

Delegated Report

Planning Reference 26/00574/PIP
Applicant(s) Mr Sam Hollows
Ward Barwell



Hinckley & Bosworth
Borough Council

Application Site Land South West of Leicester Road,
Barwell

Proposal Permission in Principle for the erection of up to 9 no. C3 dwellings land rear of 156 Shilton Road, Barwell, LE9 8BN and associated amenity space and parking

Case Officer Ashleigh Gade (Senior Planning Officer)

1. Recommendations

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

2. Planning Application Description

- 2.1. This planning application seeks planning permission in principle for the provision of up to nine dwellings with associated amenity space and parking on land south-west of Leicester Road, Barwell.
- 2.2. This application is the first stage in the planning in principle route where the application seeks only to establish whether the application site is suitable for the development in principle. The detailed design of the proposal is assessed via separate application within the second technical details consent stage of this development pathway.
- 2.3. The application has been accompanied by an application form, a planning statement, and a site location plan.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located outside of any settlement boundary. It is located within the designated open countryside and within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge, between the settlements of Barwell and Earl Shilton.
- 3.2. The application site is a backland site with only its access point visible from the street scene. The site currently comprises a single storey stable building with associated parking and turning areas, surfaced with loose gravel, as well as an access driveway with metal gates.

- 3.3. The site has existing access from Leicester Road/Carrs Hill which is an adopted and classified 'C' road subject to a speed limit of 40mph.
- 3.4. Public Rights of Way (PRoW) Footpath U32 and Footpath U100 run to the south-west and to the north of the application site boundaries respectively, connecting with Footpath U74 to the north which provides access to areas within the settlement of Barwell.
- 3.5. The site is surrounded by other land within the Green Wedge, typically comprised of smaller fields surrounded by hedgerow and mature trees. To the east of the site is a two-storey dwelling on a large plot known as The Cottage. Further to the north are dwellings within the settlement boundary of Barwell, with access from Shilton Road.

4. Relevant Planning History

4.1 21/00365/FUL

- Proposed stable block
- Planning Permission
- 15.10.2021

4.2 22/00802/FUL

- Proposed construction of stables and dropped kerb to land rear of 156 Shilton Road (retrospective)
- Planning Permission
- 19.10.2022

5. Publicity

- 5.1 In accordance with Paragraph 5G of Part 2A of the Town and Country (Permission in Principle) (Amendment) Order 2017 (as amended), the application has been publicised by giving requisite notice by site display in at least one place near to the land which the application relates and on the Council's website. The application has also been publicised by sending out letters to local residents.
- 5.2 No responses have been received.

6. Consultation

- 6.1 Leicestershire County Council (LCC) Highways, the Local Highway Authority (LHA), have advised that in their view, the impacts of the development on highway safety would not be unacceptable and would not, when considered cumulatively with other developments, cause severe impacts on the road network.

The LHA advised that there have been no recorded collisions along this section of Carrs Hill in the previous five years, and they therefore have no pre-existing highway safety concerns at this location.

The LHA have advised that the existing access has sufficient dimensions as measured on site to satisfy the requirements of Table 13 of the LHDG, though they have noted that these dimensions do not align with the width as demonstrated within the red line boundary of the site plan.

Furthermore, the LHA have identified potential concerns regarding the land used for access on site and Footpath U100 to the south-west. The LHA have noted that given the discrepancy between the red line boundary on the plans, the functional width of the access on site and location of more recently constructed post and wire fencing, as well as the inconclusive evidence of the Applicant's ownership of land between the red line boundary and the PRow, there is risk that the current access arrangements have encroached within the footpath corridor of Footpath U100.

In any forthcoming technical details application, the Applicant would need to demonstrate control of all land required to facilitate vehicular site access while demonstrating that this would not result in the narrowing of Footpath U100.

The LHA have noted that at the technical details stage due consideration will need to be given to waste collection, given that refuse vehicles are unlikely to access the site as it is located more than 25 metres from the highway boundary, and ensuring emergency vehicle access as the development is situated more than 45 metres from the highway. Further, the LHA have confirmed that the forthcoming layout of the site would need to provide parking spaces in accordance with Table 28 and Figure 44 of the LHDG.

The LHA have advised that should the internal roadway of the site be likely to be put forward for adoption, the LHA would expect the road network to be designed in accordance with Policy 5 of the LHDG and must serve a minimum of six residential dwellings.

6.2 Hinckley and Bosworth Borough Council (HBBC) Drainage have advised that the application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, as well as being in an area at very low risk of flooding from surface water.

6.3 HBBC Environmental Services (Pollution) had no objection to the proposal.

6.4 No response was received from:

- HBBC Waste
- Barwell Parish Council

7. Policy

7.1 Core Strategy (2009):

- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Policy 15: Affordable Housing

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
 - The Town and Country (Permission in Principle) (Amendment) Order 2017
- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
 - Landscape Character Assessment (LCA) (2017)
 - Hinckley/Barwell/Earl Shilton/Burbage Green Wedge Review (2020)
 - Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

- 8.1. Planning Practice Guidance (PPG) states that a decision on whether to grant permission in principle to a site must be made in accordance with relevant policies in the Development Plan unless there are material considerations, such as those in the National Planning Policy Framework (NPPF) and national guidance, which indicate otherwise.
- 8.2. The PPG confirms that the scope of permission in principle is limited to location, land use, and amount of development. Issues relevant to these “principle” matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. It is not possible for conditions to be attached to a grant of permission in principle and planning obligations cannot be secured at the permission in principle stage.
- 8.3. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions, and, in accordance with Paragraph 3 of the NPPF, should be read as a whole.
- 8.4. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF.

- 8.5. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.6. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

Location of Application Site in the Designated Open Countryside

- 8.7. Chapter 15 of the NPPF requires that planning policies and decisions conserve and enhance the natural and local environment. Paragraph 187(b) of the NPPF specifically highlights that this should be achieved by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.8. Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.9. Chapter 9 of the NPPF promotes sustainable transport. Key Policy Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location, and ensure safe and suitable access to the site can be achieved for all users.
- 8.10. Policy DM4 of the SADMP states that to protect the intrinsic value, beauty, open character and landscape character of the countryside, it will be first and foremost safeguarded from unsustainable development. Policy DM4 states that development in the countryside will be considered sustainable where:
- a) It is for outdoor sport and 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.
- 8.11. Importantly, Policy DM4 requires that development meet five further requirements to be considered sustainable development. These are discussed in further detail in subsequent sections of this report.
- 8.12. Policy DM17 of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that schemes should make the best use of existing public transport services.
- 8.13. Guidance Point M2 of the National Design Guide (NDG) confirms that in well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities.
- 8.14. The application site is located in the designated open countryside to the south of the settlement boundary of Barwell. Barwell is identified by the Core Strategy as a Local Urban Centre, playing an important role in the provision of local services to its population. The centre of Barwell provides a range of services, including a mix of retail and commercial uses, public houses, a post office and local Co-Op store.
- 8.15. The application site is located 1.3 kilometres from the centre of Barwell, or an approximate 20-minute walk. The site is located 600 metres from the nearest bus stop which is located on Shilton Road which provides access to a regular service between Leicester and Nuneaton.
- 8.16. The services within Barwell can be accessed from the application site by walking along Leicester Road and Shilton Road, both of which are lit with established footways. Access can also be achieved through the adjacent PRow's surrounding the site, though these are unsurfaced and unlit between the site and Shilton Road.
- 8.17. Notwithstanding that the countryside is typically not regarded as a sustainable location for new residential development, in these site-specific circumstances it can be demonstrated that the site is located in close proximity to local services and transit. It is therefore considered that future occupants of the site would not be wholly reliant on private car travel and that the site itself is, in this instance, not an unsustainable location for residential development.
- 8.18. Therefore, whilst the proposal does not benefit from support in principle from Policy DM4, it is considered that it would not result in significant environmental harm by way of being in an unsustainable location. It is therefore considered that the proposal is consistent with the overarching transport sustainability objectives in Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP.

Location of Application Site in the Green Wedge

- 8.19. Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.20. Key Policy Paragraph 129 of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places respectively.
- 8.21. Policy 6 of the Core Strategy states that within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge uses will be encouraged that provide appropriate recreational facilities within easy reach of urban residents and promote the positive management of land to ensure that the Green Wedge remains or is enhanced as an attractive contribution to the quality of life of nearby urban residents.
- 8.22. Policy 6 of the Core Strategy goes on to list land uses that are considered acceptable in the Green Wedge, provided the operational development associated with such uses does not damage the function of the Green Wedge. These uses are:
- a) Agriculture, including allotments and horticulture not accompanied by retail development
 - b) Recreation
 - c) Forestry
 - d) Footpaths, bridleways and cycleways
 - e) Burial grounds
 - f) Use for nature conservation
- 8.23. Furthermore, Policy 6 of the Core Strategy states that any land use or associated development in the Green Wedge should:
- a) Retain the function of the Green Wedge
 - b) Retain and create green networks between the countryside and open spaces within the urban areas
 - c) Retain and enhance public access to the Green Wedge, especially for recreation, and
 - d) Should retain the visual appearance of the area

- 8.24. Policy DM4(iv) of the SADMP states that where development is within a Green Wedge, then it should protect its role and function in line with Core Strategy Policy 6.
- 8.25. The application site is located within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. It is located within Area C: East of The Common and south of Shilton Road as per the Green Wedge Review, and Area F: Burbage Common Rolling Farmland as per the Landscape Character Assessment. At its closest point, the site lies approximately 90 metres south of the edge of the settlement boundary.
- 8.26. The Green Wedge Review identifies Area C, and within it the application site, as being important to the separation of Barwell and Earl Shilton, noting that further merging of the settlements should not be allowed any further. Area C is described as being characterised by a range of land uses including allotments, agriculture, farm buildings, paddocks and grazing land.
- 8.27. The Green Wedge Review notes that Area C slopes upward toward Barwell, and that views across from this area are evident. The Review notes that any significant built development within this area would have an impact on the coalescence of the settlements as well as a significant impact on wider visual amenity of the Green Wedge area due to the open views afforded by the topography.
- 8.28. The application site is located along Carrs Hill which is specifically identified within the Green Wedge Review as being an important approach to Barwell and Earl Shilton from Hinckley that is particularly sensitive to additional development.
- 8.29. The Landscape Character Assessment describes the area as comprising large scale, gently rolling arable pasture and farmland with local variations in topography, medium to large scale rectilinear field patterns bounded by low hedgerows and post and wire fencing with smaller scale fields around the settlements. The Assessment also notes the open landform and lack of tree cover that allows for expansive and distant views to and from this land from the edge of settlements, with these views being sensitive to any change or development given the potential for wider visibility.
- 8.30. The proposal seeks permission in principle for residential development on the application site for up to nine dwellings. The use of Green Wedge land for residential development is not included in the list of developments deemed to be acceptable within the Green Wedge in Policy 6 of the Core Strategy.
- 8.31. The application site is located to the west of Leicester Road/Carrs Hill within an area of the Green Wedge between Barwell and Earl Shilton identified in the Green Wedge Review as being particularly sensitive to additional development.
- 8.32. Furthermore, as per the Green Wedge Review and the Landscape Character Assessment, the application site is located on land with a raised topography comparative to its surrounds and comparative to other land within the wider Green Wedge. This means that development on the application site would be particularly visible in the wider area.

- 8.33. The application site is also bordered to the north and south-west by Public Rights of Way, two footpaths which pass by and allow for public access through the Green Wedge. From these footpaths there are direct and immediate views into the application site and, particularly in the case of the footpath to the north, through the application site over the lower land within the wider Green Wedge.
- 8.34. The development of the application site for residential purposes would restrict and, from certain vantage points entirely prevent, views through and over the surrounding wider Green Wedge from the footpath to the north. It would also cause harm to views through the Green Wedge, including wider passive views experienced alongside the application site, along the footpath to the south-west.
- 8.35. Given the quantum of development proposed on the site, it is not considered there is any likelihood that the site would or could provide publicly accessible space as part of the proposal. As such, the proposal provides no direct benefit to public enjoyment and access to this land as part of the Green Wedge, and has a direct harmful impact upon public appreciation of the land as part of the Green Wedge visually.
- 8.36. It is therefore considered that the proposal would cause significant harm to the function of the Green Wedge, in particular its contribution as green network within the countryside, its purpose in providing separation between the settlements of Barwell and Earl Shilton, and its contribution to the visual appearance of the area.
- 8.37. Therefore, the proposal benefits from no support in principle from Policy 6 of the Core Strategy or Policy DM4(iv) of the SADMP, and is considered to be contrary to the maintenance of the application site's setting as sought by Key Policy Paragraph 129 of the NPPF.

Location of Application Site and Amount of Development

- 8.38. Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.39. Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.40. Chapter 15 of the NPPF requires planning decisions to conserve and enhance the natural and local environment. Paragraph 187(b) of the NPPF specifically highlights that this should be achieved by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

- 8.41. Key Policy Paragraph 129(d) and (e) of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places respectively.
- 8.42. Policy 6 of the Core Strategy states that any land use or associated development within the Green Wedge should retain its function, retain and create green networks between the countryside and open spaces within urban areas, retain and enhance public access to the Green Wedge, especially for recreation, and should retain the visual appearance of the area.
- 8.43. Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.44. Policy DM4(iv) of the SADMP states that where development is within a Green Wedge, then it should protect its role and function in line with Core Strategy Policy 6.
- 8.45. Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.46. Policy 22 of the Earl Shilton and Barwell Area Action Plan (ESBAAP) states that development will be permitted where there is no detriment to the character or appearance of the surrounding area, where it respects local distinctiveness of the existing landscape setting, and where the design respects the scale, proportions and height of existing buildings, neighbouring structures and the overall street scene.
- 8.47. The Council's Good Design Guide outlines the expectations for development on backland sites. The Good Design Guide notes that not all sites will be able to accommodate this type of development. It further states that backland development will be required to demonstrate that the density is in keeping with the prevailing character of the surrounding area.
- 8.48. The application site is located within the designated open countryside, south of the settlement boundary of Barwell, and within the Green Wedge separating Barwell from Earl Shilton.
- 8.49. Further, the application site is a backland site located to the rear of an expansive residential plot containing a two-storey detached dwelling and otherwise is located to the rear of or surrounded by other fields within the Green Wedge.
- 8.50. The application site has a total site area of approximately 2700 square metres, however this figure includes the length of the access driveway. Excluding the area

within the access driveway, the site has an approximate area of 2500 square metres within which to accommodate the proposed nine new residential properties.

- 8.51. If developed for the maximum number of dwellings proposed, the average density across the site would be 36 dwellings per hectare, or a maximum of 277 square metres per plot. This density of residential development would be incongruous in the Green Wedge setting, separated from the settlement boundary. Furthermore, this density significantly exceeds that of the established development to the north within the settlement boundary.
- 8.52. The development would therefore significantly domesticate and urbanise the rural character of the site in principle, resulting in erosion to the intrinsic open and rural character of the surrounding area and causing harm to the function and visual character of the Green Wedge.
- 8.53. As noted previously in this report, the impacts of this urbanisation on the experience of the Green Wedge would be exacerbated by the close public appreciation of the site from the footpaths to the north and south-west, and from further afield due to the rising landscape which would mean the development was highly visible from other vantage points within the Green Wedge.
- 8.54. The development would appear as an anomaly upon approach to Barwell. The sensitivity of which is addressed within the Green Wedge Review and the Landscape Character Assessment, both of which conclude that this area is sensitive to the intrusion of any new development.
- 8.55. Notwithstanding that the layout of the development is not a matter for assessment at this stage, the quantum of development proposed of up to nine dwellings would require the development of the whole application site. It can therefore be reasonably concluded that the proposal could not be supported without resulting in an intensity of development that would cause wider harm to its setting.
- 8.56. It is therefore considered that development of the application site for up to nine new residential properties in this location in the designated countryside and within the Green Wedge would represent an overdevelopment of the site inconsistent and incongruous with the character of the surrounding area that would be unacceptable in principle. The proposal would significantly domesticate and urbanise the application site within a sensitive area of the Green Wedge at a scale that would result in the significant permanent harm to the function and visual appearance of the Green Wedge and to the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.57. The proposal is therefore considered to be contrary to, and in conflict with, Policy 6 of the Core Strategy, Policies DM4 and DM10 of the SADMP, Policy 22 of the ESBAAP, Chapters 12 and 15 of the NPPF including Key Policy Paragraphs 129 and 139, and the Good Design Guide.

Location and Proposed Use of the Site's Impact upon Residential Amenity

- 8.58. Paragraph 135(f) of the NPPF requires planning decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.59. Policy DM10(a) and (b) of the SADMP state that development will be permitted provided it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.60. It is considered that the scheme, subject to the detailed matters to come forward at technical details stage, could be designed such to have a suitable relationship with the nearby residential units in accordance with Policy DM10 of the SADMP.

The Location and Proposed Use of the Site's Impact upon Highway Safety

- 8.61. Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.62. 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) (2024).
- 8.63. The proposal is for up to nine residential properties which would be accessed via the existing vehicle access from Leicester Road/Carrs Hill.
- 8.64. The Local Highway Authority (LHA) have been consulted on the proposal and consider, subject to further details being provided at technical details stage to demonstrate sufficient control over land surrounding the point of access and sufficient width being retained for PRoW Footpath U100, that the proposal could be designed to prevent any unacceptable impacts on highway safety and the wider road network. The proposal is therefore considered to be in accordance with Policy DM17 of the SADMP.

Material Considerations

Housing Land Supply

- 8.65. Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.

- 8.66. Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.67. 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.
- 8.68. The Planning Policy team have reviewed the revised NPPF and implications for the Council's five-year Housing Land Supply. As of July 2025, it is agreed that the Council can demonstrate 3.89 years of housing supply. A further update to this housing land supply figure is anticipated in August 2026.
- 8.69. In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF would be triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.70. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.71. Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135 and 139 of Chapter 12 (Achieving Well-Designed Places).
- 8.72. Policy 15 of the Core Strategy requires that development within a rural area, outside of settlement boundaries, should bring forward 40% of the proposed housing as affordable housing. For this development, this would mean that a minimum of four dwellings would therefore be required for be affordable units. Notwithstanding this, it is noted that the Applicant does not refer to the provision of any affordable housing units within this scheme.

- 8.73. Whilst the Council is unable to deliver a five-year supply of land for housing, the benefit of providing nine dwellings within this application site is considered to attract limited positive weight in the planning balance.

Material Considerations Raised by the Applicant

- 8.74. To justify the development, the Applicant has referred in their Planning Statement to two recent appeal decisions at Land east of The Common, Barwell and at 59 Kennel Lane, Witherley. The Applicant has also referred to a permission granted at Upper Grange Farm, Markfield. Finally, the Planning Statement submitted with the application has also referred to the principle of the development of the site as previously developed land.
- 8.75. Notably, none of the other referenced applications sought permission in principle and were instead for either full planning permission or for outline consent, and, ultimately, all planning applications should be determined on their own site-specific merits.
- 8.76. The appeal at Land east of The Common, Barwell was an application within the Barwell and Earl Shilton Green Wedge seeking outline permission for provision of up to 95 dwellings, including an over-delivery of affordable housing provision and the implementation of a large, green buffer area to contribute to the function of the Green Wedge. The Common site is also located on the western side of the Green Wedge land between Barwell and Earl Shilton, an area of the Green Wedge not specifically identified as being the most sensitive to settlement coalescence, unlike the application site. The overall density of development at The Common site is also significantly lower than proposed on the application site.
- 8.77. Ultimately, there are significant material differences in principle between The Common appeal that are not comparable to the current proposal. These include the quantum of development and affordable housing delivery, the adjacency of The Common land to the Barwell settlement boundary, the sensitivity of the specific area of the Green Wedge, the density of residential development, and the level of harm that would result to the character of the surrounding area.
- 8.78. The appeal at 58 Kennel Lane, Witherley was an application within the designated open countryside seeking full planning permission for two dwellings. The Kennel Lane site is not located within a Green Wedge and, though located within the designated open countryside, is located with a cluster of both historic and more recent development on a site directly adjacent the settlement boundary. Beyond the fact that both sites are located within the countryside, it is not considered the Kennel Lane appeal is directly comparable to the current proposal.
- 8.79. The planning permission granted at Upper Grange Farm, Markfield in application 24/01155/FUL was for the erection of one self-build dwelling with associated parking and landscaping. The Upper Grange Farm proposal replaced existing buildings on site with the proposed dwelling and garage buildings, at a comparable footprint and scale. The Upper Grange Farm site represented backland

development within the designated open countryside, however it is not within a Green Wedge and does form part of a large, established cluster of development outside the Markfield settlement boundary.

- 8.80. In summary, there are several material considerations that differ between the Upper Grange Farm decision and the current proposal. These include the quantum of development, the context of the site location, the scale of residential development, the positive weighting afforded to a self-build proposal, and that the Upper Grange Farm site is not within a Green Wedge.
- 8.81. It is also noted that, while not mentioned within the Planning Statement, the Applicant has raised with the Planning Officer the matter of planning application 25/00485/OUT at Highcliffe, 158 Shilton Road, Barwell, which is proposed on land to the north-east of the application site. The planning application at Highcliffe is for the development of up to 28 dwellings with associated infrastructure.
- 8.82. The land at Highcliffe for 25/00485/OUT is located primarily within the settlement boundary with less than half the land within the application site being within the Green Wedge. The indicative balance of the proposed dwellings are located to the north of the site within the settlement boundary, with very few being indicatively located in the designated Green Wedge to the south of the site. The density of residential development proposed at Highcliffe is also less than that proposed in this application. Additionally, the Highcliffe site directly fronts both Shilton Road and Leicester Road/Carrs Hill and does not have a backland layout like the application site.
- 8.83. It is thus considered that there are significant material differences between the Highcliffe application and this proposal, most notably the quantum of residential development, the balance of residential properties being within the settlement boundary, the density of residential development, and the layout of the site. Finally, it is noted that the Highcliffe application remains under assessment and as such no determination has been made as to its acceptability in principle or otherwise.
- 8.84. The Planning Statement for the proposal has also raised the matter of the application site being previously developed land. As quoted in the Planning Statement, the definition of “previously developed land” within the NPPF is:
- Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.*
- 8.85. It is acknowledged that the site contains an existing stable building which represents previously developed land as per the definition. To the west of this building is a loose gravel parking and turning area which, though accepted to be associated with the building, is not considered to constitute an area of fixed surface infrastructure.

- 8.86. Nonetheless, it is considered reasonable to include the immediate loose gravel areas as forming part of the curtilage of the building, as well as the surfaced section of land immediately to the south of the stable building, currently used for storage. To the north and east of the building, the curtilage of the structure is considered to run close to the external walls of the structure, given the topography and vegetative setting of these areas.
- 8.87. Notwithstanding the above, only a limited section of the application site is considered to constitute previously developed land, and the curtilage of that land does not extend to encompass the entirety of the site. As such, while a portion of the site can be considered to be previously developed land and its curtilage, the site is not previously developed land as a whole.
- 8.88. It is therefore considered that the proposed development would involve the development of previously developed land, the entirety of that previously developed land's curtilage, and the development of land that has not been previously developed. Importantly, the definition of previously developed land within the NPPF states that it should not be assumed that the whole of any curtilage of previously developed land should be developed.
- 8.89. In the Upper Grange Farm permission referenced by the Applicant, which involved development of previously developed land, the dwelling and garage structures involved in that proposal very closely reflected the scale and footprint of the existing structures and involved very little expansion into their curtilage.
- 8.90. Ultimately, a portion of the existing site constituting previously developed land is not considered to justify the development of the wider site, nor is it considered that the density and scale of the proposed development is consistent with the intent of the NPPF with regard to the use of previously developed land.

Planning Balance

- 8.91. The decision as to whether to grant permission in principle to a site must be made in accordance with relevant policies in the Development Plan unless there are material considerations, such as those in the NPPF and national guidance, which indicate otherwise. The PPG confirms that the scope of permission in principle is limited to location, land use, and amount of development.
- 8.92. Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, and the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.93. The 'tilted' balance of Paragraph 11(d) of the NPPF would be engaged within the determination of this application and Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.

- 8.94. The development of up to nine residential properties on the application site would represent an urbanisation and domestication of land within the designated open countryside and within the Green Wedge. This would result in significant and permanent harm to the landscape character of the site, the surrounding area, particularly when viewed from along public footpaths. The development would cause significant and permanent harm to the intrinsic value, beauty and open character of the countryside and to the function and visual appearance of the Green Wedge in a sensitive area of separation between the settlements of Barwell and Earl Shilton.
- 8.95. The significant and detrimental impacts of the development in principle would be exacerbated by the quantum of development proposed on the site. The development of up to nine residential properties on the site, in the site area available for these to be located, would represent a density of development wholly inappropriate in the designated open countryside and the Green Wedge, and at an increased scale even to development within the settlement boundary to the north. As such, the proposal is considered to represent an overdevelopment of the site that would, in turn, cause significant harm to and exacerbate the significant harm in principle to the character of the area, including the rural landscape character of the countryside and the setting of the Green Wedge.
- 8.96. Given the above, the proposal would be considered contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Policy 6 of the adopted Core Strategy, Policy 22 of the ESBAAP, and Chapters 11, 12 and 15 of the NPPF, including Key Policy Paragraphs 129 and 135, as well as the Council's Good Design Guide. It is therefore considered that the proposal is not well designed and as per Key Policy Paragraph 139 of the NPPF, that the development should be refused. This would attract significant negative weight in the planning balance.
- 8.97. It is acknowledged that there are potential benefits arising from the scheme such as the transport sustainability of the application site proximate to the settlement boundary, the provision of up to nine dwellings for a range of occupants including families, and the economic benefits associated with the construction of housing as well as future occupant's opportunities to act as new customers and employees for local businesses and services. Nonetheless, it is considered that overall, these potential benefits would attract only moderate positive weight in the planning balance.
- 8.98. In summary, it is considered that the significant and permanent adverse impacts of the development would significantly and demonstrably outweigh the potential benefits associated with the scheme in principle in these site-specific circumstances. Therefore, in accordance with Paragraphs 11(d) and 139 of the NPPF, it is recommended that the application is refused.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

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

11. Recommendation

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

11.2 Reasons

1. The proposed development would result in significant and permanent adverse harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside and to the ongoing function and visual appearance of the Green Wedge between the settlements of Barwell and Earl Shilton. The proposal is therefore contrary to, and in conflict with, Policy 6 of the Core Strategy, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 22 of the Earl Shilton and Barwell Area Action Plan (2014), and Chapters 11, 12, and

15 of the National Planning Policy Framework (2024), including Key Policy Paragraphs 129 and 135.

2. The proposed development would represent an overdevelopment of the application site that would be incongruous with its setting and inconsistent with the prevailing density of development within the nearest areas within the settlement of Barwell. The proposal is therefore contrary to, and in conflict with, Policy 6 of the Core Strategy, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 22 of the Earl Shilton and Barwell Area Action Plan (2014), the Good Design Guide, and Chapters 12 and 15 of the National Planning Policy Framework (2024), including Key Policy Paragraph 129 and 135.

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

1. The application has been determined in accordance with the following details, submitted to the Local Planning Authority on 19 June 2026:
 - Application Form
 - Planning Statement
 - Appendix 1 – Appeal Decision – The Common
 - Appendix 2 – Decision Notice – Upper Grange Farm
 - Appendix 3 - Appeal Decision – Kennel Lane
 - Site Location Plan