

Delegated Report

Planning Reference 25/01230/OUT
Applicant(s) Mr S Harding
Ward Cadeby, Carlton, Market Bosworth,
and Shackerstone



Hinckley & Bosworth
Borough Council

Application Site Land south of Main Street, Carlton

Proposal Outline planning permission for the erection of a single self-build dwelling (All matters reserved)

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1. **Refuse planning permission** subject to planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks outline planning permission for the provision of a single self-build dwelling at land south of Main Street, Carlton. Only Access is sought for approval within this outline application, and all other matters are reserved for later approval. Indicatively, the Proposed Plan suggests that the development shall become a two-storey four-bedroom property.

3. Description of the Site and the Surrounding Area

- 3.1. The 1,364sqm application site is located to the south of Main Street on the western side of Carlton in the designated open countryside, and the wider Barton Village Farmlands Landscape Character Area.
- 3.2. The Barton Village Farmlands Landscape Character Area is characterised by undulating landform comprising a regular pattern of medium sized arable and pasture farmland. The Landscape Character Area is defined by small linear hilltop village settlements such as Carlton that are well-integrated into the landscape and are surrounded by vegetation. The small to medium size of the landscape pattern and the rural agricultural setting to villages and the extension rural views from them contribute towards the rural, tranquil character of the landscape and settlements, which are all identified as key sensitivities and values of this Landscape Character Area.
- 3.3. The application site itself comprises an agricultural field, which forms part of a wider medium-sized arable field within the rural setting of Carlton. The site positively contributes to the key characteristics and sensitivities of the Barton Village Farmlands Landscape Character Area.

- 3.4. The built form of Carlton is located to the east of the site, and to the north and west beyond Main Street and Congerstone Lane. To the south of Main Street and Congerstone Lane is wholly agricultural fields. Public Footpath S77 runs in a north-to-south direction adjacent to the eastern red line boundary of the site. Public Footpaths S68 and S69 run in similar directions 100m to the west and 200m to the east of the site respectively.

4. Relevant Planning History

4.1 90/01226/4

- Erection of a dwelling
- Refused
- 18.12.1990

4.2 This previous application was refused the following reasons:

1. The proposal is contrary to the intentions of policies L/SE 14 and L/SE 18 of the Leicestershire Structure Plan in that the site lies outside the existing built-up limits of Carlton in an area of countryside where development normally will not be permitted except where it can be shown that it is essential for the efficient operation of local agriculture, horticulture, forestry, recreation, public utilities or tourism. The proposed development is not required in connection with any of these uses.
2. The proposed development would be detrimental to the character and visual amenities of the surrounding area, by virtue of the siting of the dwellings and associated residential addenda within open countryside.
3. The proposed development would be detrimental to the visual amenities and character of the adjoining area of the village by virtue of extending development in a linear long form along Main Street and the loss of open countryside views.
4. The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would consequently be difficult to resist.

4.3 The above application was dismissed at appeal via T/APP/K2420/A/91/175207/P8.

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, and a notice was displayed in the local press. Members of the public were re-consulted on the application following amendments to the red line boundary of the site.

- 5.2 Two members of the public made comments in objection to the planning application for reasons including, but not limited to, loss of green space, harm to the character of the area and the countryside, loss of ridge and furrow, harm to adjacent public right of way.
- 5.3 Whilst another member of the public made comments in neither objection of or support of the application, but raised concerns regarding vehicular visibility, harm to neighbouring residential amenity, the isolated location of the development, and the scheme's harm to the countryside.
- 5.4 No further responses have been received.

6. Consultation

- 6.1 Carlton Parish Council objected to the development proposal because the site would not be in a sustainable location for development, and the scheme would not meet Carlton's current local housing need. The Parish Council considered that the scheme would occupy a prominent position in the open countryside, and the proposed development would not be well integrated into the landscape, nor would it not conform to the character of the Barton Village Farmlands Landscape Character Area, or relate well to the existing built form of the settlement, which is separated from the application site. As a result, it is the opinion of the Parish Council that the adverse impacts of the development would outweigh any potential benefits of the scheme.
- 6.2 No objections have been received from the Council's Drainage or Environmental Health Departments. There have also been no objections to the application from Leicestershire County Council's Ecology Department or Leicestershire County Council as the Local Highway Authority, subject to planning conditions.
- 6.3 The Ecology Department requested planning conditions that secured a Construction Environment Plan for Biodiversity and a Landscape Enhancement Plan. The Local Highway Authority requested planning conditions that secured drainage details of the site access, hard surfacing of the site access, and the implementation of the proposed site access.
- 6.4 No further responses have been received.

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 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
- Housing land supply
- 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
- Planning balance

Principle of Development

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 8.3 Paragraph 2 of the National Planning Policy Framework ('NPPF') identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions, and, in accordance with Paragraph 3 of the NPPF, should be read as a whole.
- 8.4 In accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document ('SADMP'). Paragraph 232 of the NPPF states that 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.

Transport Sustainability of the Location of the Application Site

- 8.6 The social and environmental overarching objectives of sustainable development are defined at Paragraph 8 of the NPPF, and both objectives refer to creating safe places with accessible services that minimise waste and pollution and move towards a low carbon economy.
- 8.7 Three of the four Key Policy Paragraphs within the NPPF applicable to the determination of this application, as confirmed later in this Report, state that development should be in locations that are accessible, and promote health and wellbeing (Key Policy Paragraph 135), promote sustainable modes of transport that limit future car use (Key Policy Paragraph 129), and have a safe and suitable access for all users (Key Policy Paragraph 115).
- 8.8 Paragraph 161 of the NPPF confirms that the planning should support the transition to net zero by 2050. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and association infrastructure.
- 8.9 In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities. Guidance Point M2 of the National Design Guide ('NDG') confirms that in well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities.

- 8.10 Given the above, directing development to sustainable locations that are or can be made sustainable through limiting future car use and offering a genuine choice of transport modes is a key part of the NPPF.
- 8.11 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.
- 8.12 Highway Development Management ('HDM') Policy 1 of the Leicestershire Highway Design Guide ('LHDG') states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.
- 8.13 The application site is in the designated open countryside to the west of the rural hamlet, Carlton. Policy 13 of the adopted Core Strategy states that rural hamlets have limited, if any services and generally rely on Key Rural Centres or surrounding urban areas for schooling, employment and the provision of goods and services.
- 8.14 Within Carlton there is only a public house and a church public amenities. The closest Key Rural Centres are Barlestone and Market Bosworth, which are 3.3km to the east and 3km to the south of the site respectively. All routes out of Carlton are unlit and subject to the National Speed Limit, and do not feature any pedestrian or cycleways. There are only two bus stops within Carlton, which are over 700m respectively to the east of the application site, and are served by Arriva Bus Service LC12 between Measham and Witherley. Based on Arriva's website, this bus service runs once from Fenny Drayton to Measham from 7 AM and once from Measham to Atherstone Bus Station at 2:50 PM between Mondays and Fridays. The LC12 Bus Service does not run on weekends.
- 8.15 Given the above, the application site would be considered to be in an unsustainable location that suffers from poor transport sustainability whereby the future occupiers of the scheme would be dependent on private motorised travel to meet their day-to-day needs. Whilst it is appreciated that Paragraph 110 of the NPPF suggests that opportunities to maximise sustainable transport solutions for significant developments will vary between urban and rural areas, the current proposal is not for a significant scale of development, and it is not considered that there would be any realistic or practical opportunities associated with the creation of one additional dwelling within the site that would make the application site a more sustainable location for development.
- 8.16 The unsustainable location of the application site would therefore be considered to result in significant environmental harm in principle that would be contrary to, and in conflict with, the overarching social and environmental objectives of sustainable development, Key Policy Paragraphs 115, 129, and 135, Paragraph 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide.

Assessment of Development in the Designated Open Countryside

- 8.17 Because of the limited services in rural hamlets, Policy 13 of the adopted Core Strategy states that development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses.
- 8.18 The proposed development would not represent infill development, nor development within the identified settlement boundaries of Carlton. Therefore, the proposal would not be supported by Policy 13 of the adopted Core Strategy.
- 8.19 Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) of the NPPF specifically highlights that this should be achieved by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.20 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.21 Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. To ensure this, Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.22 Therefore, the development proposal would not comply with any of the limitations set out above, and the development would be considered to be contrary to, and in conflict with, Policy DM4 of the SADMP in principle.

- 8.23 However, this does not mean that the development would be unsustainable. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in this Report.

Summary

- 8.24 In summary, Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, and the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.25 The proposal would be considered to represent the development of a new dwellinghouse in an unsustainable location in the designated open countryside, where the future occupiers of the scheme would be dependent on private motorised travel to meet their day-to-day needs. Given the above, the proposal would be considered to cause significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside in principle. By virtue of these factors, the proposal is considered to be unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

Housing Land Supply

- 8.26 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.27 Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.28 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.29 The Planning Policy team have reviewed the revisions to the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply. As of April 2024, the Council had a 5.26-year supply of land for housing. However, the Council can no longer demonstrate a five-year housing land supply, and the latest figures as of April 2025 are expected to demonstrate that the Council has a housing land supply of up to 3.95 years.

- 8.30 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the ‘tilted’ balance in Paragraph 11(d) of the NPPF would be triggered within the determination of this application in accordance with Footnote 8 and Paragraph 11 of the NPPF. 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.
- 8.31 When the ‘tilted’ balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.
- 8.32 Whilst the Council are unable to deliver a five-year supply of land for housing, the minor benefit of providing one dwelling within this application site towards the Council’s supply of housing would be considered to attract limited positive weight in the planning balance.

Self-Build and Custom Housebuilding

- 8.33 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.
- 8.34 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.
- 8.35 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.

- 8.36 To secure this proposal as a self-build and custom house-build development, the Local Planning Authority would require a Unilateral Undertaking ('UU') to be signed and submitted to the Council.
- 8.37 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.
- 8.38 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.
- 8.39 Currently, the Council has supplied less 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.
- 8.40 If secured by a UU, 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 a sufficient number of 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, if secured by a UU, would be considered to attract moderate positive weight in the planning balance.
- 8.41 However, a UU has not been submitted as part of this application and therefore the Applicant has failed to provide a legal mechanism to secure the proposal's benefit as a self-build and custom house-build development. As a consequence of this, no positive weight could be afforded to this benefit in these site-specific circumstances.

Design and Impact upon the Character of the Area

- 8.42 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.

- 8.43 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.
- 8.44 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.
- 8.45 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.
- 8.46 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.
- 8.47 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.
- 8.48 This is an outline application with all matters reserved except for access and therefore the detailed layout and appearance are not being assessed at this stage, however, they will form details at the Reserved Matters stage. Notwithstanding this, the description of the application confirms that the scheme would consist of one dwelling.
- 8.2 As set out previously at Paragraph 8.25 of this Report, the proposal would be considered to represent new residential development in an unsustainable location in the designated countryside. This would be considered to result in significant and permanent harm in principle to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside, including to the Barton Village Farmlands Landscape Character Area, to which the site's character currently positively contributes to.
- 8.3 The significant and permanent adverse impacts of the development in principle to the character of the area would be considered to be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and from Public Footpaths S77 and S68.

8.4 Importantly, it is noted that an outline application for residential development within this site was previously refused and dismissed at appeal via 90/01226/4 due to the scheme's harm to the character of the site and the surrounding area.

8.5 Paragraph 7 of this Appeal Decision states that the application site is:

"An important feature in this transition between village and countryside. It brings open land up to Main Street and affords a very pleasant view to the south across fields and woods towards Market Bosworth. This view does not, in my opinion, only benefit the residents of the houses which face it. The small greens on the opposite side of Main Street which are used by the public also take advantage of the view and I consider that these greens, together with the appeal site, give this part of the village a spacious appearance. As a piece of open land, I consider the appeal site makes a significant contribution to the character of the western end of the village. The scheme would increase the density of development, cause the loss of this visually important open space and block the important view out. Taking all the above into account, I consider that it would harm the character and setting to the village."

8.6 Based on historic satellite imagery, it is not considered that there have been any significant or material changes to the context of the site or the surrounding area since the determination of this previous appeal in 1991. As a result, it is considered that this previous appeal decision that dismissed residential development within this application site would represent a significant material consideration within the determination of this application.

8.7 To justify their development, Paragraph 9.5 of the Design and Access Statement suggests that the proposal would not result in any significant harm to the character of the area because the scheme would represent an extension to the existing development along Main Street, other existing dwellings would be experienced in the views of the site, and the development could be softened by appropriate landscaping and tree planting.

8.8 10 Main Street is the final residential property along the southern side of Main Street to the west of Carlton. Based on the Site Location Plan, the red line boundary of the site is separated from this last property by 24m. It is therefore considered that the proposal would be separated from the existing built form of Carlton and this separation would emphasise the scheme's incongruous siting in comparison to the existing pattern of development in Carlton and the rural character of the surrounding area.

8.9 Notwithstanding this, the provision of a new residential property in this location would extend the urban features of Carlton into the rural open countryside in the form of ribbon development. The exacerbation of ribbon development would be considered to result in significant harm to the character of the site and the surrounding area and would be contrary to, and in conflict with, Policy DM4(iii) of the SADMP.

- 8.10 This significant harm would be heightened by the fact that the application site is not contained from the wider rural context of the area and currently forms part of a wider agricultural field, which positively contributes towards the rural and agricultural setting of Carlton. This significant harm would be most visually prominent as one travels westwards along Main Street from the east and along Public Footpaths S77 and S68.
- 8.11 Although it is acknowledged that there is one existing dwelling is located on the southern side of Congerstone Lane to the west of the property, this existing dwelling is over 245m to the west of the site and is experienced alongside the agricultural structures within its wider site as an isolated farmstead in the countryside. This nearby property is therefore considered to have significant and materially different circumstances, which would not justify the provision of a one residential property within the current application site.
- 8.12 Furthermore, whilst other residential properties within Carlton would be visible within public views as one heads east along Congerstone Lane, by virtue of the site's separation distance from 10 Main Street, and the site's location within a wider agricultural field, the proposal would still be considered to appear incongruous to the rural character of the site and the surrounding area in these site-specific circumstances.
- 8.13 Ultimately, it is important to note that vegetation cannot be relied upon to provide permanent or substantial buffers to views because they can be removed without planning permission, they are susceptible to disease, and they are ever evolving and reliant on regular maintenance to retain a consistent form. Furthermore, landscaping would not be considered to appropriately address the significant harm caused by the size, scale, height, and massing of any dwelling in this location.
- 8.14 In summary, the proposal would represent new residential development in an unsustainable location in the designated countryside. By virtue of its location, the proposal would exacerbate ribbon development and extend the urbanising-built form of Carlton in the designated open countryside. These factors would be considered to result in significant and permanent harm in principle to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside, including to the Barton Village Farmlands Landscape Character Area, to which the site's character currently positively contributes to. The significant and permanent adverse impacts of the development in principle to the character of the area would be considered to be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S77 and S68. As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle.
- 8.15 The significant harm of the proposal would therefore be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, as well as Chapters 12, and 15 and Key Policy Paragraphs 129 and 135 of the NPPF. In accordance with Key Policy Paragraph 139 of the NPPF, the application should be refused.

Impact upon Residential Amenity

- 8.16 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.
- 8.17 There are no residential properties immediately to the south or west of the site. Old School Cottage to the north is separated from the application site by Main Street, and 10 Main Street is separated from the application site to the east by an existing track. In light of this and the application site's distance from these neighbouring residential properties, it is considered that the detailed design of the proposal at the Reserved Matters stage could be designed to protect the residential amenity of neighbouring properties and the future occupiers of the scheme in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.18 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)).
- 8.19 The proposal includes a new vehicular access onto Main Street, which is a classified 'C' road that is subject to a 30mph speed limit. Leicestershire County Council as the Local Highway Authority have reviewed their Personal Injury Collision ('PIC') database and confirmed that there has not been any recorded PICs in either direction of the proposed site access within the most recent five-year period. As such, the LHA is satisfied that the proposal would not exacerbate the likelihood of any existing highway safety concerns. The LHA is also satisfied that the proposed access would be in general accordance with Table 13 of the LHDG for use by a single dwelling.
- 8.20 The internal layout of the development is not sought for planning permission at this stage, but it is considered that the layout of a forthcoming scheme could be designed to ensure an acceptable level of off-street vehicular parking for the development is provided for the development in accordance with Table 28 and Figure 44 of the LHDG and Policy DM18 of the SADMP.
- 8.21 By virtue of these factors, 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.

Planning Balance

- 8.22 To conclude, the ‘tilted’ balance of Paragraph 11(d) of the NPPF would be engaged within the determination of this application whereby planning permission should be granted unless 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. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.
- 8.23 The proposal would represent new residential development in an unsustainable location in the designated countryside. By virtue of its location, the proposal would exacerbate ribbon development and extend the urbanising-built form of Carlton in the designated open countryside. These factors would result in significant and permanent harm in principle to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside, including to the Barton Village Farmlands Landscape Character Area, to which the site’s character currently positively contributes to. The significant and permanent adverse impacts of the development in principle to the character of the area would be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S77 and S68. As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle.
- 8.24 The proposal would therefore be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, as well as Chapters 12, and 15 and Key Policy Paragraphs 129 and 135 of the NPPF. In accordance with Paragraph 139 of the NPPF, the development should be refused. This significant harm would attract significant negative weight in the planning balance.
- 8.25 Furthermore, the application site would be in an unsustainable and isolated location that suffers from poor transport sustainability, and the future occupiers of the scheme would be dependent on private motorised travel to meet their day-to-day needs. This would be considered to result in significant environmental harm in principle, which would be contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Key Policy Paragraphs 115, 129, and 135, and Paragraph 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide. This significant harm would attract significant negative weight in the planning balance.
- 8.26 In light of the above, the proposal would be contrary to, and in conflict with, all applicable Key Policy Paragraphs within the NPPF.
- 8.27 However, the Council are unable to deliver a five-year supply of land for housing, and therefore the minor benefit of providing only one dwelling within this application site towards the Council’s supply of housing would be considered to attract limited positive weight in the planning balance.

- 8.28 Moreover, the Local Planning Authority are not meeting their statutory duty to permit a sufficient number of self-build and custom house-build schemes, and therefore the proposal's small contribution to address this current shortfall, if secured via a Unilateral Undertaking, would be considered to attract moderate positive weight in the planning balance. However, the Applicant has failed to provide a legal mechanism to secure the proposal's benefit as a self-build and custom house-build development. As a consequence of this, no positive weight could be afforded to this benefit in these site-specific circumstances.
- 8.29 It is also acknowledged that there would be potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. Notwithstanding this, these benefits when associated with one dwelling would be modest, they would not be considered to maintain or enhance the local community, nor would they include any planning benefits such as affordable housing or essential infrastructure provision. Therefore, the associated minor social and economic benefits with the construction of the development would be considered to attract limited positive weight in the planning balance.
- 8.30 No further planning benefits of the development have been identified by the Applicant.
- 8.31 To conclude, and in light of all these factors, the significant and permanent adverse impacts of the development on the environment, and the character of the site, the surrounding area, and the countryside would be considered to significantly and demonstrably outweigh the benefits of the development of one self-build dwelling in these site-specific circumstances. The proposal would be contrary to, and in conflict with, all applicable Key Policy Paragraphs of the NPPF, and therefore in accordance with Paragraphs 11(d) and 139 of the NPPF, the application is recommended for refusal.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.

11. Recommendation

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

11.2 Reasons

1. The proposal would represent new residential development in an unsustainable location in the designated countryside. By virtue of its location, the proposal would exacerbate ribbon development and extend the urbanising-built form of Carlton in the designated open countryside. These factors would result in significant and permanent harm in principle to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside, including to the Barton Village Farmlands Landscape Character Area, to which the site's character currently positively contributes to. The significant and permanent adverse impacts of the development in principle to the character of the area would be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S77 and S68. As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle.

The proposal would therefore be contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), as well as Chapters 12, and 15 and Key Policy Paragraphs 129 and 135 of the National Planning Policy Framework (2024). This harm would significantly and demonstrably outweigh the potential benefits of the scheme when assessed against the Framework

as a whole. In accordance with Paragraph 139 of the National Planning Policy Framework, the development is refused.

2. The development would be in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. The future occupants of the scheme would therefore be highly likely to be dependent on private motorised transport to meet their day-to-day needs, and this would result in significant environmental harm.

This is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Paragraphs 115 and 161, Chapter 9, and the overarching ambitions of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024).

a. **Notes to Applicant(s)**

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 29.12.2025)
 - Design and Access, Planning Statement (submitted: 29.12.2025)
 - Existing Site Plan (1350 002A) (submitted: 29.12.2025)
 - Preliminary Ecological Appraisal Report (submitted: 29.12.2025)
 - Proposed Floor Plans (1350 003A) (submitted: 29.12.2025)
 - Proposed Site Plan (1350 004B) (submitted: 29.12.2025)
 - Self and Custom Build Evidence Form (submitted: 19.01.2026)
 - Site Location Plan (1350 001A) (submitted: 29.12.2025)