

Delegated Report

Planning Ref: 25/00883/OUT

Applicant: Mr & Mrs Morley

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land South West of Sibson Road, Sheepy Parva

Proposal: Outline planning permission for the erection of a single self-build dwelling (all matters reserved except for access)

1. Recommendations

- 1.1. **Refuse planning permission** subject to:
- Reasons outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks outline planning permission for the provision of one self-build dwelling at land South West of Sibson Road, Sheepy Parva. Only access is sought for approval within this outline application, and all other matters are reserved.
- 2.2. No details have been provided regarding the appearance, scale, layout, massing, or landscaping of the development.
- 2.3. This application is a resubmission of application 24/00872/OUT which was refused and dismissed at appeal.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located on the south side of Sibson Road, Sheepy Parva in the designated open countryside and outside of any defined settlement boundary. The size is rectangular in shape and measures approximately 0.35 acres.
- 3.2. Sheepy Parva is a rural hamlet, however it is not identified as a settlement in the Core Strategy Settlement Hierarchy due to its size. Sibson Road features sporadic dwellings and farmsteads, giving the area a rural and open feel.
- 3.3. The application site appears to be used as agricultural pastureland and is bound to the north by the garden area of the dwelling known as South Riding, to the west and south open countryside, and to the east a hedgerow boundary, Sibson Road and the dwelling known as Arden View which has been replaced and extended via a series of application in 2010-2012.
- 3.4. Public Right of Way, Footpath T12, runs roughly north to south approximately 80m west of the rear boundary of the site. This Public Footpath connects Sheepy Parva with Ratcliffe Culey, which is approximately 1.2 miles to the south west.

4. Relevant Planning History

- **24/00872/OUT**
Outline planning permission for the erection of a single self-build dwelling (all matters reserved except for access)
- Refused 11.11.24
- Appeal Dismissed 04.08.2025 (ref. 3361154)

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2 Three members of the public have objected to the development for the following reasons:

- Nothing has changed since the previous refusal
- Highway safety concerns due to the narrow nature of Sibson Road, visibility and the access location
- Sewerage system is at capacity
- Noise and disturbance during construction
- Flood risk
- Loss of outlook
- The development is contrary to the Development Plan including the Neighbourhood Plan
- There have been attempts to destroy the hedge and verge due to visibility concerns
- The road is used by many walkers to access the PRow
- The application includes references to recent appeal decisions, the 5 year supply of housing and the right to build taskforce- all had been considered or were in place when the Inspector dismissed the previous appeal.
- Unwarranted encroachment into the countryside
- Loss of neighbouring amenity
- Loss of trees/wildlife

6. Consultation

6.1 There have no objections to the application from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC Environmental Services' Pollution Officer
- HBBC Waste Street scene Services (subject to a condition)
- Local Highway Authority (LHA)

6.2 Sheepy Parish Council have objected to the proposal making the following comments (summarised):

This Resubmission of 24/00872/OUT remains unchanged and the Parish Council is not supportive of this. The proposal is for development in the countryside and is not compliant with the legally binding Sheepy Parish Neighbourhood Plan 'made' May 2022 notably policies S1 (Countryside), S8 (Design) and S10 (Housing Development). It must be noted that all policies in the plan should be considered collectively when determining any planning application.

The Parish Council is aware of the dismissed appeal related to 24/00872/OUT and the Inspector's reasons for dismissal. The Parish Council considers that the key issues relating to the appeal are still directly relevant to this application, with the resubmitted application not overcoming the reasons for the Inspector dismissing the appeal.

The proposed development site is in the countryside. The Appeal Inspector concluded '...the proposed development would harm the character and appearance of the area. Thus, it would be contrary to the aims of Policies S1, S8, and S10 of the Sheepy Neighbourhood Plan (SNP) made May 2022 and Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (SADMP) adopted 2016 which collectively seek to safeguard the countryside and respond positively to

the character and appearance of the area. I give significant negative weight to this conflict.' The resubmitted planning application does not overcome these concerns. Furthermore, Sheepy Parish Council is concerned that the proposed works would require further removal of the established and mature hedge and grass verge which forms the boundary to this property with Sheepy Road. This will have an added detrimental effect on the village gateway - a feature identified in Sheepy Parish Neighbourhood Plan's Design Guide and also impact biodiversity and character.

Notwithstanding any shortfall in housing supply across the Borough, the Inspector stated that Sheepy Parish benefits from the legal protections offered by NPPF Paragraph 14. This remains the case and therefore the benefits of the new proposal do not outweigh the conflict with the Sheepy Neighbourhood Plan having regard to Paragraph 14, including the harm to the character and appearance of the area. The harm would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF taken as a whole.

- 6.3 LCC Archaeology were consulted as part of the previous application and appeal, and concluded with the following comments advising that potential archaeological requirements are clarified prior to determination:

"We would reiterate that the concern from our perspective is the impact of the development and the ability to respond effectively to the presence of substantial buried remains, rather than the significance of the archaeology. Whilst we appreciate the applicant's reluctance to undertake pre-determination evaluation, an extensive mitigation programme has the potential to be far more costly, risking a compromised archaeological outcome and potentially making the scheme unviable. We would highlight that from the applicant's perspective understanding the archaeological implications prior to determination, including clarification of the cost/scope of any archaeological mitigation requirements, would reduce the archaeological risk and consequently achieve the best asset value for the land.

Our position is therefore that it is in the applicant's interests to ensure the archaeological requirements are clarified at an early stage, although purely from an archaeological perspective we do not feel that this would represent a reason for refusal. We would also state that, in the case that planning permission is granted, our recommendation to the LPA would be for the archaeological investigation to be secured as a pre-reserved matters requirement, rather than pre-commencement, to ensure the scope of any mitigation is clarified in advance of further detailed site plans being submitted."

7. Policy

7.1 Core Strategy (2009):

- Policy 2:

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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Sheepy Parish Neighbourhood Plan (2022):

- Policy S1: Countryside
- Policy S6: Water Management
- Policy S7: Local Heritage Assets
- Policy S8: Design
- Policy S10: Housing Development

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- Self-Build and Custom Housebuilding Act (2015) (as amended by the Housing and Planning Act 2016)
- Self-build and Custom Housebuilding Regulations 2016
- Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016

7.5 Other Relevant Guidance/Evidence:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- HBBC Custom and Self-build Register
- HBBC Settlement Hierarchy Review (December 2021)

8. **Appraisal**

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

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

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

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

8.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development

Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

- 8.5 Additionally, Paragraph 14 of the NPPF confirms that in situation where paragraph 11(d) of the NPPF applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- 8.6 In this case, The Sheepy Neighbourhood Plan became part of the development plan in May 2022, which is less than five years before the date of this decision. Furthermore, the Neighbourhood Plan contains allocations to meet its identified housing requirement via Policy S13: Hornsey rise Memorial Home which is allocated for the development of up to 20 dwellings.
- 8.7 The current Development Plan consists of the adopted Core Strategy, the Site Allocations and Development Management Policies (SADMP) Development Plan Document, and the Sheepy Parish Neighbourhood Plan. 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.
- 8.8 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.9 Nevertheless, in accordance with Paragraph 225 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.
- 8.10 Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.11 The application site is not within an identified settlement boundary. Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(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.”*
- 8.12 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the

countryside from unsustainable development. 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”.*

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.*
- 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.*

- 8.13 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4.
- 8.14 Policy DM17 supports development proposals that are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The Framework seeks to promote sustainable modes of transport such as walking, cycling and public transport, and requires LPAs to manage patterns of growth in support of these objectives.
- 8.15 Sheepy Parva is a small settlement with limited services, the 2021 Settlement Hierarchy Review found the hamlet was served by one restaurant with limited/no bus service. Sheepy Magna contains other services including a primary school (approx.. 600m), pub (approx. 830m) and church (approx. 900m). There is a lit footpath between these services and the junction of Mill Lane and Sibson Road where the footpath and street lighting ends meaning future occupiers would need to walk a distance of approximately 80m along Sibson Road with no footpath or street lighting.
- 8.16 In terms of a bus service the Number 7 service, links Sheepy Magna to Atherstone, and Measham which contain higher order services and shops. The nearest bus stop to the site is on the north side of Mill Lane which is approximately 135m walking distance. However, the Stagecoach timetable shows this stop is only serviced during the school term, Monday-Friday and then only twice a day (once each way leaving at 07:30 in the morning and returning at 15:54) when the timetable/route of the bus is amended to run via Market Bosworth. At other times future occupiers of the development would need to walk into Sheepy Magna where the nearest bus stop is approximately 830m away. The ‘standard’ service operates 3 services a day towards Measham at 10:19, 12:19 and 14:19 and towards Atherstone four times a day departing at 09:31, 11:31, 13:31 and 15:37 (the latter outside of term time only). Three

services operate on Saturdays towards Measham and four towards Atherstone. No services operate on Sundays or Bank Holidays.

8.17 Overall, whilst there are limitations regarding the frequency of the bus service and requirement to use a shared surface to reach Sheepy Magna on foot/cycling, prospective occupiers of the proposal would have a genuine choice of sustainable travel modes to reduce the reliance on private cars. Therefore, the location of the proposed development with regard to access to services and facilities would be acceptable, as it would have access by a choice of modes of travel. This would promote sustainable patterns of development in accordance with Policy DM17 of the SADMP, and the Framework.

8.18 Policy S1 of the Neighbourhood Plan protects land outside settlement boundaries from unsustainable development, and echoes Policy DM4 of the SADMP in terms of the types of development that may be considered sustainable in countryside locations.

8.19 Policy S10 (Housing Development) of the Neighbourhood Plan refers to the defined settlement boundaries for Sheepy Magna and Sibson, confirming that permission for housing development outside of these boundaries will be limited to:

A. Land allocated for residential development at Hornsey Rise Memorial Home in accordance with Policy S14;

B. Rural worker accommodation in accordance with Site Allocations and Development Management Policies DPD Policy DM5;

C. Replacement dwellings in accordance with Site Allocations and Development Management Policies DPD Policy DM14;

D. The re-use and/or adaptation of redundant rural buildings in accordance with Site Allocations and Development Management Policies DPD Policy DM15;

E. A dwelling of a design that is of exceptional quality, in that it:

a. is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

b. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area;

F. Development that would involve the subdivision of an existing residential dwelling; and

G. Exception site affordable housing in accordance with Policy S13.

8.20 The proposal does not meet any of the criteria above and the site is located in excess of 500m from the edge of the defined settlement boundary.

8.21 Given the above, the Council considers that the proposal is offered no support by Policies DM4 and DM17 of the SADMP or Policies S1 and S10 of the NP. As such, the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.22 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.
- 8.23 The housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure, albeit the Council is now able to demonstrate a 5-year housing land supply (5.6 years) when using the standard method set out by MHCLG.
- 8.24 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.25 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 clear 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.
- 8.26 Section 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 is to meet as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.
- 8.27 Paragraph 70 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.
- 8.28 The development is for one singular residential property within a rural area, 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.
- 8.29 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 later in 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.
- 8.30 The lack of a 5 Year Housing Land Supply position was highlighted during the previously dismissed appeal.
- 8.31 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.

Custom and Self-Build Housing (CSB)

- 8.32 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) those who

required affordable housing; families with children; older people (including those who require retirement housing, housing-with-care, and care homes); students; people with disabilities; service families; travellers; people who rent their homes; and people wishing to commission or build their own homes.

- 8.33 As of 31 January 2024, Section 123 of the Levelling Up and Regeneration Act 2023 (LURA) came into force regarding amendments to the duty in relation to self-build and custom housebuilding within Section 2A of the Self-Build and Custom Housebuilding Act 2015.
- 8.34 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.
- 8.35 Section 6 of Section 2A of the Self-Build and Custom Housebuilding Act confirms that the demand for self-build and custom housebuilding in an authority's area in respect of a base period is an aggregate of:
- (i) The demand for self-build and custom housebuilding arising in the authority's area in the base period; and
 - (ii) Any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which:
 - (a) The time allowed for complying with the duty in Subsection (2) expired during the base period in question, and
 - (b) The duty in Subsection (2) has not been met.
- 8.36 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.
- 8.37 Section 5 of the Self-Build and Custom Housebuilding Act confirms that a "*Serviced plot of land,*" means a plot of land that has access to a public highway, and has connections for electricity, water, and wastewater, or can be provided with those things in specified circumstances or within a specified period. For clarity, "*Specified*" in this instance means specified by regulations.
- 8.38 The Applicant claims that the proposed development is classified as a 'self-build; within the definition provided within the Self-Build and Custom Housebuilding Act 2015, which is a material consideration within this planning application.
- 8.39 Section 1 of the Self-Build and Custom Housebuilding Act 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 by as homes by those individuals.
- 8.40 There are no adopted local/neighbourhood planning policies referencing CSB proposals. Therefore, were the 'tilted balance' not engaged with regards to the age of the Local Plan in general, it would be applied on this basis alone.

- 8.41 There are currently 63 people on the HBBC CSB Register. The Local Planning Authority notes that the Applicant is on the Local Planning Authority's Custom and Self Build Register, and the submission states that the land is serviced and the applicant intends to live in the dwelling. That said, there is no requirement to match names on the register to permissions.
- 8.42 Consideration should be given not only to the numbers on the Register, but also to the data obtained on the Register in relation to the demand for; the type of homes, the location of; and nature of plots. Out of 63 individuals on the Register:
- 28 individuals are seeking a 4-bedroom house, and 14 further individuals are seeking a 5+ bedroom house, demonstrating the demand for larger properties.
 - 59 individuals are seeking a detached house, demonstrating the demand for this type of serviced plot.
 - Only one is seeking to build in Sheepy (Parva or Magna is unspecified) and that individual is the applicant(s). More generally, only 32 out of the 63 people on the register have specified that they would prefer to build in the rural area.
 - 56 individuals are not interested in building in a group
- 8.43 The Register operates on a yearly basis with each year ending on 30 October. HBBC have three years after the end of the registration year to ensure that it has provided sufficient suitable permissioned plots to meet the demand equating to the number on the register for that base period. This includes carrying over unmet demand on a cumulative basis.
- 8.44 Owing to the timing of this application with the decision being issued shortly after 30 October, base period 10 has just ended. Currently 3 CSB permissions have been confirmed within that period. As such Hinckley and Bosworth Borough Council now has a shortfall of 17 self-build and custom housebuilding. The result is a cumulative need for 27 permissions to be granted by the end of the current base period (31 Oct 2025 - 30th Oct 2026 – the end of Base Period 11).
- 8.45 The applicant's agent has confirmed that the applicant would be willing to enter into a Unilateral Undertaking to secure the plot as a self-build plot. HBBC would require this should the scheme be otherwise acceptable but this has not been submitted with the application. The Register shows a demand for larger homes, however, as an outline application with only access to be considered, the scale of the dwelling would not be secured at this stage. Whilst such matters are reserved the nature of the plot would result in a detached house in accordance with the preferences of those on the Register. Furthermore, the plot would meet demand for the one plot required within Sheepy, however, that is the applicant and the permission would not be a personal consent. More generally there are only 23 out of the 51 people on the register have specified that they would prefer to build in the rural area.
- 8.46 The LPA acknowledges that the shortfall of CSB permissions has increased from Base Period 9 to Base Period 10, from a shortfall of 6 to 17 CSB dwellings. Notwithstanding this, in terms of applying positive weight to the provision of one self-build dwelling, given the quantum of this proposal, only limited positive weight can be applied to this benefit. As expressed in the recent appeal decision, even if it was accepted that there is a clear and significant demand for self-build and custom build plots within the Borough, the provision of one CSB dwelling can not be afforded additional weight.
- 8.47 Overall, the provision of the self-build plot, were this secured by a UU, would contribute to the unmet demand of 17 plots and cumulative need for permissions by

the end of this base period. Whilst HBBC are now failing to meet the statutory duty to permit a sufficient number of CSB permissions the proposal would only add one additional dwelling to the supply of self-builds. As such it would make a small contribution in addressing the limited current shortfall in provision and moderate weight at best would therefore be attributed to the benefits of contributing one self-build dwelling to the supply of self-build and custom build dwellings, as confirmed by the recent Appeal Decision on this site.

Design and Impact upon the Character of the Area and Heritage Assets

- 8.48 Section 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. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.49 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.50 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.
- 8.51 Policy S8 of the Neighbourhood Plan states that development proposals should be designed with evident care so as to:
- A. Respond positively to the character of the area in which it is located as set out in the Design Code in Appendix 5. Innovative design that is appropriate to the prevailing character of the area is encouraged;
 - B. Demonstrably respond to the features of its setting;
 - C. Work with the scale, form and character of the location and make a positive contribution to the street-scene;
 - D. Protect important local features such as traditional walls, hedgerows and trees;
 - E. Be future-proofed with low carbon heating and high levels of energy efficiency;
 - F. Show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution; and
 - G. Provide a safe and suitable access with appropriate on-site parking provision.
- 8.52 Ultimately, development that does not meet the above criteria and would result in poor design which fails to improve design standards in the locality will be refused.
- 8.53 No details have been submitted in relation to the precise appearance, siting, scale, layout, or landscaping of the development as the application is in outline.
- 8.54 The development is outside of any identified settlement boundary in the open countryside and is considered to be unacceptable in principle as it would result in unfettered development in the countryside leading to harmful urbanising impact.

Whilst there are dwellings adjacent the application site on three boundaries to varying proximities, to the southwest is open countryside, and the site and surrounding area has an open and rural character.

- 8.55 The provision of residential development in this application site would fundamentally and detrimentally alter the character of the application site and approach to Sheepy Parva through the removal of some hedgerow, the creation of a surfaced access and associated hardstanding, and the erection of a dwelling of which the scale and appearance is not yet known. The Neighbourhood Plan contextual analysis for Sheepy Parva notes that on the approach from Sibson Road the main built-up area of the village is marked by South Riding and Manor Farm- the latter being more typical of the area's architecture and character. The development would extend development beyond this into an area which quickly transitions to an open countryside character to the south west of Sibson Road. The development would also lead to ribbon development along this side of Sibson Road which DM4 seeks to avoid.
- 8.56 Furthermore, the submission indicates via the red line plan a residential curtilage which would extend towards footpath T12, which at its closest point would be 70m from the rear of the site. Unlike the neighbouring garden the site is not screened by a trees and this could allow for additional domestic paraphernalia to be sited in what would be the rear garden area, creating a harmful urbanising visual impact.
- 8.57 As a result, the development represents an encroachment of residential development in the open countryside, which is protected from unsustainable development by local and national planning policy. The development would amount to the domestication of the site, which intrudes into the verdant rural character of the application site and the countryside. This is considered to result in a significant adverse and irreversible impact on the intrinsic value, beauty, open character, and landscape character of the open countryside.
- 8.58 The access (and associated removal of hedgerow) for the proposed development is not judged to cause harm to the significance of any designated heritage assets, so consequently the proposal accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.59 However it is also noted that, depending on the details of the appearance, landscaping, layout and scale of a proposed dwelling on the application site, there is the possibility that such a development would result in greater than negligible changes within the setting of the two listed buildings, so an assessment of the impact of the proposal on their significance will be required at the reserved matters application stage.
- 8.60 By virtue of these factors, the development is conflict with Policy S8 of the Sheepy Parish Neighbourhood Plan, Policies DM4 and DM10 of the SADMP, and Sections 12 and 15 of the NPPF.

Impact upon Residential Amenity

- 8.61 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.

- 8.62 Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers are fully considered when assessing planning applications.
- 8.63 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.
- 8.64 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.65 Policy S8 of the Neighbourhood Plan states that developments must show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.66 No details of the design of the development have been submitted at this stage. Nevertheless, it is considered that the scheme can be designed to prevent any significant harm to the residential amenity of neighbouring dwellings or the future occupants of the scheme at the Reserved Matters stage in accordance with the Good Design Guide, Policy S8 of the Neighbourhood Plan, and Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.67 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.68 Ultimately, 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, in accordance with Paragraph 115 of the NPPF.
- 8.69 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)).
- 8.70 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.71 The Local Highway Authority (LHA) refers the Local Planning Authority (LPA) to current standing advice provided by the Local Highway Authority dated September 2011.
- 8.72 The Applicant has not submitted a drawing which specifically provides details in respect of the site access arrangements. The LHA states that the proposals show

that the Applicant may need to remove a section of grassed highway verge in order to facilitate the access. Whilst this may be acceptable there may be statutory undertaker apparatus located within the verge/footway fronting the site; the Applicant will need to undertake surveys and potentially works to relocate these services. Any additional cost that arises as a result of this would be entirely at the Applicant's expense.

- 8.73 Subject to further information being provided by the Applicant which could be secured by conditions, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP and the LHDG.

Archaeology

- 8.74 Policy 13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.75 There is a possible medieval/post-medieval moat at Moat House, which is immediately to the north of the application site, recorded on the Leicestershire and Rutland Historic Environment Record (reference MLE29261). LCC archaeology department have been consulted yet have not provided comments to date. No archaeological surveys/assessment has been submitted with this application, however, it is considered that the provision of this could be requested by condition with archaeological studies being submitted with any future reserved matters application.
- 8.76 The Applicant has previously been advised by LCC Archaeology that a pre-determination archaeological survey is advised as the results could alter the future developability of the site. Notwithstanding this, these comments do not amount to an objection and if approved any archaeological evaluation could take place as part of any future reserved matters application and prior to commencement of development.

Planning Balance

- 8.77 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required and do not contain any provisions regarding CSB. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and 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 the Framework taken as a whole.
- 8.78 In accordance with Paragraph 14 of the NPPF, the LPA acknowledges that the Neighbourhood Plan was made less than five years from the date of this decision, and it contains policies and allocations to meet its identified housing requirement. Therefore, in this case, the adverse impact of allowing residential development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.
- 8.79 Policy DM4 of the SADMP is considered to be broadly consistent with the overall aims of the NPPF in seeking to protect the intrinsic character of the countryside and steering development to sustainable locations, and therefore significant weight

should be attached to the fact that the proposal is contrary to the Development Plan and undermines the plan led approach endorsed by the Framework.

- 8.80 The proposal also conflicts with policies S1 and S10 insofar as the proposal does not meet any of the specified criteria for development outside of the settlement boundary. In line with paragraph 14 this conflict is attributed significant weight.
- 8.81 The development is considered to result in an adverse and irreversible harmful impact on the intrinsic value, beauty, open character, and landscape character of the open countryside. This is contrary to the Good Design Guide, Policies S1 and S10 of the Neighbourhood Plan, Policies DM4 and DM10 of the SADMP, and Sections 12 and 15 of the NPPF. Therefore, this harm is also considered to attract significant weight in the planning balance.
- 8.82 Policy DM17 supports development proposals that are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Whilst Sheepy Parva is a small settlement with limited services, some services could be utilised within Sheepy Magna and within a reasonable walking distance, however residents would still depend on the use of private cars to meet daily needs. Nonetheless, in line with the previous appeal decision the location of the site is considered acceptable in locational sustainability terms.
- 8.83 There are social benefits from the scheme such as providing housing for the occupants 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. Notwithstanding this, as the application proposal is for the provision of a single dwelling, these social and economic benefits are afforded limited weight.
- 8.84 It is acknowledged that the Council has a shortfall in the supply of custom and self-build developments of 17 from base period 10, with 27 permissions now required within Base Period 11 31st October 2025 to 30th October 2026. The Framework states that small and medium sized sites can make an important contribution to meeting housing requirements of an area and can be built out quickly. The proposal would deliver one new dwelling which would make a positive contribution to addressing the minor shortfall in self-build plots. As the scheme is only for one dwelling, the LPA affords moderate positive weight to this aspect of the proposal.
- 8.85 In summary, it is considered that the adverse environmental and social impacts of this proposal conflict with the Development Plan in particular the Neighbourhood Plan significantly and demonstrably outweigh its potential benefits. As a result, it is considered that the development conflicts with Policies S1, S8 and S10 of the Sheepy Neighbourhood Plan, Policies DM4, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), as well as Sections 2, 11, 12, and 15 of the National Planning Policy Framework (December 2024).
- 8.86 It is not considered that this application materially differs from the previously dismissed appeal, whilst the CSB position has changed, the weight attributed to a single plot is not sufficient to overcome the harm.

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 to be refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Reasons outlined at the end of this report.

11.2 Reasons

1. The development represents unjustified residential development outside the existing built form into the open countryside. This results in an irreversible and detrimental urbanising effect on the character of the countryside. The provision of one self-build dwelling, with the associated economic and social benefits, would not outweigh the harm, which is significant and demonstrable in this case. Therefore, the proposal is in conflict with Policies S1, S8 and S10 of the Sheepy Neighbourhood Plan, Policies DM4, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), as well as Sections 2, 11, 12, and 15 of the National Planning Policy Framework (December 2024).