

Delegated Report

Planning Ref: 23/00804/OUT

Applicant: Mr & Mrs Tudge

Ward: Newbold Verdon with Desford & Peckleton

Site: 4 Polebrook Mews Spinney Drive Botcheston



Hinckley & Bosworth
Borough Council

Proposal: Outline planning permission for the construction of a single dwelling (All matters reserved -access only) (Resubmission 22/00619/OUT)

1. Recommendations:

1.1. Refuse planning permission subject to:

- Planning reasons outlined at the end of this report.

2. Planning Application Description:

2.1. This planning application seeks outline planning permission for the erection of one dwelling as market housing on land at 4 Polebrook Mews, Spinney Drive, Botcheston. Only Access is sought for approval within this outline application and all other matters are reserved.

2.2. To facilitate this development, the proposal replaces an existing tennis court that is associated with the site's existing dwellinghouse. The existing access to the tennis court is utilised for access into the site and for proposed vehicle parking but the details of the parking arrangements have not been disclosed.

2.3. The precise appearance of the scheme is reserved for later approval; therefore, the extent of the application is described and assessed via the submitted plans: Block Plan (submitted: 16.08.2023), and Site Location Plan (submitted: 16.08.2023).

2.4. This application is a resubmission of the refused outline planning application 23/00619/OUT.

3. Description of the Site and the Surrounding Area:

3.1. The 920sqm application site is located to the north of the residential property, 4 Polebrook Mews, and is currently comprises an existing tennis court that is ancillary to this residential dwelling. The application site is rural in character, and it is located outside of any identified settlement boundary, but within the designated open countryside, Charnwood Forest, and the National Forest.

3.2. The application site is accessed via a selection of unadopted, private roads from Polebrook Mews to Spinney Drive to Meadow View, and on to the adopted classified 'C' road, Markfield Lane, which is subject to a 40mph speed limit. Whilst there are limited speed limit signs along the private roads, Meadow View is subject to a 15mph speed limit upon its entrance from Markfield Lane.

3.3. The Forest Hill Golf & Conference Centre is adjacent to the north and east of the site and there are open agricultural fields to the west. There are a few residential properties to the south and to the southeast of the site is Kirby Grange Residential Home. The site is 51.5m from No. 4 Polebrook Mews, 247m from Spinney Drive, 560m from Meadow View, 750m from Markfield Lane, and 1.3km from Markfield Lane's confluence with Main Street into the identified settlement boundary of Botcheston. Botcheston is identified as a rural hamlet within the adopted Core Strategy.

4. Relevant Planning History:

4.1 22/00619/OUT

- Outline application for proposed erection 1no. dwelling (Access Only)
- Refused
- 18.08.2022

This application was refused on the following grounds:

1. The proposed scheme results in unsustainable residential development that would harm the intrinsic value, open character and landscape character of the countryside and is harmful to the settlement pattern and character of Botcheston. Such a proposal is therefore contrary to Policy H7 of the Desford Neighbourhood Development Plan, Policies 8, 13 and 17 of the adopted Core Strategy, Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), along with guidance in Paragraphs 80 and 130 of the National Planning Policy Framework (2021).

4.2 14/00416/HOU

- Extension and alterations to dwelling
- Permitted
- 19.06.2014

4.3 05/00802/COU

- Formation of tennis court including change of use from paddock
- Permitted
- 02.09.2005

5. Publicity:

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

5.2 One member of the public has objected to the scheme because the scheme encroaches, and causes harm to, the National Forest.

5.3 No further responses have been received.

6. Consultation:

6.1 There have no objections to the application from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Ecology Unit
- Local Highway Authority (LHA)

6.2 The Local Highway Authority have stated that the application site is located on a private road network, which connects to the public highway at Markfield Lane. As a result, the scheme is considered to have no material impact on the public highway and therefore the Local Highway Authority have no comments to make.

6.3 LCC Ecology have stated that the application site is identified within an impact buffer zone for great crested newts due to the presence of waterbodies and historic records of this species within close proximity to the site. However, given that the site is currently an entirely hardstanding tennis court, LCC Ecology do not require

any ecological assessment of the site as it is highly unlikely to support any species of ecological concern.

6.4 No further responses have been received.

7. Policy:

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets
- Policy 14: Rural Areas: Transport
- Policy 21: National Forest
- Policy 22: Charnwood Forest

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

- Policy H6: Windfall Site Development
- Policy H7: Housing Design
- Policy ENV3: Biodiversity General
- Policy T1: Traffic Management

7.4 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other relevant guidance

- Good Design Guide (2020)
- 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
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Other issues
- Planning balance

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2023) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material

considerations indicate otherwise, and that the NPPF is a material planning consideration in planning decisions.

- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.
- 8.4 Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 Section 11 of the NPPF also requires planning policies and decisions to promote 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. Paragraph 120 of the NPPF states that planning policies and decisions should:
 - (a) Encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.
 - (b) Recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.
 - (c) Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
 - (d) Promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lockups, and railway infrastructure).
 - (e) Support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.

- 8.8 Contrary to Paragraph 120(a) of the NPPF, the development has not demonstrated that it provides multiple benefits from rural land, and it has not suggested that it takes opportunities to achieve environmental net gain. In addition, the development is not located within the identified settlement boundary of Botcheston, nor does it utilise brownfield land, and therefore the development does not relate to Paragraph 120(c) of the NPPF. The proposal does not relate to upward extensions as described within Paragraph 120(e) of the NPPF. Moreover, the application site does not contain any buildings and is currently utilised as a tennis court. The NPPF provides examples of available sites that could be used more effectively to meet housing needs, which includes space above shops, service yards, car parks, lockups, and rail infrastructure. Whilst this list is not inclusive, Paragraph 120 of the NPPF does not make any suggestions that development outside of identified settlement boundaries is an effective use of land.
- 8.9 Ultimately, Paragraph 120(b) of the NPPF states that planning decisions should recognise that undeveloped land can provide an effective use of land and perform many functions without being developed.
- 8.10 Policy 13 of the adopted Core Strategy states that rural hamlets, such as Botcheston, 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.”
- 8.11 Botcheston only features limited services such as a village hall, and a public house which are 1.4km and 1.8km southwest of the application site respectively. In addition, whilst there are bus stops within the rural hamlet for the 26 Arriva Bus Service between Leicester, and Ratby and Coalville, these bus stops are not currently in operation for this bus service as of 09 May 2023. Furthermore, the closest Key Rural Centre, Desford, is 3.7km south of the application site, which is not accessible via a public footpath from Botcheston. It is also noted that neither Botcheston, nor Desford are not accessible from the application site via a public footpath. Therefore, it is considered that the application site and Botcheston have poor transport sustainability, contrary to Policy DM17 of the SADMP.
- 8.12 Ultimately, Policy 13 of the adopted Core Strategy only supports housing development in rural hamlets when they are located within their identified settlement boundaries. This is supported by Policy H6(b) of the Desford Neighbourhood Plan (DNP) (2021).
- 8.13 Contrary to Policy 13 of the adopted Core Strategy, the application site is located outside of the settlement of Botcheston on land that is designated as countryside within Charnwood Forest and the National Forest. Given the fact that the development is not within the identified settlement boundary of the rural hamlet, and both the application site and Botcheston suffer from poor transport sustainability, the proposal is not considered to be within a sustainable location for development, and the future occupants of the development are likely to be dependent on private motorised transport, which is likely to result in significant environmental harm.
- 8.14 However, it is acknowledged that the application site is located close to other residential properties along Polebrook Mews and Kirby Grange Residential Home. Therefore, the application site is not considered to be in an isolated location. Nevertheless, policies restricting development outside of settlements still apply, even when the proposed development is not isolated.

- 8.15 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(b) 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.”
- 8.16 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential 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”.
- 8.17 Through its intentions to implement the Core Strategy through its approach to the countryside and settlement boundaries, Policy DM4 is considered out-of-date. However, the emphasis of Policy DM4 is to promote sustainable development proposals within the countryside and to safeguard it from unsustainable schemes. In this regard, Policy DM4 is consistent with, and accords with, the NPPF, and therefore it can be afforded significant weight within the planning balance.
- 8.18 The proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4 of the SADMP, but this does not mean that the development is not sustainable. Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.19 Notwithstanding this, it is acknowledged that the application site is within an unsustainable location outside of the identified settlement boundary of a rural hamlet that is considered to have poor transport sustainability and therefore the future occupants of the scheme are likely to rely on the use of the private car to meet their day-to-day needs, which causes significant environmental harm, which is contrary to the overarching aims of the NPPF.
- 8.20 Therefore, the Council considers that the proposal is contrary to, and in conflict with Policy H6 of the DNP, Policies DM1, DM4 and DM17 of the SADMP, Policy 13 of the adopted Core Strategy, as well as Sections 11 and 15 of the NPPF. As such the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.21 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.

- 8.22 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.
- 8.23 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.24 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.25 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 clear 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.
- 8.26 Section 5 of the National Planning Policy Framework (NPPF) states that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 8.27 Within this context, Paragraph 62 of the NPPF states that the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes, and people wishing to commission or build their own homes).
- 8.28 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 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. Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 8.29 The development is for one singular residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.30 The Applicant has suggested that the dwelling is utilised for older people as a retirement bungalow, and that this restriction can be secured via planning condition. The submitted application form states that this is a market dwelling and no further information other than the Design, Access and Planning Statement.
- 8.31 Whilst the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, given the Council's failure to deliver a five-year supply of land for housing, it is considered that moderate weight at most should be given to the provision of the proposed dwelling.

Design and Impact upon the Character of the Area

- 8.32 Paragraph 134 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.33 Policy 21 of the adopted Core Strategy states proposals that contribute to the delivery of the National Forest Strategy (increasing woodland cover; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments, especially overnight quality accommodation linked to tourism in the Forest) will be supported.

These developments are supported provided that:

- The siting and scale of the proposed development is appropriately related to its setting within the National Forest.
 - The development respects the character and appearance of the wider countryside.
 - The development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside.
- 8.34 The application proposal does not consist of any of the forms of application supported by Policy 21 of the adopted Core Strategy.
- 8.35 Policy 22 of the adopted Core Strategy states that proposals within Charnwood Forest will be supported that:
- Maintain the traditional working landscape of the forest, particularly those which involve rural diversification and sustainable tourism, including green tourism initiatives.
 - Provide new recreation facilities around the fringes of the area.
 - Provide access to and from the rural areas into and within the regional park by non-vehicular means, provided that they:
 - Retain local character and complement the local landscape.
 - Enhance open spaces, including the treatment of built edges.
 - Enhance woodland and habitat provision and connectivity.
 - Manage and enhance the cultural heritage of the area.
- 8.36 The application proposal does not support any of the requirements of Policy 22 of the adopted Core Strategy.

- 8.37 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.38 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. This is supported by Policies H6(c) and H7 of the DNP.
- 8.39 No details have been provided in relation to the design, siting, or location of the development within the application site. Nevertheless, the development clearly extends beyond any residential development into the protected open countryside, which is considered result in a significant adverse impact to the intrinsic, value, beauty, open character, and landscape character of the countryside. The extent of this harm is heightened by the 51.5m distance that separates the application site from the residential dwellings along Polebrook Mews.
- 8.40 The Applicant has attempted to justify the development of a single dwelling this location by referring to planning applications 21/00887/FUL at the Land northeast of The Hovel, Spinney Drive, Botcheston; 21/01331/FUL at Kirby Grange Residential Home; and 19/00625/DEEM at Ambion Court in Market Bosworth. However, the particular circumstances are not considered similar to those of this application and it is noted that all planning applications should be assessed on their own merits.
- 8.41 Nonetheless, 21/00887/FUL permitted the provision of a detached, three-bedroom, bungalow, which was not considered to result in a significant adverse impact on the countryside because it represented infill development adjacent to other dwellings such as The Hovel and The Old School House, and it did not set a precedent for development on the south-eastern side of Spinney Drive. In comparison to the current application, the development is over 50m from any neighbouring development and represents an urbanising intrusion into the countryside.
- 8.42 Moreover, 21/01331/FUL permitted refurbishments to an established retirement/care home site. The application provided an additional 51-en-suite bedrooms with ancillary social accommodation via the re-use of an existing building, 22 new employment opportunities, additional landscaping, and the re-use and safeguarding of a non-designated heritage asset. On the other hand, the current development is for a single, new, market dwelling that is not compliant with the Development Plan.
- 8.43 Finally, 19/00625/DEEM permitted the demolition of existing sheltered flats and the construction of 24 sheltered flats and three bungalows with associated car parking and landscaping. The development comprised affordable rent housing units, and was located within the identified settlement boundary of Market Bosworth, which is identified as a Key Rural Centre Stand Alone. Conversely, the current application site is not within any identified settlement boundary, it does not replace any existing buildings, and it does provide any affordable housing.

- 8.44 The proposed development is considered to be unacceptable in principle, and it does not comply with the requirements of Policies 21 and 22 of the adopted Core Strategy, and therefore Policy DM4(v) of the SADMP. Furthermore, the future occupants of the development are likely to be dependent on private motorised transport, which is likely to result in significant environmental harm.
- 8.45 As a result, the development represents new and unjustified residential development in the open countryside, which is protected from unsustainable development by local and national planning policy. The development is separated from any other dwelling by over 50m and clearly amounts to a domestication of the site, which intrudes into the verdant rural character of the site and wider countryside. This is considered to result in a significant adverse and irreversible impact on the intrinsic value, beauty, open character, and landscape character of the open countryside, Charnwood Forest, and the National Forest.
- 8.46 Whilst there are limited views into the application site, this does not mean that there is no significant harm caused. The limited visibility of the scheme is not considered to justify the harm of the sporadic domestication of the open countryside, nor circumvent the significant harm that this form of development has on the intrinsic value, beauty, open character, and landscape character of the countryside, Charnwood Forest, and the National Forest.
- 8.47 By virtue of these factors, the development is considered to be contrary to, and in conflict with the Good Design Guide, Policies H6 and H7 of the DNP, Policies DM4, and DM10 of the SADMP, Policies 21 and 22 of the adopted Core Strategy, as well as Sections 11, 12, and 15 of the NPPF.

Impact upon Residential Amenity

- 8.48 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.49 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. This is supported by Policy H6(e) and (f) of the DNP.
- 8.50 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.51 The closest dwelling to the development is 4 Polebrook Mews, which is 51.5m away from the site. As a consequence of this, the development does not result in any significant adverse overbearing or overshadowing impacts on any neighbouring properties or result in any significant adverse impacts from overlooking or loss of privacy to the occupiers of any neighbouring properties. Therefore, the application is in accordance with Policy DM10 of the SADMP, and the Good Design Guide, subject to the provision of further details at Reserved Matters.

Impact upon Parking Provision and Highway Safety

- 8.52 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.53 Policy 14 of the adopted Core Strategy requires developments to support accessibility within rural areas by:
- Supporting the delivery of a viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre.
 - Supporting the provision of accessible transport services for mobility impaired and rurally isolated residents.
 - Delivering safe cycle paths as detailed in the Hinckley & Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes to school, to residential and employment areas, Key Rural Centres/urban areas, community, and leisure facilities and into the countryside.
- 8.54 Developers will be required to contribute towards these initiatives through developer contributions and/or land where they meet the tests set out in National Guidance. New development that would prejudice their implementation will not be permitted.
- 8.55 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, "The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use."
- 8.56 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.57 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. This is supported by Policies H7 and T1 of the DNP.
- 8.58 The Local Highway Authority have stated that the application site is located on a private road network, which connects to the public highway at Markfield Lane. As a result, the scheme is considered to have no material impact on the public highway.
- 8.59 Therefore, subject to satisfactory access and parking details being submitted at Reserved Matters, the scheme is likely to be able to demonstrate that it would not result in any significant adverse impacts on highway safety and could provide satisfactory parking provision to serve the dwelling in accordance with Policy DM18 of the SADMP.
- 8.60 However, as previously highlighted within this report, the application site suffers from poor transport sustainability and it does not promote sustainable transport, the

best use of public transport, nor provide safe walking and cycling access to facilities. Therefore, the future occupants of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs. Consequently, the development is contrary to, and in conflict with Policy DM17 of the SADMP, and Section 9 of the NPPF.

Planning Balance

- 8.61 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required.
- 8.62 It is necessary therefore to consider that the 'tilted' balance in 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.
- 8.63 Given the Council's failure to deliver a five-year supply of land for housing, it is considered that moderate weight can be given to the provision of the proposed dwelling in the planning balance.
- 8.64 Furthermore, it is acknowledged that there are some potential social benefits from the scheme, 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. Nevertheless, these benefits when associated with one dwelling are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.
- 8.65 Notwithstanding this, the application site suffers from poor transport sustainability, and it does not promote sustainable transport, or the best use of public transport, nor provide safe walking and cycling access to facilities. Therefore, the future occupants of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs. Consequently, the development is contrary to, and in conflict with Policy DM17 of the SADMP, and Section 9 of the NPPF. This dependence on private motorised transport is likely to result in significant environmental harm, which is contrary to, and in conflict with, the environmental objective of sustainable development within Paragraph 8 of the NPPF. This is given significant weight in the planning balance.
- 8.66 Ultimately, the development represents unjustified and unrestricted development that results in a detrimental and irreversible urbanising and domesticating effect on the intrinsic value, beauty, open character, and landscape character of the countryside, Charnwood Forest, and National Forest. This is given significant weight in the planning balance. Whilst the development may offer some potential social and economic benefits, it is considered that the benefits of the development of one residential dwelling do not outweigh this significant harm.
- 8.67 Therefore, the development is considered to be contrary to, and in conflict with, the Good Design Guide, Policies H6 and H7 of the DNP, Policies DM1, DM4, DM10, and DM17 of the SADMP, Policies 13, 14, 21, and 22 of the adopted Core Strategy, and Sections 2, 9, 11, 12, and 15 of the NPPF.

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 The proposed development is not considered to be compliant with the relevant national and local policy as it:

- Has an adverse impact upon the character and appearance of the area.

10.2 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 outlined at the end of this report.

11.2 Reasons

1. The development represents unjustified and unrestricted residential development that results in an irreversible and detrimental urbanising and domesticating effect on the intrinsic value, beauty, open character, and landscape character of the countryside, Charnwood Forest, and the National Forest. This environmental harm is exacerbated by the poor transport sustainability of the site, which is likely to result in the future occupants of the scheme being dependent on private motorised transport to meet their day-to-day needs. Ultimately, these adverse impacts significantly and demonstrably outweigh any potential social or economic benefits of the provision of one singular dwelling. By virtue of these factors, the development is considered to be contrary to, and in conflict with, the Good Design Guide, Policies H6 and H7 of the DNP, Policies DM1, DM4, DM10, and DM17 of the SADMP, Policies 13, 14, 21, and 22 of the adopted Core Strategy, and Sections 2, 9, 11, 12, and 15 of the NPPF.

a.

Notes to Applicant:

1. This application was assessed by the plans submitted by the Applicant that were received by the Local Planning Authority, as follows:
 - Block Plan (submitted: 16.08.2023)
 - Design and Access Statement (submitted: 16.08.2023)
 - Site Location Plan (submitted: 16.08.2023)