

Planning Statement and Heritage Impact Assessment

**Land off Little Lane, Desford,
Leicestershire, LE9 9GS**

Proposed self-build dwelling

October 2024



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1.0 Introduction

- 1.1 This Planning Statement and Heritage Impact Assessment has been prepared in support of the planning application for the erection of a self-build dwelling.
- 1.2 This statement should be read in conjunction with the accompanying documents which include:
 - Plans and drawings prepared by Smartech Design
 - Surveys undertaken as part of application number 18/00663/FUL
 - Application forms
- 1.3 This statement describes the application site and locality, assesses the application in terms of local and national planning policy and includes a Heritage Impact Assessment.
- 1.4 Under application 18/00663/FUL a number of surveys were undertaken. In part, these can still be considered valid though it is appreciated that some may be required again should outline approval be granted. These surveys included the following:
 - a. RT-MME-124129 Preliminary Ecological Appraisal and Ground Level Bat roost Assessment: Middlemarch Environmental: December 2016
 - b. 2016-177 Archaeological Field Evaluation: University of Leicester: January 2017
 - c. RT-MME-122490-01 Rev A: Pre-development Arboricultural Survey: Middlemarch Environmental: December 2016

The trees shown on the design drawings are based upon the report previously submitted above. RT-MME-122490-01 Rev A: Pre-development Arboricultural Survey: Middlemarch Environmental: December 2016.

2.0 Site, Surroundings and Proposals

- 2.1 The application site lies to the north-east of 2 Newbold Road and opposite the existing bungalow Woodside, and the rear garden of Sunbreak, a detached dwelling. The site is adjacent to, but outside of the Conservation area of Desford.
- 2.2 The site formed part of the residential curtilage of 2 Newbold Road. The application site is well landscaped and accommodates trees of differing ages and species. It is approximately rectangular in shape and borders the highway. Land levels fall from the highway.



Site Location Plan (Scale 1:1250)



(*SMARTECH Design)

- 2.3 The trees shown on the design drawings are based upon the report previously submitted above. RT-MME-122490-01 Rev A: Pre-development Arboricultural Survey: Middlemarch Environmental: December 2016. This is also used for the basis of the topographical information utilised.



(*Topographical / Tree Survey)

3.0 Relevant Planning History

- 3.1 Application 17/00305/FUL for the erection of two dwellings was refused on the following grounds:

1

By virtue of the location of the application site, the proposed scheme would result in unsustainable and unjustified new residential development in the countryside outside the settlement boundary of Desford, would create ribbon development along the north west side of Little Lane and would result in significant and permanent environmental harm that would neither complement nor enhance the intrinsic value, beauty, undeveloped rural character and verdant appearance of Little Lane and the wider rural landscape. The proposal would therefore be contrary to Policy 8 of the adopted Core Strategy and Policies DM1, DM4, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2012) with particular reference to paragraph 55.

2

The proposal would result in the loss of a number of trees which provide a positive contribution to visual amenity and the rural character, appearance and significance of the setting of the Desford Conservation Area. The proposal would result in a level of harm to the significance and setting of the Desford Conservation Area that would not be outweighed by any identified public benefits. The proposal would therefore be in conflict with Policies DM1, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Section 12 of the National Planning Policy Framework (2012) and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 3.2 The subsequent appeal was dismissed.

- 3.3 Application 18/00663/FUL for the erection of two dwellings was refused on the following grounds:

01

By virtue of the location of the application site, the proposed scheme would result in unsustainable and unjustified new residential development in the countryside outside the settlement boundary of Desford, would create ribbon development along the north west side of Little Lane and would result in significant and permanent environmental harm that would neither complement nor enhance the intrinsic value, beauty, undeveloped rural character and verdant appearance of Little Lane and the wider rural landscape. The proposal would therefore be contrary to Policy 8 of the adopted Core Strategy and Policies DM1, DM4, DM6 and DM10 of the adopted Site Allocations and

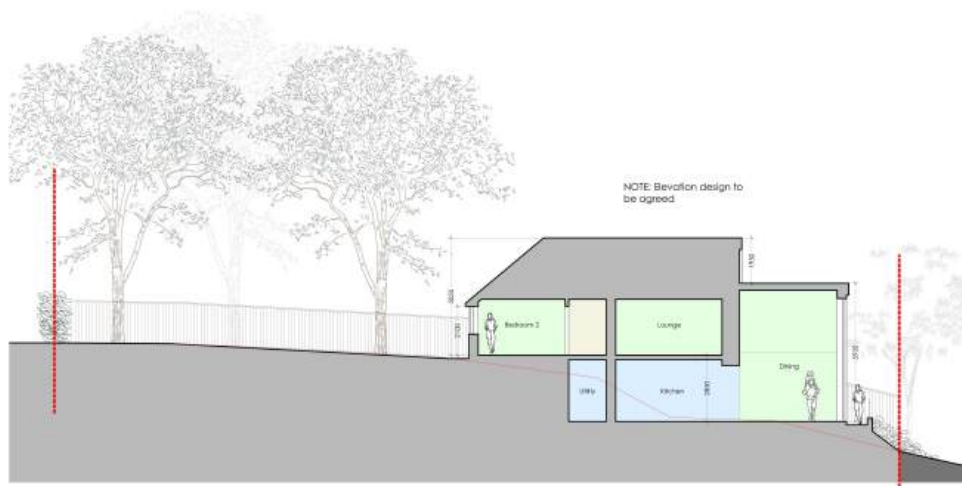
Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2018) with particular reference to paragraph 79.

2

The proposal would result in the loss of a number of trees which provide a positive contribution to visual amenity and the rural character, appearance and significance of the setting of the Desford Conservation Area. The proposal would result in a level of harm to the significance and setting of the Desford Conservation Area that would not be outweighed by any identified public benefits. The proposal would therefore be in conflict with Policies DM1, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Section 16 of the National Planning Policy Framework (2018) and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

4.0 Proposed Development

- 4.1 The development comprises the erection of a self-build dwelling in outline. Indicative layout plans, illustrative block plan and indicative sections have been provided to demonstrate the intended design ethos and impact of the proposal. The existing access would be used to serve the dwelling.
- 4.2 The indicative plans illustrate a split-level dwelling which would use the contours of the site to provide accommodation over two floors. The dwelling has been sited and designed to minimise the impact on existing trees and to limit future pressure to remove any additional trees on amenity grounds. The proposed building is outside of the root protection areas.



Site Section AA

(*Proposed Site Section AA: SMARTECH Design)



(*Proposed Site Section BB: SMARTECH Design)



(*Proposed Site Section CC: SMARTECH Design)

- 4.3 The dwelling will sit to the southwest corner of the site creating open countryside views. The dwelling will be split level, utilising the existing contours of the site. The dwelling will nestle within the landscape and remain discreet from Little Lane.

The plot will have low level soft landscaping to the front with permeable paving and a driveway adjacent. The majority of the trees will be retained with

root protection areas adhered to. The site plan / tree plan includes a tree schedule to highlight which have been removed as part of the proposal. The access will remain as existing. The separation distances exceed the recommended distances as stipulated within The Good Design Guide. The dwelling orientation ensures that the primary habitable rooms receive morning and evening sunlight yet are sheltered from extreme south facing solar gain. The building maintains a high level of privacy.



(*Proposed Site Plan: SMARTeCH Design)



(*Proposed Tree Plan: SMARTeCH Design)

- 4.4 The site will utilise the existing vehicular access off Little Lane.
The parking is adjacent to the dwelling which utilises the existing vegetation and tree clearing. Level thresholds are to be provided.
It is proposed that the plot will have an EV charging point to promote sustainable travel. This complies with the NPPF Section 9, DM10 and the local authorities core strategy.
- 4.5 The materials and elevational treatment will be agreed upon at a later stage under a reserved matter application.
- 4.6 The ground floor accommodation consists of an entrance hallway with an accessible bathroom. The hallway has the space for a cloak area. As this is a split-level dwelling, to the rear is a low-level kitchen / dining space with large areas of glazing and countryside views.
Leading off the hallway up the stairs, are the bedrooms and a family bathroom. On the same level the lounge is located.
Garden access is via the doors from the kitchen / dining and main entrance.



(*Proposed Floor Plans: SMARTECH Design)

4.7 Design Objectives:

We propose a new dwelling which nestles within the landscape, helps to meet the local housing requirement and need. Similar elevational materials will be used to reflect the architectural vernacular yet retain a modern contemporary feel. The green space will be maintained with views across the countryside. The building aesthetics will be sympathetic to the local vernacular and sustainable, rural materials used to help the proposal sit within the landscape. The maintained green space surrounding the proposal will aid human comfort and create a space which feels integral to its surroundings.

The area isn't within a flood risk zone. Trees, vegetation will in the most be retained with root protection areas respected.

There is a public right of way running along Little Lane which will be maintained.

The three-bedroom dwelling satisfies current housing need and will be a self-build development.

There will be a positive drive to utilise sustainable technologies where economically and environmentally feasible. This may include elements like PV panels to generate electricity, air source heat pumps for space heating, SUD's, rainwater harvesting and wastewater heat recovery. The building fabric will be designed to better thermal performance requirements of Approved Document L and achieve the required airtightness.

The site access will remain as existing. Any new hard landscaping products will be permeable and not negatively contribute to excessive surface water run-off. The existing boundary treatments will remain.

Sufficient car parking for two or more vehicles have been provided.

The dwelling design and location on the site provide ample amenity space which is not overlooked.

Electric car charging will be provided.

5.0 Planning Policy

5.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan for this area comprises the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies DPD (2016).

5.2 Relevant policies from these documents are set out below:

Core Strategy (2009)

Policy 7: Key Rural Centres

Policy 8: Key Rural Centres Relating to Leicester

Policy 19: Green Space and Play Provision

Site Allocations and Development Management Policies DPD (2016)

Policy DM1: Presumption in Favour of Sustainable Development

Policy DM3: Infrastructure and Delivery

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 DM11: Protecting and Enhancing the Historic Environment

Policy DM12: Heritage Assets

Policy DM17: Highways and Transportation

Policy DM18: Vehicle Parking Standards

5.3 The Desford Neighbourhood Plan was adopted in 2021. Relevant policies are set out below:

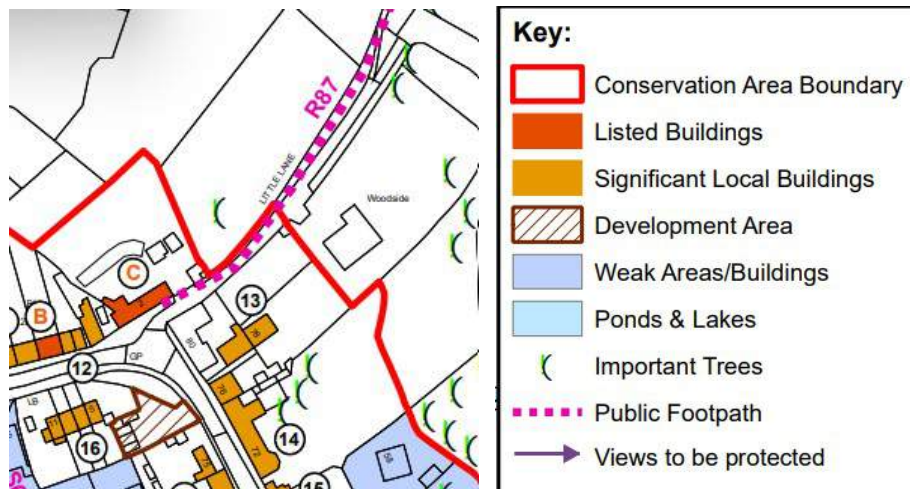
Policy H1: Settlement Boundary

Policy H7: Housing Design

Policy ENV3: Biodiversity General

Policy ENV5: Local Heritage Assets

5.4 Desford Conservation Area Appraisal was adopted in April 2010. An extract from the plan is below:



- 5.5 The NPPF makes clear that applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise, and in this respect the NPPF is a material consideration in planning decisions.
- 5.6 At the heart of the NPPF is a presumption in favour of sustainable development. There are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. These are an economic objective, a social objective and an environmental objective. The economic objective seeks to ensure sufficient land of the right types is available in the right places at the right time to support growth. The social objective seeks to support strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of the present and future generations and by fostering a well-designed and safe built environment. The environmental objective seeks to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land.
- 5.7 So that sustainable development is pursued in a positive way, at the heart of the Framework is a 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.

- 5.8 At paragraph 47 of the NPPF it states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 5.9 Section 5 of the NPPF seeks to secure a sufficient supply of homes and at paragraph 78 states in rural areas planning decisions should be responsive to local circumstances and support housing developments that reflect local needs.
- 5.10 Section 11 at paragraph 119 states planning decisions should 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.
- 5.11 Section 12 seeks to achieve well-designed places. It states the creation of high-quality buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live. Planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place using streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.12 Section 15 relates to conserving and enhancing the natural environment. Paragraphs 180 to 182 set out the approach to determining planning applications where there are habitats and biodiversity issues.
- 5.13 Section 16 states heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 194 states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 197 states local planning authorities should consider the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable use consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability

of new development making a positive contribution to local character and distinctiveness.

- 5.14 Paragraph 199 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 201 states where a proposal would lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.15 Paragraph 202 states where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.16 Paragraph 207 states not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
- 5.17 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.18 Section 72 states special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.0 Planning Assessment and Justification

- 6.1 In terms of the principle of development Policy DM1 provides a presumption in favour of sustainable development. The latest housing statistics, within the Five-Year Housing Land Supply Statement 1 April 2023 – 31 March 2028, states the Council is currently able to demonstrate a 5.6year housing land supply.
- 6.2 However, the development plan policies relating to the supply of housing are now considered to be out-of-date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF is triggered.

- 6.3 Although the site is beyond the confines of the settlement it is adjacent to the built-up part of the village with dwellings to the west and south. Furthermore, Desford is a Key Rural Centre, and is therefore a sustainable settlement. The proposal would also provide an additional self-build dwelling to contribute towards the Council target.
- 6.4 In terms of visual impact Policy DM4 requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 6.5 Policy DM6 requires that development proposals demonstrate how they conserve and enhance features of nature conservation value including proposals for their long-term future management. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term.
- 6.6 Policy DM10 seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the area generally.
- 6.7 The proposal has been formed following consideration of the planning history of the site, the previous proposals and the reasons for refusal. The application seeks permission only for a single, modest dwelling; this represents a reduction in the number of dwellings sought from the previous applications.
- 6.8 The dwelling has been sited and designed to work with the contours and characteristics of the site. The dwelling would be located in the north-west corner of the site, set well back from the highway and footpath so as to minimise the visual impact from the public realm. The site levels have been used to build the dwelling into the existing lower level so that the structure works with the land levels and would be partially screened by the higher levels. The design of the dwelling, comprising three wings, would effectively limit the massing of the building.
- 6.9 The siting has been chosen to minimise the impact on trees within the site. The siting works with the existing trees to safeguard the long-term future of the retained trees. The development would be outside of the root protection areas and there would be minimal changes to levels close to trees. Furthermore, the siting and layout would provide a high level of amenity to future occupiers and would not result in pressure to remove additional trees in the future. Therefore, although the site comprises an area of woodland, protected by TPO, and provides a verdant rural character to Little Lane, the proposed dwelling would not alter this character given the siting of the dwelling and the large-scale retention of trees.

- 6.10 In terms of residential amenity, Policy DM10 requires that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. By virtue of the siting, design, scale, size and massing of the proposed dwelling and separation distances, the proposal would not result in any significant overbearing/overshadowing impacts or loss of privacy from overlooking.
- 6.11 Additional noise from traffic to and from the additional dwelling would not be of a scale that would be likely to result in any significant adverse noise impacts on the amenity of neighbouring occupiers. Development of the site is likely to result in additional noise and disturbance to neighbouring occupiers during the construction phase but this would only be temporary in nature and would not result in any long term/permanent significant adverse impacts on resident's amenities. Therefore the proposal would not be in conflict with Policy DM10.
- 6.12 In terms of highway safety Policy DM17 supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 6.13 Under the previous application, the Highway Authority confirmed Little Lane is a private, unadopted lane over which there is a public footpath right of way. Whilst physical access is available to the site from Newbold Road, the applicant would have to establish a legal right of way along Little Lane but this is a legal matter and not material to the assessment of the acceptability of the planning application. The Highway Authority advised that the residual cumulative impacts of development could be mitigated and are not considered severe. The Highway Authority were unable to demonstrate that the proposal would result in a material increase in traffic visiting the site.
- 6.14 It is considered that the situation has not materially changed since that time and that subject to conditions relating to the access width, gate set back and parking and turning areas being constructed in accordance with submitted plans etc. that there are no issues with highway safety.
- 6.15 In terms of archaeology, under the previous application, an archaeological field evaluation was submitted and assessed by County Archaeology. The evaluation found no archaeological remains and provided satisfactory evidence that the site had been previously disturbed indicating little potential for the survival of archaeological remains within the site. Therefore, the proposal would not be in conflict with Policy DM13.
- 6.16 In terms of ecology, the previous application raised no objection in principle subject to the application complying with the recommendations contained within the submitted preliminary ecology appraisal and ground level bat roost assessment of trees. It is considered a similar conclusion should be drawn for this current application.
- 6.17 It is considered that a suitable drainage strategy could be adopted for the development. As such, the proposal would be in accordance with Policy DM7.

- 6.18 Overall, within the planning balance, it is considered that the proposal is acceptable in principle, occupying a sustainable location adjacent to the neighbouring dwellings and in close proximity to the built-up part of the sustainable settlement. The tilted balance is applied given the out-of-date housing policies and it has been demonstrated above that there would be no demonstrable harm resulting from the development. The dwelling would be located well within the site and would not adversely affect the rural character of the site or surroundings. Furthermore, the scheme has been designed to safeguard the protected trees. It is considered that the proposal addresses the previous grounds for refusal.

7.0 Heritage Implication

- 7.1 Policies DM11 and DM12 seek to protect and enhance the historic environment and heritage assets, and development proposals should ensure the significance of a conservation area is preserved and enhanced. Development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.

- 7.2 The site borders Old White Cottage (2 Newbold Road). The Historic England Listed Building description states:

House. C17, altered C20. Timber framed underbuilt in brick and rendered, thatched roof having a single brick axial stack. To each end are single storey outshots with slate roofs and tall wall stacks. Single storey plus attics 5 bay front with off centre half glazed door and C19 gabled wooden open porch, with to left a pair of 3 light glazing bar casements and to right a pair of 2 light glazing bar casements. In the roof are 3 through eaves thatched eyebrow dormers with C20 2 light casements.

- 7.3 The significance of this grade II building is derived from the architectural merit and age of the building, the well-preserved features and its setting abutting the highway, occupying a prominent location within the street scene. The setting of the building is largely derived from the immediate environs and not from the wider setting which includes the application site. This provides a tree dominated backdrop which would be maintained as a result of the proposal. The development of this site would not be harmful to the setting of this listed building given the screening and limited nature of the proposed dwelling.

- 7.4 10 Newbold Road is grade II listed. The setting of this building would not be harmed by the proposal given the separation distance and intervening development.

- 7.5 No other listed building would be affected.

- 7.6 The site borders the conservation area. The conservation area appraisal denotes the site accommodates important trees. Although the site is beyond the designation, it acts as a backdrop to the conservation area and forms part

of the approach into the village and designation along the footpath travelling east to west.

- 7.7 The site contributes to the setting of the conservation area through the woodland trees within and the rural approach/backdrop. The application site contains a significant number of trees which provides a particular verdant and rural character, with this setting contributing positively to the significance of the conservation area.
- 7.8 The arboricultural survey previously carried out indicates that the greatest number of trees on the site fall within a moderate quality and value category with the survey recommending that their retention should be considered a priority as they are likely to make a substantial contribution to the continued landscape character of the site. The proposal has been carefully designed to minimise tree loss and to work with the trees on the site.
- 7.9 The site could be developed as proposed without resulting in harm to the character and appearance of the site and the contribution it makes to the conservation area.
- 7.10 It is therefore considered that the proposals would maintain the character and appearance of the conservation area and would not result in harm to the setting of the adjacent listed building. The proposals would be visually acceptable and would meet the test set in the above-mentioned Act and comply with policies and guidance.
- 7.11 The conservation area appraisal denotes several significant local buildings. The setting of these would not be affected by the proposed dwelling given the siting, limited size and scale and separation distances.

8.0 Conclusion

- 8.1 It has been demonstrated that the proposed development of a single three-bedroom dwelling satisfies the necessary planning policies and has been designed with the local authority Design Guide in mind as best as possible to suit the needs of the site.

Although the site ownership falls outside of the settlement boundary, this should still be considered as sustainable in terms of location and meeting the housing supply demand in the borough. There is a proven local need for family homes in the area with a 56% need for 3-bedroom dwellings and 64% need for medium family units. Given the relaxation and amendment of the settlement boundary for a previous large scale housing development on green land, we believe this sensitive development which complies with policy should also be considered sustainable. This proposal has negligible impact on the surrounding area, and we believe it will enhance it.

The proposal would deliver much needed housing and contribute positively to the community. The development should be considered as sustainable, socially, economically, and environmentally.

- 8.2 For the reasons set out above, it is considered that the proposals are acceptable in principle, would be visually acceptable including in terms of heritage assets, would protect the residential amenities of occupiers of neighbouring properties and provide a high standard of amenity for future occupiers, and would be acceptable in terms of highway safety and parking, drainage and ecology.
- 8.3 The proposal is deemed to meet local and national planning policies with no harm identified and it is respectfully requested that permission be granted.