

Planning, Design and Access Statement

**Erection of a detached dwelling with parking
and associated works at:**

**Land to the rear of
75 Main Street
Thornton
Leicestershire
LE67 1AH**

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1. Introduction

- 1.1 This Planning, Design and Access Statement has been prepared on behalf of Mr & Mrs Westacott in support of a detailed planning application for the erection of a detached dwelling at land to the rear of 75 Main Street, Thornton, Leicestershire.
- 1.2 This document firstly describes the application site, then explains the proposals and the relevant local and national planning policies. An assessment of the acceptability of the proposals against these policies is then presented.
- 1.3 This application follows the recent refusal of planning application 22/00525/FUL for the construction of a three-bedroom dwelling with parking and associated works. That application was subject to two reasons for refusal concerning the incongruous nature of the development and its design. This submission seeks to address these concerns.

2. Site Description

- 2.1 The application site consists of land to the rear of 75 Main Street, Thornton and an adjoining track which provides access from Main Street to the applicants' garden and paddocks beyond.
- 2.2 No.75 is positioned at the back of pavement and is a rendered two storey property of traditional appearance. The property extends back into the plot through a series of one and two-storey rear projections. These are finished in brick and of domestic appearance including a chimney stack and fenestration which matches the original dwelling. Considerable fenestration faces onto the track both on the original dwelling and on the later rear extensions. The track is in the ownership of the applicant.
- 2.3 A gated access to the north of no.75 provides access to a car parking space and a private garden. The existing garden is narrow and elongated due to the narrow plot and the footprint of the property. The garden widens to include further land to the rear of the neighbouring property, no. 63.
- 2.4 The surrounding area is predominantly residential with a range of types, styles and ages of properties. To the south of no.75 are a series of interwar semi-detached properties set well back from the road. To the west, on the opposite side of Main Street, are a mix of older rendered properties and more modern brick finished dwellings. These are predominantly one and a half or two storey properties and dormer windows are common.
- 2.5 Opposite no.75 is 74 Main Street. To the rear of this there is an extant permission to construct a detached dwelling (22/01017/NMA).
- 2.6 Around 50m north of no.75 on the opposite side of Main Street is Mill Lane. This is a single width track fronted by four tightly packed residential properties.
- 2.7 Immediately north of no.75 is no.61 Main Street, a small detached bungalow. Set behind

this is no. 63, a larger detached two-storey property with a detached garage.

2.8 The application site is identified by the red line in the aerial photograph below.

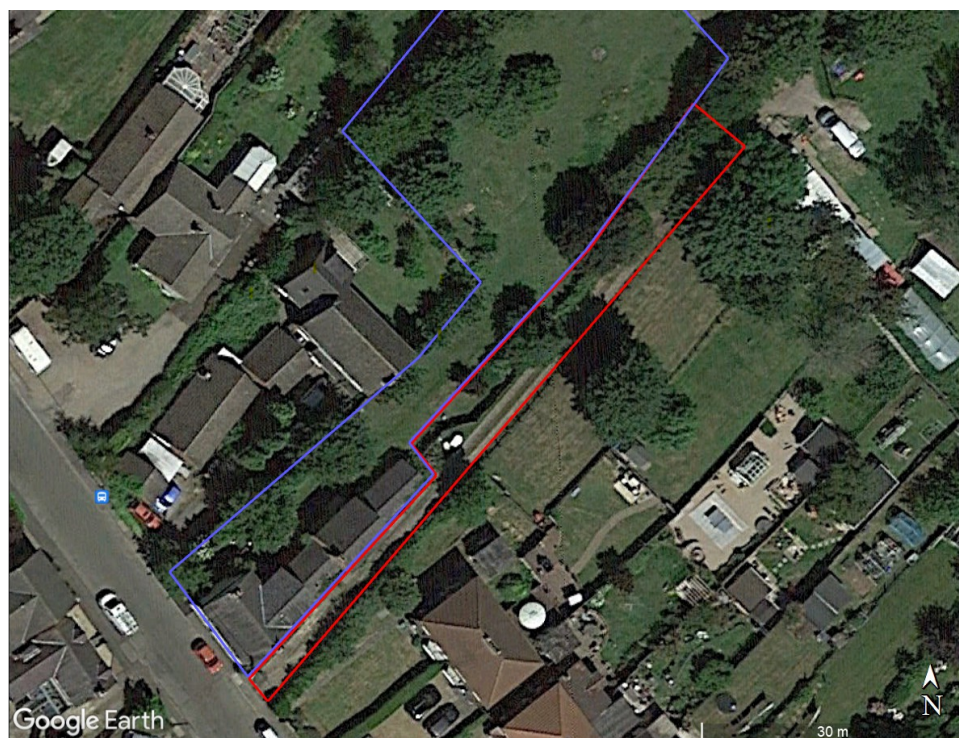


Figure 1 – Application Site

3. Planning History

3.1 A search of the Borough Council's planning records has identified the following previous applications:

Reference	Description	Decision
22/00525/FUL	Construction of a three-bedroom dwelling with parking and associated works	Refused 18.1.23.

3.2 Prior to the submission of the 2022 application, a pre-application enquiry was submitted regarding residential development to the rear of no.75.

4. Proposed development

4.1 This application seeks planning permission for a detached dwelling close to the rear of no.75 Main Street. The proposed dwelling is part two-storey and part single storey in design. The property fronts onto the track which runs alongside no.75.

4.2 The property will consist of two bedrooms, two bathrooms and a kitchen diner. Fenestration is orientated to face the track and the proposed garden with minimal

obscured glazed windows facing to the north. The scale and design of the property has an agricultural feel reflecting the edge of village location. Windows have been designed to reflect larger openings which could have been found in a former agricultural building.

- 4.3 The applicants' intend to construct the building to high sustainability standards including incorporating solar panels into the roof and utilising rainwater harvesting.
- 4.4 The proposed dwelling will be served by a garden with a car parking space positioned at the end of the garden. Vehicle access will be from the track which joins Main Street and is part of the applicants' ownership.
- 4.5 The property will be finished in red brick and small concrete tiles to present a similar appearance to the existing rear projections of no.75.
- 4.6 The retained property will continue to benefit from direct access for vehicle parking from Main Street. To the rear of this will be the existing garden which will continue alongside the proposed property.

5. The Development Plan and Material Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the development plan consists of the Hinckley & Bosworth Core Strategy (2009) and the Site Allocations and Development Management Policies DPD adopted in 2016.
- 5.2 The main material considerations are the National Planning Policy Framework and the Hinckley & Bosworth Good Design Guide (2020). The application site also falls within the designated area of the emerging Bagworth, Thornton and Stanton-under-Bardon Neighbourhood Plan which is considered to be a further material consideration.

Development Plan

- 5.3 Thornton is identified as a Key Rural Centre under Policy 7 of the Core Strategy. Key Rural Centres are villages with a population over 1,500 people and a minimum level of services. Policy 7 sets out that to support Key Rural Centres and ensure they can provide key services to their rural hinterland, the Council will, *inter alia*, support housing development within settlement boundaries.
- 5.4 The settlement boundary is defined within the Site Allocations and Development Plan Policies DPD (SADMP). Allocations for Thornton are shown on page 70 of the document which shows that the entirety of the application site is within the designated settlement boundary. An extract from the plan is shown below with the application site indicatively identified in red.

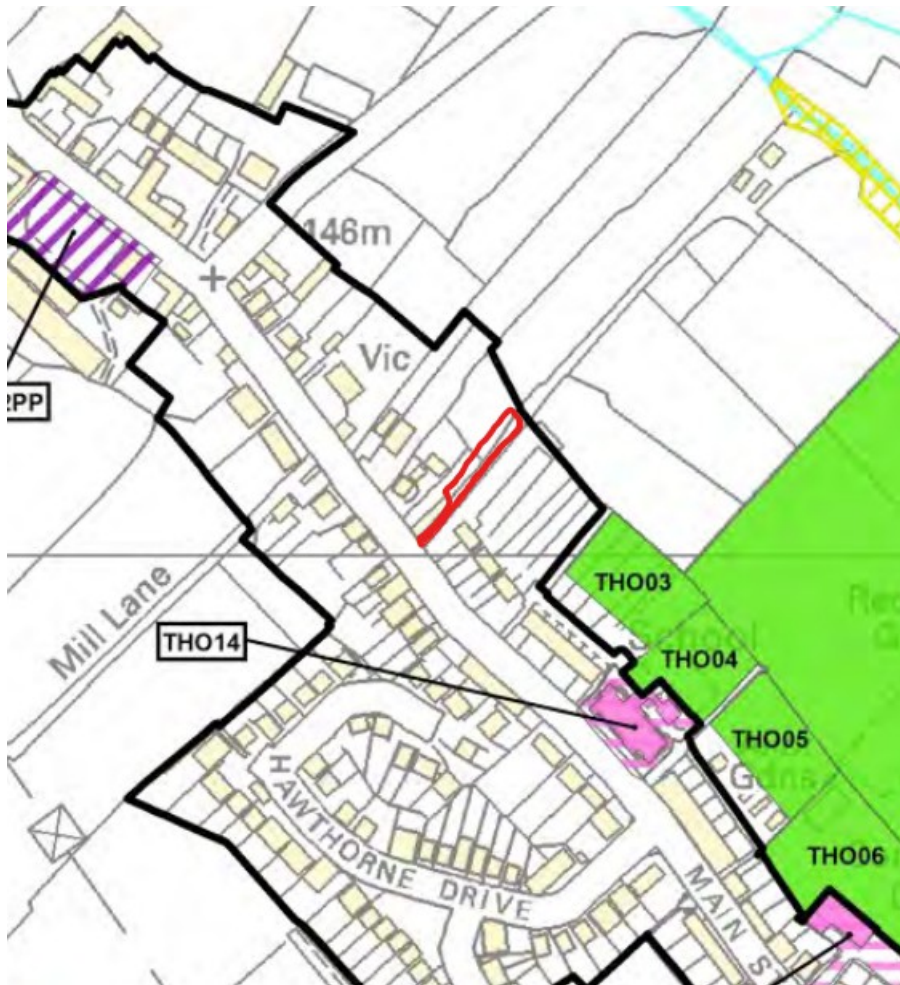


Figure 2 - Plan of Thornton from Site Allocations & Development Management Policies DPD.

- 5.5 Policy DM1 of the SADMP states the presumption in favour of sustainable development. This sets out that where relevant policies are out of date at the time of making the decision then the Borough Council will grant permission taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 5.6 Policy DM10 concerns development and design. This sets out a range of criteria that development needs to meet in order to be permitted. Of relevance to this application are:
- a) 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, air quality (including odour), noise, vibration and visual intrusion;*
 - c) It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural style;*
 - d) The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;*
- 5.7 Highways and transportation requirements are set out in Policy DM17. This requires

development to demonstrate that there is not a significant adverse impact on highway safety and reflect the latest highway design standards.

- 5.8 Compliance with adopted vehicle parking standards is required by policy DM18.

Material Considerations

- 5.9 In addition to being in accordance with the development plan, planning applications must also be considered against any relevant material considerations. In this instance the material considerations are considered to be the National Planning Policy Framework, Good Design Guide and Emerging Bagworth, Thornton and Stanton-under-Bardon Neighbourhood Plan.

National Planning Policy Framework (NPPF)

- 5.10 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means:
- *approving development proposals that accord with an up-to-date development plan without delay; or*
 - *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *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.*
- 5.11 Footnote 8 explains that development plan policies will be considered out of date for applications involving the provision of housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
- 5.12 The most recent Residential Land Availability Monitoring Statement published in March 2022 sets out that at that time the Borough Council could demonstrate a 4.89 year housing land supply. Recent reports to Planning Committee update this figure to 4.76 years.
- 5.13 Therefore the 'tilted balance' of paragraph 11(d) of the NPPF applies and 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 the Framework taken as a whole.

Emerging Bagworth, Thornton and Stanton-under-Bardon Neighbourhood Plan

- 5.14 The application site falls within the designated area of the emerging Bagworth, Thornton and Stanton-under-Bardon Neighbourhood Plan. While this is at an early stage of its preparation and does not yet form part of the development plan, it is considered to be a material consideration.

- 5.15 The Neighbourhood Plan retains the settlement boundary for Thornton set out in the SADMP, therefore the application site also falls within the Neighbourhood Plan settlement boundary. Furthermore Policy H2 concerns Housing Mix which requires greater provision of smaller residential properties with three beds or fewer. The preamble to the policy sets out that *'providing smaller homes for elderly and younger people to stay in the community and at the same time release under-occupied larger family homes onto the open market which would then be available to other growing families keen to live in Bagworth, Thornton and Stanton under Bardon'*.

The Good Design Guide

- 5.16 The Hinckley & Bosworth Good Design Guide SPD was adopted in 2019. It aspires to *'substantially raise design quality in Hinckley and Bosworth Borough whilst ensuring that the local identity and heritage of the Borough is preserved and enhanced'*.
- 5.17 Page 7 of the Guide highlights local policy and guidance themes that frame the character of the Borough, providing the underling context for developing good design. These include *'responding to the architectural legacy and spatial form of individual settlements as influenced by their historic development'*.
- 5.18 The document sets out a number of Design Principles for Thornton, these include:

On Main Street, retain granite boundary walls and avoid further loss of architectural detailing, encouraging new development to draw on the settlement's agricultural and industrial vernacular past.

6. Planning Balance

- 6.1 The main considerations in determining this application are considered to be:

- a) Principle of development;
- b) Presumption in Favour of Sustainable Development;
- c) Previous Reasons for Refusal;
- d) Siting;
- e) Design;
- f) Access and Parking;
- g) Other matters; and
- h) Tilted balance.

Principle of development

- 6.2 The application site lies entirely within the settlement boundary of Thornton as shown on the allocations plan in the adopted Site Allocations and Development Management Policies DPD. Thornton is considered a sustainable settlement where further residential development is supported. The proposed development is therefore considered to be acceptable in principle.

Presumption in Favour of Sustainable Development

- 6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated by the National Planning Policy Framework which also sets out that the Framework itself is a material consideration.
- 6.4 Hinckley & Bosworth Borough Council are currently unable to demonstrate a five year supply of deliverable housing. This is stated both within the most recent Residential Land Availability Monitoring Statement (2022) and more recent planning committee reports. Therefore the development plan is considered to be out of date and paragraph 11(d) of the NPPF is triggered. Therefore planning permission should be granted unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*'.
- 6.5 The application therefore needs to be assessed with the tilted balance in mind. The planning balance is tilted in favour of permission being granted. Any impacts from the development need to *significantly and demonstrably* outweigh the benefits for the scheme to be refused.

Previous reasons for refusal

- 6.6 A previous scheme for a detached residential dwelling was submitted in 2022. This was refused for the following reasons:
1. *By virtue of its siting and layout, the proposal would result in an incongruous form of backland development that would significantly detract from the character of the application site and the surrounding area, contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document, the objectives of the adopted Good Design Guide and the requirements of the NPPF (2021).*
 2. *By virtue of its design and scale, the proposal represents poor design that would demonstrably fail to complement or enhance the character of the surrounding area resulting in development that significantly detracts from the character of the area contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document and the requirements of the NPPF (2021).*
- 6.7 The first reason concerns the siting of the proposed dwelling and its relationship to the existing property. Whereas the second reason is concerned with the design of the dwelling itself. Both of these concerns have been addressed through the revised scheme.

Proposed siting

- 6.8 To address the first reason for refusal the position of the proposed dwelling has been moved within the plot. The delegated report explains that '*the proposed dwelling fails to follow the prevailing layout and form of the area, which is predominantly linear with some examples of backland development*'.

- 6.9 The layout and form of the area does consist of properties facing Main Street and some backland development. In addition, the existing form in the vicinity of the development includes properties facing onto single width tracks.
- 6.10 The below extract from the Site Location Plan shows the site in relation to Mill Lane, a single width track around 50m further north long Main Street. This track is fronted by four properties creating development at depth from Main Street. The properties on Mill Lane extend around 41m from Main Street with a narrow glimpse of the properties available from Main Street down the track. The properties have small gardens, or as in the case with no.7, a linear garden extends along the track. The plan also shows extant permission 22/01017/NMA which will form backland development on the southern side of Main Street.



Figure 3 – Settlement pattern characteristics close to the application site.

- 6.11 The plan demonstrates that the prevailing form and layout consists of properties fronting Main Street and development at depth. The development at depth consists of both backland development and properties fronting on to tracks leading away from Main Street. The siting of the proposed property, fronting on to the track is considered to be consistent

with the prevailing form and layout.

- 6.12 The previous delegated report also mentions visibility of the proposed property from Main Street. The proposed property will be obliquely visible along the track from Main Street, and will be read as a separate dwelling with the front door and fenestration fronting the track. The visibility of the property will be very similar to the view obtained of properties on Mill Lane from Main Street (shown below) and therefore the proposed positioning isn't out of keeping with the immediate character.



Figure 4 - View along Mill Lane from Main Street.

- 6.13 The proposed siting of the dwelling in the previous application also raised concerns regarding the spatial relationship between the proposed and retained property. By moving the position of the dwelling and elongating the footprint, the width of the garden for the retained property is wider than previously proposed. The retained garden extends to

around 165sq.m., excluding the retained parking area and the extensive paddock positioned to the rear of no. 63. The proposed dwelling is served by a garden of 183sq.m. Again excluding the proposed parking area. Both properties therefore have gardens which exceed the 80 sq.m. for a 3-bed dwelling and 60sq.m. for a 2-bed dwelling requirement of the Good Design Guide.

- 6.14 It should be noted that the existing garden for no.75 is long and narrow, due to the footprint of the existing dwelling and outbuildings. Furthermore, there are a range of garden sizes and widths in the vicinity with no.61, next door, having a very narrow and short garden and no.s 78 and 80, directly opposite the application site both having narrow garden. Properties on Mill Lane which most closely reflect the siting of the proposed dwelling also have very small gardens.
- 6.15 The repositioning of the proposed dwelling and the alterations to its footprint are therefore considered to propose development which is in keeping with the prevailing form and layout and also achieve an acceptable relationship with the retained property. Proposed garden sizes exceed those set out in the Good Design Guide and exceed, in both area and width, gardens in the immediate vicinity. The concerns raised in the first reason for refusal are therefore considered to have been addressed.

Design

- 6.16 The second reason for refusal concerns the design of the dwelling itself which fails to complement or enhance the character of the surrounding area. The delegated report adds that the proposed dwelling has a '*cubic design which does not relate well to the site or surrounding area in terms of scale and massing*'.
- 6.17 To address these concerns reference has been made to the area specific design guidance for Thornton in the Good Design Guide. This includes a Design Objective which states:
- 'On Main Street, retain granite boundary walls and avoid further loss of architectural detailing, encouraging new development to draw on the settlement's agricultural and industrial vernacular past.'*
- 6.18 An agricultural design approach has therefore been chosen. This is reflected in the proposed elongated footprint which is more common for a former agricultural building than the previous cubic design. The agricultural approach is also reflected in the height of the property which steps from two storey to single storey and through the proposed fenestration. These have been designed to reflect larger agricultural openings which have been re-purposed as windows through conversion.
- 6.19 Further coherence with this design approach can be achieved through the use of materials which can be agreed by condition.
- 6.20 The proposed design of the property itself is therefore considered to better reflect the vernacular of Thornton and the character of the existing run of outbuildings. The proposal will appear as though further outbuildings, with an agricultural origin, have been

converted.

- 6.21 Policy DM10 also requires consideration of the impact of the proposed development on neighbouring properties and occupiers. The nearest property is no. 63 to the north-west. All windows on this elevation are proposed to be obscure glazed. The proposed dwelling extends beyond the rear elevation of no. 63 but does not breach the 45 degree line. There is also a considerable separation distance of around 6m. There are no windows on the side elevation of no.63.
- 6.22 The proposed property has two ground floor windows facing the track. These serve a bedroom and the a kitchen/diner. Beyond the track is a panel fence which will limit views and prevent overlooking towards neighbouring gardens. The neighbouring property no. 79, is around 15m from the proposed dwelling. Side facing windows on no.79 are orientated towards the existing outbuildings of no.75 and will not face the proposed property. The orientation of the two properties and the panel fence will ensure that privacy is retained for both properties.
- 6.23 No windows are proposed to face no.75, the retained property, therefore there are no privacy concerns with this relationship.
- 6.24 The proposed development is therefore considered to have an appropriate design which reflects the agricultural vernacular of the village and the adjoining outbuildings. The relationship of the proposed dwelling with the existing surrounding properties is also considered to be acceptable with no loss of amenity or privacy. The proposal is therefore considered to have addressed the second reason for refusal and accord with SADMP policy DM10.

Access and Parking

- 6.25 Policy DM17 of the SADMP concerns highways safety and DM18 requires new development to incorporate a suitable level of parking.
- 6.26 The proposed dwelling will be accessed along the existing track to the east of no.75, with a single parking space proposed beyond the property and garden.
- 6.27 The access is the same as previously considered under application 22/00525/FUL. In their consideration of that application, the Highways Authority raised no objection to the use of the existing track to provide access as a single dwelling would not create significant additional traffic.
- 6.28 The proposed parking space is considered sufficient for a two bed dwelling and has been designed to allow a vehicle to turn around and leave the site in a forward gear.
- 6.29 The proposed access is therefore as has previously been accepted by the Highways Authority and sufficient parking has been demonstrated. The proposed development therefore complies with SADMP policies DM17 and DM18.

Other matters

- 6.30 The proposed dwelling will be occupied by the applicants, Mr & Mrs Westacott, who currently reside at no. 75. The size of the proposed dwelling is more suitable for their current needs than the existing larger property. The aspiration is to allow the applicants' daughter and young family to move into no.75 who have greater need for the additional space. The applicants' daughter has looked to move back into the village but the lack of suitable properties and property prices has prevented this.
- 6.31 The lack of smaller properties for existing village residents is a concern highlighted in the Emerging Bagworth, Thornton and Stanton-under-Bardon Neighbourhood Plan. Policy H2 concerning Housing Mix requires a greater provision of 3-bed and smaller properties. The policy states that *'providing smaller homes for elderly and younger people to stay in the community and at the same time release under-occupied larger family homes onto the open market which would then be available to other growing families keen to live in Bagworth, Thornton and Stanton under Bardon'*. The applicant has experienced both of these issues and is looking to address them through this proposal by providing a smaller property which allows the applicants to stay in the village and release a larger property allowing a young family, with connections to the community, to move back in.
- 6.32 The proposed development should also be considered as a custom-build property, as it would be constructed for the occupation of the applicants'. It is noted that in the latest monitoring position for self and custom housebuilding, from June 2023, the Borough Council considers that it has met the current supply requirements. The granting of this permission would further add to the supply ensuring that future years' targets are also met.

Tilted balance

- 6.33 As set out above, paragraph 11(d) of the NPPF has been triggered and therefore the application needs to be considered against the tilted balance. This sets out that the application should be approved unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'*.
- 6.34 The application has been found to have addressed the previous concerns in terms of the siting of the proposed dwelling and its design. The proposals also have an acceptable relationship with adjoining properties and therefore accord with SADMP Policy DM10.
- 6.35 A suitable access and adequate parking have also been demonstrated therefore policies DM17 and DM18 are also complied with.
- 6.36 The proposed development will create benefits of contributing to the Borough's undersupply of housing, it will create economic opportunities through the construction period and by adding a further household to use the services and facilities of the village. The proposed dwelling is of sustainable design and incorporates solar panels and rainwater harvesting to minimise carbon emissions and use of potable water. The proposal will also allow a long-term resident of the village to remain in the community and allow a former resident and her young family to return. The lack of supply of smaller properties and the

need to free up larger properties for young families are two issues highlighted in the emerging Neighbourhood Plan. Finally, the proposal will also contribute towards the Borough's custom housebuilding targets.

- 6.37 No adverse impacts have been identified in the proposal and it is considered to accord with adopted policy and be suitable for approval under a traditional weighing up of the planning balance. If the Borough Council was to disagree with any of these considerations, and identify adverse impacts, those impacts would have to be of such concern to significantly and demonstrably outweigh the considerable benefits identified for approving the scheme. It is considered that no impacts from the proposals could be considered to be so significant and therefore the proposals should be approved.

7. Access

- 7.1 As set out above, the proposed dwelling will utilise the existing track for access. This has been found to be acceptable under the recently refused application and none of the amendments to this application will affect that conclusion. Sufficient parking has also been provided.
- 7.2 Access to the building itself will be from the track. The access will be designed to meet the requirements of Part M of the Building Regulations.

8. Conclusions

- 8.1 This application proposes a detached residential property on land to the rear of 75 Main Street, Thornton. The application follows the refusal of a similar proposal earlier this year. That scheme was refused for two reasons, firstly concerning the siting of the dwelling and its relationship to the prevailing form and layout in the area and secondly the design of the dwelling itself.
- 8.2 The application site is located within the settlement boundary of Thornton where residential development is acceptable in principle. The siting of the dwelling has been repositioned and the footprint elongated to appear as a continuation of the existing outbuildings. The proposed dwelling will front the track and therefore reflect the built form on Mill Lane on the opposite side of Main Street.
- 8.3 The design of the property has been completely rethought taking inspiration from the Good Design Guide to incorporate an agricultural appearance with a stepping down from two-storey to single-storey and including agricultural style openings which house the fenestration. These changes to the siting and design are considered to have addressed the previous reasons for refusal.
- 8.4 The proposals have also been found not to have any detrimental impact on neighbouring properties in terms of overlooking or loss of privacy and therefore comply with policy DM10. An adequate access and parking has been demonstrated to comply with policies

DM17 and DM18.

- 8.5 The proposed development brings significant benefits in terms of housing land supply, economic impact, addressing identified housing availability issues and contributing towards custom-build supply.
- 8.6 The lack of housing land supply in the Borough results in paragraph 11(d) of the NPPF being triggered and the application being considered against the tilted balance. The proposals have been found to comply with the development plan and no adverse impacts have been identified. Any impacts which could occur are not considered to be of such concern that they '*significantly and demonstrably outweigh the benefits*'. The proposals are therefore considered suitable for approval.