

Delegated Report

Planning Reference 24/01145/FUL

Applicant(s) Mr G Warren

Ward Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Application Site Land to the rear of Valley View, Station Road, Desford

Proposal Erection of a bungalow

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 the provision of a single storey, detached, three-bedroom bungalow at land to the rear of Valley View, Station Road, Desford. To facilitate this development, two timber outbuildings are removed from the site.
- 2.2. When facing the property from the southeast, the property externally measures 15.9m in width by 26.7m in depth, which creates a total footprint of 236.9sqm. The scheme is constructed in an 'L' shape and utilises three pitched roof systems, with the two main highest roofs having a ridge height of 4.9m and an eaves height of 2.7m. The northern element of the scheme reduces in height to 4.4m in height with an eaves height of 2.3m.
- 2.3. The design of the scheme features a wooden porch on its north-western elevation and two stone chimneys on its south-eastern elevation. The development is constructed predominantly with an off-white monocouche render above a 0.6m high stone plinth and a slate tiled roof, but the northern element of the scheme is constructed with vertical cedar cladding.
- 2.4. The property is accessed via a 136.6m long private access track that utilises an artificial unvegetated and unsealed surfacing. The site is bounded by 1.2m post and rail fencing, including the proposed pathway that runs to the side of Valley View.

3. Description of the Site and the Surrounding Area

- 3.1. The 2,919sqm application site is located to the northeast of, and outside of, the identified settlement boundary of Desford in the designated countryside and in the wider Newbold and Desford Rolling Farmland Landscape Character Area.
- 3.2. The application site itself consists of grassland and two existing timber outbuildings, which are described as Stables within the submitted Topographical Survey. The site received a Certificate of Lawful Existing Use via application 13/00110/CLUE to be considered part of the domestic garden of Manor Cottage, 39 Station Road to the south. 39 Station Road ('Valley View') has since been subdivided into five apartments via the refused planning application 19/01411/FUL, which was allowed at appeal. The site is currently unobstructed from the wider garden area of Valley View.
- 3.3. The land levels slope down from Valley View to the application site by approximately 6m. The site is immediately adjacent to the tennis court associated with the flats at Valley View, which lies on land that is 3m higher than the application site. The existing boundaries to the site consist of post and rail fencing to the north, and mature trees and vegetation to the eastern and western boundaries.
- 3.4. Beyond the western, northern, and north-eastern boundaries of the site are open agricultural fields. Public Footpath R93 runs to the north of the proposed development and through the application site in a north-eastern to western direction. To the east of the site, is Station Road, from which the application site features an existing vehicle access to. Station Road is an adopted and classified 'C' road that is subject to a 30mph speed limit in the vicinity of the site access. Beyond Station Road is one large dwelling, The Cottage, that is set within considerable grounds. To the south of the site beyond Valley View is the wider built form of Desford. The application site is within the risk impact zone of the Botcheston Bog, which is a Site of Special Scientific Interest (SSSI).

4. Relevant Planning History

4.1 20/00018/PP

- Sub-division and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access
- Appeal Allowed
- 11.11.2020

4.2 19/01411/FUL

- Sub-division and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access
- Refused
- 25.03.2020

4.3 13/00110/CLUE

- The use of land as existing garden land
- Permitted
- 05.04.2013

4.4 93/00117/4

- Erection of one house
- Refused
- 24.03.1993

4.5 87/00255/4

- Change of use from agricultural to garden land and construction of tennis court
- Permitted
- 28.03.1988

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. A further consultation was issued following revisions to the red line boundary of the development.

5.2 In total, two objections were received from members of the public, and a councillor called the development into Planning Committee, subject to an Officer recommendation for approval. A summary of the concerns raised by members of the public are detailed below:

- Harm to the public footpath
- Harm to the rural character of Desford
- Highway safety concerns
- The development is outside of Desford's settlement boundary
- There isn't a need for any more houses in Desford
- Topography concerns
- Urban encroachment into the countryside
- Vehicular access concerns

5.3 No further responses have been received.

6. Consultation

6.1 Desford Parish Council have objected to the planning application twice on the following grounds:

- Desford has exceeded its housing need quota up until 2040
- The future occupants are unlikely to walk to utilise sustainable modes of transport from this location
- Harm to the character of the area
- Harm to the countryside
- Highway safety concerns
- If planning permission is granted, it will set a precedent for further applications on the northern side of Station Road
- Loss of green separation between Desford and Newton Unthank
- The proposal is outside of the settlement boundary of Desford

6.2 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 (subject to conditions)
- Local Highway Authority (LHA) (subject to conditions)

Ecology

6.3 On 16 January 2025, the County Council's Ecology Department, in accordance with the recommendations of the submitted Preliminary Ecological Appraisal, requested an eDNA great crested newt testing of Ponds P1 to P5 at an appropriate time of year, and the provision of mitigation measures, where necessary, prior to the determination of the planning application.

6.4 Since this time, the Applicant has submitted an Arboricultural Impact Assessment, an Arboricultural Impact Plan, a Biodiversity Gain Plan with a baseline map, existing and proposed habitat plans and a Biodiversity Net Gain Metric, a Preliminary Ecological Appraisal, a Tree Constraints Plan, Tree Protection Plan and a Tree Survey.

6.5 On 03 July 2025, the Ecology Department accepted the submitted information and considered the development to be acceptable subject to the provision of three pre-commencement planning conditions including a Construction Environment Management Plan for Biodiversity, a Biodiversity Enhancement Scheme, and a 30-year Habitat Monitoring and Management Plan.

Highways

6.6 On 16 January 2025, the Local Highway Authority (LHA) did not consider the application as submitted to fully assess the highway impact of the proposed development. The LHA raised concerns in relation to the following:

- Absence of vehicle visibility splays
- Absence of bin collection details
- Clarity on the use of the access
- Impacts to Public Right of Way R93
- Site access details

6.7 On 06 February 2025, the Applicant submitted revised site plans, which included the Public Right of Way, a 6m radii at the site entrance, visibility splays, turning heads, and a widened access road into the site. On 26 February 2025, the LHA confirmed that, in its view, the impacts of the development on highway safety would not be unacceptable, and, when considered cumulatively with other developments, the impacts on the road network would not be severe, subject to four planning conditions

6.8 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 16: Housing Density, Mix and Design

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

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

7.3 Desford Neighbourhood Plan 2018 – 2036 (DNP) (2021):

- Policy H1: Settlement Boundary
- Policy H7: Housing Design
- Policy ENV3: Biodiversity General
- Policy T1: Traffic Management

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- The Council's Landscape Character Assessment (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

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

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

8.5 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the Desford Neighbourhood Plan (2021).

- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.8 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.9 Chapter 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.”*
- 8.10 Policy H1 of the DNP confirms that land outside the defined settlement boundary of Desford will be treated as open countryside, where development will be carefully controlled in line with Local and National Strategic Planning Policies.
- 8.11 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.
- 8.12 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.

- 8.13 Therefore, the proposed development does not relate to, or comply with, any of the criteria in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.
- 8.14 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.
- 8.15 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP or Policy H1 of the DNP and represents new and unjustified development in the designated open countryside. As such, the application does not accord with Development Plan Policy and 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

- 8.16 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.
- 8.17 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.
- 8.18 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.
- 8.19 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 Summer 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.
- 8.20 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.

- 8.21 Nevertheless, 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.
- 8.22 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.
- 8.23 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).
- 8.24 In this instance, Key Policy Paragraphs 115, 129, 135, and 139 are applicable to this development.
- 8.25 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.
- 8.26 In summary, the 'tilted' balance is triggered within the determination for this planning application. 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.

Design and Impact upon the Character of the Area

- 8.27 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.
- 8.28 Key Policy Paragraph 129(d) of the NPPF states that planning decisions should support development that makes an effective use of land, taking into account the desirability of maintaining and area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.

- 8.29 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.
- 8.30 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.
- 8.31 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 it does not create or exacerbate ribbon development.
- 8.32 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.
- 8.33 Policy H7(a) of the DNP states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views.
- 8.34 Policy H7(c) of the DNP requires all new housing to continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials. However, contemporary and innovative design and materials will be supported where positive improvements can be robustly demonstrated without detracting from the historic context.
- 8.35 Policy H7(d) of the DNP then states that developments should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible.
- 8.36 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.
- 8.37 Given the presence of existing vegetation along Station Road, the single storey massing of the proposal and its distance from the public highway, the development is unlikely to be visually prominent from public views from Station Road. However, it is noted that Public Footpath R93 runs to the north of the proposed development and through the application site in a north-eastern to western direction whereby public views of the site and the proposal shall be prominent.

- 8.38 Page 9 of the Applicant's Design and Access Statement states that the size and scale of the development is justified as it replicates the footprint of the existing timber outbuildings.
- 8.39 It is noted that Pages 3, 5, 11, and 12 of the Applicant's Design and Access Statement describes these existing timber outbuildings as, "*Dilapidated*." Page 10 of their Design and Access Statement also states that the existing buildings are not functional, nor fit for purpose. It is therefore not considered that stables, which are in a state of disrepair or ruin to the extent that they cannot be used for their intended use, are suitable justification for the provision of a new independent dwelling in this location in the designated open countryside.
- 8.40 Importantly, the existing structures are stables, which do not have an existing residential use. Whilst stables can be seen in, and are commonly associated with, countryside locations, stables have a significant and materially different character, and therefore impact, to the rural character of the countryside in comparison to a new independent residential property.
- 8.41 As highlighted previously at Paragraph 8.15 of this Report, the proposal represents new and unjustified residential development in the designated open countryside, which causes significant environmental harm in principle, and is contrary to, and in conflict with Policies DM4 and DM10 of the SADMP, Policies H1 and H7 of the DNP, as well as Chapters 12 and 15 of the NPPF. Therefore, the development has a materially different, and a significantly adverse, impact on the character of the surrounding designated open countryside in comparison to the existing stables.
- 8.42 A residential property in this location fundamentally alters the rural character of the site by introducing detrimental urbanising features into the designated open countryside. This is considered to result in a significant adverse impact to the character of the site, and the surrounding area. This harm is exacerbated by the visual prominence of the development from Public Footpath R93.
- 8.43 Based on the Proposed Block Plan, the development is 51.3m north of Valley View. There are no existing residential properties along this side of Station Road beyond Valley View. Therefore, this proposal encroaches into the green and rural approach to and from Desford in the form of new ribbon development. This is considered to diminish the intrinsic value, beauty, open character and landscape character of the countryside. This harm is also heightened by the proposed 275.5sqm of hard surfacing associated with the scheme.
- 8.44 Based on the Existing Site Location Plan, the two existing structures had a total width of 16m (excluding the 1.2m separation distance between the structures), and a total depth of 9.6m, which creates a total existing footprint of 84.7sqm.
- 8.45 As a result, whilst the scheme has a similar total width, the proposal is 17.1m deeper and has a footprint that is 152.2sqm larger than the existing structures. This represents an increase in almost double the footprint of development within the site and almost triple the depth.

- 8.46 Whilst no existing elevations or floor plans have been submitted for the existing stables, it is clear that the proposed ridge height of the new development is significantly higher than the existing timber structures. Although the proposal retains a single storey massing, these increases in size, scale, and bulk are considered to result in significant harm to the character area, which is exacerbated by the subsequent increase in the visual prominence of the development, particularly from Public Footpath R93.
- 8.47 This impact is also heightened by the residential character of the scheme, including the provision of two chimneys, a porch, and solar panels.
- 8.48 Although the Applicant has stated at Page 17 of their Design and Access Statement that this use of materials is evident on other dwellings within this local area, the existing dwellings in the area are predominantly located within Desford's identified settlement boundary and not in the designated open countryside like the application site is.
- 8.49 In summary, the proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, siting, design, architectural features, and use of materials, the development results in the creation of new ribbon development and causes significant adverse impacts to the character of the site and the surrounding area, and the intrinsic value, beauty, open character and landscape character of the open countryside.
- 8.50 Therefore, the proposal is considered to be contrary to, and in conflict with, Policy H7 of the DNP, Policies DM4 and DM10 of the SADMP, Chapters 2, 12, and 15 of the NPPF, including Key Policy Paragraphs 129 and 135, the Good Design Guide, and the National Design Guide.
- 8.51 As a result, the scheme is not considered to be well designed and fails to reflect local design policies and government guidance on design. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused.

Impact upon Residential Amenity

- 8.52 Key Policy 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.
- 8.53 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.

- 8.54 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.55 Based on the Proposed Block Plan, the development is 51.3m north of Valley View. In light of this distance, the single storey massing of the development and the differences in ground levels between the two sites, the scheme is not considered to result in significant adverse impacts to the existing residents of Valley View or the future occupants of the scheme as a result of overlooking or loss of privacy between the two buildings.
- 8.56 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.
- 8.57 Proposals for three-bedroom, single storey dwellings should provide a minimum of 74sqm of floor space and 2.5sqm of built-in storage in accordance with the NDSS.
- 8.58 In accordance with Paragraph 10(c) of the NDSS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the NDSS.
- 8.59 The property exceeds all the requirements of the NDSS.
- 8.60 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.
- 8.61 The size of proposed private outdoor amenity space significantly exceeds the requirements of the Good Design Guide.
- 8.62 Whilst there is a chance that the dwelling and the private outdoor amenity space could be overlooked by the residents of Valley View, this is only within the wider residential garden space of the properties, and this can be addressed via planning condition, with fencing, hedging, and planting to an appropriate height.
- 8.63 By virtue of these factors, the proposal does not result in any significant adverse impacts to neighbouring residential amenity, nor the residential amenity of 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

- 8.64 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.
- 8.65 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).
- 8.66 Policy T1 of the DNP states that all housing development must be designed to minimise additional traffic generation and movement through the villages and incorporate sufficient off-road parking in line with Policy H7 of the DNP.
- 8.67 There has been a total of one Personal Injury Collision (PIC) recorded in the last five years within 500m to the north of the existing access and approximately 300m to the south, where Station Road meets Leicester Lane. This was classed as 'slight' in severity. The Local Highway Authority (LHA) have reviewed the PIC data, and, after investigation, the LHA are satisfied that there are no patterns or trends.
- 8.68 The proposal utilises an existing access onto Station Road, which is a classified 'C' road. The development amends the existing access to provide a width of 6m for 11m behind the highway boundary. The scheme also includes a wide passing bay should residential and agricultural vehicles meet at the access. Whilst the Applicant has not confirmed whether the access is shared, nor the types of vehicles expected to utilise the access, the amended access accords with Table 15 of the LHDG and therefore the LHA do not consider this additional information necessary. Given the above, the LHA consider the proposed access to be acceptable for this scale of development.
- 8.69 The application site is crossed by Public Footpath R93. The revised landscaping design now allows for the Public Footpath, but it is unclear whether the developments ensure that the legal alignment of the Public Footpath is, or can be, made to be physically walkable. Whilst the LHA do not consider this to be a matter for refusal, this will need to be addressed and dealt with via planning condition.
- 8.70 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Policy H7(b) confirms that adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three-bedrooms or less and three spaces for dwellings of four-bedrooms or more. 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.
- 8.71 The scheme provides sufficient off-street parking provision to accord with Table 28 of the LHDG. The LHA have reviewed the submitted plans and are satisfied that the car parking space dimensions and the on-site turning provision accords with Figure 44 (Dimensions) of the LHDG.

- 8.72 By virtue of these factors, the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.73 To summarise, the 'tilted' balance is engaged whereby in accordance with Paragraph 11(d)(ii) of the NPPF, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.74 In this instance, Key Policy Paragraphs 115, 129, 135, and 139 are applicable to this development.
- 8.75 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.
- 8.76 The Applicant has submitted a Design and Access Statement that focuses on the fact that the scheme replaces existing timber buildings within the site to justify their development.
- 8.77 However, Page 10 of the Design and Access Statement states that the existing buildings are dilapidated, not functional, nor fit for purpose. Consequently, this is not considered to be suitable justification for the provision of a new dwellinghouse in this location. In addition, the presence of agricultural outbuildings, which would reasonably be expected to be found within the countryside, does not justify their replacement with residential development.
- 8.78 The Design and Access Statement also references the planning permission for 80 dwellings in the open countryside via 19/00149/OUT, the approval of three dwellings via 15/00472/FUL, the approval for 61 new dwellings on Land west of Cambridge Drive via 14/00816/FUL and the approval of 19 dwellings adjacent to the application site via 08/00306/FUL.
- 8.79 It is noted that the three dwellings within planning application 15/00472/FUL were built within an existing residential site following the demolition of an existing dwelling. The location of these three dwellings was also within the identified settlement boundary of Desford and Paragraph 8.9 of the Delegated Report confirms that the proposal did not result in the intrusion of built form into the countryside.

- 8.80 The remaining three planning permissions that the Applicant has referred to are for proposals that featured 19 to 80 dwellings, and therefore there are significant material differences between the schemes, including their scale and the weight of their associated benefits in a planning balance.
- 8.81 Ultimately, due to the age of these comparative planning applications, national planning policy has been revised significantly these proposals were permitted, and this is a significant material difference between the comparative schemes and the current proposal.
- 8.82 The current proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, siting, design, architectural features, the development results in the creation of new ribbon development and causes a significant adverse impact to the character of the site, the surrounding area, and the intrinsic value, beauty, open character and landscape character of the countryside, that is significantly exacerbated by the proximity of Public Footpath R93 which runs through the application site.
- 8.83 Therefore, the proposal is considered to be contrary to, and in conflict with, Policies H1 and H7 of the DNP, Policies DM4 and DM10 of the SADMP, Chapters 2, 12 (including Key Policy Paragraphs 129 and 135), and 15 of the NPPF, the Good Design Guide, and the National Design Guide.
- 8.84 As a result, the scheme is not considered to be well designed and fails to reflect local design policies and government guidance on design. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused. This harm attracts significant weight in the planning balance.
- 8.85 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.
- 8.86 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.
- 8.87 In conclusion, the adverse impacts of the development on the character of the site, the surrounding area and the countryside significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances. Therefore, in accordance with Paragraphs 11(d), and 139 of the NPPF, the proposal is recommended for refusal.

9. Equality Implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

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

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Conditions and Reasons

1. The proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, siting, design, and architectural features, the development results in the creation of new ribbon development and causes significant and permanent adverse impacts to

the character of the site, the surrounding area, and the intrinsic value, beauty, open character and landscape character of the countryside. This harm is exacerbated by the visual prominence of the development from Public Footpath R93.

Therefore, the proposal is contrary to, and in conflict with, Policies H1 and H7 of the adopted Desford Neighbourhood Plan (2021), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapters 2, 12, and 15, including Key Policy Paragraphs 129 and 135, of the National Planning Policy Framework (2024), the Good Design Guide (2020), and the National Design Guide (2019). As a result, the scheme is not considered to be well designed and fails to reflect local design policies and government guidance on design. The adverse impacts of the development significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances. In accordance with Key Policy Paragraph 139 of the NPPF, the development is refused.

a. Notes to Applicant

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

- Application Form (submitted: 18.12.2024)
- Arboricultural Impact Assessment (V2) (submitted: 13.02.2025)
- Arboricultural Impact Plan (01NB V2) (submitted: 14.02.2025)
- Biodiversity Net Gain Baseline Maps (130B) (submitted: 17.06.2025)
- Biodiversity Net Gain Metric (130B) (submitted: 17.06.2025)
- Biodiversity Net Gain Plan (130B) (submitted: 17.06.2025)
- Design and Access Statement (0130 V1-1) (submitted: 06.02.2025)
- Draft Tree Protection Plan (01NB V2) (submitted: 14.02.2025)
- Parking Provision (0130-P02-006A) (submitted: 06.02.2025)
- Preliminary Ecological Appraisal (v1-1) (submitted: 17.06.2025)
- Proposed Floor Plans & Elevations (P02 004) (submitted: 18.12.2024)
- Proposed Site Sections (0130-P02-005) (submitted: 18.12.2024)
- Proposed Site Plan (0130-P02-002A) (submitted: 06.02.2025)
- Site Location Plan (0130-P02-002A) (submitted: 06.02.2025)
- Topographical Survey (0130-P02-001) (submitted: 18.12.2024)
- Tree Constraints Plan (TCP-24-09-01) (submitted: 14.02.2025)
- Tree Survey (TS-24-08-001) (submitted: 14.02.2025)