

Delegated Report

Planning Ref: 24/01146/FUL
Applicant: Mr J Harrison
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: Wykin House Farm, Higham Lane, Wykin,
Hinckley

Proposal: Conversion of existing storage building to Class C3 dwelling
(self-build)

1. Recommendation

1.1. Refuse planning permission subject to:

- Planning reasons detailed at the end of this report.

2. Planning Application Description

2.1. This planning application seeks full planning permission for the conversion of an existing storage building into a three-bedroom, single storey, custom-build and self-build dwelling (Use Class C3) at Wykin House Farm, Higham Lane, Wykin, Hinckley.

2.2. The development externally measures 18m in width by 7.8m in depth, which creates a total footprint of 139.9sqm. This development includes the provision of a 4m extension to the side of the existing building, which is the same depth as the existing building. The property retains an existing ridge height of 5.1m and an eaves height of 2.2m. The proposal features a new 4m high oak-framed open sided porch to the eastern side elevation, new rooflights on the front elevation of the scheme, and a chimney.

2.3. The roof and the external walls of the scheme are constructed with insulated panels such as Kingspan Quadcore. The existing 1m high brickwork on the front, rear, and side elevations of the property is retained.

3. Description of the Site and the Surrounding Area

3.1. The 0.16ha application site is located within Wykin, which is a hamlet to the northwest of Hinckley. Wykin does not benefit from a defined settlement boundary and therefore the site is within the designated open countryside. The application site is also located within Landscape Sensitivity Area (LSA) 06 (Hinckley West & North Sensitivity Area) and the wider Landscape Character Area (LCA) E (Stoke Golding Rolling Farmland).

- 3.2. The application site is identified as being within the risk impact zone of Kendall's Meadow, which is a Site of Special scientific Interest (SSSI) and in an area that features great crested newt breeding ponds.
- 3.3. The area around the site is defined by open agricultural fields and farm complexes, and a ribbon development of residential development is located to the east along Higham Lane/ Wykin Road. Public Footpath U5 runs east-to-west to the south of the application site and Public Footpath U4 runs north-to-northwest to the north of the application site. Glimpses of the structure are visible from Higham Lane from behind the Wykin House Farm complex and the mature vegetation along the boundary of the public highway.
- 3.4. The site is accessed via Higham Lane, which is an adopted but unclassified public highway that is subject to a 30mph speed limit when adjacent to the application site. The site itself comprises an existing building and a hardstanding yard that are located to the rear of Wykin House Farm. The existing building benefits from power, water, and drainage and is constructed with a steel portal frame that features sections of brick and block work to the lower walls to its side and rear elevations, and corrugated sheet metal to the upper walls and roof.
- 3.5. The Wykin House Farm complex features a two-storey farmhouse and a series of traditional brick outbuilding, which form a courtyard around the main property. The outbuildings within the complex have been converted into residential annexes that are ancillary to Wykin House Farm by planning applications 13/00255/FUL, 11/00421/FUL, and 98/00503/FUL.

4. Relevant Planning History

- 4.1 N/A.

5. Publicity

- 5.1 A site notice was posted within the vicinity of the site. No responses were received from members of the public to the planning application.

6. Consultation

- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
 - HBBC's Environmental Services' Pollution Officer
 - Leicestershire County Council (LCC)'s Ecology Unit
 - LCC's Minerals Department
- 6.2 The Local Highway Authority (LHA) referred to standing advice.
- 6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)
- Levelling-Up and Regeneration Act (LURA) (2023)
- Self-Build and Custom Housebuilding Act (2015)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Landscape Sensitivity Assessment (LSA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

7.5 The Local Plan Review Regulation 18 Document went out for public consultation between 31 July 2024 and 27 September 2024 and is not a decision-making document. Given the early stage of plan preparation, this is given no weight in the planning balance at this time.

8. Appraisal

8.1 The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Self-build and custom-build housing

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

- 8.2 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.
- 8.3 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. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP).
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 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.
- 8.7 Nevertheless, 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.

The Principle of the Transport Sustainability of the Site

- 8.8 Paragraph 161 of the NPPF confirms that the planning should support the transition to net zero by 2050. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and association infrastructure.

- 8.9 Chapter 9 of the NPPF promotes sustainable transport. Paragraph 115(a) and (b) 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 a safe and suitable access to the site can be achieved for all users.
- 8.10 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.
- 8.11 Highway Development Management (HDM) Policy 1 of the Leicestershire Highway Design Guide (LHDG) states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.
- 8.12 To promote development in rural areas, Paragraph 83 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.13 There are no services with Wykin. The application site is a 13-minute walk (900m) west of the closest bus stop on Wykin Road. This increases to 15 minutes (1km) from the closest convenience store, primary school and park. To access these facilities, the future occupants of the scheme would be required to traverse a 600m long public highway that does not benefit from any pedestrian footpaths or cycleways, before travelling along the highly trafficked Normandy Way, which is a classified 'A' road.
- 8.14 By virtue of the difficulties for pedestrians and cyclists along Higham Lane and Wykin Road, the future occupants of the scheme are considered to be dependent on private motorised transport to meet their day-to-day needs. As a result, the proposal does not prioritise sustainable transport modes, nor provide a safe and suitable access to the site for all users, such as pedestrians and cyclists. Therefore, the development is considered to cause environmental harm in principle and is contrary to, and in conflict with, Policy DM17(b) of the SADMP, HDM Policy 1 of the LHDG, and Chapters 2 and 9 of the NPPF, including Paragraphs 115(a) and (b) of the NPPF.

The Principle of Residential Development in the Designated Open Countryside

- 8.15 As a result, outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) 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 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. However, Policy DM4(b) of the SADMP considers development in the countryside sustainable where the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting.
- 8.17 The proposal involves the change of use and re-use of an existing building. Therefore, the proposal is likely to comply with Policy DM4(b) of the SADMP, subject to ensuring that the scheme leads to an enhancement of the immediate setting.
- 8.18 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.19 Paragraph 13.6 of the SADMP confirms that any proposal which relates to the reuse of a redundant building in the countryside must have specific regard to Policy DM15 of the SADMP.
- 8.20 Policy DM15(a) of the SADMP states that proposed development outside of settlement boundaries for the re-use and/or adaptation of redundant or disused rural buildings will be supported where the applicant demonstrates the building is no longer viable in its current use.
- 8.21 Paragraph 2.2 of the Planning Statement states that:
- “The building and yard were originally used for agriculture but have since been used for general storage purposes as part of the domestic use of the wider site.”*
- This comment is reiterated at Paragraph 6.2.5 of the Planning Statement.
- 8.22 However, Paragraph 6.2.9 of the Planning Statement then suggests that the proposal complies with the requirements of Policy DM15(a) of the SADMP because:
- “The application site and host building are not required to support an agricultural holding.”*
- 8.23 It is therefore considered that, despite its previous agricultural use, the building is neither redundant or disused for its current purpose as general storage for the wider domestic use of the site, and this is highlighted by the Applicant on numerous occasions within their Planning Statement.
- 8.24 As a result, the Applicant has failed to demonstrate that the development consequently complies with the overarching requirements of Policy DM15 of the SADMP, nor Policy DM15(a) of the SADMP.

- 8.25 Policy DM15(b) of the SADMP also requires the Applicant to adequately demonstrate that the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration.
- 8.26 Paragraph 5.1 of the Building Condition Report confirms that:
- “The structure is stable, requiring minimal building operations for conversion to a C3 dwelling.”*
- 8.27 However, to achieve this conclusion, the scheme requires a, *“New self-supported timber frame internally,”* so, *“There will be no increase in loading to the portal frame.”* Whilst Paragraph 5.2 of the Building Condition Report states that this timber frame is for, *“Thermal improvements,”* this is not mentioned at any other point within the Report and contradicts the description of the use of the self-supported timber frame and its assessment earlier within the Building Condition Report.
- 8.28 Constructing a new structure within the building is not considered to demonstrate that the existing structure is structurally sound, nor that it is capable of conversion. Therefore, the Applicant has failed to demonstrate that the scheme complies with Policy DM15(b) of the SADMP.
- 8.29 Paragraph 4.3 of the Building Condition Report states that the, *“Metal and roof coverings are proposed to be replaced.”* This is supported by Paragraph 4.2 of the Planning Statement which confirms that only the brickwork to the lower walls is retained and new insulated steel panelling is proposed to the upper walls and roof. For the avoidance of doubt, the retained lower brick walls are only 1.1m in height and only feature on the rear elevation and partially on the two side elevations.
- 8.30 Conversely, Section 4 of the Building Condition Report highlights that only the existing concrete floor, purlins, and steel portal frame are retained.
- 8.31 In light of the above, it is considered that the Applicant has failed to demonstrate that the structure is capable of conversion without significant rebuild or alteration. As a result, the scheme does not comply with Policy DM15(b) of the SADMP.

Summary

- 8.32 To summarise, whilst the development is for the conversion of an existing building and complies with Policy DM4(b) of the SADMP in principle, the Applicant has failed to demonstrate that the structure is disused or redundant, structurally sound, or capable of conversion without significant rebuild or alteration. Therefore, the scheme does not accord with the requirements of Policy DM15(a) and (b) of the SADMP.
- 8.33 Consequently, the development represents new and unjustified residential development in the designated open countryside in an area where the future occupants of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs.

- 8.34 As such, the proposal is considered to represent unacceptable unsustainable development that results in significant harm to the countryside and the environment in principle, which is contrary to Policies DM1, DM4, DM15, and DM17 of the SADMP, and Chapters 2, 9, 12, and 15 of the NPPF.
- 8.35 Nevertheless, the acceptability of the development is subject the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.36 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.
- 8.37 Paragraph 70 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 70 of the NPPF identifies that local planning authorities should support community-led development for housing and self-build and custom-build housing, give great weight to the benefits of using suitable sites within existing settlements for homes, and encourage developers to the subdivide larger sites.
- 8.38 The Applicants have claimed that the scheme is a self-build and custom-build development, which should be supported in principle in accordance with Paragraph 70 of the NPPF. This shall be discussed in detail further in this report.
- 8.39 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 house builders to deliver new homes, and are often built out relatively quickly.
- 8.40 In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.41 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.
- 8.42 The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published by May 2025 once

the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.

- 8.43 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 is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.44 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.
- 8.45 The development is for one residential property, 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.
- 8.46 Whilst the Council is unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Custom and Self-Build Housing (CSB)

- 8.47 Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) people wishing to commission or build their own homes.
- 8.48 Section 1 of the Self-Build and Custom Housebuilding Act 2015 defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, to be occupied as homes by those individuals.
- 8.49 The Applicant states within their Application Form and their Planning Statement that the proposed development is classified as a 'custom house-build and self-build' (CSB) scheme within the definition provided within the Self-Build and Custom Housebuilding Act 2015. To support this, the Applicant has submitted a signed Self-

and-Custom Build Evidence Form in support of this application on 05 February 2025. This is a material consideration within this planning application.

- 8.50 To secure this proposal as a CSB development, the Local Planning Authority require a Unilateral Undertaking (UU) to be agreed between the Applicants and the Council.
- 8.51 Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.
- 8.52 The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidence by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period. However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.
- 8.53 Currently, the Council has supplied fewer suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 9, which results in a modest shortfall of five self-build and custom-house build dwellings.
- 8.54 If secured by a UU, this development as a self-build and custom house-build would contribute to the current unmet demand and the cumulative need for permissions by the end of this Base Period (31 October 2024 to 30 October 2025).
- 8.55 Whilst the Local Planning Authority are not meeting their statutory duty to permit a sufficient number of self-build and custom house-build schemes, the current proposal would only provide one additional dwelling to this supply. As such, the benefits of this small contribution in addressing the limited current shortfall in the Council's provision self-build and custom housebuilding developments is considered to attract moderate weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.56 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.
- 8.57 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.
- 8.58 Policy DM4(a) of the SAMP states that the change of use, re-use, or extension of existing buildings in the open countryside will be considered where they lead to the enhancement of the immediate setting. This is reinforced by Policy DM15 of the SADMP, which states that all development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.
- 8.59 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.
- 8.60 Policy DM15(c) and (d) of the SADMP confirm that the reuse and adaptation of redundant or disused rural buildings will be supported where any proposed extensions or alterations are proportionate to the size, scale, mass, and footprint of the original building and situated within the original building, and the development accords with Policy DM10 of the SADMP.
- 8.61 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.
- 8.62 The proposal includes a 4m extension to the front of the existing building. In these site-specific circumstances this extension is considered to be proportionate to the size, scale, mass, and footprint of the original building and situated within the original curtilage of the structure.
- 8.63 Notwithstanding this, the scheme represents the development of a residential use within the countryside in a location where the future occupants of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs. As such, the proposal is considered to represent unacceptable unsustainable development that results in environmental harm, which is contrary to Policies DM4 and DM17 of the SADMP.
- 8.64 Furthermore, as previously highlighted at Paragraph 8.33 within this Report, the proposal is considered to represent unacceptable unsustainable development that results in significant harm to the countryside and the environment in principle. This use is considered to urbanise and therefore fundamentally and detrimentally alter the character and appearance of the site, its immediate setting, and the surrounding area.
- 8.65 Page 52 of the Good Design Guide confirms that the proposals involving the conversion of agricultural buildings should avoid domestic add-ons such as chimneys, dormer windows, conservatories, porches, and visual clutter.
- 8.66 The scheme includes urbanising and domesticating features such as a brick-built chimney and a wooden porch, which detract from the agricultural character of the property. Therefore, this domestication of the application site is considered to

exacerbate the encroachment into, and result in significant harm to, the rural character and appearance of the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the open countryside.

- 8.67 Whilst the views of the development are limited to Higham Lane/ Wykin Road, this is not considered to suitably justify the significant adverse impacts of the domestication of the open countryside in these site-specific circumstances.
- 8.68 Therefore, the scheme is not considered to enhance its immediate setting and is contrary to, and in conflict with, Policies DM4, DM10, and DM15 of the SADMP, and Chapters 2, 12, and 15 of the NPPF.
- 8.69 By virtue of these factors, the scheme is not considered to enhance its immediate setting and results in significant harm to, the rural character and appearance of the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the open countryside. This harm is exacerbated by the design and architectural detailing of the development and the environmental harm of its siting in an area where the future occupants of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs. Therefore, the scheme is considered to be contrary to, and in conflict with, Policies DM4, DM10, and DM15 of the SADMP, Chapters 2, 12, and 15 of the NPPF, and the Good Design Guide.

Impact upon Residential Amenity

- 8.70 Paragraph 135(f) of the NPPF requires planning policies and 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.
- 8.71 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.72 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.73 The only neighbouring residential properties are to the east of the development within the Wykin House Farm complex.
- 8.74 The proposal is for the conversion of an existing building and no alterations are proposed that increase the height of the structure. Therefore, the development is not considered to result in any overbearing or loss of light impacts in comparison to the existing situation.

- 8.75 Only the front door and the window to the kitchen are located on the elevation facing these neighbouring residential structures. These properties are separated from the development by 14.8m and an existing 1.8m timber boundary fence. By virtue of this distance, the boundary treatment, and the single storey massing of the proposal and the closest neighbouring properties, the development is not considered to result in any significant adverse impacts to the residential amenity for existing neighbouring residents or the future occupiers of the scheme as a result of overlooking or loss of privacy.
- 8.76 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.77 Proposals for three-bedroom, single storey dwellings should provide a minimum of 74sqm of floor space and 2.5sqm of built-in storage in accordance with the NDSS.
- 8.78 In accordance with Paragraph 10(c) of the NDSS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the NDSS.
- 8.79 The proposal complies with the minimum requirements of the NDSS.
- 8.80 However, Bedroom 3 does not benefit from a window or any access to natural light. This is considered to result in significant harm to the residential amenity of the future occupants of the scheme, which is contrary to Paragraph 135(f) of the NPPF.
- 8.81 To comply with the Good Design Guide, three-bedroom houses should also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.82 The development exceeds the private outdoor amenity space requirements of the Good Design Guide.
- 8.83 By virtue of these factors, the proposal results in significant harm to the future occupants of the development by virtue of the lack of visual amenity and natural light to the occupants of Bedroom 3. Therefore, the scheme is contrary to, and in conflict with, Policy DM10 of the SADMP and Paragraph 135(f) of the NPPF.

Impact upon Parking Provision and Highway Safety

- 8.84 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.

- 8.85 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).
- 8.86 The scheme utilises an existing unamended access onto Higham Lane/Wykin Road. The conversion of one existing structure into a three-bedroom residential development is not considered to significantly intensify the use of this access to the detriment of highway safety. Given the above, the scheme is not considered to result in any significant adverse impacts upon highway safety, and that the residual cumulative impacts of development on the transport network are not considered to be severe.
- 8.87 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.88 Table 28 (Residential Parking Standards) of the LHDG requires dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces. Any reduction below minimum standards will require robust justification.
- 8.89 The scheme provides four off-street parking spaces for the development. Whilst these are not annotated in accordance with the minimum required parking sizes detailed in Figure 44 of the LHDG, it is clear that four appropriately sized off-street parking spaces could be accommodated within this site.
- 8.90 In light of the above, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.91 To summarise, the 'tilted' balance is engaged whereby in accordance with Paragraph 11(d)(ii) of the NPPF, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, 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.
- 8.92 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).

- 8.93 Key policies within Paragraphs 66, 84, 91, 110 of the NPPF are not applicable to this planning application.
- 8.94 It is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. 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.
- 8.95 Furthermore, whilst the Council is likely to be unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.
- 8.96 It is also appreciated that the development can contribute to the Council's limited unmet need for self-build and custom housebuilding, which is a benefit if secured via a Unilateral Undertaking. Therefore, the benefits associated with providing one dwelling to the Council's supply of self-build and custom housebuilding developments are considered to attract moderate weight.
- 8.97 Although the NPPF does not include locational requirements for the provision of self-build and custom housebuilding developments, this does not mean that these types of developments should be exempt from policies designed to direct developments to the most sustainable locations. On the contrary, Paragraph 3 of the NPPF confirms that the National Planning Policy Framework must be read as a whole.
- 8.98 Importantly, Paragraph 35 of the Right to Build Task Force Custom and Self-Build Planning Guidance: PG3.2: Counting Relevant Permissioned Plots (2024) confirms that, *"A development contributing to CSB is unlikely on its own to outweigh planning harm (e.g. landscape or environmental harms)."*
- 8.99 In light of the above, it is not considered that the benefits of creating one self-build and custom housebuilding property is likely to independently significantly and demonstrably outweigh the adverse impacts of the proposal.
- 8.100 As highlighted at Paragraph 8.33, the development represents new and unjustified residential development in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. As a result, the proposal does not properties sustainable transport modes, nor provide a safe and suitable access to the site for all users, such as pedestrians and cyclists, and consequently the future occupants of the scheme are highly likely to be dependent on private motorised transport to meet their day-to-day needs.

- 8.101 This results in significant environmental harm in principle and therefore the development is contrary to, and in conflict with, Policies DM4 and DM17 of the SADMP, as well as Paragraphs 8, 115(a) and (b), and 139, and Chapter 9 and 15 of the NPPF, including Paragraphs 115(a) and (b) of the NPPF, which is a key policy identified within Paragraph 11(d)(ii) of the NPPF. This is considered to attract significant weight in the planning balance.
- 8.102 Furthermore, by virtue of its design, siting, and architectural features, the development results in a detrimental and irreversible, urbanising and domesticating effect on the intrinsic value, beauty, open character, and landscape character of the countryside. Therefore, the proposal is contrary to, and in conflict with Policies DM4, DM10, and DM15 of the SADMP, the Good Design Guide, and Chapters 2, 12, and 15 of the National Planning Policy Framework (2024), including Paragraph 135 of the NPPF, which is a key policy identified within Paragraph 11(d)(ii) of the NPPF. This is considered to attract significant weight in the planning balance.
- 8.103 In addition, the development fails to provide a high standard of amenity for future users of the development. The scheme fails to provide any visual amenity or access to natural light to Bedroom 3, which results in significant harm to the residential amenity of the future occupants of the development. Therefore, the proposal is contrary to, and in conflict with, Policy DM10 of the SADMP, the Good Design Guide, and Paragraph 135(f) of the NPPF, which is a key policy identified within Paragraph 11(d)(ii) of the NPPF. This is also considered to attract significant weight in the planning balance.
- 8.104 Given the above, the development is not considered to be well designed and fails to reflect local design policies and government guidance on design. Therefore, the scheme should be refused in accordance with Paragraph 139 of the NPPF, which is the final key policy identified within Paragraph 11(d)(ii) of the NPPF. Ultimately, it is considered that the adverse impacts of the scheme significantly and demonstrably outweigh the benefits of the development in these site-specific circumstances.
- 8.105 Therefore, the proposal is contrary to, and in conflict with, Policies DM4, DM10, DM15, and DM17 SADMP, and Chapters 2, 9, 12, and 15 of the NPPF, including Key Policy Paragraphs 115(a) and 135 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Conditions and Reasons

1. The proposal represents new and unjustified isolated residential development outside of any identified settlement boundary in the countryside. By virtue of its design, siting, and architectural features, the development results in a detrimental and irreversible, urbanising and domesticating effect on the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is considered to significantly and demonstrably outweigh any potential benefits of the development. Ultimately, the benefits of the development of one dwelling do not significantly and demonstrably outweigh this harm. Therefore, the proposal is contrary to, and in conflict with Policies DM4, DM10, and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapters 2, 12, and 15 of the National Planning Policy Framework (2024), and the Council's Good Design Guide (2020).

2. The development fails to provide a high standard of amenity for future users of the development. The scheme fails to provide any visual amenity or access to natural light to Bedroom 3, which results in significant harm to the residential amenity of the future occupants of the development. This harm is considered to significantly and demonstrably outweigh any potential benefits of the development. Therefore, the proposal is contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 135 of the National Planning Policy Framework (2024), and the Good Design Guide (2020).
3. The development represents unjustified residential development in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. As a result, the proposal does not promote sustainable transport modes, nor provide a safe and suitable access to the site for all users, such as pedestrians and cyclists, and therefore the future occupants of the scheme are therefore highly likely to be dependent on private motorised transport to meet their day-to-day needs and this results in significant environmental harm. By virtue of these factors, the proposal is contrary to, and in conflict with, Policies DM4 and DM17 of the adopted Site Allocations Development Management Policies Development Plan Document (2016), as well as Paragraphs 8 and 139, and Chapters 9 and 15 of the National Planning Policy Framework (2024).

a. **Notes to Applicant**

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 19.12.2024)
 - Building Condition Report (submitted: 19.12.2024)
 - Existing Floor Plans and Elevations, Drg No. 24 66-PL02A (submitted: 19.12.2024)
 - Planning Statement (submitted: 19.12.2024)
 - Proposed Floor, Roof Plans and Elevations, Drg No. 24 66-PL04B (submitted: 19.12.2024)
 - Proposed Site Layout and Parking Plan, Drg No. 24 66-PL03B (submitted: 19.12.2024)
 - Site Location Plan, Drg No. 24 66-PL01B (submitted: 19.12.2024)