

Delegated Report

Planning Reference 25/00019/FUL
Applicant(s) Mr Daniel Swift
Ward Twycross, Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Application Site Land to the south of 59 Kennel Lane,
Witherley

Proposal Demolition of existing barn and construction of two dwellings
with associated parking

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the replacement of an existing agricultural barn and existing hard surfacing area with the provision of two semi-detached, two-bedroom dwellings with associated parking at the Land south of 59 Kennel Lane, Witherley.
- 2.2. The two properties collectively have a width of 9.8m and a depth of 9.3m, which creates an internal ground floor space of 38.2sqm for each dwelling. The two residential units share a gable-ended dual pitched roof that has a ridge height of 7.2m and an eaves height of 4.2m. Each property features a dormer window on their front and rear elevations alongside an open porch on their front elevations. The scheme is constructed with plain clay roof tiles and facing brickwork and utilises 1.2m high post and rail boundary treatment to the sides and rear of the properties.

3. Description of the Site and the Surrounding Area

- 3.1. The 976sqm application site is located on the eastern edge of, but outside of the identified settlement boundary of, Witherley, in the designated open countryside. This application site is also located within the Witherley and Surroundings Landscape Sensitivity Area (LSA) within the wider Sence Lowlands Landscape Character Area (LCA). One of the key sensitivities of the area is the rural character of the area.
- 3.2. The site currently comprises 300sqm of gravel surfacing and a disused, two-storey brick-built rectangular agricultural barn. Based on the submitted plans, the existing two-storey barn is 4.2m wide and 9.1m in depth, with a total footprint of 37.7sqm.

- 3.3. The gravel surfacing was approved for the off-street parking provision associated with the redevelopment of 57 and 59 Kennel Lane to the north of the site via planning applications 22/00660/FUL, 22/01232/CONDIT, and 23/00965/FUL. The surfacing was subsequently removed from the approved plans via 22/01232/CONDIT, but the surfacing remains on site. 57 and 59 Kennel Lane are associated with the former Atherstone Hunt buildings, which are to the north of the site.
- 3.4. The former Atherstone Hunt buildings are unlisted buildings of local historical or architectural significance. The former kennels and stable structures within the Atherstone Hunt Complex were converted into eight dwellings and the outbuildings were converted into home offices and garaging via 21/00789/FUL, 23/00707/CONDIT, and 24/00067/CONDIT.
- 3.5. The east and south of the site consist of agricultural land. Timber overhead power lines and Public Footpath T27 run east-to-west immediately to the south of the site. The western boundary of the site is adjacent to Kennel Lane, and beyond this is the built form of Witherley. Kennel Lane is an adopted but unclassified public highway that is subject to a 30mph speed limit in the vicinity of the site.

4. Relevant Planning History

4.1 23/00965/FUL

- Change of use of land from paddock (sui generis agriculture) to residential garden and erection of fence (Retrospective)
- Permitted
- 20.11.2023

4.2 22/01232/CONDIT

- Variation of Condition 02 (Approved Plans) and Condition 05 (Parking Spaces) for Planning Permission 22/00660/FUL. Date of Decision: 23/09/2022. Variation to include amendments to location of car parking provision.
- Permitted
- 31.03.2023

4.3 22/00660/FUL

- Proposed two storey rear extensions to existing 2no dwellings
- Permitted
- 23.09.2022

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.

6. Consultation

- 6.1 No objections have been received from Hinckley & Bosworth Borough Council's Drainage or Environmental Health Departments, or the Council's Conservation Officer. Leicestershire County Council as the Local Highway Authority and the County Council's Ecology Department did not object to the application, subject to planning conditions. Leicestershire County Council as the Lead Local Flood Authority did not comment on the development.
- 6.2 The Council's Conservation Officer stated that the existing barn was of limited historic and architectural interest and as such has a low level of heritage significance that does not warrant identification as a non-designated heritage asset.
- 6.3 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 12: Rural Villages
 - 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)
 - National Design Guide (2019)
 - Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Landscape Sensitivity Assessment (LSA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

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

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions, 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). In accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.5 Policy 12 of the adopted Core Strategy supports housing developments within the settlement boundaries of rural villages such as Witherley that provide a mix of housing types and tenures as detailed in Policies 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy.

8.6 The development is for two residential properties, and therefore Policies 15 and 16 of the adopted Core Strategy are not applicable for this scheme.

- 8.7 In addition, the application site is located outside of the identified settlement boundaries of Witherley in the designated open countryside. Therefore, the proposal is not supported by Policy 12 of the adopted Core Strategy in principle.
- 8.8 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.
- 8.9 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.
- 8.10 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.
- 8.11 Therefore, the proposed development does not relate to, or comply with, any of the criteria in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.
- 8.12 For example, the submitted Design, Access, and Planning Statement refers to the benefits of reusing previously developed land.
- 8.13 The definition of previously developed land within the NPPF excludes land that is, or was, last occupied by agricultural buildings. Therefore, the existing agricultural structure within the site does not represent previously developed land and this benefit is considered to attract no weight in the planning balance.

- 8.14 Furthermore, it is not considered that the previous approval of land for off-street parking associated with existing residential properties justifies the principle of the development of the site for two new and independent two-storey dwellings in the designated open countryside in these site-specific circumstances.
- 8.15 Notwithstanding this, 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.
- 8.16 Given the above, it is considered that the proposal is offered no support by Policy DM4 of the SADMP. As such, the scheme represents new residential development in the designated open countryside, which results in harm to the character of the surrounding area, the countryside, the Witherley and Surroundings Landscape Sensitivity Area, and the wider Sence Lowlands Landscape Character Area in principle. Therefore, the development does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.17 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.
- 8.18 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.
- 8.19 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 house builders to deliver new homes, and are often built out relatively quickly.
- 8.20 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.
- 8.21 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.

- 8.22 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.
- 8.23 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.
- 8.24 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.
- 8.25 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.
- 8.26 Whilst the Council is 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.

Design and Impact upon the Character of the Area

- 8.27 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.
- 8.28 Key Policy Paragraph 129(d) and (e) of the NPPF confirm that planning decisions should take into account the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change, and the importance of securing well-designed, attractive, and healthy places.

- 8.29 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.
- 8.30 Policies DM4(i) and (iii) of the SADMP state that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, and where it does not create or exacerbate ribbon development.
- 8.31 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.
- 8.32 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.
- 8.33 The Council's Good Design Guide states that dormers to fronts of properties will only be acceptable where this is a prevailing feature of the surrounding context.
- 8.2 As highlighted at Paragraph 8.16 of this Report, the scheme represents new residential development in the designated open countryside, which is considered to result in harm to the character of the site and the surrounding area in principle. Whilst the current state of the site has been degraded from its original agricultural state via 22/00660/FUL, this does not justify the development of two new residential properties in the designated open countryside in these site-specific circumstances.
- 8.3 The development extends the domestic built form of Witherley further into the designated open countryside in the form of, and exacerbates the existing presence of, ribbon development, which is contrary to, and in conflict with, Policy DM4(i) and (iii) of the SADMP. This is considered to result in significant adverse impacts to the character of the surrounding area including the intrinsic value, beauty, open character, and landscape character of the open countryside, and the rural character of the Witherley and Surroundings Landscape Sensitivity Area and the wider Sence Lowlands Landscape Character Area. This significant harm is considered to be heightened due to the visual prominence of the site from Public Footpath T27 and Kennel Lane, and the specific characteristics of Kennel Lane
- 8.4 Kennel Lane is considered to act as a visual barrier that separates the built form of Witherley to the west from the designated open countryside to the east. The eastern side of Kennel Lane is considered to positively contribute to the rural character of the area and the setting of Witherley as well as the key characteristics of the Witherley and Surroundings Landscape Sensitivity Area, and the wider Sence Lowlands Landscape Character Area.

- 8.5 This visual separation along Kennel Lane is most greatly appreciated upon northbound views from the A5 into Witherley and along Public Footpath T27. The application site is on the eastern side of Kennel Lane and is visually prominent from these locations.
- 8.6 Although it is acknowledged that the built form associated with the former Atherstone Hunt Complex, including 57 and 59 Kennel Lane, is on the eastern side of Kennel Lane, these structures are considered to represent an isolated historic anomaly to the character of the surrounding area. This is because there is no other built form to the south of these structures on this side of Kennel Lane, and the existing residential properties closest to the former Atherstone Hunt Complex are over 160m to the north. The previously rural nature of the site can be seen as recently as June 2021 on historic satellite imagery.
- 8.7 It is appreciated that the isolated historic character of the built form associated with the former Atherstone Hunt Complex has been diminished from public views heading southbound along Kennel Lane due to the outline planning permission for 50 dwellings to the north of Atherstone Hunt via 22/01190/OUT. Nevertheless, this emphasises that the key views to appreciate the remaining character of the former Atherstone Hunt Complex and its associated built form are from the south along Kennel Lane and along Public Footpath T27.
- 8.8 Given the above, the provision of two new residential properties in the location represents the extension of domestic built form into the designated open countryside in the form of ribbon development, which results in significant and permanent harm to the rural character of the surrounding area and the designated countryside.
- 8.9 These impacts are considered to significantly and detrimentally detract from the positive visual character of Kennel Lane, which acts as a visual barrier between the built form of Witherley and the designated open countryside. Furthermore, the provision of additional residential development in this location fails to preserve or respect the character of, the isolated built form associated with the former Atherstone Hunt Complex. This harm is heightened by the fact that the existing positive characteristics of Kennel Lane and the former Atherstone Hunt Complex are most greatly appreciated from views to the south from Kennel Lane and along Public Footpath T27, which the proposed development will disrupt.
- 8.10 In spite of this, to justify their development, the submitted Design, Access, and Planning Statement concludes that:
- “The main hunt residential complex and conversion of the former cottages will be read as a cohesive and spatially balanced development of built form... thereby respecting and maintain the semi-rural setting.”*
- 8.11 Crucially, this conclusion only mentions the existing cottages and fails to refer to the proposed development

8.12 In comparison to these other developments to the north of the site, the existing cottages at 57 and 59 Kennel Lane were existing. In addition, the approved dwellings at the former Atherstone Hunt Complex comprised the replacement of an existing dwelling and the conversion of all the existing outbuildings within the site.

8.13 Paragraph 8.13 of the Delegated Report for the original planning permission 21/00789/FUL for the former Atherstone Hunt Complex confirmed that the replacement dwelling reflected:

“The form and architectural detailing of the existing Hunt cottages and original buildings, ensuring it clearly respects the character and appearance of the wider complex.”

8.14 Ultimately, Paragraph 8.14 of the Delegated Report for this previous planning permission confirms that the scheme was acceptable because it represented a:

“Sympathetic and sensitive conversion and redevelopment, which respects the character and appearance of the site and rural setting beyond.”

8.15 The provision of two new residential dwellings in this location is not considered to sympathetically, nor sensitively respect the character and form of the former Atherstone Hunt Complex buildings. Through their extension of built form away from these existing buildings, the proposal fails to appropriately integrate with or complement the character of the properties associated with the former Atherstone Hunt Complex. This is considered to result in harm to the existing character and form of the surrounding area on this side of Kennel Lane.

8.16 The adverse impacts are compounded by the fact that the proposed siting and setback of the development fail to respect the existing building line of the former Atherstone Hunt Complex and the two adjacent dwellings

8.17 This can also be seen through the design of the scheme. For example, both properties feature a pitched dormer window on their principal elevations, but this is not a prevailing feature of the character of the surrounding area, nor the character of the existing development on the eastern side of Kennel Lane associated with the former Atherstone Hunt Complex. This is contrary to, and in conflict with, the Good Design Guide and is considered to represent poor design in these site-specific circumstances.

8.18 Furthermore, the proposed appearance of the development, including the proposed forms, and the architectural detailing such as the porch, the chimney, the brick detailing on the windows, and even the proposed colour of the windows and doors do not reflect the character of the existing dwellings at 57 and 59 Kennel Lane, nor the structures within the wider former Atherstone Hunt Complex that are visually prominent from Kennel Lane. This is considered to exacerbate the incongruous nature of the design of the currently proposed development, which contributes to its significant harm to the character of the surrounding area in these site-specific circumstances.

- 8.19 In summary, the scheme represents new residential development in the designated open countryside that fundamentally and detrimentally alters the rural character of the surrounding area through the exacerbation of ribbon development in this location. This is considered to result in significant harm to the character of the site, the surrounding area, the intrinsic value, beauty, open character, and landscape character of the open countryside, as well as the Witherley and Surroundings Landscape Sensitivity Area, and the wider Sence Lowlands Landscape Character Area. This significant adverse impact is compounded by the visual prominence of the development from the public highway and Public Footpath T27.
- 8.20 Furthermore, by virtue of its principle, size, scale, siting, layout, design, and architectural detailing, the development appears incongruous to, and fails to preserve or respect the existing character of, the site or the surrounding area, including the positive visual character of Kennel Lane, which acts as a visual barrier between the built form of Witherley and the designated open countryside, and the historic and isolated character of the built form associated with the former Atherstone Hunt Complex. This significant adverse impact is also heightened by the visual prominence of the development from the public highway and Public Footpath T27, from which the existing positive characteristics of the surrounding are most greatly appreciated. Consequently, the development is considered to diminish, and result in significant and permanent harm to, the existing character of the surrounding area.
- 8.21 In light of the above, 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), the National Design Guide, and the Good Design Guide. As a result, the scheme is not considered to be well designed and fails to reflect local design policies and government guidance on design. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused.

Impact upon Residential Amenity

- 8.22 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.
- 8.23 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.
- 8.24 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.

- 8.25 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property.
- 8.26 There are no existing residential properties to the east or south of the site, and the dwellings to the west of the site are over 30m from the development and separated from the scheme by Kennel Lane. Therefore, the proposal is not considered to result in significant adverse impacts to the residential amenity of dwellings in these locations.
- 8.27 The floor plans for 57 and 59 Kennel Lane are detailed within the approved plans of planning application 22/00660/FUL. It is noted that two bedrooms at 59 Kennel Lane feature windows that face towards the application site. Both windows to the bedroom at the front of this neighbouring property directly face towards the application site. These neighbouring windows are separated from the northern side elevation of Plot 1 by 8m.
- 8.28 Plot 1 does not feature any principal windows to habitable rooms on its northern side elevation of Plot 1 and the windows to the proposed landing downstairs toilet on this elevation can be obscure glazed via planning condition. Therefore, the development is not considered to result in any loss of privacy or any overlooking impacts to the residential amenity of 59 Kennel Lane.
- 8.29 As these neighbouring windows are on the first floor, the 8m separation distance is considered to meet the Good Design Guide's minimum separation distances for views onto blank side elevations. In light of this, and due to the siting and orientation of both properties, the proposal is not considered to result in any loss of light or any overbearing impacts to the residential amenity of 59 Kennel Lane.
- 8.30 In light of the above, the proposal does not result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupants of the scheme as a result of loss of privacy or loss of light, or any adverse overbearing or overlooking impacts.
- 8.31 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.32 Proposals for two-bedroom, two storey dwellings should provide a minimum of 70sqm of floor space and 2sqm of built-in storage in accordance with the NDSS.
- 8.33 The scheme provides 68.6sqm of internal floor space for each property and 0.9sqm of in-built storage for each dwelling. Therefore, the proposal does not comply with minimum standards of the NDSS. Nevertheless, given the very minor departure from the minimum standards detailed in the NDSS, this is not considered to result in significant harm to the amenity of the future occupiers of the scheme in these site-specific circumstances.

- 8.34 In accordance with Paragraph 10(c) of the NDSS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the NDSS.
- 8.35 Both bedrooms in each property meet the minimum space standards for one person.
- 8.36 To comply with the Good Design Guide, two-bedroom houses should also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m.
- 8.37 Both properties exceed the private outdoor amenity space requirements of the Good Design Guide.
- 8.38 In summary, the proposal is not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupiers of the scheme in these site-specific circumstances in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.39 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.
- 8.40 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).
- 8.41 Based on records available to the Local Highway Authority (LHA), there have been no Personal Injury Collisions (PIC)s recorded along Kennel Lane within the last five years. The proposal utilises an existing access that is proposed to be amended to benefit from an effective width of 6m for the entire length of the access drive. As such, the LHA are satisfied that the access is adequate for this scale of development and is not considered to result in any significant adverse impacts to highway safety.
- 8.42 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.43 The proposal provides sufficient off-street provision for two two-bedroom properties to comply with the requirements of Table 28 of the LHDG. The LHA confirmed that dimensions of the off-street parking and turning areas were in accordance with Figure 44 of the LHDG.

- 8.44 By virtue of these factors, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP.

Planning Balance

- 8.45 To conclude, 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.
- 8.46 In this instance, 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.
- 8.47 It is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant’s opportunity to act as new customers and employees for local businesses and services.
- 8.48 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.
- 8.49 On the other hand, the scheme represents new residential development in the designated open countryside that fundamentally and detrimentally alters the rural character of the surrounding area through the exacerbation of ribbon development in this location. This is considered to result in significant harm to the character of the site, the surrounding area, the intrinsic value, beauty, open character, and landscape character of the open countryside, as well as the Witherley and Surroundings Landscape Sensitivity Area, and the wider Sence Lowlands Landscape Character Area. This significant adverse impact is compounded by the visual prominence of the development from the public highway and Public Footpath T27.
- 8.50 Furthermore, by virtue of its principle, size, scale, siting, layout, design, and architectural detailing, the development appears incongruous to, and fails to preserve or respect the existing character of, the site or the surrounding area, including the positive visual character of the Kennel Lane, which acts as a visual barrier between the built form of Witherley and the designated open countryside,

and the historic and isolated character of the built form associated with the former Atherstone Hunt Complex. This significant adverse impact is also heightened by the visual prominence of the development from the public highway and Public Footpath T27, from which the existing positive characteristics of the surrounding are most greatly appreciated. Consequently, the development is considered to diminish, and result in significant and permanent harm to, the existing character of the surrounding area.

- 8.51 In light of the above, 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), the National Design Guide, and the Good Design Guide. As a result, the scheme is not considered to be well designed and fails to reflect local design policies and government guidance on design. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused. This attracts significant weight in the planning balance.
- 8.52 Given the above, the scheme results in significant adverse impacts to the character of the surrounding area and is considered to be contrary to, and in conflict with, three of the four applicable Key Policy Paragraphs within the NPPF.
- 8.53 By virtue of these factors, the significant adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances. In accordance with Paragraph 11(d) and Key Policy Paragraph 139 of the NPPF, it is recommended that the development 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 scheme represents new residential development in the designated open countryside that fundamentally and detrimentally alters the rural character of the surrounding area through exacerbation of ribbon development in this location. By virtue of its size, scale, siting, layout, design, and architectural detailing, the development fails to preserve or respect the existing character of the site and the surrounding area, including the historic isolated character of the built form associated with the former Atherstone Hunt Complex, and the positive characteristics of Kennel Lane as a barrier between built form and the designated open countryside. The proposal therefore results in significant harm to the character of the site, the surrounding area, the intrinsic value, beauty, open character, and landscape character of the open countryside, as well as the Witherley and Surroundings Landscape Sensitivity Area, and the wider Sence Lowlands Landscape Character Area. This significant adverse impact is compounded by the visual prominence of the development from the public highway and Public Footpath T27.

As a result, the development is contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapters 12 and 15, and Key Policy Paragraphs 129, 135, and 139 of the National Planning Policy Framework (2024), the National Design Guide (2021) and the Good Design Guide (2020). The permanent and adverse impacts of the scheme significantly and demonstrable outweigh the potential benefits of the development in these site-specific circumstances and in accordance with Key Policy Paragraph 139 of the NPPF, the development is refused.

a. **Notes to Applicant**

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

- Application Form (submitted: 09.01.2025)
- Biodiversity Statement (submitted: 09.01.2025)
- BNG Metric (submitted: 07.02.2025)
- Design and Access, Planning Statement (submitted: 09.01.2025)
- External Works Layout (9842 03) (submitted: 11.11.2025)
- Existing Site Plan (9842 01A) (submitted: 09.01.2025)
- Preliminary Roost Assessment & Bird Survey (submitted: 14.10.2025)
- Proposed Plans (9842 02) (submitted: 09.01.2025)