

Delegated Report

Planning Reference 25/01224/FUL
Applicant(s) Ms Hannah Hufford
Ward Newbold Verdon with Desford and Peckleton



Application Site Shericles Farm, Kirkby Road, Desford

Proposal Proposed self-build dwellinghouse

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 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 a self-build dwellinghouse at Shericles Farm, Kirkby Road, Desford. The proposed dwellinghouse would be designed in a quasi-'L' shape and would externally measures 12.7m in width by 16m in depth, which would create a total footprint of 129.2sqm. The property would be designed with four different roofs, three of which would support a first-floor level of accommodation within their roof spaces. The three highest roofs would have a ridge height varying between 6.3m and 7.4m. The proposed structure would be constructed with Oast Russets Flemish bond facing brick work and grey slate roof tiles.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is in a rural location to the southwest of, and outside of the identified settlement boundary of Desford, in the designated open countryside within the Desford Landscape Sensitivity Area and the wider Newbold and Desford Rolling Farmland Landscape Character Area. The application site is not within the designated area of the Desford Neighbourhood Plan.
- 3.2. The Desford Landscape Sensitivity Area consists of medium-to-large scale arable fields defined by hedgerows and has a medium sensitivity to residential development due to the strong rural character of the area, which has limited urbanising influences and provides an attractive setting to the settlement of Desford. The rural landscape and sense of tranquillity of the area form two of the key sensitivities and values of the Newbold and Desford Rolling Farmland Landscape Character Area. Another one of the key sensitivities of this Landscape Character Area includes isolated farmsteads that are interspersed throughout the farmland, which contribute to the historic rural character of the area and provide continuity to the past.

- 3.3. The application site is located within a historic isolated farmstead, Shericles Farm, that is wholly surrounded by open medium to large sized agricultural fields. The site and the surrounding area positively contribute to the character of the Landscape Sensitivity Area and the Landscape Character Area. Lockey Farm is approximately 323m west of the proposed development and Public Footpath R95 runs south from Hunts Lane and then to the west approximately 308m to the north of the site.
- 3.4. The application site is currently utilised as informal off-street parking provision in association with Shericles Farm and features a number of established trees. The wider site Shericles Farm site, which is outside of the red line boundary of the current application, features a two-and-a-half storey residential property, and a selection of single storey dual pitch roofed outbuildings that are arranged in a courtyard layout. There is also a pond and a manège within the wider site to the north of the Shericles Farm's built form.
- 3.5. The main element of the dwellinghouse at Shericles Farm is located to the southwest of the courtyard and consists of a large two-and-a-half storey, 8.4m high farmhouse with several modern additions, including a large modern swimming pool extension to the northwest corner of the complex. The swimming pool extension features white rendered walls and a flat roof with raised glazed roof lanterns. The wider site is separated from the wider countryside by an established collection of mature trees and hedgerows. The wider site is accessed by a 332m access track from Kirkby Road. Kirkby Road is an adopted but unclassified public highway.

4. Relevant Planning History

- 4.1 The Applicant sought pre-application advice from the Council via application 25/10097/PREHMO for the provision of a self-build dwellinghouse within this application site. The informal officer advice from this pre-application enquiry considered that the proposal would be unlikely to be acceptable to the Local Planning Authority, and would result in significant harm to the environment, and the rural and tranquil character of the site, the surrounding area, the designated open countryside.

4.2 23/00952/HOU

- Conversion of existing garages and office to form an ancillary annexe with associated alterations and single storey courtyard extension to form utility room
- Permitted
- 16.11.2023

4.3 16/00409/HOU

- Two storey rear and single storey rear and side extension including indoor swimming pool
- Permitted
- 04.07.2016

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site.
- 5.2 No responses have been received.

6. Consultation

- 6.1 There have been no objections from the Council's Arboricultural Officer, the Council's Drainage and Environmental Health Departments. Leicestershire County Council's Ecology Department had no objections to the scheme, subject to planning conditions. The County Council as the Local Highway Authority referred to standing advice.
- 6.2 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- No applicable policies.
- 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 Leicestershire Minerals and Waste Local Plan ('LMWLP') (2019):
- Policy M11: Safeguarding of Mineral Resources
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework ('NPPF') (2024)
 - National Design Guide ('NDG') (2019)
 - Planning Practice Guidance ('PPG')
 - Levelling-Up and Regeneration Act ('LURA') (2023)
 - Self-Build and Custom Housebuilding Act (2015)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- HBBC's Landscape Character Assessment ('LCA') (2017)
- HBBC's Landscape Sensitivity Assessment ('LSA') (2017)
- Leicestershire Highway Design Guide ('LHDG') (2024)
- Nationally Described Space Standards ('NDSS') (2015)

8. Appraisal

8.1. The key issues in respect of this application would therefore be:

- Principle of development
- Housing land supply
- Self-build and custom housebuilding
- 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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.3 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document ('SADMP'), and the Leicestershire Minerals and Waste Local Plan ('LMWLP'). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the National Planning Policy Framework ('NPPF').

8.4 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. Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development, but Paragraph 12 of the NPPF confirms that this presumption does not change the statutory status of the Development Plan as the starting point for decision making.

Assessment of the Transport Sustainability of the Application Site

8.5 The social and environmental overarching objectives of sustainable development are defined at Paragraph 8 of the NPPF. Both objectives refer to creating safe places with accessible services that minimise waste and pollution and move towards a low carbon economy.

- 8.6 Four of the five Key Policy Paragraphs within the NPPF applicable to this proposal, as highlighted later in this Report, require new development to be in locations that are accessible, and promote health and wellbeing (Key Policy Paragraph 135), promote sustainable modes of transport that limit future car use (Key Policy Paragraph 129), and have a safe and suitable access for all users (Key Policy Paragraph 115), which avoids the creation of isolated homes in the countryside (Key Policy Paragraph 84).
- 8.7 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.
- 8.8 In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF also requires new housing to be located where it will enhance or maintain the vitality of rural communities. 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.
- 8.9 Given the above, directing development to sustainable locations that are or can be made sustainable through limiting future car use and offering a genuine choice of transport modes is a key part of the NPPF.
- 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 As confirmed at Paragraph 4.12 of the Planning Statement for the pre-application enquiry, the application site is 1.4km from the closest local facilities within Desford. Paragraphs 4.19 and 4.34 of this previous Statement then confirm that, "*Journeys to and from the site would often be reliant on the use of a car.*" Notably, these comments have not been included within the Planning Statement for this current application.
- 8.13 The 1.4km journey to local facilities from the application site includes the site's 322m unlit access track and Kirkby Road. For 450m from this access track until its confluence with Cambridge Drive, Kirkby Road is a single vehicle road that is unlit and does not benefit from any footpaths or cycle paths.

- 8.14 With the exception of Desford Community Primary School, the application site is then a further 730m from any services within Desford, including the public house, a bus stop, and a convenience store.
- 8.15 Given the above, the application site would be considered to be in an unsustainable and isolated location that suffers from poor transport sustainability whereby the future occupiers of the scheme would be dependent on private motorised travel to meet their day-to-day needs. Whilst it is appreciated that Paragraph 110 of the NPPF suggests that opportunities to maximise sustainable transport solutions for significant developments will vary between urban and rural areas, the current proposal is not for a significant scale of development, and it is not considered that there would be any realistic or practical opportunities associated with the creation of one additional dwelling within the site that would make the application site a more sustainable location for development.
- 8.16 Whilst it is also appreciated that the development of 120 dwellings to the northeast of the application site at the land at Ashfield Farm, Kirkby Road was approved at appeal via 22/01227/OUT, this development is adjacent to the identified settlement boundary of Desford and it is separated from the application site by approximately 250m of open agricultural and by over 500m via Kirkby Road. Ultimately, there are significant and material differences between the determination of a major residential development on a site identified as a reserve site for housing within the Desford Neighbourhood Plan, which is adjacent to the identified settlement boundary of a Key Rural Centre, and the current proposal for one dwelling in an isolated location in the designated open countryside.
- 8.17 Despite the above, Paragraph 5.27 of the Planning Statement suggests that the unsustainable location of the proposal would be acceptable because the Local Highway Authority did not raise any objections on highways and transportation grounds within their response to the pre-application enquiry. Whilst the Applicant may consider the unsustainable location of the site's impact on travel to be 'negligible,' this statement suggests that the Applicant has misguided themselves and failed to understand the concerns raised by the Local Planning Authority within the response to the pre-application enquiry and the requirements of national planning policy to direct development to sustainable locations.
- 8.18 In summary, the application site would be in an unsustainable and isolated location that suffers from poor transport sustainability, and the future occupiers of the scheme would be dependent on private motorised travel to meet their day-to-day needs. This would be considered to result in significant environmental harm in principle that is contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Key Policy Paragraphs 84, 115, 129, and 135, and Paragraph 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide.

Assessment of Development in the Designated Open Countryside

- 8.19 Policy 7 of the adopted Core Strategy states that the Council will support housing development within the settlement boundaries of Key Rural Centres, such as Desford, that provide a mix of housing types and tenures as detailed in Policies 15 and 16 of the adopted Core Strategy.
- 8.20 The development would be for one residential property, and the application site is located outside of Desford's identified settlement boundaries in the designated open countryside. Therefore, the proposal would not be supported by Policy 7 of the adopted Core Strategy in principle, and Policies 15 and 16 of the adopted Core Strategy would not be applicable.
- 8.21 Chapter 15 of the NPPF requires planning policies and 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. 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.
- 8.22 Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Key Policy Paragraph 84 of the NPPF confirms that planning decisions should avoid the development of isolated homes in the countryside, unless one or more of the following circumstances apply:
- (a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; or
 - (b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - (c) The development would re-use redundant or disused buildings and enhance its immediate setting; or
 - (d) The development would involve the subdivision of an existing residential building; or
 - (e) The design is of exceptional quality, in that it:
 - i. Is truly outstanding, reflect the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

- 8.23 Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. To ensure this, Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.24 Therefore, the development proposal would not comply with any of the limitations set out above, and the development would be considered to be contrary to, and in conflict with, Key Policy Paragraph 84 of the NPPF and Policy DM4 of the SADMP in principle. However, this lack of compliance would not mean that the development would be unsustainable in itself. 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 this Report.
- 8.25 Paragraph 5.5 of the Planning Statement suggests that the proposal would not be considered to represent an isolated development for the purposes of Key Policy Paragraph 84 of the NPPF because the application site is within an established residential plot. This is not a view that is shared by the Local Planning Authority.
- 8.26 It is the Local Planning Authority's position that to adopt remoteness from other dwellings, instead of remoteness from a settlement as the test for 'isolated homes in the countryside' would fail to be consistent with the Government's aim to promote sustainable development in rural areas as detailed at Paragraph 83 of the NPPF. This is a view that was supported at Paragraph 33 of the High Court Decision (2021 EWCA Civ 320) relating to development at Bramshill Park in Hampshire.
- 8.27 Paragraph 33 of this High Court Decision states:
- "To adopt remoteness from other dwellings, instead of remoteness from a settlement, as the test for "isolated homes in the countryside" would seem inconsistent with the Government's evident intention in producing the policy in paragraph 79 [now 84] [of the NPPF]. It would mean, presumably, that the policy would not apply to a development of housing in the countryside – large or small – on land next to an*

individual dwelling remote from the nearest settlement, because although the new homes might be “isolated” from the settlement, they would not be “isolated” from existing development. It would prevent the policy from applying to the development of additional dwellings, one or two at a time, on sites next to other sporadic rural housing, again on the basis that they would not then be “isolated”. It might even prevent the policy from applying to a proposal for two or more dwellings on a single, undeveloped site in the countryside, because none of them would itself be “isolated” from another dwelling, and the development as a whole would therefore not be “isolated”. If this were so, only the development of a single dwelling, on its own, separate from any other dwelling already built or proposed nearby, would engage the policy. This would be hard to reconcile with the Government’s aim, as policy-maker, to “promote sustainable development in rural areas.”

- 8.28 Given the above, the proposal would represent new residential development in the designated open countryside, which would not be offered any support by Key Policy Paragraph 84 of the NPPF or Policy DM4 of the SADMP. As such, the application would not be considered to accord with Development Plan Policy and would therefore be unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

Summary

- 8.29 In summary, 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.
- 8.30 The proposal would represent the development of a new isolated home in the countryside, where the application site is physically separate and remote from the identified settlement boundaries of, and the services and facilities within, Desford, and the future occupiers of the scheme would be dependent on private motorised travel to meet their day-to-day needs. Given the above, the proposal would be in an unsustainable location, and this would be considered to cause significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside in principle
- 8.31 By virtue of these factors, the proposal would be considered to be unacceptable in principle, and contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Key Policy Paragraphs 84, 115, 129, and 135, Policies DM4 and DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

Housing Land Supply

- 8.32 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.

- 8.33 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.
- 8.34 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.
- 8.35 The Planning Policy team have reviewed the revisions to the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply. As of April 2024, the Council had a 5.26-year supply of land for housing. However, the Council can no longer demonstrate a five-year housing land supply, and the latest figures as of April 2025 are expected to demonstrate that the Council has a housing land supply of up to 3.95 years.
- 8.36 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 within the determination of this application in accordance with Footnote 8 and Paragraph 11 of the NPPF. 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.
- 8.37 When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 84, 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.
- 8.38 In light of the above, Paragraph 5.14 of the Planning Statement suggests that the provision of an additional dwelling to the Council's supply of housing should be afforded significant positive weight in planning balance. This is not a view that is shared by the Local Planning Authority. Whilst the Council are unable to deliver a five-year supply of land for housing, the minor benefit of providing only one dwelling within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance.

Summary

- 8.39 In summary, the ‘tilted’ balance of Paragraph 11(d) of the NPPF would be engaged within the determination of this application whereby 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. As such, Key Policy Paragraphs 84, 115, 129, 135, and 139 of the NPPF would be applicable within the determination of this planning application.
- 8.40 The Council are unable to deliver a five-year supply of land for housing, and the minor benefit of providing only one dwelling within this application site towards the Council’s supply of housing would be considered to attract limited positive weight in the planning balance.

Self-Build and Custom Housebuilding

- 8.41 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.
- 8.42 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.
- 8.43 The Applicant states 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. The Applicant has submitted a signed Self-and-Custom Build Evidence Form in support of this application, which states that the Applicant and has had primary input into the final design and layout of the dwelling. The Applicant has also submitted a draft Unilateral Undertaking (‘UU’) to secure the proposal as a self-build development. This is a material consideration within this planning application.
- 8.44 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.
- 8.45 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.

- 8.46 Currently, the Council has supplied less suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 10, which results in a shortfall of 17 self-build and custom-house build dwellings.
- 8.47 As the development is supported by a UU, the application would include a legal mechanism to secure the scheme's contribution towards the Council's current unmet demand of self-build and custom house-build developments and the cumulative need for permissions by the end of this Base Period (31 October 2025 to 30 October 2026). However, if the development was likely to be acceptable to the Local Planning Authority, the UU would need to be reviewed by the Council and its Legal Services Department.
- 8.48 Paragraph 5.32 of the Applicant's Planning Statement suggests that the benefit of providing one self-build dwelling to the Council's supply of self-build and custom housebuilding schemes would attract significant or substantial positive weight in the planning balance. Although this paragraph of the Planning Statement suggests that this is a position based on recent appeal decision, no appeal decisions have been referred to within the Planning Statement.
- 8.49 Importantly, the submitted Final Rebuttal Letter refers to the appeals at 72 Main Street, Osgathorpe and land between 118 and 124 Battram Road, Ellistown. Paragraphs 18 and 23 of these respective appeal decisions confirm that the contribution towards self-build and custom housebuilding would only attract moderate positive weigh in the planning balance.
- 8.50 Ultimately, significant and substantial positive weight has not been given to this benefit within any recent appeal decisions in the Borough of Hinckley and Bosworth against the refusal of a single self-build and custom housebuilding dwelling in a countryside location. As such, the Applicant's view on the weight of this benefit is not shared by the Local Planning Authority.
- 8.51 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 benefit of this small contribution in addressing the current shortfall in the Council's provision self-build and custom housebuilding developments, which is secured via a UU, would be considered to attract moderate positive weight in the planning balance in accordance with the latest appeal decisions for single self-build and custom housebuilding schemes.

Design and Impact upon the Character of the Area

- 8.52 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.

- 8.53 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.
- 8.54 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. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.55 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.
- 8.56 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.
- 8.57 Guidance Point C1 of the National Design Guide (NDG) confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.58 Pages 14 and 15 of the Good Design Guide highlights the five key components of design are: access, layout, space, appearance, and landscape. Ultimately, the Good Design Guide states that consideration should be given to the ongoing maintenance of the street scene from the outset.
- 8.59 As set out previously within this Report, the proposal would represent new residential development in an isolated location in the designated countryside. This would be considered to result in significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside in principle.
- 8.60 As highlighted at Paragraph 5.5 of the Planning Statement, it is appreciated that the application site is currently utilised for residential purposes ancillary to, and in association with, the wider Shericles Farm complex.
- 8.61 However, the use of land as residential garden space would not be considered to be appropriate justification for the intensification of the use of undeveloped land, nor the provision of a new independent dwelling in an unsustainable location within the designated open countryside. Both of these factors would be considered to be to the significant detriment of the character of the site and the surrounding area in these site-specific circumstances.

- 8.62 However, Paragraph 5.2 of the Planning Statement suggests that the site would be experienced as a converted former farm building. This is not a view that is shared by the Local Planning Authority.
- 8.63 The existing built form of Shericles Farm consists of a two-storey dwellinghouse with associated single storey outbuildings that are arranged in a courtyard layout. Whilst it is acknowledged that the existing property has benefitted from several modern extensions and conversions, these works to the existing dwelling do not depart from the courtyard arrangements of this historic isolated farmstead. The modern extensions to the dwellinghouse are also located to the rear of the courtyard and views of these extensions are obstructed from the principal elevation of the property by the dwelling's existing built form. Ultimately, extensions to existing dwellings are significantly and materially different to the creation of new independent residential properties.
- 8.64 Through the provision of a new independent dwelling, the proposal would intensify the use of the site and sever its historic and visual association with Shericles Farm. This would not be considered to respect the isolated farmstead character of the wider site, which currently positively contributes to the wider Landscape Character Area. As a result, the scheme would appear visually disconnected from, and out of keeping with, the existing built form of Shericles Farm, which would result in significant harm to the character of the site and the surrounding area.
- 8.65 With the exception of the original farmhouse, the proposed development would be larger in size, scale, massing, and height than all other structures within the wider site. It is also noted that there are no existing outbuildings within the wider Shericles Farm site that are outside of the courtyard arrangement, nor that feature one and a half storey massing. It is therefore considered that the proposal would appear incongruous with the existing built form of the wider site, and the size and scale of the development of new residential development would compete against the existing character of the site and the dwelling within the isolated farmstead.
- 8.66 Given the above, the proposed size, scale, massing, height, location, multiple roof designs, and the appearance of the development would not be considered to have any material association with, and appear incongruous to, the existing historic isolated farmstead within the wider application site. The scheme would therefore be considered to result in significant harm to the character of the site, the surrounding area including the Newbold and Desford Rolling Farmland Landscape Character Area and the Desford Landscape Sensitivity Area to which the wider site currently positively contributes to.
- 8.67 To support their application, the Applicant has provided a Landscape and Visual Impact Assessment ('LVIA'). Both the Planning Statement and the LVIA conclude that the development would have no effect on local receptors and would result in an overall minor beneficial impact on the site's landscape character.

- 8.68 In spite of these conclusions, the LVIA confirms that the proposal would result in a permanent impact to the National Character Areas, the Landscape Character Area, the Urban Character Area, and to the character of the site. Importantly, the LVIA fails to refer to the Desford Landscape Sensitivity Area.
- 8.69 The conclusions of the LVIA predominantly rely on the established trees and hedgerow around the application site to justify the impact of the development on the character of the site and the surrounding area.
- 8.70 It is important to note that vegetation cannot be relied upon to provide permanent or substantial buffers to views because they can be removed without planning permission, they are susceptible to disease, and they are ever evolving and reliant on regular maintenance to retain a consistent form. Although it is appreciated that details of landscaping could be secured via planning condition, no details of any proposed landscaping have been submitted as part of this application, and neither document identifies the extent of landscaping required to justify the conclusion that the scheme would result in a minor beneficial impact on the site's landscape character. It is considered that a significant level of landscaping would be required to limit views of a 7.4m high residential property.
- 8.71 Another justification for the overall impact of the development provided within the LVIA is that the adjacent residential property would be largely unaffected by the new development. It is not considered that the development's lack of physical impact upon a neighbouring property would justify the conclusion that the scheme would result in an overall minor beneficial impact to the character of the area, nor would it negate the wider significant harm of the development on the character of the site, the surrounding area, and the countryside.
- 8.72 The LVIA also suggests that the new development would complement the local vernacular and scale of built form. This statement is not supported by any further justification, and as detailed within this Report this is not a view that is shared by the Local Planning Authority.
- 8.73 Therefore, it is considered that the conclusions of the LVIA significantly undervalue the positive contribution of the character of the site to the wider isolated farmstead character of Shericles Farm and the wider character of the surrounding area in the designated countryside. As such, the LVIA fails to provide an accurate representation of the significant impact of the development in these site-specific circumstances.
- 8.74 Notwithstanding the above, the proposal represents the intensification of the use of undeveloped land in the designated open countryside to create new independent residential development in an isolated location. Whilst the public views from wider views would be likely to be limited, this would not be considered to nullify the significant harm of the development in principle, and it would not suggest that the scheme could not result in significant harm to the character of the site and the surrounding area in these site-specific circumstances.

- 8.75 To summarise, it is considered that the submitted details significantly underestimate and fail to provide an accurate representation and assessment of the significant impact of the development. The proposal would represent new residential development in an isolated location in the designated open countryside, which would be considered to result in significant harm to the character of the surrounding area and the countryside in principle. By virtue of its size, scale, massing, height, siting, and design, the development would intensify the use of the land and would appear incongruous to the existing historic isolated farmstead within the wider application site. This would be considered to represent poor design that fails to reflect local design policies and government guidance on design, and as such would result in significant harm to the character of the site, the surrounding area, and the designated countryside, including the Newbold and Desford Rolling Farmland Landscape Character Area and the Desford Landscape Sensitivity Area to which the wider site currently positively contributes to.
- 8.76 Given the above, the proposal would be considered to be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Key Policy Paragraphs 129 and 135 of the NPPF, the National Design Guide, and the Good Design Guide. In accordance with Key Policy Paragraph 139 of the NPPF, the application should be refused.

Impact upon Residential Amenity

- 8.77 There are no neighbouring residential properties to the application, with the exception of Shericles Farm, which would be 9m to the south of the development. The development would feature four windows on its ground floor, one of which would represent the principal habitable window to the kitchen, and two windows on the first floor, that act as principal habitable windows to Bedrooms 1 and 2 respectively, that face towards Shericles Farm.
- 8.78 Based on the submitted plans within 23/00952/HOU, there are no habitable rooms on the northern side of the courtyard complex of Shericles Farm. The separation distance of 9m would also exceed the Good Design Guide's minimum separation distance between a principal habitable window and a blank single storey elevation. Therefore, the development would not be considered to result in any significant adverse impacts as result of loss of light or overbearing impacts to neighbouring residential amenity or the future occupiers of the scheme.
- 8.79 To protect the residential amenity of the future occupiers of the scheme, the proposal would comply with the minimum requirements of the Nationally Described Space Standards, and the development would be provided with a level of private outdoor amenity space that would exceed the Good Design Guide's minimum requirements. Whilst the existing trees within the site would reduce the provision of natural light to areas of this garden space, given the proposed size and scale of this area of private outdoor amenity space areas, this would not be considered to result in any significant adverse impacts to the future occupiers of the scheme in these site-specific circumstances.

- 8.80 By virtue of these factors, the proposal would not be considered to result in any significant adverse impacts to neighbouring residential amenity or the residential amenity of the future occupiers of the scheme in accordance with Policy DM10 of the SADMP, Key Policy Paragraph 135 of the NPPF, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.81 The proposal would be provided with three off-street vehicle parking spaces, which would be an adequate level of parking provision in accordance with Table 28 of the LHDG and Policy DM18 of the SADMP.
- 8.82 The scheme would utilise the existing vehicular access from Kirkby Road. Leicestershire County Council have confirmed that the 450m of Kirkby Road from the access track forms part of Public Footpath T70, it has multiple legal statuses, and it is classified as a Ratione Tenurae route, which means that whilst there are public rights of way over this highway, the responsibility for its maintenance rests with the landowners. The County Council confirmed that they considered the use and enjoyment of Public Footpath T70 and the Ratione Tenurae route would not be significantly affected by the proposed works.
- 8.83 Ultimately, the intensification of the use of this existing vehicular access into the site through the provision of one new dwelling would not be considered to result in any significant adverse impacts upon highway safety or the road network in these site-specific circumstances in accordance with Policy DM17 of the SADMP and Paragraph 116 of the NPPF.

Planning Balance

- 8.84 In summary, the 'tilted' balance of Paragraph 11(d) of the NPPF would be engaged within the determination of this application whereby 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. Key Policy Paragraphs 84, 115, 129, 135, and 139 of the NPPF would be applicable within the determination of this planning application.
- 8.85 The Council are unable to deliver a five-year supply of land for housing, and therefore the minor benefit of providing only one dwelling within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance.
- 8.86 Moreover, as the proposal benefits from a legal mechanism to secure its contribution towards the Council's current shortfall in its supply of self-build and custom house-build developments, the scheme's small contribution of one dwelling towards this supply would be considered to attract moderate positive weight in the planning balance.

- 8.87 It is also acknowledged that there would be 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.
- 8.88 However, these benefits when associated with one dwelling would be modest, they would not be considered to maintain or enhance the local community, nor would they include any planning benefits such as affordable housing or essential infrastructure provision. Therefore, the associated minor social and economic benefits with the construction of the development would be considered to attract limited positive weight in the planning balance.
- 8.89 On the other hand, the application site would be in an unsustainable and isolated location that suffers from poor transport sustainability, and the future occupiers of the scheme would be dependent on private motorised travel to meet their day-to-day needs.
- 8.90 This would be considered to result in significant environmental harm in principle, which would be contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Key Policy Paragraphs 84, 115, 129, and 135, and Paragraph 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide. This significant harm would attract significant negative weight in the planning balance.
- 8.91 In addition, the proposal would represent a new residential development in an isolated location in the designated open countryside, which would be considered to result in significant harm to the character of the surrounding area and the countryside in principle. By virtue of its size, scale, massing, height, siting, and design, the development would intensify the use of the land and would appear incongruous to the existing historic isolated farmstead within the wider application site. This would be considered to represent poor design that fails to reflect local design policies and government guidance on design. The proposal would therefore result in significant harm to the character of the site, the surrounding area, and the designated countryside, including the Newbold and Desford Rolling Farmland Landscape Character Area and the Desford Landscape Sensitivity Area to which the wider site currently positively contributes to.
- 8.92 Given the above, the proposal would be considered to be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Key Policy Paragraphs 129 and 135 of the NPPF, the National Design Guide, and the Good Design Guide. In accordance with Key Policy Paragraph 139 of the NPPF, the application should be refused. This significant harm would attract significant negative weight in the planning balance.
- 8.93 In light of the above, the proposal would be contrary to, and in conflict with, all applicable Key Policy Paragraphs within the NPPF.

- 8.94 Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.
- 8.95 Paragraph 5.4 of the Planning Statement suggests that it is unreasonable to argue that the proposal would result in any harm to the character of the area in principle due to the self-build nature of the development. The Planning Statement suggests that this position has been established in case law.
- 8.96 Notably, the Applicant has not submitted any established case law to substantiate this statement. Ultimately, it is considered unreasonable to suggest that the provision of a self-build and custom house build development, as a matter of principle, could not result in significant harm to the character of the area.
- 8.97 Crucially, Paragraph 3 of the NPPF confirms that the Framework must be read as a whole. Therefore, whilst 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. Importantly, Paragraph 35 of the Right to Build Task Force Custom and Self-Build Planning Guidance: PG3.2: Counting Relevant Permitted Plots (2024) confirms that, *“A development contributing to CSB is unlikely on its own to outweigh planning harm (e.g. landscape or environmental harms).”* Given the above, this justification would not be considered to attract any positive weight in the planning balance.
- 8.98 To justify their development, Paragraph 5.32 of the Planning Statement then refers to the development at Upper Grange Farm, 1A Ratby Lane, Markfield, which was approved via 24/01155/FUL for one self-build dwelling. The Final Rebuttal Letter also refers to three planning appeals in Osgathorpe, Ellistown, and Solihull.
- 8.99 Firstly, all applications should be determined on their own site-specific merits. In comparison to the current proposal, It is noted that the Osgathorpe development was within an identified settlement boundary and was not wholly reliant on the use of a private car to access a large variety of services and facilities, the Ellistown proposal was sited within the built area of Battram, the Solihull scheme would be seen with existing properties and other domestic features in many views. Furthermore, the development at Upper Grange Farm included the demolition of an existing building and represented the use of previously developed land in a location that was between existing residential and commercial properties and was within acceptable walking distances of bus stops and local amenities in Markfield via surfaced pedestrian routes.
- 8.100 In light of this, there are significant material differences between the appeal decisions and previous planning permission referred to by the Appellants. As a result, these previous decisions as material considerations would not be considered to justify the current scheme for a dwelling on undeveloped land in an isolated location in the designated countryside to the extent that would attract any positive weight in the planning balance.

- 8.101 Paragraphs 5.9 and 5.10 of the Planning Statement also refer to the permitted development rights of the existing property. Importantly, the provisions of Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) do not permit proposals for a building that would have more than a single storey, that would have a height that exceeds 4m, nor that would be for the creation of a new independent residential dwelling.
- 8.102 Given the above, this justification would not be applicable to the current application and would therefore not be considered to attract any positive weight in the planning balance.
- 8.103 To conclude, and in light of all these factors, the significant and permanent adverse impacts of the development on the environment, and the character of the site, the surrounding area, and the countryside would be considered to significantly and demonstrably outweigh the benefits of the development of one self-build dwelling in these site-specific circumstances. The proposal would be contrary to, and in conflict with, all applicable Key Policy Paragraphs of the NPPF, and Policies DM4 and DM10 of the SADMP, and therefore in accordance with Paragraphs 11(d) and 139 of the NPPF, 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 planning permission is refused.

11. Recommendation

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

11.2 Reasons

1. The proposal would represent new residential development in the designated countryside, which would result in significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside. By virtue of its size, scale, massing, height, siting, and design, the development would appear incongruous to the character of the built form and the historic isolated farmstead within the wider application site, which would result in significant harm to character of the site, the surrounding area, and the designated countryside. This would represent poor design that fails to reflect local design policies and government guidance on design.

The proposal would therefore be contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), as well as Chapters 2, 12, and 15 and Key Policy Paragraphs 84, 129 and 135 of the National Planning Policy Framework (2024). This significant harm would significantly and demonstrably outweigh the potential benefits of the scheme when assessed against the Framework as a whole.

2. The development would be 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. The future occupants of the scheme would therefore be highly likely to be dependent on private motorised transport to meet their day-to-day needs, and this would result in significant environmental harm.

This would be contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Key Policy Paragraphs 84 and 115, Paragraph 161, Chapter 9, and the overarching ambitions of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024).

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

1. The application has been determined in accordance with the following submitted details:

- Application Form (submitted: 23.12.2025)
- Arboricultural Impact Assessment (submitted: 23.12.2025)
- CI Self Build Exemption Claim Form (submitted: 23.12.2025)
- Coloured Front Elevation (submitted: 23.12.2025)
- Coloured Proposed Site Plan (submitted: 23.12.2025)
- Design and Access Statement (submitted: 23.12.2025)
- Draft Unilateral Undertaking (submitted: 22.04.2026)
- Final Rebuttal Letter (submitted: 22.04.2026)
- Landscape and Visual Impact Assessment (submitted: 23.12.2025)
- Location Plan (001) (P01) (submitted: 22.04.2026)
- Materials Schedule (submitted: 23.12.2025)
- Planning, Design and Access Statement (submitted: 23.12.2025)
- Preliminary Ecological Appraisal (submitted: 23.12.2025)
- Proposed Plans (006) (P02) (submitted: 02.04.2026)
- Proposed Site Elevations (007) (P01) (submitted: 23.12.2025)
- Proposed Site Plan (005) (P02) (submitted: 02.04.2026)
- Self and Custom Build Evidence Form (submitted: 05.01.2026)
- Sketch Visuals and Context Views (submitted: 23.12.2025)
- Topographical Survey (002) (P01) (submitted: 23.12.2025)
- Transport Note (submitted: 23.12.2025)
- Visual (submitted: 23.12.2025)