

Delegated Report

Planning Ref: 23/00955/OUT
Applicant: Mr W Tinsley
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 5 Coton Bridge Lane, Far Coton, Market Bosworth

Proposal: Outline planning permission for demolition of existing garage and the construction of a single carbon neutral dwelling (all matters reserved)

1. Recommendations

- 1.1. **Refuse planning permission** for the reasons at the end of this report.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for the erection of one dwelling on garden land to the rear of 5 Coton Bridge Lane, Far Coton.

3. Description of the Site and Surrounding Area

- 3.1. The application site lies on the east side of Coton Lane, Coton, a hamlet with approximately 9 residences, around 2 kilometres southwest of Market Bosworth. The site measures approximately 550m² acre and appears to be used as garden land/allotment. The site is bound by hedgerows and well-established trees on the northern and eastern boundaries, with the applicants dwelling and neighbouring dwelling 3 and 5 Coton Bridge Lane directly to the south. The site is bound by residential development to the south and west, with open countryside to the north and east.
- 3.2. The site lies within the countryside and has a strong rural character, typified by sporadic development of dwellings and farm buildings within substantial plots. A public footpath (S72) runs east to west approximately 150m north of the site.

4. Relevant Planning History

- **75/01287/4** - Erection of a dwelling land adjoining – Refused, 25.11.1975.

5. Publicity

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

6. Consultation

- 6.1. No objection has been received from:-
- Environmental Health (Pollution and Waste) (subject to conditions)
 - LCC Highways
 - HBBC Drainage
 - HBBC Waste
 - Market Bosworth Parish Council

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.2. Market Bosworth Neighbourhood Plan (2015)

- Policy CE5: Landscape of the wider parish

7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- Self-build and Custom Housebuilding Act (2015)

7.5. Other relevant guidance

- Landscape Character Assessment (LCA) (2017)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area and surrounding landscape
- Impact upon neighbouring residential amenity
- Impact on highway safety and transport sustainability
- Planning balance

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. 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.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).

8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 12 of the adopted Core Strategy identifies Twycross as a Rural

Village where limited housing development within the settlement boundary is supported to maintain the limited existing facilities and services.

- 8.5. Using the standard method, Hinckley and Bosworth Borough Council is currently unable to demonstrate a 5-year housing land supply. Under these circumstances the NPPF sets out in paragraph 11(d) of the NPPF that permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.6. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7. The application site is located outside a defined settlement boundary and is designated as countryside. Policy DM4 of the SADMP is therefore applicable. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered 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.and
 - 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.
- 8.8. The site does not fall under any of the categories identified in Policy DM4 of the adopted SADMP as sustainable development and so there is a clear conflict between the proposed development and adopted spatial planning policies of the development plan.
- 8.9. The application has not considered paragraph 80 of the NPPF as the location of the proposed dwelling is not considered to be 'isolated' given the proximity to the host dwelling and neighbouring dwelling in the vicinity. Therefore, it would not meet the outstanding test in this regard. Furthermore, whilst the application description refers to a 'carbon neutral' dwelling, there is no evidence before the council to suggest that it would achieve this status, therefore it has not been considered as part of the determination of the application.
- 8.10. The application submission confirms that the dwelling would be self-build. This is noted however this matter is afforded limited weight on the planning balance as the Council is currently meeting self-build demand.
- 8.11. Policy DM4 of the adopted SADMP remains consistent with the overarching principles of the NPPF (2023) in respect of protection of the intrinsic value, beauty,

open character, and landscape character of the countryside and therefore should be given significant weight. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Design and impact upon the character of the area

- 8.12. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.13. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area.
- 8.14. The site currently comprises a grassed garden area bound by mature trees and boundary hedgerows on all sides. No tree survey has been submitted as part of the application and this would be requested given the likelihood that a significant number of mature trees would be lost through the development of the site.
- 8.15. As the application is for outline permission with all matters reserved, limited details have been submitted for consideration at this stage with only the location of the site and no information regarding scale, appearance, landscaping or access.
- 8.16. Given the existing open, undeveloped rural nature of the site, the introduction a dwelling, a new private access, formal landscaping, associated boundary treatments, and domestic paraphernalia would erode the intrinsic rural character of the area, resulting in a significant adverse urbanising effect on the open rural character of the site. This would cause both localised harm within the immediate setting of the hamlet when viewed from nearby public vantage points, and the wider landscape when viewed from the nearby public footpath.
- 8.17. The proposal would neither complement nor enhance the rural character of the countryside or surrounding area and would therefore be in clear conflict with Policies DM4 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.19. The proposal is in outline with all matters reserved, however by virtue of the indicative siting of the proposed dwelling relative to the adjacent property the proposal could be designed so that it would not result in any material adverse impacts on the residential amenity of the occupiers of any neighbouring properties. It should be noted however that due to the nature of the site and the proximity to the host dwelling and garden area, the resultant dwelling would likely have to be a small single storey dwelling to ensure that acceptable neighbouring and occupier amenity

relationships are achieved. Of particular note and concern is the resultant garden space for the proposed dwelling given the limited size of the plot.

- 8.20. Additionally, if the proposed siting of the dwelling is amended/brought forward (westwards) there could be neighbouring amenity issues in terms of overlooking/loss of privacy and overbearing impacts (depending on the proposed scale of the dwelling).
- 8.21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Impact on highway safety and transport sustainability

- 8.22. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.23. Policy DM18 requires all proposals for new development to provide an appropriate level of parking provision.
- 8.24. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.25. Paragraph 111 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations.
- 8.26. Leicestershire County Council (Highways) has assessed the application in respect of highway safety and raises no objection to the scheme but refer to standing advice in respect of access design standards including visibility, width, radii, surfacing and gradient.
- 8.27. It is assumed that the proposed dwelling would be accessed via a new access off Coton Lane although this has not been confirmed by the applicant. Given the current access represents is an existing situation. The application does not clarify what the resultant parking situation would be in relation to the host dwelling. Upon assessing the site, it is considered that the proposal is likely to remove the only off-street parking spaces available to the host dwelling. The parking situation would need to be addressed in a reserved matters application in any case.
- 8.28. The National Design Guide defines, "walkable," as, "local facilities [that] are within walking distance, generally considered to be no more than a 10-minute walk (800m radius). This is supported by the Manual for Streets (MfS) (2007), which states that, "Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas." All services (schools, shops, doctors' surgeries) are located more than 2km from the application site and would have to be accessed exclusively via the use of a private vehicle as there are no public transport services within walking distance to the site.

Walking routes to services are along roads without footpaths and street lighting which alongside the distance would likely discourage walking.

- 8.29. Therefore, it is considered that the proposal conflicts with policy DM17 of the SADMP regarding transport sustainability. Although, it would not create an unacceptable impact on highway safety or the road network in accordance with other elements of Policy DM17 and Policy DM18 of the SADMP and the LHDG. These matters are weighed in the planning balance below.

9. *Planning balance*

- 9.1. The siting of the proposed dwellings being in the countryside is not a form of development that is identified as being sustainable within Policy DM4 of the adopted SADMP. The proposal would therefore be in clear conflict with Policies DM1 and DM4 of the adopted SADMP which are consistent with the NPPF and should be given significant weight in the determination of the application. By virtue of the open and undeveloped rural nature of the site, the introduction of a new dwelling and any associated hard-surfacing and boundary treatments would have an urbanising effect and would have a significant adverse impact on the current rural character and appearance of the site and would fail to either complement or enhance the character of the area in conflict with Policy DM4 and Policy DM10 of the adopted SADMP.
- 9.2. Furthermore, all local facilities, including local bus services are over 2km from the application site and are not safely accessible via sustainable modes of transport. Given the above, the application site is considered to be in an unsustainable location that is likely to create a dependence on private motorised vehicles to meet the day-to-day needs of the future occupants of the proposed dwelling. This is considered to cause environmental harm that has a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the countryside, which is contrary to, and in conflict with Policy DM4 of the SADMP.
- 9.3. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focused on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5-year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any benefits. The three strands of sustainability the benefits are broken down into are economic, social and environmental contributions.
- 9.4. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of one dwelling which weighs in favour of the application providing a small contribution to the Boroughs overall housing supply and would contribute to the self-build register albeit this is afforded limited weight as the Council is currently meeting demand for self-build properties. The proposal would result in limited economic benefits through the construction of the scheme, creation of jobs and constructions spend, albeit for a temporary period. Additionally, the residents of the proposed development would provide ongoing support to local services. However, given the scale of the proposal this benefit is small. There are no known environmental benefits from the proposed development

which would instead result in environmental harm through the introduction of permanent built form and urbanisation of the site to the detriment of the visual appearance and undeveloped and rural character of the site.

- 9.5. In summary, it is considered that the permanent harmful impacts of this proposal would significantly and demonstrably outweigh the limited benefits of the scheme when assessed against the Framework as a whole. There are no other material considerations that outweigh the clear and significant conflict with the adopted Development Plan policies and national planning guidance within the NPPF (2023). As a result, the proposal is not considered to constitute sustainable development, the presumption in favour of sustainable development as contained in the NPPF does not apply in this case and there are no other material considerations that would justify a decision other than in accordance with the development plan.

10. Equality Implications

- 10.1. 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.
- 10.2. 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.
- 10.3. There are no known equality implications arising directly from this development.

11. Conclusion

- 11.1. The site lies in the countryside outside a defined settlement boundary as outlined in the adopted SADMP. Policy DM4 of the SADMP therefore applies, and new residential development, other than that for rural worker accommodation, is not a form of development that is identified as being sustainable in such areas. By virtue of the undeveloped rural character of the application site, the introduction of a dwelling and associated hard-surfacing and boundary treatments into this existing undeveloped site would have an urbanising effect. It would therefore have a significant adverse impact on the current rural character and appearance of the site, failing to enhance the character of the area in conflict with DM10 of the SADMP and Policy CE5 of the Neighbourhood Plan.
- 11.2. Furthermore, given the remote and unsustainable location of the proposed dwelling, future occupants would be dependent on private motorised vehicles to meet day-to-day needs. This is considered to cause environmental harm that has a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the countryside, which is contrary to, and in conflict with Policies DM1 and DM4 of the SADMP
- 11.3. In summary, the permanent harmful adverse impacts of this proposal would significantly and demonstrably outweigh the limited benefits of the scheme when assessed against the Framework as a whole. The proposal would therefore be

contrary to Policies DM1, DM4 and DM10 of the SADMP and together with the overarching principles of the NPPF and is therefore recommended for refusal.

12. Recommendation

12.1. Refuse planning permission.

12.2. Reasons

- 1) By virtue of the location of the application site, the proposal would result in unsustainable residential development in the designated countryside beyond an identified settlement boundary. This would cause significant and permanent environmental harm to the intrinsic, undeveloped rural character and verdant appearance of the site. The proposal would therefore be contrary to Policies DM1, DM4, DM10, and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy CE5 of the Neighbourhood Plan, and the overarching principles of the National Planning Policy Framework (2023).