

## Delegated Report

Planning Reference	25/01029/PIP
Applicant(s)	My Tony Coombs
Ward	Newbold Verdon with Desford & Peckleton
Application Site	Paddock House, Ashby Road, Stapleton
Proposal	Permission in Principle for the erection of a single C3 self-build dwelling, associated amenity space and parking
Case Officer	Sullevan Archer (Senior Planning Officer)



Hinckley & Bosworth  
Borough Council

### 1. Recommendations

#### 1.1. Refuse planning permission in principle subject to:

- Planning reasons detailed at the end of this report.

### 2. Planning Application Description

2.1. This planning application seeks planning permission in principle for the provision of a new Self-Build and Custom House-Build dwellinghouse with associated amenity space and off-street parking provision at Paddock House, Ashby Road, Stapleton.

2.2. This is the first stage of the planning in principle route where the application only seeks to establish whether the application site is suitable in principle. The detailed design of the proposal is assessed via a separate application within the second technical details consent stage of this development route.

2.3. The application is accompanied by the following reports and documents:

- Application Form
- Design and Access Planning Statement (and four appendices)
- Illustrative Design Statement
- Officer Response to Pre-Application Enquiry 22/10172/PREHMO
- Site Location Plan
- Visibility Splay Plan

### 3. Description of the Site and the Surrounding Area

3.1. The application site is located to the north of, and outside of, the identified settlement boundary of Stapleton in the designated open countryside on the west side of Ashby Road ('A447'), which is subject to a 40mph speed limit. Stapleton is classified as a rural hamlet within the adopted Core Strategy (2009).

- 3.2. The site is also identified within the Council's Stoke Golding Rolling Farmland Landscape Character Area, and the Earl Shilton North and Barwell West Landscape Sensitivity Area. These areas are characterised by undulating arable and pasture farmland within small to medium scale rectilinear fields and rural settlement patterns within strong rural settings. The rural character of the landscape is one of the key sensitivities of these Landscape Areas.
- 3.3. The site itself comprises undeveloped paddock land, which positively contributes to the character of the Landscape Character Area and the Landscape Sensitivity Area. The site separates Rose Cottage to the north from Paddock House to the south. Paddock House was formerly a part of the Old Farmhouse situated on the site, however in 2004 after obtaining planning permission, this portion of the property was converted into a separate dwelling
- 3.4. Beyond Rose Cottage to the north is Field View Farm and open agricultural fields. To the south of the site is Paddock House and the wider built form of Stapleton. To the east of the site beyond Ashby Road is further agricultural fields and Public Footpaths T77 and T76, which run southwest to northeast approximately 145m and 328m to the east of the site respectively. To the west of the site is open agricultural fields and Public Footpath T68, which is approximately 390m to the west of the site.

#### **4. Relevant Planning History**

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.
- 4.2 However, pre-application advice was sought from the Local Planning Authority in relation to a new dwelling within the application site via 22/10172/PREHMO. A revised version of the pre-application statement submitted within this 2022 enquiry has been submitted as part of this current application and the indicative design of the development remains the same. The informal advice within 22/10172/PREHMO concluded that the Local Planning Authority is very unlikely to support a future application due to the principle of development not being acceptable in this countryside location.

#### **5. Publicity**

- 5.1 In accordance with Paragraph 5G of Part 2A of the Town and Country (Permission in Principle) (Amendment) Order 2017 (as amended), the application has been publicised by giving requisite notice by site display in at least one place near to the land which the application relates and on the Council's website. The application has also been publicised by sending out letters to local residents.
- 5.2 In total, five responses have been received from members of the public from two separate addresses. In summary, these responses objected to the development proposal due to inaccuracies in the submitted details, highway safety concerns, significant harm to the character of the surrounding area and the countryside, and limited planning benefits. No further responses have been received.

## 6. Consultation

- 6.1 Kirkby Mallory, Peckleton and Stapleton Parish Council objected to the application as the proposal did not represent sustainable development and represented new and unrestricted development in the countryside that caused harm to the character of the surrounding area and highway safety issues.
- 6.2 No objections have been received from the Council's Drainage and Environmental Health Departments or the County Council as the Local Highway Authority.
- 6.3 No further responses have been received within the required 14-day consultation period.

## 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)
- The Town and Country (Permission in Principle) (Amendment) Order 2017
- Levelling-Up and Regeneration Act (LURA) (2023)
- Self-Build and Custom Housebuilding Act (2015)

### 7.4 Other Relevant Guidance:

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

## 8. Appraisal

- 8.1. National Planning Practice Guidance (NPPG) states that a decision on whether to grant permission in principle to a site must be made in accordance with relevant policies in the Development Plan unless there are material considerations, such as those in the National Planning Policy Framework (NPPF) and national guidance, which indicate otherwise.
- 8.2. The NPPG confirms that the scope of permission in principle is limited to location, land use, and amount of development. Issues relevant to these 'principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. It is not possible for conditions to be attached to a grant of permission in principle and planning obligations cannot be secured at the permission in principle stage.
- 8.3. 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.
- 8.4. 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.
- 8.5. Therefore, 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.
- 8.6. 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, 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.

### Transport Sustainability of the Location of the Application Site

- 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. 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.
- 8.9. 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.
- 8.10. Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.
- 8.11. 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.
- 8.12. 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.
- 8.13. The application site is in the designated open countryside to the north of the rural hamlet, Stapleton. The adopted Core Strategy states that rural hamlets have limited, if any services and generally rely on Key Rural Centres or surrounding urban areas for schooling, employment and the provision of goods and services. Because of the limited services in these hamlets, development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses.
- 8.14. Within Stapleton there is a village hall, a public house, and a church. There is one bus stop 600m to the south of the site that is served by Service LC6, which runs between Hinckley and Coalville in three- and four-hour intervals. Beyond Stapleton, the application site is over 4.2km from the edge of Stoke Golding to the west, and approximately 6km from the edge of Market Bosworth to the north. The routes to the Key Rural Centres in these directions are unlit, subject to the National Speed Limit and 50mph speed limits respectively and do not feature any pedestrian footways or cycleways. The edge of Barwell is 2km to the south of the site via an unlit classified 'A' road that features a very narrow pedestrian footpath.
- 8.15. In light of the above, the location of the application site does not feature convenient and safe access for walking and cycling to services and facilities and the future occupiers of the scheme are highly likely to be dependent on private motorised travel to meet their day-to-day needs. As a result, the application site is considered to suffer from poor transport sustainability and represent an unsustainable location for new residential development.

8.16. The unsustainable location of the application site is therefore considered to result in significant environmental harm in principle that is contrary to, and in conflict with, the overarching environmental objective of sustainable development, 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.

Location of Application Site in the Designated Open Countryside

8.17. 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.

8.18. 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.

8.19. 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.

8.20. 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.

8.21. Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development.

8.22. 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.

8.23. 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.

8.24. 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.

8.25. 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.

8.26. Importantly, Policy DM4 of the SADMP then states that development in the countryside will be considered sustainable where:

- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
- ii.) It does not undermine the physical and perceived separation and open character between settlements; and
- iii.) It does not create or exacerbate ribbon development.
- iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
- v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.

8.27. 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.

8.28. The application site is located outside of the identified settlement boundaries of Stapleton in the designated open countryside, and the development proposal does not comply with the limitations set out in Policy DM4(a) to (e) of the SADMP. Therefore, the proposal is not supported by Policy 13 of the adopted Core Strategy or Policy DM4 of the SADMP in principle.

- 8.29. The principle of a new residential property in this location is considered to significantly domesticate and urbanise the character of the site, which results in the significant erosion of the intrinsic open and rural character of the surrounding area, including the designated open countryside, the Stoke Golding Rolling Farmland Landscape Character Area and the Earl Shilton North and Barwell West Landscape Sensitivity Area, to which the site positively contributes to.
- 8.30. Furthermore, the provision of a new residential property in this location is considered to extend the urban features of Stapleton beyond its identified settlement boundaries into the rural open countryside in the form of ribbon development. Whilst it is appreciated that the scheme does not extend ribbon development beyond Rose Cottage to the north, the intensification of the number of residential properties in this location in a linear form is considered to exacerbate ribbon development in principle. This is considered to result in significant harm to the character of the site and the surrounding area.
- 8.31. The significant and detrimental impacts of the development in principle to the character of the area are considered to be exacerbated by the visual prominence of the site from the adjacent highly trafficked 'A' road, and from Public Footpaths T77 and T76 to the east, and Public Footpath T68 to the west.
- 8.32. To justify their development, the Applicant has referred to the Council's response to their pre-application enquiry 22/10172/PREHMO, which the Applicant has suggested supports the principle of their development.
- 8.33. Firstly, Page 8 of the Council's advice to this pre-application enquiry confirms that the comments within the response are only the initial officer views and are made without prejudice to any decision the Local Planning Authority may make in respect of a subsequent application and are given without the opportunity to consider all the relevant issues that may arise.
- 8.34. Secondly, the Applicant has failed to review the advice to their pre-application enquiry in full. The pre-application advice concludes that the scheme was likely to have a significant detrimental effect on the intrinsic value, beauty, open character, and landscape character of the countryside and be in clear conflict with Policies DM4 and DM10 of the SADMP as well as the aims of the NPPF.
- 8.35. In summary, the principle of the proposed use of the application site for a new residential dwelling in this location in the designated open countryside is considered to exacerbate ribbon development and result in significant and permanent harm to the rural character of the site and the surrounding area, including the intrinsic value, beauty, open character, and landscape character of the countryside, the Stoke Golding Rolling Farmland Landscape Character Area and the Earl Shilton North and Barwell West Landscape Sensitivity Area, to which the site positively contributes to. The significant and detrimental impacts of the development in principle to the character of the area are considered to be exacerbated by the visual prominence of the site from the adjacent highly trafficked 'A' road, and the nearby Public Footpaths.

8.36. Given the above, the proposal is contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Policy 13 of the adopted Core Strategy, and Chapters 11, 12 and 15 of the NPPF, including Key Policy Paragraphs 129 and 135. 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. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused.

#### The Location and Proposed Use of the Site's Impact upon Residential Amenity

8.37. 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.

8.38. 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.

8.39. It is considered that the scheme, subject to the detailed matters to come forward at technical details stage, could be designed such to have a suitable relationship with the nearby residential units in accordance with Policy DM10 of the SADMP.

#### The Location and Proposed Use of the Site's Impact upon Highway Safety

8.40. 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.

8.41. The proposal is for one residential dwelling and utilises an existing access onto Ashby Road. It is considered that the scheme, subject to the detailed matters to come forward at technical details stage, the development proposal could be designed to prevent any unacceptable impacts on highway safety or the road network. in accordance with Policy DM17 of the SADMP.

#### Material Considerations

##### *Housing Land Supply*

8.42. 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.

8.43. 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.

8.44. 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.

8.45. 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. 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.

8.46. 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.

8.47. 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.

8.48. 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.

8.49. 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.

8.50. Whilst it is unlikely that the Council are 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.

*Self-Build and Custom Housebuilding*

8.51. 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.

8.52. 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.

8.53. The Applicant states that the proposed development is classified as a self-build and custom house-build within the definition provided within the Self-Build and Custom Housebuilding Act 2015. It is noted that the Applicant is within the Council's Self-Build and Custom Housebuilding Register. This is a material consideration within this planning application.

8.54. However, it is noted that the Illustrative Design Statement does not include any mention of the development's status as a self-build and custom house-build, and the Applicant has failed to submit any information beyond asserting as such that demonstrates the current development meets the definition of self-build and custom housebuilding in accordance with Section 1 of the Self-Build and Custom Housebuilding Act 2015.

8.55. Ultimately, to secure this proposal as a self-build and custom house-build development, a Unilateral Undertaking (UU) is required to be submitted to the Local Planning Authority. However, the NPPG confirms that it is not possible for planning obligations to be secured at the permission in principle stage. Appeals have held that despite the mechanism to secure such proposals at the initial permission in principle stage this can be done at technical details stage for schemes such as this where self-build is included in the description of development.

8.56. 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.

8.57. 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.

8.58. 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 modest shortfall of 17 self-build and custom housebuilding dwellings.

8.59. 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 only provides 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 would be considered to attract moderate weight in the planning balance.

*Material Considerations Raised by the Applicant*

8.60. To justify their development, the Applicant has provided four planning decisions within the appendices of their Design, Access, and Planning Statement.

8.61. Importantly, none of the four highlighted planning decisions sought permission in principle and ultimately, all planning applications should be determined on their own site-specific merits.

8.62. Appendix 1 relates to the allowed appeal at Land east of The Common, Barwell. The appeal development was for the provision of 95 dwellings, including a quantity of affordable housing provision that exceeds the Council's policy requirements by 35%, on the eastern edge of the settlement boundary of Barwell.

8.63. Therefore, the development within Appendix 1 has significant material differences in principle that are not comparable to the current appeal proposal for one self-build and custom house-build dwelling in the designated open countryside that results in significant harm to the character of the surrounding area. As such, it is considered that this material considerations attract no positive weight in the planning balance of this development.

8.64. Appendix 2 refers to the Council's decision to approve planning application 24/01145/FUL, which was for the erection of a self-build and custom house-build dwelling at Upper Grange Farm in Markfield.

8.65. Although this development was located outside of the identified settlement boundaries of Markfield, the Delegated Officer Report for this scheme confirms that this site represented previously developed land and the scheme resulted in the demolition of, and replacement of, existing buildings. This previous development was also surrounded by residential and commercial properties. In addition, this previous development was within the maximum walking distance to a wide range of services, and it is noted that this previous application was supported by a Unilateral

Undertaking to secure the scheme's status and associated planning benefits as a self-build and custom housebuilding development.

- 8.66. In light of the above, the development within Appendix 2 has significant material differences in principle that are not comparable to the current appeal proposal, which results in significant harm to the character of the surrounding area and is in a location that suffers from poor transport sustainability. It is therefore considered that this material considerations attract no positive weight in the planning balance of this development.
- 8.67. Appendix 3 relates to an appeal decision at 118 and 124 Battram Road in Ellistown for a single self-build and custom house-build dwelling.
- 8.68. Paragraph 9 of this appeal decision confirms that both parties in this instance agreed that the appeal site was located within the built-up area of Battram and represents infill development between a considerable number of existing residential properties that extend 252m to the east and 427m to the west beyond the boundaries of the appeal site along Battram Road. This previous appeal was also supported by a Unilateral Undertaking to secure the scheme's status and associated planning benefits as a self-build and custom housebuilding development. Furthermore, the site is outside of Hinckley and Bosworth Borough and was assessed against different Development Plan policies.
- 8.69. Therefore, there are significant material differences in the location of the development within Appendix 3 in relation to the current proposal. As a result, it is considered that this material consideration attracts no positive weight in the planning balance of this scheme.
- 8.70. The final appendix was for the approval of a self-build and custom house-build dwelling at Land east of 4 Station Road, Elmesthorpe. Again, the site is located outside of Hinckley and Bosworth Borough and was assessed against different Development Plan policies. As highlighted within Page 6 of the Design, Access and Planning Statement for this previous development, this application was bounded by existing residential properties on three sides. Furthermore, this previous site was adjacent to existing residential development that extends 359m to the east of the site and ribbon development that extends 647m to the west of the site.
- 8.71. Therefore, there are significant material differences in the location of the development within Appendix 4 in relation to the current proposal. As a result, it is considered that this material consideration attracts no positive weight in the planning balance of this scheme.
- 8.72. In summary, it is considered that there are significant material differences within the determination of the four developments raised by the Applicant in comparison to the current scheme. Therefore, it is considered that these material considerations attract no positive weight in the planning balance of this development.

8.73. The appeals do demonstrate matters of principle; that applications for self-build dwellings must be determined in accordance with the Development plan unless material considerations indicate otherwise, that genuine self-build dwellings can be attributed positive weight in the planning balance (where appropriately secured) and that in accordance with 'tilted' balance of Paragraph 11(d) of the NPPF planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is not disputed between the Applicant and LPA and ultimately all planning applications should be determined on their own site-specific merits

#### Planning Balance and Conclusion

8.74. In conclusion, a decision on whether to grant permission in principle to a site must be made in accordance with relevant policies in the Development Plan unless there are material considerations, such as those in the NPPF and national guidance, which indicate otherwise. The NPPG confirms that the scope of permission in principle is limited to location, land use, and amount of development.

8.75. 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.

8.76. In this instance, 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, 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.

8.77. The principle of the proposed use of the application site for a new residential dwelling in this location is considered to exacerbate ribbon development and result in significant and permanent harm to the rural character of the site and the surrounding area, including the intrinsic value, beauty, open character, and landscape character of the countryside, the Stoke Golding Rolling Farmland Landscape Character Area and the Earl Shilton North and Barwell West Landscape Sensitivity Area, to which the site positively contributes to. The significant and detrimental impacts of the development in principle to the character of the area are considered to be exacerbated by the visual prominence of the site from the adjacent highly trafficked 'A' road, and the nearby Public Footpaths.

8.78. Given the above, the proposal is contrary to, and in conflict with, Polices DM4 and DM10 of the SADMP, Policy 13 of the adopted Core Strategy, and Chapters 11, 12 and 15 of the NPPF, including Key Policy Paragraphs 129 and 135. 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. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development

should be refused. This is considered to attract significant weight in the planning balance.

8.79. Furthermore, 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 results in significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside in principle.

8.80. By virtue of these factors, the development is contrary to, and in conflict with, the overarching environmental objective of sustainable development 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. This is considered to attract significant weight in the planning balance.

8.81. Given the above, the planning application is contrary to, and in conflict with, all applicable Key Policy Paragraphs within the NPPF.

8.82. 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. 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. These potential benefits are therefore considered to attract limited weight in the planning balance.

8.83. Whilst the Council is unlikely to be able 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.

8.84. Furthermore, 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 only provides one additional dwelling to this supply. As such, the benefits of this small contribution in addressing the current shortfall in the Council's provision self-build and custom housebuilding developments would only be considered to attract moderate weight in the planning balance.

8.85. 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.

8.86. On the contrary, Paragraph 3 of the NPPF confirms that the National Planning Policy Framework must be read as a whole.

8.87. 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).”*

8.88. To summarise, the principle of the proposed development results in significant and permanent harm to the environment and to the rural character of the site and the surrounding area, including the intrinsic value, beauty, open character, and landscape character of the countryside, the Stoke Golding Rolling Farmland Landscape Character Area and the Earl Shilton North and Barwell West Landscape Sensitivity Area, to which the site positively contributes to.

8.89. As a result, the proposal is contrary to, and in conflict with, all applicable Key Policy Paragraphs within the NPPF and Policies DM4 and DM10 of the SADMP. 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 Paragraphs 11(d) and 139 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 permission in principle is refused.

## **11. Recommendation**

### **11.1 Refuse permission in principle** 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 exacerbates ribbon development and results in significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside, the Stoke Golding Rolling Farmland Landscape Character Area and the Earl Shilton North and Barwell West Landscape Sensitivity Area, to which the site positively contributes to. As a result, the scheme is not well designed and fails to reflect local design policies and government guidance on design as a matter of principle. The proposal is therefore 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 11, 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 and 161, Key Policy Paragraph 115, 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 details, submitted to the Local Planning Authority on 21 October 2025:

- Appendix 1 - Appeal Decision - 23/01229/OUT
- Appendix 2- Upper Grange Farm - 24/01155/FUL
- Appendix 3 - Appeal Decision - Battram Road, Ellistown
- Appendix 4 - Blaby District Council - Decision Notice - 24/0999/OUT
- Application Form
- Design and Access, Planning Statement
- Illustrative Design Statement
- Officers Response - 22/010172/PREHMO
- Site Location Plan, Drg No.8768-01-01 Rev B
- Visibility Splay Plan, Drg No. 8768-03-01 Rev B