



Mr Ward

**Outline Planning Application for the construction of a
new custom build dwelling, all matters reserved except
for scale, layout and access, (resubmission of
23/00170/OUT.**

Ben Venuto, Thornton lane, Markfield, LE67 9RP

Planning, Design and Access Statement



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1. INTRODUCTION

- 1.1 We act on behalf of Mr Andrew Ward ('the applicant') and are pleased to confirm submission of the above outline planning application for the construction of a new self-build dwelling with details of landscaping and appearance reserved at Ben Venuto, Thornton Lane, Markfield LE67 9RP ('the site'). The application is a resubmission of refused application 23/00170/OUT and amends the width of the entrance to retain planting along Thornton Lane. The Sustainability statement has also been refreshed to reflect changes in local bus services and to clarify that there are bus stops in close proximity.
- 1.2 An electronic version of this statement has been submitted today through the Planning Portal and is accompanied by the following drawings, all prepared by Haywards Architects and Magna Transport Consulting Ltd:
- Location Plan Drawing No. 22/114 01
 - Existing Site Plan Drawing No. 22/114 02
 - Proposed Site Plan and Building Height Drawing No. 22/114 03b
 - Illustrative Floor Plan Drawing No. 22/114 04
 - 23-132-SK01 REV A
 - 23-132-TR01 REV A
- 1.3 The purpose of this statement is to assess the proposal against relevant policies from the Development Plan and material planning considerations.
- 1.4 This statement is structured as follows:
- In **Section 2** we set out a description of the site and the pre-application enquiry;
 - In **Section 3** we present the proposed development;
 - In **Section 4** we identify the planning policy context against which the application proposals fall to be considered;
 - In **Section 5** we undertake a planning assessment against relevant determining considerations; and
 - In **Section 6** we set out our conclusions.

2. SITE CHARACTERISTICS & CONTEXT

i. Site Description

- 2.1 The application site is located just to the south of the core area of Markfield within a loose knit cluster of development centred around the college. It is approximately 800m to the southern edge of the village and within a ribbon of residential properties extending along Thornton/Ratby Lane and forms a single remaining gap in this ribbon. Within the local plan the area is washed over with by a countryside allocation although it has a suburban character.
- 2.2 With a population of approximately 4,500, Markfield is allocated as a key rural centre under Policy 7 of the Hinckley and Bosworth Core Strategy (2009). The Local Plan states “Key Rural Centres are those villages that have populations over 1500 people, have a primary school, local shop, post office, GP, community/leisure facilities, employment and a 6 day a week bus service (hourly). Key Rural Centres that provide localised provision of facilities permit access by foot, cycle and local bus and can minimise car journeys not only for those people who are living in the Key Rural Centres, but also the rural villages and hamlets surrounding these centres.”
- 2.3 The site comprises a two storey dwelling known as Ben Venuto sited on the western side of its large plot. There is a large rear garden with ancillary outbuildings and patio areas along the eastern boundary. Directly behind the garden is a large paddock that belongs to the applicant. Access to the site is achieved via the existing driveway serving Ben Venuto of Thornton Lane with the remainder of the front boundary comprising vegetation creating substantial screening. Thornton Lane is a standard road with one lane in each direction, it has a speed limit of 40mph and hosts a number of residential properties. The property at one time benefitted from an in out access but part of this is currently closed.

- 2.4 The area has a suburban character and includes dwellings of varying size and architectural styling. There has been extensive recent development in the vicinity.
- 2.5 The site is not within a Conservation Area and there are no heritage assets in the vicinity that stand to be impacted by the development. Despite being close to Markfield it falls within the parish of Ratby.
- 2.6 The site lies within flood zone 1 meaning that it is at low risk of flooding. There are no known critical drainage problems or other known constraints.

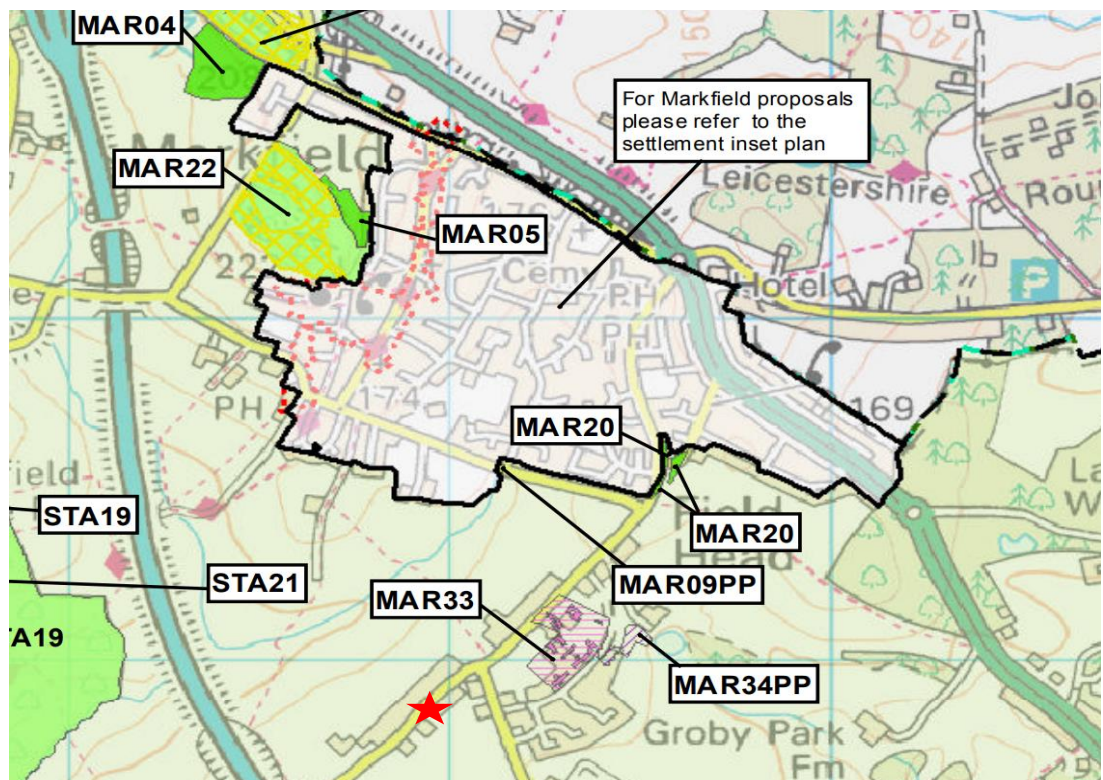


Figure 1: Site Location on 2009 Proposals Map (approximate location starred)

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Land at Ben Venuto, Thornton Lane, Markfield



Photograph 1 – Aerial view of the site



Photograph 2 – Looking across the site and garden towards Ben Venuto

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Photograph 3 – The garden building to the rear

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Photographs 4 & 5 – the site for the dwelling

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Photograph 6 – facing elevation of Ben Venuto (containing dining room, bedroom and WC windows)



Photograph 7 – adjacent new bungalow

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Photograph 8 –new housing – further south along Thornton Lane

ii Planning History

2.7 The available planning history for the site is set out in the table below.

Application Numbr	Description	Date of Decision	Decision
23/00170/OUT	Outline Planning Application for the construction of a new dwellinghouse (All matters reserved except for scale, layout and access)	28/04/2023	Refused
17/01119/FUL	Erection of detached dwelling	Fri 22 Dec 2017	Refused
16/00692/NOM AT	Non material amendment to planning permission 15/00717/FUL to amend driveway	9 th August 2016	Withdrawn
15/00717/FUL	Erection of two detached dwellings	14 th March 2016	Granted
05/00364/FUL	EXTENSIONS AND ALTERATIONS TO DWELLING ERECTION OF DETACHED DOUBLE GARAGE AND	31 st May 2005	Granted

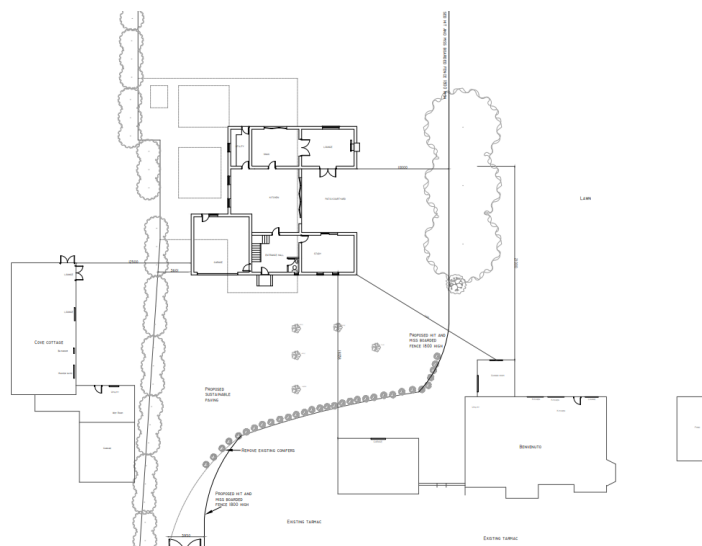
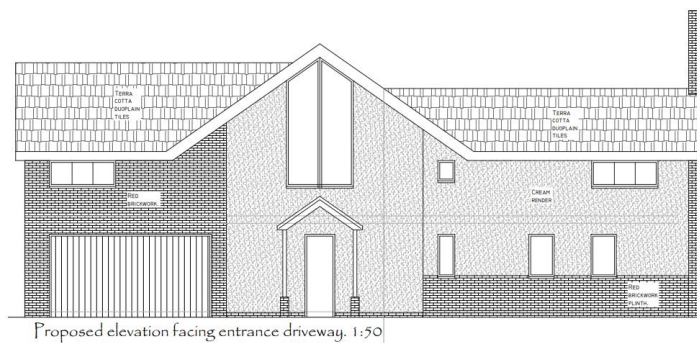
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	ALTERATIONS TO VEHICULAR ACCESS		
78/00361/4	Erection of two dwellings	24 th May 1978	Refused
75/01804/4	Erection of 2 dwellings with access land adjoining	24 th February 1976	Refused

- 2.8 Planning permission was sought for a dwelling on the site in 2017 which was a much larger building positioned further back in the site and behind the established building line, (17/01119/FUL).



Previously refused scheme (17/01119/FUL)

- 2.9 This was refused for two reasons as follows:

1. The application site is located outside the settlement boundary of Markfield and within the designated countryside where new, unrestricted, residential development is not considered sustainable development. The dwelling would have limited access to facilities, service, employment and sustainable modes of transport with occupiers being reliant on use of the private car. The proposed development is considered to unsustainable and contrary to Policies DM1 and DM4 of the Site Allocations and Development Management Policies DPD.
 2. By virtue of the layout, bulk and massing of the proposed dwelling and the removal of vegetation to facilitate a wider access, the proposed development would have an urbanising and adverse impact on the visual appearance and rural character of the countryside. The proposed development is contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies DPD.
- 2.10 Our client appealed against this but the proposal was dismissed at appeal. The Inspector found the design of the dwelling to be too bulky and that its siting would be out of step with the established building line. With regard to location the site was regarded as unsustainable by the Inspector due to its distance from Markfield. It is important to note that this decision was made on the basis that the Council had a 5 year supply of housing land at that point and that the tilted balance was not engaged.
- 2.11 Following refusal of planning permission in 2017 our client sought to address the issues raised by revising the size and positioning of the dwelling. Our client requested pre application advice in late 2021 and after a considerable delay received a response which stated that the proposal was in conflict with Markfield Neighbourhood Plan. This was later corrected by the Council, (the site lies outside the jurisdiction of this plan), and it was stated that the proposal would still stand to be refused as it was within open countryside. This assertion was at odds with assessments in 2020 for land on the opposite side of Ben Venuto where the council had stated: *"...the site is not isolated or unsustainable in terms of its location being reasonably close to services and facilities in Markfield..."* and that the site was an *"infill plot"* and not *"open countryside"*.
- 2.12 Unhappy with the conflict between the 2021 advice and that given in 2020 our client spoke to Mr Chris Brown and was advised that the scheme was acceptable in all but its location relative to Markfield. We have reviewed this within our current submission and believe that the harm identified by the Inspector is less significant than documented, (this is a clear well lit route with

development along its length), and that in the arena of a tilted balance it does not constitute significant and demonstrable harm.

- 2.13 Following the refusal of planning ref: 17/01119/FUL and the advice provided by the Council a revised outline application, 23/00170/OUT, was submitted for a new dwelling with all matters reserved except for scale, layout and access. This was refused in April 2023 with the following reasons for refusal given:

“The application site is located outside any identified settlement boundary, where new, unrestricted residential development is not considered sustainable development. By virtue of its location, siting, layout, and the loss of hedgerows that positively contribute to the character of the area for the provision of the new access, the development is considered to result in an urbanising and detrimental impact on the character of the surrounding area, which is considered to cause significant adverse harm on the intrinsic value, beauty, open character and landscape character of the countryside.”

“The unsustainable location of the proposed dwelling is considered to result in the future occupants of the scheme having limited access to facilities, services, employment and retail needs, and sustainable modes of transport, and being reliant upon the use of private motor vehicles. This is not considered to create an accessible development that promotes health and wellbeing for its future users, which is contrary to, and in conflict with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document, Paragraphs 8(c), 124(c), and 130(f), as well as Sections 9, and 12 of the National Planning Policy Framework (2021).”

Analysis of the most recent reasons for refusal

- 2.14 These reasons for refusal have been assessed below in terms of their component parts:

Reason 1	
Component	Analysis
Outside settlement boundary	It is incorrect to attach full weight to this at a time when the Council's Local Plan is out of date and it is failing to

	deliver housing generally, self-build plots and housing for later living. The Council should be aware that in assessing self-build need it must look at the register as it was at that time and that it is not within its gift to amend and then revert to a retro-fitted figure. The lack of housing delivery and shortcomings in self-build provision triggers the tilted balance at 11d and the weight to settlement boundary policies must be reduced.
Character of the area	The development is well screened, proportionate and respects the existing building line. Reductions to the width of the access minimises further any impact on area character.
Countryside Harm	The site is an infill plot within an existing ribbon of housing. There would be no harm to the character of the countryside resulting from this in proportion development.
Reason 2	
Unsustainable Location	As we demonstrate below the council has been inconsistent in its stance on Thornton Lane in this regard. The site is not in any way isolated from Markfield and it is a short commodious walk to a wide range of facilities. There is also a good bus service with stops nearby (the officer's assessment incorrectly looked only at a summarised timetable). Any minor shortcomings arising from the need to make a short walk into the core of the village cannot conceivably amount to serious and demonstrable harm.

- 2.15 It is clear from this that the planning balance for 23/00170/OUT was incorrectly weighted. Too much weight was ascribed to the settlement boundary policies which are out of date and failing to deliver housing and insufficient weight was given to the delivery of a self-build unit along with much needed housing. This was a product of an incorrect assessment of what the Council's self-build need actually is which distorted the material considerations for the case. Alongside this a contrary view was taken to that within other decisions in the area about the sustainability of the location.

- 2.16 The table below summarises how the Council has assessed other applications within the immediate vicinity in terms of sustainability and locations:

Application	Assessment by HBBC
15/00717/FUL Adjacent to Ben Venuto	<i>"...Furthermore, in reference to dwellings within the countryside, the NPPF at paragraph 55 states that isolated new homes in the countryside should be avoided. As outlined above, by virtue of this characteristics of Thornton Lane, which comprises a continuous linear form of residential development and by virtue of its proximity to the settlement boundary of Markfield, which provides a full range of services and to a major road network, it could not be argued that the site occupies an isolated position, and thus in terms of its location, the site is considered to be sustainable and is therefore acceptable in principle."</i>
17/07706/FUL Woodlands, Thornton Lane (previously approved in principle under 15/00809/OUT)	<i>"The application site is located to the south of Markfield within an area considered to be countryside. The site forms part of a ribbon of linear residential development along Thornton Lane. Woodlands is located to the south of the site and is the last dwelling in the row of dwellings."</i>
19/01013/FUL Land at Pinewood Drive/Ratby Lane	<i>"Although the proposal is situated outside the settlement boundary, it is not in an isolated position, with development positioned on two boundaries. The development would be within a safe walking distance of the local services of Markfield and there is a public transport link which travels along Pinewood Drive and into the Retirement Complex. Given the positioning of the site in relation to the wider area the proposal would not result in a significant adverse impact upon the countryside."</i>

- 2.17 Given this we invite the Council to revisit the planning balance for the development in the light of our comments, the changes to the plans and the stance taken on other similar applications in the area.

3 PROPOSED DEVELOPMENT

- 3.1 The proposed development is for the construction of a new 1.5 storey dwelling within the large side garden to Ben Venuto. The proposed dwelling is to be a 'custom build', within the definition provided in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). It will be built for our client to their brief as a later living unit for retirement. Our client is on the Self-Build Register held by Hinckley and Bosworth.

Scale

- 3.2 The proposed dwelling will be 1.5 storey and will not exceed 7m in height. As figure 2 below shows this reflects the adjacent bungalow to the north and remains significantly lower than Ben Venuto itself.

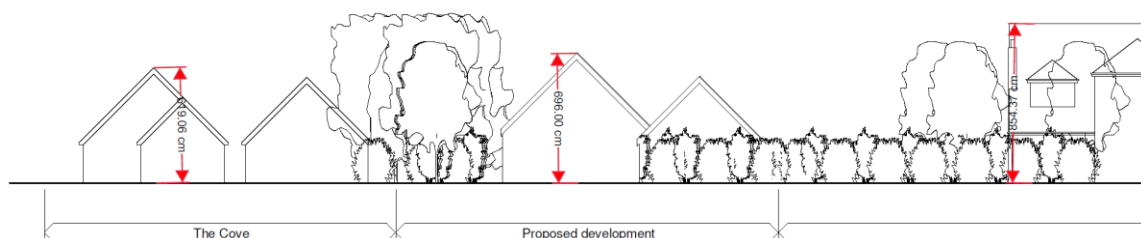


Figure 2: Illustrative street scene to show scale

Access

- 3.3 The proposed new dwelling will be accessed via the existing drive serving Ben Venuto. The former egress point for Ben Venuto will be reopened to serve Ben Venuto allowing each property to have its own driveway. Each property will have space for at least two cars and appropriate turning facilities. The proposed new

dwelling will also have a garage for the storage of at least one car whilst Ben Venuto has an existing double garage.

Layout

- 3.4 Taking into account both the previous Planning Officer's and Planning Inspector's comments the layout of the development has been significantly amended to better sit within the existing character of development surrounding the site. The Inspector criticised the layout of the previous proposals with the new dwelling being set back a "significant and noticeable" distance from the highway creating a noticeable step in the building line. The proposed new dwelling had been brought forward in line with the existing dwellings on Thornton Lane and in particular with the Cove bungalow next door.

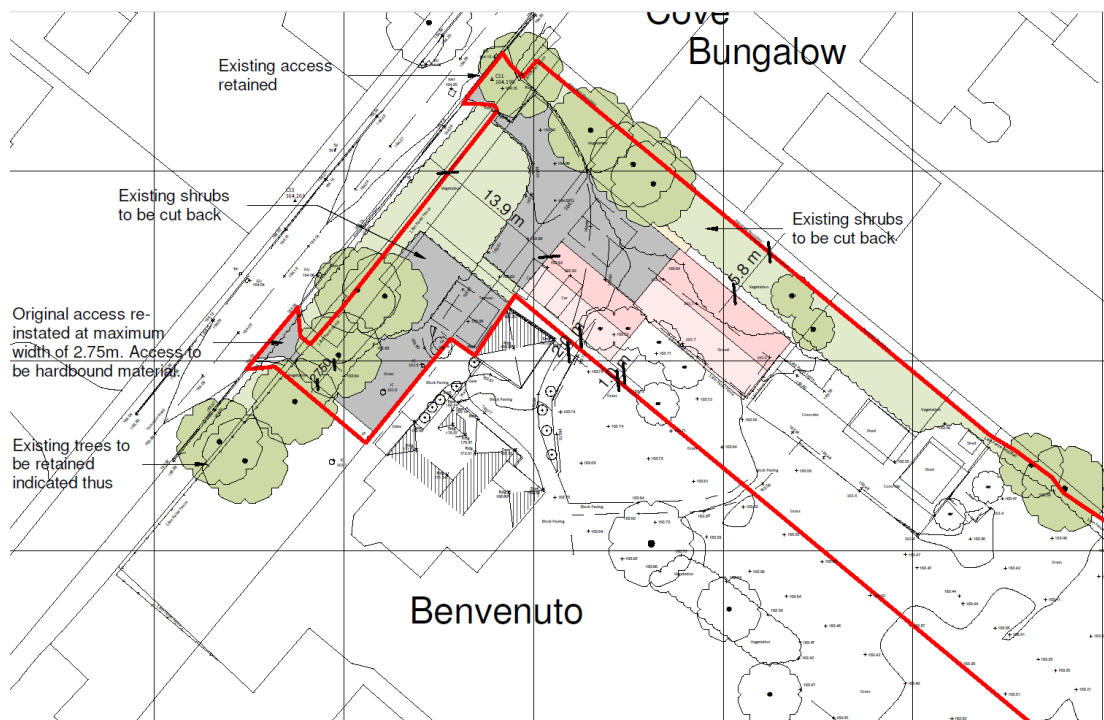


Figure 3 Proposed Site Layout

- 3.5 Whilst appearance is reserved the proposed dwelling will be single storey and modest in size. It will contain a kitchen/dining space, lounge, utility room, two bedrooms, office, bathroom, w/c and areas for storage. The building would comply with Part M of the Building Regulations meeting requirements for accessibility.



Figure 4: Illustrative Floor Plan

4. RELEVANT PLANNING POLICY & MATERIAL CONSIDERATIONS

4.1 Section 38(6) of the Planning and Compulsory Purchases Act 2004 requires that a planning application is determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the application site consists of the relevant policies of the adopted Hinckley and Bosworth Local Plan 2006 – 2026 comprising the Core Strategy DPD (December 2009) and the Site Allocation and Development Management Policies DPD (July 2016). The Hinckley and Bosworth Local Plan 2020 – 2039 is currently under consultation and can be given only very limited weight. The National Planning Policy Framework (2021) is also a material consideration in the determination of this application.

4.2 The following policies are those most relevant to this planning application.

Core Strategy DPD (Adopted 2009)

- Policy 7 – Key rural centres
- Policy 8 – Key rural centres relating to Leicester
- Policy 14 – Rural Areas: Transport
- Policy 16 – Housing density, mix and design
- Policy 17 – Rural needs
- Policy 24 – Sustainable design and technology

Site Allocations and Development Management Policies DPD (Adopted 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 DM17 – Highways and transportation

Hinckley and Bosworth Local Plan 2020 – 2039 (Draft 2021)

- Policy SS01 – Sustainable development
- Policy PMD02 – Active design and travel
- Policy HO01 – Provision of new housing
- Policy HO02 – Housing mix, size and type
- Policy HM06 – Self Build and custom Housing
- Policy HO08 – New housing in the countryside
- Policy HO10 – Rural exception sites
- Policy NAT07 – Protecting biodiversity
- Policy NAT09 – Development in the countryside and settlement separation
- Policy HT01 – Highways and transportation

Supplementary Planning Documents (SPDs):

- The Good Design Guide 2019
-

National Guidance:

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

5 PLANNING ASSESSMENT

i. Principle of Development

- 5.1 The Planning and Compulsory Purchase Act 2004 (Section 38(6)) requires that applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for Hinckley and Bosworth comprises the Hinckley and Bosworth Core Strategy, (2009) together with the Site Allocations and Development Management Policies DPD (2016).
- 5.2 The Core Strategy adoption pre-dates the original NPPF and its latest two revisions, whilst the adoption of the Site Allocations and Policies DPD pre-dates the latest revisions. In accordance with Annex 1, paragraph 213 of the NPPF, due weight will be given to the policies contained within the Development Plan according to their degree of consistency with the NPPF, (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). The most relevant policies to the decision relate to the supply of housing and design. Whilst elements of these policies are in step with the NPPF there is a need to consider the weight given to them in this decision given their age and the shortfall that exists in housing land supply. There is no policy within the Local Plan which deals with self-build and this silence in itself triggers the tilted balance at 11d of the NPPF.
- 5.3 Accordingly the weight to be given to the defined limits to development, must be minimal as they will almost certainly need to be redefined to provide for further growth in the emerging local plan. Given the sustainability of Markfield as a whole it is reasonable to assume that it will continue to be a focus for growth.

Indeed the emerging Local Plan states for the key service centres that there will be growth citing: *“A presumption of a minimum of 200 dwellings in each key rural centre to provide for managed growth and maintain the vitality and viability of those settlements and rural hinterland. The final minimum housing provision for each settlement will consider other planning policy priorities, constraints on land supply and other wider strategic planning issues.”*

5.4 In addition Hinckley and Bosworth Council is currently unable to demonstrate a five-year supply of housing land. The Council's latest published five year housing land supply figure indicates a supply of 4.89 years (1st April 2022). This means that the tilted balance at 11d of the NPPF must be applied and planning permission should be granted unless the benefits of the development are outweighed by significant and demonstrable harm. It is also understood that the figure of 4.89 itself may be inflated due to an error in the returns sent to central government which failed to account for demolitions correctly; thus triggering the wrong buffer.

5.5 The provision of a new home in a sustainable non isolated location close to a service centre a time of need is a significant benefit of the proposal.

Mix

5.6 In addition to this, the dwelling would be a home adapted for later living. The most recent Borough wide assessment (HENA 2022) outlines a preferred housing mix for the Borough and seeks smaller dwellings, bungalows and housing for older people. This means that the proposal also complies with Policy HO02 of the Core Strategy which is a further benefit of the scheme.

Self-Build

5.7 Section 2A of the Self-Build and Custom Housing Act 2015 (as amended by the Housing and Planning Act 2016), and associated secondary legislation, places a duty on Local Planning Authorities to grant a sufficient number of suitable permissions to meet demand for self and custom build units in their area. This demand has to be measured by the number of applicants entered onto the self-

build register in each base period. That number must be matched by suitable permissions granted within 3 years of the end of each relevant base period. Under section 2 of the same Act authorities must have regard to the register when making decisions on planning applications.

- 5.8 The Core Strategy is silent on the provision of self-build housing in Hinckley and Bosworth and there is no clear mechanism for meeting this demand within the current policy framework. This in itself also engages the tilted balance at 11d.
- 5.9 As our accompanying Self Build and Custom Build Housing Assessment (SBCBHA) highlights there is considerable demand for self-build units within the District. Whilst the Council inexplicably removed 75 entrants from its self-build register in the summer of 2021 it is clear that an average of 16 entrants are added to this register each year.
- 5.10 As the SBCHBA discusses we do not agree that the Council simply removing entrants from the register eliminates the need that was identified and unmet for those base periods. It is quite clear that the Council has not permissioned a sufficient number of plots within a 3 year period to meet the number of individuals who registered throughout Base Period 4. We accept that the Council has until the end of October 2023 to grant permission for the 11 plots necessary to balance with the number of individuals who registered during Base Period 5.
- 5.11 Notwithstanding, it is also clear that the Council continues to experience a similar number of new registrants each year (c.16 per annum), and in consenting on average 1 plot per annum is falling far short of the number of plots required to meet demand. Based on the analysis in the SBCHBA it appears that the Council has not met its statutory duty to permission sufficient plots to meet the demand on its self-build register. This application offers the opportunity to provide a self-build plot at a time when this is greatly needed.
- 5.12 The development provides a custom built retirement home at a time when there is a specialist need for this type of unit (identified in the HENA and self-build register) and a general need for housing across the Borough. There is no conflict

with up to date Development Plan policy and this acceptability in principle is a significant benefit of the scheme.

ii. Design and Impact on the Character and Appearance of the Area

- 5.13 Policy DM10 of the Site Allocations and Development Management SPD sets out the design requirements for development within the borough. The policy highlights the need for developments to complement the existing development character of the surrounding area as well as not impacting negatively on the amenity of surrounding occupiers.
- 5.14 Whilst appearance has been reserved we have included layout to show that the dwelling would relate to the pattern of development and scale to show that the dwelling would be in context.
- 5.15 The application site is set within an existing ribbon of development which is characterised by detached dwellings set back from the highway and often well screened by mature landscaping. The proposal would reflect this established pattern providing a detached property behind the well-established frontage landscaping and positioned to reflect the surrounding dwellings. It represents infill of one of the final small gaps in the ribbon of housing extending from Markfield but it should be noted that, due to the width of the plot, this infill is in keeping with the rhythm and spacing of the surrounding area. It would not result in a cramped or inappropriate form of development
- 5.16 The layout also shows that adequate separation distances can be achieved between new dwelling and the neighbouring properties, including Ben Venuto. The side facing windows to Ben Venuto serve a bedroom at first floor level and a dining area, garden room and WC at ground floor level. These are approximately 20m from the side elevation of the new dwelling which would contain only secondary windows. This is an ample separation distance between side elevations to ensure there is no loss of privacy for either property. Accordingly there would be no harm to amenity and the policies within the Local Plan would be met.

iii. Ecology

- 5.17 DPD Policies 4 and 6, state that development should not have a significant adverse impact upon the countryside and that it should seek to conserve and enhance features of nature conservation. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 5.18 The proposals do not involve the loss of any significant habitat as the site comprises well maintained garden. This was acknowledged as part of the previous planning application which was located deeper into the garden and was also not raised as an issue by the Inspector at the subsequent appeal.
- 5.19 There would be no harm to biodiversity and the proposal complies with Policy DM6 of the Local Plan and the objectives of paragraph 177 and 180 of the NPPF.

iv. Parking and access

- 5.20 Policy DM17 of the Site Allocations and Development Management DPD states new development will be supported where safe cycling and walking access to services and facilities can be achieved. As demonstrated in the submitted Sustainability Assessment, the application site is located close to the settlement of Markfield with safe pedestrian access provided by public footpath or by way of a short cycle along Thornton Lane.
- 5.21 Both Policy DM17 and the NPPF state that development should only be prevented on highways grounds if the proposed development would cause a severe impact on the highway. As demonstrated by the Transport plans produced by Manga Transport Planning Ltd, submitted safe and suitable access to both the existing and proposed dwelling would be achieved as part of the development. Both driveways will have DRMB compliant visibility for the road speed, parking and garaging for at least 3 cars and ample space to turn within

the site. As a result there are no highway related reasons preventing the approval of this application.

- 5.22 The proposal would provide safe and suitable access and would be in accordance with the relevant provision of paragraphs 108 and 109 of the National Planning Policy and comply with local highway guidance.

v. Flood Risk

- 5.23 The site is within Flood Zone 1 which means it is at low risk of flooding. Accordingly it is acceptable in principle unless it gives rise to flood risk elsewhere. The site could readily be drained using existing drainage systems on the site and would not give rise to flood risk issues elsewhere. The proposed development would be in compliance with the relevant provisions of policy DM7 of the Local Plan and the relevant provisions of the National Planning Policy Framework.

6. CONCLUSIONS & PLANNING BALANCE

- 6.1 The application is for the erection of a custom build bungalow for later living in a sustainable location close to Markfield. This is to be provided at a time when there is great need for housing generally in the Borough and additional focused need for self-build units and for dwellings for older people. Given the age of the most relevant Development Plan policies and the silence on self-build the proposal stands to be determined under the tilted balance in Paragraph 11(d) of the Framework. The provision of a sustainably located unit to meet defined need is a significant benefit of the scheme.
- 6.2 The development would be in context with the surrounding area and of a high quality design (although the detailing of this is reserved). There are no unmitigated technical issues, such as biodiversity, highway safety or flood risk, which would result in harm. Accordingly there is no significant harm to outweigh the benefits the scheme brings and planning permission should be granted without delay.