPF.
- 6.11 Desford Neighbourhood Plan was adopted in 2021 and contains policies and allocations to meets identified housing requirement. Therefore, Paragraph 14 of the NPPF applies and the adverse impacts of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh its benefits.

Impact upon the Character of the Surrounding Area and the Historic Environment

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

- 6.15 Key Policy Paragraph 135(a) and (c) of the NPPF confirm that planning 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; and
 - (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.
- 6.16 Key Policy Paragraphs 129 and 135 of the NPPF are supported by Policy DM10(c) of the SADMP, which states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 6.17 Policy DM4(i) and (iii) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and it does not create or exacerbate ribbon development.
- 6.18 Policy H7(c) of the DNP requires all new housing to continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials. However, contemporary and innovative design and materials will be supported where positive improvements can be robustly demonstrated without detracting from the historic context.
- 6.19 Policy H7(d) of the DNP then states that developments should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible.
- 6.20 Guidance Point C1 of the NDG confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 6.21 Guidance Point I2 of the NDG advised that well-designed places should contribute to local distinctiveness and Guidance Point I3 of the NDG highlights that design decisions at all levels and scape should help to create a memorable sense of place.

The Appeal Proposal's Impact on the Character of the Open Countryside

- 6.22 The first reason for the refusal of planning application 24/00975/OUT is that the character of the site and the surrounding area, and the intrinsic value, beauty, open character and landscape character of the open countryside.
- 6.23 Although the Appellant has suggested that the Council cannot resist development on the grounds that the development represents new and unjustified residential development in the countryside, the Appellant has not refuted that the scheme does

in fact represent new and unjustified residential development in the designated open countryside, nor has the Appellant demonstrated why the scheme doesn't result in significant harm to the character of the surrounding area and the open countryside as a result.

6.24 Therefore, the Appellant has failed to have any regard to the requirements of local and national planning policy within their assessment of a new residential dwelling beyond identified settlement boundaries in the designated open countryside. Notably, the only mention of Policy DM4 of the SADMP within the Appellant's Statement is at Paragraph 6.4, which refers to the requirements of policy that the Appellant has then subsequently ignored within the rest of their Statement.

6.25 Importantly, Paragraph 6.14 of the Appellant's Statement confirms that the appeal site and the situation of the surrounding area, *"Has not materially changed,"* since the previously refused planning application 18/00663/FUL. The Local Planning Authority agree with this position. However, this agreed statement demonstrates that the Appellant has failed to justify their development in light of the appeal site's previous planning history.

6.26 Paragraph 4 of the appeal decision against the refusal of planning application 17/00305/FUL confirmed that:

"The appeal site forms an important part of this green and largely undeveloped route to and from the settlement, with open countryside beyond." (cf. Appendix D)

6.27 This assessment of the appeal site was supported at Paragraph 8.54 of the Delegated Officer Report for 24/00975/OUT. The Appellant has not sought to refute the assessment of the appeal site within the previous appeal decision. On the contrary, Paragraph 8.13 of the Appellant's Statement confirms that the appeal site, *"Provides a leafy and green space and reinforces the rural attributes of the site and surroundings."* Therefore, both parties appear to agree that the appeal site positively contributes to the rural character of the surrounding area and the designated open countryside.

6.28 As highlighted at Paragraph 8.55 of the Delegated Officer Report, the nature of the proposal fundamentally alters the character of the site from undeveloped woodland to residential. The alteration to the character of the site and the subsequent introduction of associated urbanising features results in permanent and significant harm to the character of the appeal site, the surrounding area, and the designated open countryside. This harm is compounded by the significant ground level differences between the development proposal and the wider site.

Planning History of the Appeal Site

6.29 To justify the appeal proposal, Paragraph 6.7 of the Appellant's Statement highlights that the number of dwellings sought within this appeal proposal is less than the development within planning application 17/00305/FUL that was previously

dismissed at appeal. It is therefore insinuated that the harm of the development has decreased since this previous appeal decision.

- 6.30 Whilst the current appeal proposal seeks to address the concerns with the previous development proposal raised by the Inspector within the appeal against the refusal of 17/00305/FUL, it does not follow that the development is now acceptable.
- 6.31 Whilst the number of dwellings proposed has reduced since the previous appeal in 2017, the Local Planning Authority strongly refute the Appellant's assertion that the dwelling would be well located within the site and would not adversely affect the rural character of the site or surroundings. In addition, the Local Planning Authority strongly refute the Appellant's suggestion that the proposed dwelling would, *"Develop only a small part of the overall site."*
- 6.32 This can be seen by the fact that in comparison to the dismissed appeal proposal in 2017, the development is 6.9m wider than Plot B of this previous appeal proposal and 40% larger in footprint than the combined footprint of both previously proposed dwellings. As a result, the development is also 6.2m closer to the public highway and the southern boundary of the site than the previous scheme.
- 6.33 Importantly, the Appellant has failed to address the Council's assessment of the current appeal proposal in comparison to the previously refused planning application 18/00663/FUL, which was submitted in light of the dismissed appeal.
- 6.34 Paragraph 8.56 of the Delegated Officer Report for 24/00975/OUT confirmed that whilst the current appeal proposal is only for one dwelling in comparison to the two proposed dwellings within 18/00663/FUL, there has been a negligible amendment to the height of the development, and the footprint of the appeal scheme is larger in footprint than both of the previously proposed dwellings combined.
- 6.35 By virtue of these factors, the size, footprint, and layout of the currently proposed development have a greater detrimental impact upon the character of the site and the surrounding area than the previously refused schemes, one of which was also dismissed at appeal (cf. Appendix D).

The Material Consideration of Nearby Planning Permissions

- 6.36 Paragraph 6.4 of the Appellant's Statement then refers to the dwelling approved on the other side of Little Lane at Trussells Cottage via planning application 22/01097/FUL.
- 6.37 Firstly, each planning application should be considered on its own merits, and the appeal site is located in an area with materially different site-specific circumstances.
- 6.38 The approved development at Trussells Cottage, which had already received planning permission via 18/00976/FUL represented infill development between two existing dwellings, one of which, Sunbreak, is a detached two-storey property. Therefore, this previous planning permission is not considered to be relevant to the

current circumstances and should carry no weight in the determination of this appeal.

- 6.39 In addition, Paragraph 4 of the of the appeal decision against the refusal of planning application 17/00305/FUL confirmed that:

“Beyond Old White Cottage, built development along the lane is limited and confined to the south-eastern side... There is a clear transition along Little Lane between the edge of the village and the countryside beyond.” (cf. Appendix D)

- 6.40 The character of Little Lane has not materially changed since the determination of this previous appeal, if anything is has become increasingly rural as trees bordering the lane have grown in size, and the Appellant has not sought to refute the statements of the previous Inspector, which clearly highlight the difference in character between the two sides of Little Lane and the subsequent impact of the development to the character of the site and the surrounding area.

- 6.41 The Appellant has also failed to have any regard to the Local Planning Authority’s assessment of the character of Little Lane at Paragraph 8.58 of the Delegated Officer Report. Ultimately, whilst there are dwellings to the west and south of the site, the development encroaches into the green and rural approach to and from Desford in the form of new ribbon development. This is considered to result in significant and permanent adverse impacts to the intrinsic value, beauty, open character, and landscape character of the designated open countryside.

- 6.42 As a result, Appellant has failed to have any regard to local and national planning policy, to the Council’s assessment of the development proposal in reaching this conclusion within the Delegated Officer Report, or to the previous Inspector’s assessment of the appeal site within the determination of the appeal against the refusal of planning application 17/00305/FUL.

The Visual Prominence of the Development

- 6.43 In spite of the identified significant harm to the character of the site, the surrounding area, and the countryside, Paragraph 8.23 of the Appellant’s Statement suggests that the character and appearance of the site would be retained due to limited visibility of the development from the public highway.

- 6.44 As highlighted at Paragraph 6.32 of this Statement, the development is now 6.2m closer to the southern boundary of the site in comparison to the previously dismissed scheme. Whilst the siting of the development behind the existing hedgerows provides a degree of screening, the existing vegetation won’t suitably screen a 5.2m high structure from views from Little Lane. The Local Planning Authority disagree that such views would only result in, “*Glimpses,*” of the appeal proposal as prominent views of the development will be possible through the 6m wide access into the site.

- 6.45 Furthermore, the initial views of the appeal proposal from Little Lane are of the permeable hardstanding parking and turning facilities. Whilst this is proposed to be an 'informal' arrangement, this does not negate the fact that the development includes the provision of 140.7sqm of permanent hardstanding, which fundamentally alters the undeveloped woodland character of the site and the views.
- 6.46 Notwithstanding this, as highlighted at Paragraph 8.60 of the Delegated Officer Report, the limited visual prominence of the scheme does not justify the significant adverse impacts caused by the size, scale, and layout of the development on the rural and verdant character of the appeal site and the rural setting of the Conservation Area. The fact that the Appellant is 'unclear' as to how significant harm can be caused to the character of the area, the open countryside, and the setting of the Conservation Area despite the fact that it is not visually prominent is revealing of the inaccurate basis for their misguided assessment of this appeal proposal.
- 6.47 In addition, as a result of the Appellant's efforts to reduce the development's visual prominence from the street scene, the siting of the proposal fails to respect the existing building line along Newbold Road. This heightens the incongruous and contrived nature of the development, which contributes to its significant harm to the character of the site and the surrounding area.
- 6.48 Given the above, whilst it is appreciated that the Appellant has undertaken design approaches to reduce the visual impact of the development, the scheme and its considerable extent of hard surfacing shall still be visually prominent from Little Lane and its associated Public Footpath. Although the existing vegetation along the boundaries of the site help to screen the development, planting cannot be relied on to suitably reduce the detrimental impact of a 5.2m high and 17m wide structure on the character of the surrounding area. Notwithstanding this, the reduced visual prominence of the development does not suggest that the scheme does not result in significant harm to the character of the site, the surrounding area, the designated open countryside, and the setting of the Desford Conservation Area. Ultimately, the siting of the proposal is incongruous to the character of the area and further highlights the contrived nature of the development.

Summary

- 6.49 In summary, Paragraph 7.9 of the Appellant's Statement suggests that the site can be developed as proposed without resulting in harm to the character and appearance of the site. The Local Planning Authority strongly disagree with this statement.
- 6.50 The Appellant has failed to have any regard to local and national planning policy, to the Council's assessment of the development proposal in reaching this conclusion within the Delegated Officer Report, or to the previous Inspector's assessment of the appeal site within the determination of the appeal against the refusal of planning application 17/00305/FUL.

- 6.51 Although the appeal proposal is only for one dwelling, the size, footprint, layout, and thus detrimental impact of the scheme is considerably larger in comparison to both the previously refused and the dismissed schemes.
- 6.52 Ultimately, the proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, ground levels, and siting, the development results in a significant adverse impact to protected trees within the site, the character of the site and the surrounding area, and the intrinsic value, beauty, open character and landscape character of the open countryside. Whilst it is appreciated that the Appellant has undertaken design approaches to reduce the visual impact of the development, the scheme, including its considerable extent of hard surfacing shall still be visually prominent from Little Lane and its associated Public Footpath.
- 6.53 In light of the above, the appeal proposal is contrary to, and in conflict with, Policy H7 of the adopted Desford Neighbourhood Plan, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document, Chapters 2, 12, and 15 of the National Planning Policy Framework, including Key Policy Paragraphs 129 and 135, and the Good Design Guide. As a result, the proposal is not well designed and in accordance with Key Policy Paragraph 139, it is recommended that the appeal proposal should be dismissed.

Impact upon the Character of the Historic Environment

- 6.54 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 6.55 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.56 Chapter 16 of the NPPF confirms that national planning policy aims to conserve and enhance the historic environment. Paragraph 202 of the NPPF confirms that heritage assets are:
- “An irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”*
- 6.57 In determining applications, Paragraph 212 of the NPPF requires that great weight be given to the conservation of designated assets and the more important the asset, the greater the weight should be.
- 6.58 Significance (for heritage policy) is defined by the NPPF as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

- 6.59 This clearly confirms that the significance of heritage assets can derive from its setting and therefore be negatively affected by development within its setting. This is reinforced by Paragraph 213 of the NPPF, which highlights that:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

- 6.60 Paragraph 220 of the NPPF confirms that the loss of a building or other element which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under Paragraph 214 or less than substantial harm under Paragraph 215, as appropriate, taking into account the relative significance of the elements affected and its contribution to the significance of the Conservation Area as a whole.

- 6.61 Given the above, there is a clear intention to preserve and enhance the historic environment within National Planning Policy. This is supported by Policies DM11 and DM12 of the SADMP, which seek to protect and enhance the historic environment and heritage assets. Policy DM11 of the SADMP requires all developments proposals which have a potential to affect a heritage asset or its setting to demonstrate:

- (a) An understanding of the significance of the heritage asset and its setting; and
- (b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
- (c) How the benefits of the proposal will outweigh any harm caused; and
- (d) Any impacts on archaeology in line with Policy DM13 of the SADMP.

- 6.62 Policy DM12 of the SADMP confirms that all developments affecting heritage assets and their setting will only be permitted where it is demonstrated that the proposals are compatible with their significance and their setting. Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible.

- 6.63 Policy 8 of the adopted Core Strategy states that the Council will require new development to respect the character and appearance of the Desford Conservation Area by incorporating locally distinctive features of the Conservation Area into the development.

- 6.64 Policy H7(a) of the DNP states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, 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.
- 6.65 Section 7 of the Appellant's Statement refers to the development's impact on nearby Listed Buildings. The appeal proposal's effect on nearby Listed Buildings does not form part of the reasons for refusal of 24/00975/OUT, and this neutral impact should attract no weight in the planning balance.
- 6.66 The second reason for the refusal of planning application 24/00975/OUT is that the scheme results in significant harm to the significance and setting of the Desford Conservation Area.
- 6.67 As per Paragraphs 7.7 and 8.13 of the Appellant's Statement, it is mutually agreed between both parties that the appeal site positively contributes to the setting of Desford Conservation Area. This is supported by Paragraph 6 of the appeal decision against the refusal of planning application 17/00305/FUL, whereby the Inspector confirmed:
- "The appeal site forms part of the Conservation Area's rural setting and so contributes to positively to its character and appearance as well as significance."*
(cf. Appendix D)
- 6.68 As highlighted at Paragraph 8.52 of the Delegated Officer Report, the Desford Conservation Area Appraisal describes its character, and thus significance, from four key factors, including the agricultural origins of the settlement and the preponderance of woodland trees within and adjacent to the settlement. It is noted that the Appellant has not sought to refute this.
- 6.69 Paragraph 45 of the Appeal Decision at the Land north of Shenton Lane, Market Bosworth (cf. Appendix A) confirmed that harm to the setting of a conservation Area can significant and detrimentally impact its significance and therefore can provide a clear reason for refusing a proposed development. Ultimately, Paragraph 49 of this Appeal Decision gave, "*Substantial weight*," to the conflict with Policies DM11 and DM12 of the SADMP due to the proposal's harm to the setting of the Conservation Area.
- 6.70 As highlighted at Paragraph 6.52 of this Statement, it has been identified that the appeal proposal results in significant and permanent harm to the rural character of the character of the site and the surrounding area, and the intrinsic value, beauty, open character and landscape character of the open countryside. As a result, the proposal therefore has a significant detrimental impact on the significance and setting of the Desford Conservation Area. In accordance with Paragraph 220 of the NPPF, this harm to the character and significance of the Desford Conservation Area is considered to represent less than substantial harm.

- 6.71 By virtue of these factors, the proposal adversely affects the significance of the Desford Conservation Area and therefore the policies within the NPPF that protect areas of particular importance provide a strong reason for refusing the proposed development.
- 6.72 In accordance with Paragraph 80 of the Appeal Decision at the Land north of Shenton Lane, Market Bosworth (c.f. Appendix A), it is similarly considered the case that the 'tilted' balance required by Paragraph 11(d)(ii) of the NPPF should be disengaged within the determination of the current appeal proposal, and the scheme should be determined in accordance with the 'normal' balance as set out at Paragraph 2 of the NPPF.
- 6.73 The harm to the significance of the Desford Conservation Area is exacerbated by the removal of protected trees from the sites.

Removal of Protected Trees from the Appeal Site

- 6.74 Paragraph 8.16 of the Appellant's Statement attempts to justify the removal of the protected trees from the site by suggesting that, *"These trees are not high category trees."*
- 6.75 The Local Planning Authority has never sought to suggest that the trees within the site are high category trees. On the contrary, Paragraph 8.65 of the Delegated Officer Report highlights:

"Whilst the majority of the removed trees are only considered to be of low quality and value by the [Arboricultural Impact Assessment (AIA)], these trees are all protected by a Tree Preservation Order due to their collective positive contribution to the character of the area and the setting of the Desford Conservation Area. Therefore, their removal from the site and the proposed crown lifting is considered to result in significant harm to the character of the area."

- 6.76 Notably, the Appellant has not sought to respond to this assessment.
- 6.77 It is also noted that the Appellant has failed to address the concerns raised by Paragraph 8.64 of the Delegated Officer Report in relation to the crown lifting works proposed to the Category 'B' protected trees, which are required to facilitate the development.
- 6.78 This is important given that the Groups G002 and G006 of protected trees within the site are proposed to be removed from the site due to their low quality and form as a consequence of previous works that have been undertaken to them. The Local Planning Authority draws the Inspector's attention to the requirements of Paragraph 209 of the NPPF, which confirms that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

- 6.79 Protected Trees T002 and T004 are removed from the site to facilitate the proposal and to allow for the creation of the open garden space. Whilst the AIA suggests that protected Group G003 should be removed regardless of the development proposal, there is no clear justification for this with the Report's assessment of the appeal site.
- 6.80 Given the above, no suitable justification has been submitted to explain why these protected trees need to be removed from the site apart from in order to facilitate the proposal. Whilst these trees are not high category trees, they collectively have a positive contribution to the rural character of the surrounding area. As a result, their unjustified removal from the site contributes to the appeal proposal's significant and permanent harm to the setting, and thus significance, of the Desford Conservation Area.

Summary

- 6.81 In light of the above, by virtue of its size, scale, layout, ground levels, and siting, the development results in a significant adverse impact to the protected trees within the site and the rural and verdant character of the site, which provide a positive contribution to the visual amenity, and the rural character, appearance, and significance of the setting of the Desford Conservation Area. The proposal therefore has a significant detrimental impact on the significance and setting of the Desford Conservation Area, which is considered to represent result in less than substantial harm in terms of the National Planning Policy Framework.
- 6.82 Therefore, the proposal is contrary to, and in conflict with, Policy H7 of the adopted Desford Neighbourhood Plan, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document, Chapters 2, 12, and 16 of the National Planning Policy Framework, the Good Design Guide, and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. As a result, the proposal is not well designed and in accordance with Key Policy Paragraph 139, it is recommended that the appeal proposal should be dismissed.
- 6.83 By virtue of these factors, the proposal adversely effects the significance of the Desford Conservation Area and therefore the policies within the NPPF that protect areas of particular importance provide a strong reason for refusing the proposed development. Therefore, the 'tilted' balance required by Paragraph 11(d)(ii) of the NPPF should be disengaged within the determination of the current appeal proposal, and the scheme should be determined in accordance with the 'normal' balance as set out at Paragraph 2 of the NPPF.

Impact upon Residential Amenity

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

- 6.85 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 6.86 Paragraph 14.2 of the SADMP confirms that new development should be located and designed in such a way that the amenity of both existing residents and occupiers is fully considered when assessing planning applications. The amenity of future occupiers of any proposed development is also in an important design consideration to avoid any future conflicts over incompatible uses.
- 6.87 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity. The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property.
- 6.88 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 6.89 Paragraph 6.11 of the Appellant's Statement highlights that the appeal proposal, *"Would not result in any long term / permanent significant impacts,"* on the residential amenity of neighbouring properties. It is once again noted that the appeal proposal's effect on neighbouring residential amenity does not form part of the reasons for refusal of 24/00975/OUT, and this neutral impact should attract no weight in the planning balance.
- 6.90 The third reason for the refusal of planning application 24/00975/OUT is that the scheme results in significant harm to the residential amenity of the future occupiers of the scheme.
- 6.91 Paragraph 8.37 of the Appellant's Statement accepts that there is an inadequate separation distance between the principal habitable window of Bedroom 2 and the shared boundary of 2 Newbold Road.
- 6.92 The Council's Good Design Guide confirms that the definition of 'habitable rooms' includes living rooms, bedrooms and kitchens, but does not include rooms such as bathrooms, utility rooms, halls, landings, or garages.
- 6.93 Given the above, whilst the Appellant may question the requirement to provide a high standard of residential amenity, including an adequate level of visual amenity, for a bedroom, this is not the concern of the Local Planning Authority, nor the determination of the appeal proposal.

- 6.94 Therefore, the proposal results in significant harm to the residential amenity of the future occupiers of the scheme. The fact that the visual outlook for Bedroom 2, *“Was a secondary consideration,”* is not suitable justification for the appeal proposal’s inability to provide an adequate level of visual amenity to a habitable room. Furthermore, as the Appellant acknowledges that redesigning the development to address this issue, *“Would comprise the amenity for other rooms,”* this confirms that the development is contrived and not well designed.
- 6.95 Although the Appellant may disagree with the extent of the overbearing impact of the entrance element of the building on the principal habitable window of the kitchen area of the development, this is not suitable justification for a development not meeting the minimum separation distance standards outlined within the Good Design Guide.
- 6.96 Whilst the kitchen would be illuminated by its use of bi-fold doors, this also does not suitably justify the overbearing impact of a 7.9m high two-storey structure that covers the entire width of the principal habitable window of this room and is only separated from this habitable room by between 6.6m and 3.8m. Importantly, as this is a new development, there is no suitable justification for minimum separation distances not to be complied with in these site-specific circumstances, nor for the development to have a significant overbearing impact upon itself to the detriment of the future occupiers of the scheme.
- 6.97 Within their Statement, the Appellant has acknowledged and not sought to refute that the appeal proposal fails to provide an adequate level of natural light to the principal habitable window of Bedroom 3 or the minimum amount of private outdoor amenity space for a three-bedroom property as required by the Good Design Guide.
- 6.98 Instead, Paragraph 8.42 of the Appellant’s statement confirms that they have made, *“Compromises,”* in the design and layout of the scheme. Whilst the Local Planning Authority sympathise with the challenges in constructing a development that can overcome the constraints of the appeal site, the, *“Unique,”* nature of the site and the, *“Bespoke,”* type of the development do not suitably or appropriately justify substandard elements of the scheme that result in significant harm to the residential amenity of the future occupiers of the scheme. Ultimately, the fact that minimum standards have had to be, *“Foregone,”* to provide a scheme within this site reinforces the fact that the development is contrived and not well designed.
- 6.99 Importantly, if the development is approved with these substandard compromises to residential amenity, this will create further pressure for the alteration or the complete removal of the protected trees within the site to provide additional light and space to the proposed dwelling, which would result in additional significant harm to the character of the area and to the setting of the Conservation Area. This concern was shared by the Inspector within Paragraph 10 of the appeal decision against the refusal of 17/00305/FUL. Notably, the Appellant has not sought to defend the appeal proposal in light of the previous appeal decision or the comments within Paragraph 8.86 of the Delegated Officer Report.

- 6.100 To summarise, the scheme results in significant harm to the future occupiers of the scheme due to poor visual outlook to principal habitable windows, overbearing impacts, an inadequate provision of private outdoor amenity space, and an insufficient level of natural light to habitable windows and the private outdoor amenity space. If approved, the development will create further pressure for the alteration or the complete removal of the protected trees to provide additional light and space for the proposed dwelling, which would result in additional significant harm to the character of the area.
- 6.101 Therefore, the proposal is contrary to, and conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document, Key Policy Paragraph 135 of the National Planning Policy Framework, and the Good Design Guide. As a result, the proposal is not well designed and in accordance with Key Policy Paragraph 139, it is recommended that the appeal proposal should be dismissed.

Self-Build and Custom-Build Development

- 6.102 Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) people wishing to commission or build their own homes.
- 6.103 Section 1 of the Self-Build and Custom Housebuilding Act 2015 defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, to be occupied as homes by those individuals.
- 6.104 Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended by the Levelling Up and Regeneration Act 2023 (LURA)) places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.
- 6.105 The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidence by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period. However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.
- 6.106 Currently, the Council has supplied fewer suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 9, which results in a modest shortfall of five self-build and custom housebuilding dwellings.

6.107 Given the above, Paragraph 8.9 of the Appellant's Statement suggests that a single self-build unit would make a significant contribution to this limited shortfall. The Local Planning Authority strongly refute this position and the Appellant's suggestion that giving moderate weight to this benefit during the determination of the 24/00975/OUT was unreasonable.

6.108 This Council's weighting within the determination of the 24/00975/OUT is supported by the appeal decision for the development at The Cottage, 92 Low Woods Lane, Belton, Loughborough (APP/G2435/W/23/3330838) (cf. Appendix B). Paragraph 12 of this Appeal Decision state:

"The Council does not dispute that there is a shortfall in supply and that in this way it is failing to meet its statutory duty. The current absence of a self-build policy in the adopted Local Plan may have contributed to this. Nevertheless, the proposal would only add one additional dwelling to the supply of self-build accommodation. As such it would make a small contribution in addressing the current shortfall in provision. The contribution it would make to the supply and wider benefits generated would be limited. I give these benefits moderate weight as a consequence, even if it's delivery could be secured through a planning condition, as promoted by the appellant."

6.109 Importantly, Paragraph 13 of this Appeal Decision continues on to state that:

"The NPPF does not include locational requirements for the provision of self-build properties. However, this does not mean that self-build development should automatically be exempt from policies designed to direct development to the most sustainable locations. The adverse impacts of the proposal would be significantly and demonstrably outweigh the benefits of the development."

6.110 Notwithstanding the above, Paragraphs 8.29 and 8.33 of the Delegated Officer Report confirm that the benefits associated with contributing to the Council's unmet demand and cumulative need for self-build and custom-build developments can only be secured through the provision of a Unilateral Undertaking.

6.111 It is noted that the Appellant has not sought to submit a Unilateral Undertaking as part of this appeal process. Therefore, the Local Planning Authority refers to Paragraph 42 of the appeal decision for the development at the Land adjoining The Causeway, Church Causeway, Church Langton, Market Harborough (APP/F2415/W/24/3338486) (cf. Appendix C), which confirms that:

"In the absence of an appropriate mechanism to secure the development as self-build and custom housebuilding, I cannot give any weight to the contribution that the appeal scheme would make in helping address the Council's shortfall in this respect."

6.112 In summary, the Local Planning Authority accepts that it has an unmet demand and cumulative need for self-build and custom housebuilding developments. As the proposal is only for one dwelling, the benefits associated with the scheme's small contribution to addressing this limited shortfall, if secured by a Unilateral

Undertaking, should attract moderate weight in the planning balance, which is supported by recent appeal decisions. However, the Appellant has not sought to provide a Unilateral Undertaking to secure this contribution as part of this appeal process. Therefore, in the absence of an appropriate mechanism to secure the development as self-build and custom housebuilding, no weight should be given to this contribution to the Council's limited shortfall in accordance with recent appeal decisions.

7. PLANNING BALANCE & CONCLUSION

- 7.1 To summarise, Section 38 (6) of the Planning and Compensation Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 indicates that planning permission should be granted for development proposals that accord with the Development Plan unless material considerations indicate otherwise.
- 7.2 It is acknowledged that the Development Plan was adopted prior to the publication of the latest NPPF. However, as a result of the strong consistency with the wording of the NPPF, due weight should be given to the policies within the Development Plan, such as Policies DM4, DM10, DM11, and DM12 of the SADMP, in accordance with Paragraph 232 of the NPPF.
- 7.3 It has been demonstrated within this Report that the proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, ground levels, and siting, the development results in a significant adverse impact to protected trees within the site, the character of the site and the surrounding area, and the intrinsic value, beauty, open character and landscape character of the open countryside. This attracts significant weight in the planning balance.
- 7.4 As a result of this, and by virtue of its size, scale, layout, ground levels, and siting, the development results in a significant adverse impact to the protected trees within the site and the rural and verdant character of the site, which provide a positive contribution to the visual amenity, and the rural character, appearance, and significance of the setting of the Desford Conservation Area. The proposal therefore has a significant detrimental impact on the significance and setting of the Desford Conservation Area, which is considered to represent result in less than substantial harm in terms of the National Planning Policy Framework. This attracts significant weight in the planning balance.
- 7.5 Furthermore, by virtue of the size, scale, massing, layout, and siting of the development, the scheme results in significant harm to the future occupiers of the scheme due to poor visual outlook to principal habitable windows, overbearing impacts, an inadequate provision of private outdoor amenity space, and an insufficient level of natural light to habitable windows and the private outdoor amenity space. If approved, the development will create further pressure for the alteration or the complete removal of the protected trees to provide additional light and space to the proposed dwelling, which would result in additional significant

harm to the character of the area and the setting of Desford Conservation Area. This attracts significant weight in the planning balance.

- 7.6 By virtue of these factors, the appeal proposal is contrary to, and in conflict with, Policy H7 of the adopted Desford Neighbourhood Plan, Policies DM4, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document, Chapters 2, 12, 15, and 16 of the National Planning Policy Framework, including three of the four applicable Key Paragraph Policies (129, 135, and 139), the Good Design Guide, and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 7.7 Importantly, Paragraph 14 of the NPPF applies where the adverse impacts of allowing development that conflicts with the Desford Neighbourhood Plan are likely to significantly and demonstrably outweigh its benefits. As highlighted in the previous Paragraph, the development proposal conflicts with the Desford Neighbourhood Plan and therefore the harm of the development is likely to significantly and demonstrably outweigh its potential benefits.
- 7.8 Notwithstanding this, as the proposal adversely affects the significance of the Desford Conservation Area, the policies within the NPPF that protect areas of particular importance provide a strong reason for refusing the proposed development. Therefore, the 'tilted' balance required by Paragraph 11(d)(ii) of the NPPF should be disengaged within the determination of the current appeal proposal, and the scheme should be determined in accordance with the 'normal' balance as set out at Paragraph 2 of the NPPF.
- 7.9 Paragraph 2 of the NPPF confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.10 In addition, in accordance with Paragraph 215 of the NPPF and Policies DM11 and DM12 of the SADMP, the harm to Conservation Area as a designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.11 The Local Planning Authority do not consider the appeal proposal to provide any heritage benefits, and the Appellant has not sought to identify any.
- 7.12 Paragraph 8.33 of the Appellant's Statement summaries the material considerations and benefits of the proposed scheme and suggests the weight that should be afforded to these respective benefits in the planning balance.
- 7.13 Within Paragraph 8.33 of the Appellant's Statement, the Appellant gives weight to the following benefits:

- (a) Contribution to the Council's lack of five-year land of supply for housing; and
 - (b) Contribution to the Council's unmet demand for self-build and custom housebuilding; and
 - (c) The economic benefits associated with the construction of the development and the expenditure of the future occupants of the scheme; and
 - (d) The use of sustainable building methods and materials.
- 7.14 The Local Planning Authority are unlikely to be able to demonstrate a five-year supply of land for housing. However, the benefit of providing one dwelling within this appeal site towards the Council's supply of housing is small and should attract only limited weight in the planning balance.
- 7.15 As confirmed at Paragraph 6.112 of this Report, in the absence of an appropriate mechanism to secure the development as self-build and custom housebuilding, no weight should be given to the scheme's contribution to the Council's limited shortfall in supply of self-build and custom housebuilding. However, if the Inspector is inclined to give weight to this potential benefit, then the Local Planning Authority request that only moderate weight is given to this benefit in accordance with recent appeal decisions.
- 7.16 Importantly, Paragraph 35 of the Right to Build Task Force Custom and Self-Build Planning Guidance: PG3.2: Counting Relevant Permissioned Plots (2024) confirms that, *"A development contributing to CSB is unlikely on its own to outweigh planning harm (e.g. landscape or environmental harms).*
- 7.17 The social and economic benefits associated with the provision of one dwelling are limited and are not considered to maintain or enhance the local community. The scheme also does not provide any planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP. Therefore, the social and economic benefits associated with the provision of one new dwelling in this location are afforded limited weight in the planning balance.
- 7.18 The Appellant has not provided any details of the proposed sustainable building methods or materials at this stage. Given the sustainable development of the appeal proposal is controlled under Building Regulations, this should not attract any weight in the planning balance.
- 7.19 As highlighted at Paragraphs 6.89 and 6.65 of this Report, no weight should be given to the neutral impact of the scheme on neighbouring residential amenity, or on the character and significance of nearby Listed Buildings. In addition, no weight should be given to the neutral impact of the scheme on highway safety.
- 7.20 In conclusion, the development results in significant and permanent harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside, and thus the rural character and setting, and significance, of the Desford Conservation Area, as well as to the residential amenity of the future occupiers of the scheme. These

considerable adverse impacts significantly and demonstrably outweigh the limited benefits associated with the provision of one dwelling in these site-specific circumstances. By virtue of these factors, it is recommended that the appeal is dismissed.

- 7.21 There are no other material considerations to indicate that the proposal should be determined other than in accordance with the adopted Development Plan in this case. With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However, if the Inspector is minded not to do so, the Local Planning Authority requests the inclusion of the following conditions and reasons suggested below.

8. CONDITIONS

1. An application for approval of reserved matters shall be made within two years of the date of this permission and the development shall be begun not later than 18 months from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until details of the appearance and access other than vehicular access (hereafter called the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Arboricultural Impact Plan (AIP 25-01-01) (submitted: 14.02.2025)
 - Draft Tree Protection Plan (DTPP 25-01-01) (submitted: 14.02.2025)
 - Proposed Floor Plans and Sections AA (0105-P02-005) (submitted: 23.10.2025)
 - Proposed Section BB and CC (0105-P02-006) (submitted: 23.10.2025)
 - Proposed Site Plan (0105-P02-002A) (submitted: 14.02.2025)
 - Proposed Tree Plan (0105-P02-004A) (submitted: 14.02.2025)
 - Site Location Plan (0105-P02-002) (submitted: 23.10.2024)
 - Topographical Survey (0105-P02-001) (submitted: 23.10.2024)

- Tree Constraints Plan (TCP-25-01-01) (submitted: 14.02.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall take place until a report outlining the results of the badger walkover survey have been submitted to, and approved in writing by, the Local Planning Authority. The badger walkover survey should be conducted by an appropriately experienced ecologist

Reason: In accordance with the recommendations at Paragraph 5.2.1 of the Preliminary Ecological Appraisal (Q24-5156) (submitted: 14.02.2025) In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall take place until a Biodiversity Enhancement Scheme has been submitted to, and approved in writing by, the Local Planning Authority. Enhancements should include, but is not limited to, a native planting scheme, bat and bird boxes and their make/model and locations, the provision of log piles and lying/standing deadwood, and woodland enhancements. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

Reason: In accordance with the recommendations at Paragraph 5.2.6 of the Preliminary Ecological Appraisal (Q24-5156) (submitted: 14.02.2025) and in order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan (0105-P02-002A) (submitted: 14.02.2025) have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan (0105-P02-002A) (submitted: 14.02.2025). Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

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

8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

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

9. The development shall be carried out in full accordance with the Draft Tree Protection Plan (DTPP 25-01-01) (submitted: 14.02.2025) and the recommendations within Section 5 (Arboricultural Supervision), 6 (Barriers and Ground Protection), 7 (Specific Tree Protection Measures), 8 (Demolition), 9 (No-Dig Hard Surfaces within the RPA), and 10 (Development) within the Arboricultural Impact Assessment & Draft Method Statement (AIA)-25-01-001) (submitted: 14.02.2025).

Reason: In order to protect the Protected Trees within the site and to protect the character of the site and the significance of the setting of the Desford Conservation Area in accordance with Policies DM6, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Part 1 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be

erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

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

12. Prior to installation, the details of any external lighting to be provided in association with the development hereby permitted shall be submitted to, and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and shall demonstrate that the lighting will not cause harm to bat or their habitats. The details shall be installed, maintained, and operated as approved.

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

9. APPENDICES

- 9.1 (See separate documents)
- 9.2 **Appendix A** (Appeal Decision: Land north of Shenton Lane, Market Bosworth)
(APP/K2420/W/23/3317090)
- 9.3 **Appendix B** (Appeal Decision: The Cottage, 92 Low Woods Lane, Belton)
(APP/G2435/W/23/3330838)
- 9.4 **Appendix C** (Appeal Decision: Land adjoining The Causeway, Market Harborough)
(APP/F2415/W/24/3338486)
- 9.5 **Appendix D** (Appeal Decision APP/K2420/W/17/3178033)