

Delegated Report

Planning Ref: 24/01020/FUL
Applicant: D Burchen
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Rowden House Farm, Fenn Lanes, Fenny Drayton

Proposal: Erection of a Self-Build bungalow and garage

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 detached, single storey, three-bedroom self-build and custom housebuilding dwelling and garage at Rowden House Farm, Fenn Lanes, Fenny Drayton. The development is located approximately 80m to the east of the host dwelling.
- 2.2. The dwelling externally measured 19.6m in width by 14.5m in depth, which creates a total footprint of 192.1sqm. The scheme utilises pitched roofs that have a maximum ridge height of 5.4m and an eaves height of 2.7m. The proposal is constructed with brickwork, plain tile roofs, and aluminium windows.
- 2.3. The double garage is in front of, and to the north of, the proposed dwelling and features a workshop. The structure externally measures 10.2m in width by 7m in depth, which creates a total footprint of 70.9sqm. The garage features a pitched roof with a ridge height of 6.2m and an eaves height of 3.1m.

3. Description of the Site and the Surrounding Area

- 3.1. The 6,536sqm application site is located to the east of, and outside of the, identified settlement boundary of the rural hamlet, Fenny Drayton, in the designated open countryside. The site itself comprises Rowden House Farm and its associated outbuildings. The location of the proposed development within this site is an area of undeveloped land within the wider grounds of the Rowden House Farm.
- 3.2. Rowden House Farm is a two-storey detached dwelling constructed of red/brown facing bricks and grey plain clay roof tiles that is located within an extensive plot. The property benefits from a sweeping hard-surfaced driveway. The existing dwelling received planning permission for a two-storey extension to create a new two-bedroom residential annexe via 22/00126/HOU.

- 3.3. The site is accessed via a 1.3km private track to the south of Fenn Lanes through Lindley Wood and Rowden Gorse, which are both covered by Tree Preservation Order. Fenn Lanes is an adopted and classified 'C' road that is subject to a 50mph speed limit. Between Lindley Wood and Rowden Gorse is an area of land that benefits from planning permission for 11 dwellings via 15/00037/OUT and 19/00642/REM. The eastern end of the private track is gated and services three other dwellings and their associated outbuildings.
- 3.4. The MIRA Technology Park lies to the north and east and southwest of the application site and is screened from the application site by established vegetation. There are agricultural fields to the south and to the west beyond the neighbouring dwellings. Public Footpath T49C is located over 200m to the south of the site.
- 3.5. The site is within the Sence Lowlands Character Area, which is characterised by flat-to-gently-rolling lowland vale landscapes that give rise to extensive and open views. One of the key characteristics of this area is its rural and tranquil character. Within this area of the Sence Lowlands Character Area is the MIRA Sensitivity Area, which has a rural character with a lack of significant intrusions or light pollution. This rural setting positively contributes to the character of Fenny Drayton and Higham on the Hill. The blocks of woodland, hedgerows and trees also help to visually screen the existing MIRA Technology Park. The Sensitivity Area has a medium sensitivity to two-to-three storey residential properties due to the extensive views, flat and open character of the area.
- 3.6. The application site is within an area identified as a Local Wildlife Site and is known for Great Crested Newt breeding ponds.

4. Relevant Planning History

- 4.1 N/A.

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. No responses have been received.

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 Department

- 6.2 The Local Highway Authority referred to standing advice.

6.3 Higham on the Hill Parish Council, National Grid, Severn Trent Water Ltd, and the Council's Waste Management Officer did not respond to the planning application.

6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 15: Affordable Housing

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

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

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- 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)
- The Hinckley & Bosworth Local Plan 2020 – 2041 Regulation 18 Consultation Draft Plan (2024)
- 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 draft Hinckley & Bosworth Local Plan 2020 – 2041 ('The Draft Local Plan') is currently at the Regulation 18 public consultation stage. The Regulation 18 consultation period closed on Friday 27 September 2024. Therefore, the Draft Local Plan carries no weight in the decision-making process.

8. Appraisal

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

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- 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 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.5 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

8.6 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.

8.7 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 Chapter 9 of the NPPF promotes sustainable transport. Paragraph 115(a) and (b) of the NPPF state 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.
- 8.9 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.
- 8.10 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.
- 8.11 The site is accessed via a 1.3km unlit private track. Including this distance, the application site is 2.5km from Fenny Drayton to the east, which is a rural hamlet that does not benefit from a pub, a village hall, a bus service, a shop, or any educational facilities. Higham on the Hill is 6.3km to the south of the site, which is a rural village that only benefits from a primary school, an hourly bus service, and a church. The closest Key Rural Centre is Stoke Golding which is 6.4km to the east, but it is noted that Stoke Golding also doesn't benefit from a shop. Importantly, these settlements are only accessed via Fenn Lanes, which is an unlit classified 'C' road that is subject to a 50mph speed limit.
- 8.12 Given the above, the application site suffers from poor transport sustainability and the future occupiers of the scheme are dependent on private motorised travel to meet their day-to-day needs. This is 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 Paragraph 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP and M2 of the NDG.
- 8.13 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."*
- 8.14 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.
- 8.15 Whilst it is acknowledged that the application site is not isolated from nearby residential development, the application site is considered to be in an isolated location in the designated open countryside away from any identified settlement boundary in an area of poor transport sustainability, which can only access day-to-day services via private motorised transport. Therefore, Paragraph 84 of the NPPF is considered to apply to this development.
- 8.16 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.

- 8.17 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4 of the SADMP or Paragraph 84 of the NPPF, but this does not mean that the development is not sustainable.
- 8.18 For example, it is noted that the application site is located within an identified development allocation within the Draft Local Plan. The Lindley Meadows allocation within the Draft Local Plan includes the ambition of providing 3,000 homes as well as facilities for leisure, primary and secondary education, a district centre, open space, and sports facilities.
- 8.19 As highlighted at Paragraph 7.5 of this Report, the Draft Local Plan currently carries no weight in the decision-making process. In addition, whilst this draft allocation would significantly improve the sustainability of the surrounding area, this does not change the status of the application site as being in an isolated location in the designated open countryside away from any settlement boundary that is dependent on private motorised transport until these proposed facilities are granted planning permission.
- 8.20 Another material consideration is the planning permission for 11 dwellings at the Land south of Lindley Wood, Fenn Lanes, Fenny Drayton via applications 15/00037/OUT and 19/00642/REM. Notably, this site was previously utilised by the Ministry of Defence as an air base and was considered to constitute previously developed land. Whilst the Delegated Report for 15/00037/OUT identified conflict with Policy 13 of the adopted Core Strategy and Policy DM4 of the SADMP, ultimately the comprehensive redevelopment of a brownfield site was supported by the NPPF and the Delegated Report considered the development to provide significant improvements to the environment, biodiversity, and the appearance of the site, which outweighed the harm of the scheme in the planning balance.
- 8.21 Notably, the current proposal is for a single dwelling on land that has not previously been developed. Therefore, there are significant material differences between the two sites and limited weight should be given to the previous planning permission as justification for the current development.
- 8.22 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.
- 8.23 To summarise, the proposal represents new and unjustified residential development beyond any identified settlement boundary in an isolated location that suffers from poor transport sustainability whereby the future occupants of the scheme shall be dependent on private motorised transport to meet their day-to-day needs. This is considered to result significant harm to the environment and the character of the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside.

- 8.24 Therefore, the proposal is in conflict with, and is contrary to, Policies DM4 and DM17 of the SADMP, M1 of the NDG, and the overarching sustainable ambitions of the NPPF, including Chapters 2, 9, and 15 of the NPPF as well as Paragraphs 84, 115(b), and 161 of the NPPF. As a result, the proposal is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.25 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.
- 8.26 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.
- 8.27 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.
- 8.28 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.
- 8.29 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.
- 8.30 Paragraph 11(d)(ii) of the NPPF requires planning permission to 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 as detailed in Footnote 9 of the NPPF.
- 8.31 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).

- 8.32 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.
- 8.33 Whilst it is unlikely that the Council is able to deliver a five-year supply of land for housing, the provision of one dwelling within this application site to the Council's supply of housing is considered to attract limited weight in the planning balance.

Custom and Self-Build Housing (CSB)

- 8.34 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.
- 8.35 To promote the development of a good mix of sites, Paragraph 73(b) and (d) of the NPPF states that local planning authorities should seek opportunities to support small sites to come forward for community-led development for housing and self-build and custom-build housing and support the development of windfall sites by giving great weight to the benefits of using suitable sites within existing settlements for homes respectively.
- 8.36 The application site is not within an existing settlement and therefore the great weight to the development of windfalls sites detailed in Paragraph 73(d) of the NPPF does not apply.
- 8.37 The Applicant claims that the proposed development is classified as a 'self-build; within the definition provided within the Self-Build and Custom Housebuilding Act 2015, which is a material consideration within this planning application.
- 8.38 Section 1 of the Self-Build and Custom Housebuilding Act 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 by as homes by those individuals.
- 8.39 Whilst the Applicant does not describe the development as a self-build or custom housebuilding proposal at Section 03 of the Application Form, the self-build nature of the scheme is stated at Section 24 of the Application to demonstrate that the scheme is exempt from Biodiversity Net Gain. The Applicant has also submitted a signed Self- and Custom-Build Evidence Form that declares the proposal will be the Applicant's sole or main residence from completion, and that they have had primary input into the property's final design. The Applicant has not provided any detail of their primary input into the property's final design.

- 8.40 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.
- 8.41 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.
- 8.42 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.
- 8.43 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).
- 8.44 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.
- 8.45 Nevertheless, the weight afforded to the provision of one self-build dwelling should be considered against the potential harm of the scheme within a planning balance. On balance, it is not considered that this limited contribution to the Council's supply of self-build and custom housebuilding is likely to independently outweigh the harm of the scheme in accordance with Paragraph 11(d) of the NPPF.

Design and Impact upon the Character of the Area

- 8.46 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.
- 8.47 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.
- 8.48 Guidance point I1 of the NDG advises that well-designed new development should respond to existing local character and identify.
- 8.49 Policy DM4(i) and (iii) 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, and where it does not create or exacerbate ribbon development.
- 8.50 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.
- 8.51 As highlighted at Paragraph 8.21 of this Report, the proposal represents new and unjustified residential development that results in significant harm to the environment and the character of the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside in principle.
- 8.52 In light of the above, a new dwelling this location is considered to have a detrimental impact on the rural and tranquil character of the Sence Lowlands Character Area and the MIRA Sensitivity Area.
- 8.53 The proposal is over 80m from the closest residential property and is therefore not considered to relate well to the existing built form of the area. On the contrary, the provision of a single dwelling in this location is considered to exacerbate the ribbon development along this private track. Therefore, the location of the development is not considered to complement or enhance the character of the surrounding area and results in significant harm to its character and the character of the countryside, which is contrary to Policies DM4 and DM10 of the SADMP.
- 8.54 Whilst it is smaller than the host dwelling, the proposal is of a considerable size and footprint, which increases the encroachment of built form into the countryside. Although the single storey massing reduces the scheme's visual prominence in the wider, this is not considered to justify the proposal's significant adverse impact on the character of the surrounding area, the designated open countryside, the Sence Lowlands Character Area, and the MIRA Sensitivity Area.
- 8.55 Furthermore, it is noted that the garage is located in front of the dwelling and has a large scale than the dwelling, which is not commensurate to a subservient or ancillary residential building to the main dwelling. This is considered to represent poor design that contributes to the scheme's overall detrimental impact on the character of the area.
- 8.56 By virtue of the location, siting, size, scale, and design of the development, the proposal is considered to cause significant harm to the character of the surrounding area, the intrinsic value, beauty, open character, and landscape character of the

countryside, Sence Lowlands Character Area, and the MIRA Sensitivity Area. Therefore, the proposal is considered to be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Chapter 12 of the NPPF, 11 of the NDG and the Good Design Guide.

Impact upon Residential Amenity

- 8.57 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.
- 8.58 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.
- 8.59 The proposal is over 80m from the closest residential property, which is the host dwelling, Rowden House Farm. As a result, it is not considered that the scheme results in any loss of privacy or loss of light impacts to neighbouring residential amenity, nor any overbearing or overlooking impacts.
- 8.60 Whilst the MIRA facility is adjacent to the application site, the Council's Pollution Officer had no objections to the scheme, and therefore the siting of a new dwelling in this location is not considered to result in any significant adverse impacts to the future occupants of the scheme as a result of noise or air pollution.
- 8.61 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.
- 8.62 To comply with the NDSS, 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 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. 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.
- 8.63 The proposal exceeds the requirements of the NDSS.
- 8.64 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.

- 8.65 The Proposed Block Plan, nor Proposed Location Plan identify the extent of the private outdoor amenity space associated with the dwelling. However, it is considered that there is sufficient space within the site to accommodate a private outdoor amenity space that is compliant with the Good Design Guide.
- 8.66 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse impacts to the residential amenity of neighbouring properties or the future occupants of the scheme. Therefore, the proposal is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.67 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.
- 8.68 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.69 The application utilises an existing access onto Fenn Lanes that is not affected by this planning application. The private access track currently serves five dwellings, and 11 further properties are being developed via planning permission 15/00097/OUT. In light of the above, the provision of one new three-bedroom dwelling in this location is not considered to result in an unacceptable impact upon highway safety, nor a severe residual cumulative impact on the transport network in accordance with Policy DM17 of the SADMP.
- 8.70 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.71 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. This increases to a minimum of three off-street parking spaces for properties with four or more bedrooms.
- 8.72 Two off-street vehicle parking spaces are provided within the proposed detached garage, which accords with Table 28 of the LHDG. The internal dimensions of the garage exceed 6m in width by 6m depth and therefore accords with the requirements of the LHDG.
- 8.73 In conclusion, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.74 To summarise, the 'tilted' balance is triggered in accordance with Paragraph 11(d)(ii) 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, 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 as detailed in Footnote 9 of the NPPF.
- 8.75 The key policies at Paragraphs 66, 91, and 110 of the NPPF do not relate to this planning application.
- 8.76 The proposal represents new and unjustified residential development beyond any identified settlement boundary in an isolated location that suffers from poor transport sustainability whereby the future occupants of the scheme shall be dependent on private motorised transport to meet their day-to-day needs. This is considered to result significant harm to the environment and the character of the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside. Therefore, the proposal is in conflict with, and is contrary to, Policies DM4 and DM17 of the SADMP, M1 of the NDG, and the overarching sustainable ambitions of the NPPF, including Chapters 2, 9, and 15 of the NPPF as well as Paragraphs 84, 115, and 161 of the NPPF. It is noted that Paragraphs 84 and 115 of the NPPF are two of the key policies identified within Footnote 9 of the NPPF. Therefore, this harm is considered to attract significant weight in the planning balance.
- 8.77 By virtue of the location, siting, size, scale, and design of the development, the proposal is also considered to cause significant harm to the character of the surrounding area, the intrinsic value, beauty, open character, and landscape character of the countryside, Sence Lowlands Character Area, and the MIRA Sensitivity Area. Therefore, the proposal is considered to be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Chapter 12 of the NPPF including Paragraph 135 of the NPPF, I1 of the NDG and the Good Design Guide. It is noted that Paragraph 135 of the NPPF is another key policy identified within Footnote 9 of the NPPF. Therefore, this harm is considered to attract significant weight in the planning balance.
- 8.78 Notwithstanding this, it is 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.
- 8.79 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.

- 8.80 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).”*
- 8.81 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.
- 8.82 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.
- 8.83 In spite of this, 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.
- 8.84 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.
- 8.85 In conclusion, the proposal is conflict with, and contrary to, Policies DM4, DM10, and DM17 of the SADMP, and the overarching sustainable ambitions of the NPPF, including Chapters 2, 9, and 15 of the NPPF as well as Paragraphs 84, 115, 135, and 161 of the NPPF, M1 and I1 of the NDG. Three of the Paragraphs of the NPPF which the proposal conflict with are identified as key policies in Footnote 9 of the NPPF. Overall, it is considered that the adverse impacts of the development are considered to significantly and demonstrably outweigh the potential benefits of the scheme. In accordance with Paragraph 11(d), and 139 of the NPPF, the proposal 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 represents new and unjustified residential development beyond any identified settlement boundary in an isolated location that suffers from poor transport sustainability whereby the future occupants of the scheme are dependent on private motorised transport to meet their day-to-day needs. This results in significant harm to the environment and the character of the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside.

Therefore, the proposal is contrary to, and in conflict with, Policies DM4 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapters 2, 9, and 15, and Paragraphs 84, 115(b), and 161, as well as the overarching sustainable ambitions of the

National Planning Policy Framework (2024), and M1 of the National Design Guide (2019). This harm is considered to significantly and demonstrably outweigh the benefits of the scheme.

2. By virtue of the location, siting, size, scale, and design of the development, the proposal causes significant harm to the character of the surrounding area, the intrinsic value, beauty, open character, and landscape character of the countryside, Sence Lowlands Character Area, and the MIRA Sensitivity Area.

Therefore, the proposal is contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapter 12 and Paragraph 135 of the National Planning Policy Framework (2024), I1 of the National Design Guide (2019), and the Good Design Guide (2020).

a. **Notes to Applicant**

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 29.11.2024)
 - Location Plan 1 (24 09 00A) (submitted: 16.01.2025)
 - Location Plan 2 (24 09 01A) (submitted: 16.01.2025)
 - Proposed Bungalow Elevations 24 09 04 (submitted: 12.11.2024)
 - Proposed Bungalow Elevation and Floor Plan 24 09 03 (submitted: 12.11.2024)
 - Proposed Garage Elevation and Floor Plan 24 09 05 (submitted: 12.11.2024)
 - Proposed Site Plan (24 09 02 A) (submitted: 16.01.2025)
 - Self and Custom Build Evidence Form (submitted: 29.11.2024)