

Delegated Report

Planning Reference 25/00667/FUL
Applicant(s) Mr and Mrs Wilsher
Ward Ratby, Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Application Site Tara, Barlestone Road, Coalville

Proposal Demolition of existing dwelling and erection of replacement dwelling (self-build)

Case Officer Emma Baumber (Team Leader)

1. Recommendations

- 1.1. **Approve planning permission** subject to the conditions detailed at the end of this report

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a single self-build replacement dwelling.
- 2.2. The replacement dwelling is proposed to be sited on the footprint of the existing dwelling, utilising the existing residential curtilage and access from Barlestone Road. The proposed dwelling would be set back from the road with three parking spaces to the north of the dwelling and garden to the front, side and rear.
- 2.3. The dwelling would be two storey with a dual pitched roof, with two gables proposed to the front and to the rear of the property. A large flat roof portico is proposed to the front elevation and two balconies are proposed to the rear elevation. The property would be constructed from red brick (Ibstock Balmoral), with a grey concrete roof tiles and black uPVC/aluminium windows and doors. Key design features include twisted chimney stacks and the use of twisted columns to the front portico and rear balconies.
- 2.4. Amendments were sought during the course of the application including the removal of the twisted chimney stacks and alterations to the roof pitches of the front gables. The former request has not been adhered to with the applicant stating this is a key design feature of the dwelling, however, the proportions of the gables have been amended in line with officer recommendations. No details of hard and soft landscaping have been submitted with this application.

3. Description of the Site and the Surrounding Area

- 3.1. The site formerly known as 'Tara House' consisted of a detached dwelling, with outbuildings and associated gardens. The house was subject to serious vandalism

and was left derelict, the house has been demolished and the land cleared during the determination of this application.

- 3.2. The site is located to the east of Barlestone Road, within the open countryside approximately 500m to the south west of Bagworth. An area of woodland lies to the north and east of the site, with agricultural land to the south and west.
- 3.3. There are no known designated/non-designated heritage assets in the immediate area.

4. Relevant Planning History

There is extensive planning history on the site, the most relevant is listed below:

03/00245/FUL

- Demolition of existing dwelling and erection of replacement dwelling
conversion of existing detached garage to granny annexe and construction of new garaging and creation of storage area to the rear
- Approved
- 12.01.2004

09/00134/FUL

- Extensions and alterations to dwelling.
- Approved
- 20.04.2009

16/00085/FUL

- Temporary planning permission for the parking of vehicles (2 years)
(retrospective)
- Refused
- 09.05.2016

18/00375/HOU

- Erection of detached garage
- Approved
- 18.06.2018

19/00177/HOU

- Erection of a detached garage (resubmission of 18/00375/HOU)
(retrospective)
- Refused
- 24.04.2019

5. Publicity

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

5.2 No responses have been received.

6. Consultation

6.1 No objections have been raised by:

- HBBC Environmental Services
- LCC Highways (Refer the LPA to Standing Advice)
- LCC Planning (Minerals and Waste)
- National Forest Company

6.2 A holding objection was received from LCC Ecology department requiring a Preliminary Roost Assessment (PRA) to be undertaken owing to the potential to impact the roof of the former dwelling. However, as the dwelling was demolished prior to this advice being issued a PRA is not necessary. LCC Ecology also confirmed that the proposal is exempt from BNG requirements as a self-build dwelling.

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM14: Replacement Dwellings in the Rural Area
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2024)
- Planning Practice Guidance ('PPG')
- National Design Guide (2019)
- Levelling-Up and Regeneration Act ('LURA') (2023)
- Self-Build and Custom Housebuilding Act (2015)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment ('LCA') (2017)
- Leicestershire Highway Design Guide ('LHDG') (2022)

8. Appraisal

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

- Principle of development
- Self-build and custom housebuilding
- Impact upon the character of the area
- Design and layout
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.2 Whilst the site is within the countryside where new dwellings are not generally supported in locationally unsustainable locations, as a replacement dwelling outside of a settlement boundary Policy DM14 is the key policy. Policy DM14 supports the demolition and rebuild of an existing dwelling in the countryside in principle, subject to the proposal complying with three criteria which are assessed in the 'Design' section of the report.

8.3 Whilst the existing dwelling has been demolished prior to the determination of this application its presence is well recorded and evidenced. The new dwelling would be located on the footprint of the existing dwelling and within its residential curtilage. Subject to design of the dwelling complying with the criteria contained within Policy DM14 the principle of the replacement dwelling is acceptable.

Self-Build and Custom Housebuilding

8.4 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.

8.5 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.

8.6 The Applicant states that the proposed development is classified as a 'custom house-build and self-build' scheme within the definition provided within the Self-

- Build and Custom Housebuilding Act 2015. To support this, the Applicant has submitted a signed Self-and-Custom Build Evidence Form, which states that the Applicant would be the initial occupier of the development. This is a material consideration within this planning application.
- 8.7 To secure this proposal as a self-build and custom house-build development a Unilateral Undertaking ('UU') has been signed and submitted to the Council.
- 8.8 Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.
- 8.9 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.
- 8.10 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 10, which results in a shortfall of 17 self-build and custom-house build dwellings.
- 8.11 This development as a self-build and custom house-build would contribute to the current unmet demand and the cumulative need for permissions by the end of this Base Period (31 October 2025 to 30 October 2026). Whilst the Local Planning Authority are not meeting their statutory duty to permit enough self-build and custom house-build schemes, the current proposal would only provide one additional dwelling to this supply. As such, the benefits of this small contribution in addressing the limited current shortfall in the Council's provision self-build and custom housebuilding developments would be considered to attract moderate positive weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.12 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.
- 8.13 Key Policy Paragraph 129(d) and (e) of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including

residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places respectively.

- 8.14 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. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.15 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 where it does not create or exacerbate ribbon development.
- 8.16 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.17 Policy DM14 of the SADMP states that replacement dwellings will be supported where:
- a) It leads to an enhancement of the immediate setting and general character of the area; and
 - b) The new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage; and
 - c) The proposed development accords with Policy DM10: Development and Design, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.
- 8.18 Guidance Point C1 of the National Design Guide (NDG) confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.19 The existing dwelling was subject to vandalism and was in a significant state of disrepair and negatively contributed to the appearance of the area and general character of the countryside for a number of years. The redevelopment of the site will enhance the immediate setting and general character of the area as a result. It is noted that the dwelling is large and dominant in appearance and design, however, this was the case for the previous dwelling. Similarly, neither the design of the proposed or existing dwelling reflected a traditional farmhouse or agrarian character which would be typical of the countryside, however, the proposed dwelling does have a good degree of architectural detailing and design quality which further aids an enhancement to the character of the area. The general form of the dwelling is in keeping with the wider area and dwellings found in nearby settlements and the projecting gables, stone detailing and portico add interest to the dwelling.

- 8.20 Amendments were requested during the application to remove the twisted chimney detailing as they are not prevalent rural design features, however, these have been justified owing to the presence of similar chimneys in Bagworth. The applicant has also worked with the LPA in amending the proportions of the front gables which has resulted in further betterment to the design.
- 8.21 The new dwelling is large, however, when comparing this to the existing dwelling it is proportionate to the size, scale, mass and footprint of the existing dwelling, with only minor increases in these areas.
- 8.22 The proposed materials are appropriate for the area. Details of landscaping have however not been included within the submission. A condition is recommended requiring the submission of hard and soft landscaping details, the applicant's agent has been advised that soft landscaping will need to be strengthened to soften the appearance of the site so that it is more appropriate for its rural setting. This should include soft boundary treatment to the front (north west) and side (south west) boundaries through planting of a new hedgerow. It is unlikely that hard boundary treatments to the front (walls or fencing) will be appropriate.
- 8.23 In summary, the proposal would represent a replacement dwelling of similar proportions to the former dwelling and by virtue of the redevelopment of the site the proposal would result in clear enhancement to the immediate setting and character of the area. It is noted that the dwelling is large and not strictly of a design that reflects its rural surroundings, however, considering the former dwelling this is not inappropriate and the design quality and features of the proposed dwelling are acceptable. Therefore, subject to conditions the proposal is considered to comply with Policies DM4, DM14 and DM10 of the SADMP and the relevant provisions of the NPPF.
- 8.24 Alongside conditions relating to materials and landscaping it is considered necessary to remove permitted development rights relating to further extensions/alterations to the dwelling and for outbuildings and means of enclosure within the curtilage. The replacement dwelling is justified by virtue of it being of similarly proportioned to the former dwelling and as a result of it enhancing the character of the area. Unrestricted extensions and alterations to the dwelling and within its curtilage have potential to harm the character of the site and its surroundings and therefore warrant future assessment by the LPA.

Impact upon Residential Amenity

- 8.25 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 8.26 There are no residential properties in the immediate area and the dwelling is appropriately designed to protect the amenity of future occupants, the scheme therefore is in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.27 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.28 The LHA have referred the LPA to current standing advice. The proposal would utilise the existing access on Barlestone Road, the principle of this access and visibility splays were previously judged acceptable and owing to the lack of intensification remain so. A compliant level of three parking spaces are proposed within the residential curtilage.
- 8.29 In line with the current LCC Standing Advice conditions are recommended requiring any gates to be set back and the access hard surfaced a minimum of 5m from the highway boundary.
- 8.30 Subject to these conditions, it is considered that the proposal would not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP.

9. Equality Implications

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

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

10. Conclusion

- 10.1 As set out within the report, the development would comply with the relevant Development Plan policies, the proposal is therefore recommended for approval. As a replacement dwelling, the proposal would make a neutral contribution to the Council's housing land supply, however, the provision of an additional self-build dwelling is an additional benefit.

11. Recommendation

- 11.1 **Approve planning permission** subject to planning reasons detailed at the end of this report.

11.2 Conditions

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

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

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

- Block and Location Plans dwg no. 03 as received on 7th July 2025
- Proposed Plans and Elevations dwg no. SK02-D as received on 9th September 2025

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved materials as follows:
 - Bricks- Ibstock Balmoral
 - All other external materials as set out in the Application Form

Reason: To ensure a satisfactory form of development in accordance with Policies DM, DM4, DM10 and DM14 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to any above ground development a scheme of hard and soft landscaping works, including boundary treatments, for the site and including an implementation scheme, shall be submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4, DM10 and DM14 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.

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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

6. Prior to first occupation of the dwelling hereby permitted its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and thereafter be permanently so maintained.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and becoming a danger to highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-F and Part 2 Class A 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 alterations to the dwelling, buildings within its curtilage or means of enclosure shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the character of the immediate area and countryside and to ensure that the dwelling remains proportionate to its setting, in accordance with Policy DM4, DM10 and DM14 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

- a. **Notes to Applicant(s)**
 - Building Regulations