

Delegated Report

Planning Reference 25/00701/OUT
Applicant(s) C/O Planning Agent
Ward Cadeby, Carlton, M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Application Site Land north of Nailstone Road, Barton in the Beans

Proposal Outline planning permission for 2 self-build homes (All matters reserved except for access)

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 outline planning permission for the provision of two self-build dwellings at land north of Nailstone Road, Barton in the Beans. Only Access is sought for approval within this outline application, and all other matters are reserved. The proposal includes a new vehicular access onto Nailstone Road 10.9m to the east of 11 Nailstone Road.

2.2. The precise appearance of the scheme is reserved for later approval; therefore, the extent of the application is described and assessed via the indicative scales and appearance within the Indicative Proposed Site Plan and the indicative street scene elevations within the Site Location Plan.

3. Description of the Site and the Surrounding Area

3.1. The 1,940sqm application site adjoins, but is outside of, the eastern-most part of the identified settlement boundary of the rural hamlet Barton in the Beans in the designated open countryside and the Barton Village Farmlands Landscape Character Area. The site is identified as being in close proximity to a Great Crested Newt Breeding Pond.

3.2. Barton in the Beans is largely linear in form running along Main Street and Nailstone Road, which benefits from a surrounding rural, farmland context of undeveloped fields with the occasional clusters of buildings that generally form part of an existing farm complex.

- 3.3. The Barton Village Farmlands Landscape Character Area is characterised by a mix of medium sized arable and pasture fields, a rural and tranquil character, and small linear hilltop villages such as Barton in the Beans, which are well integrated into the landscape and are surrounded by vegetation. Ultimately, the rural agricultural setting to villages, the rural and tranquil character, and the small to medium size landscape patterns are identified as the key sensitivities and values of this Landscape Character Area.
- 3.4. The site itself currently comprises relatively flat grass paddock land that is enclosed by mature hedges and surrounded to the north and east by open countryside. The is considered to positively contribute to the Barton Village Farmlands Landscape Character Area. To the west and southwest of the site is the residential built form of Barton in the Beans.

4. Relevant Planning History

4.1 22/00008/PP

- Residential development for ten bungalows (outline – access only)
- Dismissed
- 22.07.2022

4.2 21/00640/OUT

- Residential development for ten bungalows (outline – access only)
- Refused
- 16.08.2021

The application was refused for the following reasons:

1. The proposed residential development would be located outside of the settlement boundary of Barton in the Beans and adjacent to a rural hamlet which is the least sustainable of the settlements as outlined in the settlement hierarchy in the SADMP. The settlement has no services or facilities other than a bus service. No evidence has been provided to demonstrate the proposal meets a rural local need in accordance with an up to date needs survey or Parish Plan. Therefore, the proposal would conflict with Policies 13 and 17 of the Core Strategy and Policies DM1 and DM4 of the SADMP and would be considered to represent unsustainable development.
2. The proposed development would urbanise the site which would be to the detriment of the current rural character of the area which provides a positive contribution to the wider landscape and entrance to the village and would therefore result in significant environmental harm. The proposal would therefore be contrary to Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

4.3 20/00231/OUT

- Residential development for ten bungalows (outline – access only)
- Refused
- 02.06.2020

The planning application was refused for the same reasons as planning application 21/00640/OUT.

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 In total, responses have been received from members of the public from four separate addresses. All the responses to the development were in objection to the scheme for a variety of reasons including harm to the character of the surrounding area and harm to the countryside. It has been highlighted by members of the public that the previous planning application was dismissed at appeal and such a development would set a precedent for further development in the designated open countryside.

5.3 No further responses have been received.

6. Consultation

6.1 No objections have been received from the Council's Arboricultural, Drainage, or Environmental Health Departments, nor Leicestershire County Council as the Minerals and Waste Planning Authority, the Local Highway Authority, or the County Council's Ecology Department, subject to planning conditions. No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding

- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

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

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

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

- Principle of development
- Housing land supply
- Self-Build and custom housebuilding
- Impact upon the character of the area
- Design and layout
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Infrastructure and development contributions
- 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, and, in accordance with Paragraph 3 of the NPPF, should be read as a whole.

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

- 8.4 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP).
- 8.5 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.

Assessment of the Transport Sustainability of the Application Site

- 8.6 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.
- 8.7 Chapter 9 of the NPPF promotes sustainable transport. Key Policy Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location, and ensure a safe and suitable access to the site can be achieved for all users.
- 8.8 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.
- 8.9 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 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.
- 8.11 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 The application site is in the designated open countryside to the northeast of the rural hamlet, Barton in the Beans. Barton in the Beans has no services or facilities other than a bus service. Leicestershire County Council confirmed that there are bus stops approximately 110m from the proposed site access that offer services to the town centre of Coalville in approximately three-hour intervals.

- 8.13 Paragraphs 18 and 19 of the appeal decision against the refusal of planning application 21/00640/OUT state:

“18. Barton in the Beans is a rural hamlet with limited services and public transport and is one of the least accessible locations in the settlement hierarchy. There would therefore be a reliance on the use of private motor vehicles. The site may not be isolated from other dwellings, but the distance from services and facilities would make it a particularly challenging location for elderly people. Some functions such as online shopping and home-working may limit the need for travel, but with the development aimed at people of retirement age, there would be no nearby facilities for shopping or health, or for their social and cultural wellbeing.

19. For the reasons given, the development would not be a suitable location having regard to the settlement strategy for the area and accessibility to shops and services. The proposal would be contrary to CS Policies 13 and 17, and SADMP Policy DM4. These policies require development to be appropriately located and for the countryside to be safeguarded from unsustainable development. It would also be contrary to the principles of sustainable development in the Framework.”

- 8.14 The current proposal is not specifically aimed at people of retirement age, but in light of the above, the future occupiers of the scheme are still considered to be dependent on private motorised travel to meet their day-to-day needs. This is a position that was supported by Leicestershire County Council as the Local Highway Authority within their response to the planning application on 22 August 2025.

- 8.15 Given the above, the application site is in an unsustainable location that 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 Key Policy Paragraph 115 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

- 8.16 Policy 13 of the adopted Core Strategy supports housing developments within the settlement boundaries of rural hamlets that provide a mix of housing types and tenures as detailed in Policies 15 and 16 of the adopted Core Strategy.

- 8.17 The development is for two residential properties, 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. The application site is located outside of the identified settlement boundaries of Barton in the Beans in the designated open countryside. Therefore, the proposal is not supported by Policy 13 of the adopted Core Strategy in principle.
- 8.18 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.
- 8.19 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.
- 8.20 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.
- 8.21 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.
- 8.22 The proposal does not comply with any of the limitations set out above, and therefore the development is contrary to, and in conflict with, Policy DM4 of the SADMP. However, this does not mean that the development is not sustainable.
- 8.23 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.

- 8.24 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP and is considered to represent the creation of new residential development in an unsustainable location in the designated open countryside, which is contrary to, and in conflict with, Chapters 12 and 15 of the NPPF and Policy DM4 of the SADMP in principle.

Summary

- 8.25 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.
- 8.26 The proposal represents the creation of new residential development in an unsustainable location in the designated open countryside where the future occupiers of the scheme are heavily reliant on private motorised travel to meet their day-to-day needs. This is considered to result in significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside in principle.
- 8.27 By virtue of these factors, the development is considered to be unacceptable in principle, and is contrary to, and in conflict with, the Chapters 2, 12, and 15 of the NPPF, including Key Policy Paragraph 115, as well as 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 the report.

Housing Land Supply

- 8.28 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.
- 8.29 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.

- 8.30 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.
- 8.31 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.
- 8.32 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 Winter 2025 once the monitoring for the 2024/25 year has been completed.
- 8.33 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.
- 8.34 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.
- 8.35 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.
- 8.36 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 115, 129, 135, and 139 of the NPPF are applicable to the current development proposal in these site-specific circumstances.
- 8.37 Although it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing two dwellings within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Summary

- 8.38 In summary, the 'tilted' balance of Paragraph 11(d) of the NPPF is engaged 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.
- 8.39 Nevertheless, whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing two dwellings within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Self-Build and Custom Housebuilding

- 8.40 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.
- 8.41 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.
- 8.42 The Applicant states that the proposed development is classified as a self-build and custom house-build development in accordance with the definition provided within the Self-Build and Custom Housebuilding Act 2015. This is a material consideration within this planning application. To support this, the Applicant has submitted a signed Self-and-Custom Build Evidence Form on 22 July 2025. However, it is noted that the Applicant did not confirm that they will be the initial occupier of either dwelling.
- 8.43 To secure this proposal as a self-build and custom house-build development, the Local Planning Authority require a Unilateral Undertaking (UU) to be agreed between the Applicant(s) and the Council.
- 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 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 Base Period 11 (31 October 2025 to 30 October 2026).
- 8.48 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 two additional dwellings to this supply.
- 8.49 If secured by a Unilateral Undertaking, the benefits of this small contribution in addressing the limited current shortfall in the Council's provision self-build and custom housebuilding developments would be considered to attract moderate weight in the planning balance. However, the current proposal is not accompanied by a formal mechanism to secure the development as self-build and custom housebuilding units and therefore the benefits associated with this provision do not carry any weight in the planning balance in these site-specific circumstances.

Design and Impact upon the Character of the Area

- 8.50 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.
- 8.51 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.
- 8.52 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.
- 8.53 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.

- 8.54 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.
- 8.55 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.
- 8.56 This is an outline application with all matters reserved except for the proposed access only. Therefore, the detailed layout and appearance considerations are not being assessed at this stage, however, they will form details at the Reserved Matters stage. Notwithstanding this, the indicative plans illustrate that the development will consist of two dwellings with access into the site from Nailstone Road.
- 8.57 As confirmed at Paragraph 8.27 of this Report, the development proposal represents new residential development in an unsustainable location in the designated open countryside that fundamentally changes and results in significant harm to the character of the area and the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.58 The development extends the permanent and domesticating built form of Barton in the Beans to the northeast of the rural hamlet into the designated countryside. This is considered to result in significant harm to the character of the site and the designated open countryside. This harm is exacerbated by the site's positive contribution to the key characteristics and sensitivities of Barton Village Farmlands Landscape Character Area as well as the visual prominence of the application site from Nailstone Road to the southeast of the site and the long-distance views from Odstone Road to the northwest.
- 8.59 It is acknowledged that the harm of the development is likely to be less in principle than the harm caused by the previous proposal for ten bungalows within the site such as in the dismissed planning application 21/00640/OUT. However, this does not also suggest that the current proposals are now acceptable or overcome the original concerns raised by the Inspector.
- 8.60 Based on the indicative Proposed Site Plan, the two proposed units are positioned deep into the site, which is likely to present a wedge of development at the entrance to the village from views from the public highway. This is in contrast to the largely linear form of the existing settlement which currently provides a softer transition between the built-up area and the countryside, which has clearly defined boundaries.
- 8.61 It is appreciated that there are three dwellings to the west of the site at Barton Court, which were granted planning permission via planning application 16/00242/FUL. However, Paragraph 8.15 of the Committee Report for this previous scheme confirms that this previous application site comprised previously developed

land and therefore there are significant and material differences between the two developments.

- 8.62 Ultimately, it is not considered that the presence of residential properties that were approved on previously developed land justify the provision of two new residential dwellings that extend into the rural setting of Barton in the Beans and the designated open countryside, in a location that contradicts the existing linear built form of the rural hamlet.
- 8.63 Furthermore, the proposed access onto Nailstone Road is larger than previously proposed site access within 21/00640/OUT and removes a section of the roadside hedge, which is considered to expose the domestic appearance of the site and allow for clear views of the depth to the development. Back land development from these views from Nailstone Road are considered to disrupt the rural character and setting of Barton in the Beans, and extend urbanising development out into the countryside, beyond well-established boundaries.
- 8.64 Even with sensitive design and additional landscaping, it is not considered that the development will assimilate with its surroundings or be well contained. Importantly, 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.
- 8.65 By virtue of these factors, the proposal represents new residential development in the open countryside, which results in significant and permanent harm to the character of the site, the rural character and setting of Barton in the Beans, the intrinsic value, beauty, open character, and landscape character of the designed open countryside and the Barton Village Farmlands Landscape Character Area.
- 8.66 This significant adverse impact is exacerbated by the application site's existing positive contribution to the key characteristics and sensitivities of Barton Village Farmlands Landscape Character Area as well as the visual prominence of the application site from Nailstone Road to the southeast of the site and the long-distance views from Odstone Road to the northwest.
- 8.67 As a result, the proposal is considered to be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Chapters 12 and 15 of the NPPF, including Key Policy Paragraphs 129 and 135. Given the above, the scheme is not considered to be well designed and fails to reflect local design policies and government guidance on design as a matter of principle. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused.

Impact upon Residential Amenity

- 8.68 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.

- 8.69 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.
- 8.70 Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers is fully considered when assessing planning applications. 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.
- 8.71 There are no residential properties to the north or east of the application site, and the properties along Barton Court are separated from the western boundary of the application site by 17.5m and an existing established group of trees. In light of the above, it is considered that a forthcoming development could be designed to prevent any significant adverse impacts to the neighbouring dwellings to the west of the site along Barton Court.
- 8.72 The closest residential property to the south of the site is 9 Nailstone Road, which is 14.5m from the southern side boundary of the application site. This exceeds the minimum separation distances between a two-storey blank elevation and a principal window to a habitable room that are stated in the Good Design Guide. Given the size of the site, it is considered a forthcoming development could be designed to prevent any significant adverse impacts to the neighbouring dwellings to the south of the site along Nailstone Road.
- 8.73 To summarise, it is therefore considered that the scheme, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with the nearby residential properties. It is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained to ensure all concerns are appropriately addressed.

Impact upon Parking Provision and Highway Safety

- 8.74 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. 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)).

- 8.75 The development proposes a new vehicular site access onto Nailstone Road, which is an unclassified road that is subject to a 30mph speed limit, but increases to the National Speed Limit approximately 90m to the north of the site access
- 8.76 There has been one Personal Injury Collision (PIC) that has been recorded with 500m in either direction of the site access in the most recent five-year period. This PIC occurred in 2025 approximately 360m from the site access. In light of this, Leicestershire County Council as the Local Highway (LHA) did not consider the proposal to exacerbate the likelihood of such incidents occurring.
- 8.77 The Applicant has undertaken an Automatic Traffic Count (ATC) survey in October 2025 that recorded 85th percentile speeds of 39.7mph eastbound and 38.2mph westbound. Therefore, in accordance with Table 6 of the LHDG, visibility splays of 65m are required in each direction.
- 8.78 The LHA are satisfied that the proposed vehicular and pedestrian visibility splays based on the details within the Proposed Access and Indicative Site Layout (02B) (submitted: 20.10.2025) accord with Table 6 of the LHDG and are therefore acceptable in these site-specific circumstances.
- 8.79 The LHA have noted that the proposed internal off-street parking arrangements do not meet the requirements of Figure 44 of the LHDG. Nevertheless, the LHA confirmed that there appears to be sufficient space within the site to accommodate the required parking provision.
- 8.80 In light of the above, it is considered that 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 planning conditions. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP and the LHDG.

Planning Balance

- 8.81 In summary, 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. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF are applicable to the current development proposal in these site-specific circumstances.
- 8.82 The proposal represents the creation of new residential development in an unsustainable location in the designated open countryside where the future occupiers of the scheme would be heavily reliant on private motorised travel to meet their day-to-day needs. This results in significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the

countryside in principle. By virtue of these factors, the development is contrary to, and in conflict with, the Chapters 2, 12, and 15 of the NPPF, including Key Policy Paragraph 115, as well as Policies DM4 and DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide.

- 8.83 Furthermore, the proposal represents new residential development in the open countryside, which results in significant and permanent harm to the character of the site, the rural character and setting of Barton in the Beans, and the intrinsic value, beauty, open character, and landscape character of the designed open countryside. This significant adverse impact is exacerbated by the application site's positive contribution to the key characteristics and sensitivities of Barton Village Farmlands Landscape Character Area as well as the visual prominence of the application site from Nailstone Road to the southeast of the site and the long-distance views from Odstone Road to the northwest. As a result, the proposal is contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Chapters 12 and 15 of the NPPF, including Key Policy Paragraphs 129 and 135. By virtue of these factors, the scheme is not considered to be well designed and fails to reflect local design policies and government guidance on design as a matter of principle. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused.
- 8.84 Given the above, the planning application is contrary to, and in conflict with, all applicable Key Policy Paragraphs within the NPPF.
- 8.85 Nevertheless, 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
- 8.86 Paragraph 5.14 of the Planning Statement highlights six benefits of the development. Four of the proposed benefits relate to the provision of new housing within the Borough and the effective use of land, one refers to the economic benefits through the construction of the development, and the final benefit is in relation to biodiversity enhancements.
- 8.87 Firstly, as confirmed at Paragraph 8.18 of this Report, Chapter 11 of the NPPF demonstrates that safeguarding and improving the environment is an effective use of land. Therefore, the provision of new residential development in unsustainable locations is not considered to represent an effective use of land, nor a benefit to the development in these site-specific circumstances.
- 8.88 Furthermore, whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing two dwellings within this application site towards the Council's supply of housing is only considered to attract limited weight in the planning balance.
- 8.89 In addition, although 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 two additional dwellings 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.

- 8.90 However, the current proposal is not accompanied by a formal mechanism to secure the development as self-build and custom housebuilding units and therefore the benefits associated with this provision do not carry any weight in the planning balance in these site-specific circumstances.
- 8.91 Notwithstanding this, 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.
- 8.92 On the contrary, Paragraph 3 of the NPPF confirms that the National Planning Policy Framework must be read as a whole. 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).*"
- 8.93 It is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. Nevertheless, these benefits when associated with two dwellings 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. Therefore, these social and economic benefits of the scheme are considered to attract limited weight in the planning balance.
- 8.94 Moreover, it is noted that landscaping is not sought for approval at this stage and it has not been demonstrated at this stage that an enhancement to biodiversity is provided. The only reference to ecological enhancement within the submitted Planning Statement is at Paragraph 5.11 which refers to the, "*Retention of boundary treatments.*" This is not considered to represent an ecological enhancement and therefore this benefit attracts no weight in the planning balance.
- 8.95 To summarise, the development results in significant harm to the environment and to the character of the site and the surrounding area, including the designated open countryside and the Barton Village Farmlands Landscape Character Area, and as a result the planning application is contrary to, and in conflict with, all applicable Key Policy Paragraphs within the NPPF. The permanent adverse impacts of this development are considered to significantly and demonstrably outweigh the potential benefits associated with the scheme. Therefore, in accordance with Paragraph 11(d) of the NPPF, it is recommended that the planning 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 represents new residential development in the designated open countryside, which results in significant and permanent harm to the character of the site, the rural character and setting of Barton in the Beans, the intrinsic

value, beauty, open character, and landscape character of the designed open countryside and the Barton Village Farmlands Landscape Character Area. As a result, the scheme is not considered to be well designed and fails to reflect local design policies and government guidance on design as a matter of principle.

The proposal is therefore considered to 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 12 and 15, and Key Policy Paragraphs 129, 135 and 139 of the National Planning Policy Framework (2024). This harm significantly and demonstrably outweighs the potential benefits of the scheme when assessed against the Framework as a whole. In accordance with Paragraphs 11(d) and 139 of the National Planning Policy Framework, the development is refused.

2. The development is 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 are therefore highly likely to be dependent on private motorised transport to meet their day-to-day needs, and this results in significant environmental harm.

This is 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 Paragraphs 89, 115 and 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: 16.07.2025)
 - ATC Survey Results (submitted: 20.10.2025)
 - Indicative Proposed Site Plan (4571 02A) (submitted: 28.08.2025)
 - Planning Statement (submitted: 16.07.2025)
 - Preliminary Ecological Appraisal (submitted: 23.07.2025)
 - Proposed Access and Indicative Site Layout (02B) (submitted: 20.10.2025)
 - Self and Custom Build Evidence Form (submitted: 22.07.2025)
 - Site Location Plan (4571 02) (submitted: 16.07.2025)