

Delegated Report

Planning Ref: 24/00284/OUT

Applicant: Mrs Pauline Rosa Taylor

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land Corner Of The Green And Pipe Lane Orton On The Hill

Proposal: Outline planning application for the erection of one self-build/custom build dwelling (all matters reserved except for access)

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning 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 a self-build/custom build dwelling and associated detached garage at land on the corner of The Green and Pipe Lane, Orton on the Hill.

2.2. Only details of access to the site are sought for approval within this outline application and all other matters are reserved. Therefore, the appearance of the scheme is reserved for later approval; therefore, the extent of the application is described and assessed via the following indicative documents:

- Indicative Proposed Site Plan 0502
- Site Location and Block Plan 0201
- Site Plan and Landscaping 1800-0502-03
- Topographical Survey
- Tree Constraints Plan

2.3. Indicatively, the dwelling is sited centrally within the paddock and is oriented southwest to north-east on a similar building line to the adjacent bungalow at 4 Pipe Lane. A hard surfaced forecourt with a double garage is also indicatively proposed to the front of the dwelling. The design concept of the proposed dwelling is indicatively of two ranges of converted farm buildings.

3. Description of the Site and the Surrounding Area

3.1. The 0.35ha application site is located within the centre of the identified settlement boundary of Orton on the Hill, to the west of, and adjacent to, the crossroads junction of Pipe Lane/Main Street with The Green/Sheepy Lane. The adopted Core Strategy (2009) classifies Orton on the Hill as a Rural Hamlet. The application site is located within the Orton on the Hill Conservation Area (OHCA).

- 3.2. Within the OHCA Appraisal, Orton on the Hill is described as being divided into two distinct character areas, one of which is the area around The Green and Pipe Lane. This area is characterised by relatively unplanned organic pattern of buildings, which are separated from each other by distance, green spaces, and continuous hedges. The OHCA confirms that the large green spaces between the groups of buildings along Pipe Lane and around the village green are important to the character of the Conservation Area and should be retained.
- 3.3. The application site comprises paddock land and one Category B Tree. The topography of the site slopes gently down from the north-western corner of the site towards the south-eastern corner. Within the OHCA Map, the paddock is identified as a Key Space that features important hedgerows along its northern and south-eastern boundaries that are adjacent to The Green and Pipe Lane.
- 3.4. Views north along The Green and views west along Pipe Lane in both directions adjacent to the application site are identified within the OHCA Map as protected views. These views emphasise the village's rural character and allow for an appreciation of the significance of the Grade I Listed Church of St Edith from its wider setting and context.
- 3.5. The Orton on the Hill Conservation Area Management Plan (OHCAMP) (2009) describes the application site as:
- "The large paddock that fronts The Green is important in visual terms. The vista along The Green looking towards the Parish Church emphasises the village's rural character, [which is] reinforced by its grass verges and continuous hedgerows. Any new development fronting the road will have [a] detrimental impact [by] being visually prominent. The opening at the field gate to the paddock would also need to be considerably widened to accommodate road access."*
- 3.6. To the north of the site, beyond The Green, are further Key Spaces within the Conservation Area alongside a spinney and a pond. To the northwest and west of the site are further residential properties within Orton on the Hill. Immediately adjacent to the western boundary of the site is 4 Pipe Lane, which is identified as a potential development area within the OHCA Map.

4. Relevant Planning History

- 4.1 N/A.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

5.3 In total, 14 responses were received from members of the public from 12 separate addresses all of which objected to the development for the following reasons:

- Ecological concerns.
- Highway safety concerns.
- Ground levels of the site exacerbate the visual prominence and harm of the scheme.
- Significant harm to the character of the area.
- Significant harm to the designated Key Space within the Orton on the Hill Conservation Area.
- Significant harm to important views of the Grade I Listed Church.
- Significant harm to the setting of the Grade I Listed Church.
- Significant harm to the Orton on the Hill Conservation Area.
- Significant harm to the Important Hedgerows within the Orton on the Hill Conservation Area.
- Significant harm to Protected Views within the Orton on the Hill Conservation Area Appraisal.
- Significant harm to, and potential loss of, Protected Trees.

5.4 Members of the public have also raised concerns that the development is accessed from a private drive. Several members of the public have also expressed their concerns regarding the credibility of the self-build and custom housebuilding classification of the scheme.

5.5 No further responses have been received.

6. Consultation

6.1 The County Council's Tree Officer, the Council's Greenspaces Officer, Severn Trent Water, nor Twycross Parish Council responded to the planning application.

6.2 The Conservation Officer identified that the development proposal was likely to have an adverse impact upon the character and appearance of the area, and on the appreciation of the special interest of the Grade I listed Building, the Church of St. Edith. Therefore, the Conservation Officer advised that the decision taker needs to apply the relevant tests within Local and National Planning Policy when determining the planning application.

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

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer (subject to conditions)
- Leicestershire County Council (LCC)'s Archaeology Department (subject to conditions)
- LCC's Ecology Unit (subject to conditions)
- National Gas Transmission

Archaeology:

- 6.4 Leicestershire County Council (LCC)'s Archaeology Department requested that the determination of the application was deferred until the Applicant provided an Archaeological Impact Assessment (AIA) of the proposals including a field evaluation. The Applicant submitted their AIA on 15 August 2024, which identified that the set lies in an area of significant archaeological potential.
- 6.5 As a result, on 28 August 2024, the Archaeology Department confirmed that, to ensure that any archaeological remains present are dealt with appropriately, the Applicant should provide an appropriate level of archaeological investigation and recording, including an archaeological soil strip of the development area followed by appropriate investigation and recording of any exposed archaeological remains. The County Council advised that these works should be detailed within a Written Scheme of Investigation (WSI) prior to the commencement of the development and secured via a planning condition.

Drainage:

- 6.6 In light of the number of concerns raised by members of the public, the Case Officer requested further clarification on the assessment of drainage to accommodate the development by the Council's Drainage Officer. On 07 May 2024, the Drainage Officer confirmed that, given the scale and nature of the proposed development, it would be unreasonable to apply a drainage condition to any planning consent. The Drainage Officer also highlighted that planning permission does not allow the Applicant to discharge surface water, which would be subject to a separate application to the relevant authority such as Severn Trent Water in the case of discharge to a public sewer.

Ecology:

- 6.7 The County Council's Ecology Department have confirmed that the Applicant's Preliminary Ecological Appraisal (PRA) is acceptable, and therefore no further surveys are required. However, in order to demonstrate net gain in biodiversity, the Ecology Department requested a Biodiversity Enhancement Scheme to be secured via planning condition. This Enhancement Scheme should include a native planting scheme, at least one bat box, and at least one bird box. The Applicant agreed to the planning condition on 29 April 2024.

Waste:

- 6.8 The Council's Waste Management Officer requested a planning condition that secures the adequate provision of storage and collection of refuse and recycling containers.
- 6.9 The Local Highway Authority have referred to standing advice. No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets
- Policy 14: Rural Areas: Transport

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Orton on the Hill Conservation Area Appraisal (OHCA) (2009)

8. Appraisal

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

- Principle of development
- Housing land supply
- Self-build and custom housebuilding development
- Design and impact upon the character and significance of the area and the historic environment
- 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.
- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4 Policy 13 of the adopted Core Strategy states that the Council shall, amongst other things, support housing development within the settlement boundary of rural hamlets.
- 8.5 Given the above, it is considered that the proposal of a new residential dwelling in the identified settlement boundary of Orton on the Hill is acceptable 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

- 8.6 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 5.6 years of deliverable housing on 29 July 2024. However, 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.
- 8.7 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.8 In light of the above, the provision of one dwelling to the Borough’s supply of land for housing is considered to attract little weight within the planning balance.

Custom and Self-Build Housing (CSB)

- 8.9 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.
- 8.10 The Applicant claims that the proposed development is classified as a self-build and custom-build development within the definition provided within the Self-Build and

Custom Housebuilding Act 2015, for a future plot purchaser, which is a material consideration within this planning application.

- 8.11 A pre-commencement planning condition can be utilised to ensure that the scheme is brought forward as a self-build and custom house-build development.
- 8.12 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.
- 8.13 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.
- 8.14 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.
- 8.15 Notwithstanding this, to date, Hinckley and Bosworth Borough Council does not have a shortfall of self-build and custom housebuilding.
- 8.16 Whilst the Council require 19 suitable cumulative permissions to be granted by 30 October 2024, it must be noted that, as of 01 May 2024, the Council has currently granted 12 permissions for custom and self-build housing in this period so only 7 further permissions need to be granted before 30 October 2024. In addition, the Council will only be considered to have a shortfall if a sufficient number of suitable permissions have not been achieved after this date.
- 8.17 As the Council have supplied more suitable permissions than demand required at the end of Base Period 8 (31 October 2022 to 30 October 2023), it is considered that no weight can be given to the benefits of contributing to the supply of self-build and custom build dwellings at this moment in time.

Design and Impact upon the Character and Significance of the Area and the Historic Environment

- 8.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act places a general duty in the exercise of planning functions stating that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.19 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.20 Section 16 of the National Planning Policy Framework provides the National Policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.21 Paragraphs 205 to 208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.22 Nevertheless, Paragraph 212 of the NPPF confirms that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.23 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.24 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.
- 8.25 Policy 13 of the adopted Core Strategy states that the Council will require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the Conservation Area into the development.

- 8.26 Ultimately, the OHCA states that new development should contribute positively to the character or appearance of the Conservation Area in terms of siting, scale, design, and materials. To maintain the distinctive character and appearance of the OHCA, the OHCA Appraisal recommends resisting development proposals within identified Key Areas. Furthermore, the OHCA requires development to ensure important views of the Grade I Listed Church and views out into the countryside are protected.
- 8.27 The application site is identified as a key space within the OHCA, is bounded by important hedgerows along The Green and Pipe Lane and features an important protected mature tree. It is considered that the features of the application site make a positive contribution to the character and appearance, and thus significance, of the Conservation Area, and the site is considered to play an essential role in preserving the verdant open and rural character of the village and supporting key views within the area.
- 8.28 The provision of a dwelling within the application site is considered to result in the domestication and development of an important, verdant, and largely rural, open space within the Conservation Area. The development of the site therefore is considered to be spatially inconsistent with the settlement and introduces an infill of built form into a key space within the Conservation Area that is likely to continue the detrimental effect upon the character of the area such as other infill developments in the Conservation Area. As a result, irrespective of any design concept, scale or appearance of the dwelling, any development within the application site is considered to have an adverse impact upon the character and appearance, and thus significance, of the Orton on the Hill Conservation Area.
- 8.29 Whilst the important mature hedgerow boundary hedgerows along Pipe Lane and the Green and retained, due to the sloping site levels and seasonal screening effect of this vegetation, it is most likely that the built form within the application site would be visible when positioned around the edges of the site. This would include the important view looking north-west along The Green towards the Listed Church, where currently the only built form that is evident within this view is the southern elevation of the Church. Therefore, the introduction of modern built form on the site within this view would have a detracting and therefore detrimental effect upon an observer's visual experience of this view and their appreciation of the significance of the Church, which can currently be appreciated uninhibited by development from its wider rural setting and context.
- 8.30 The proposal's indicative converted farm building design concept for the proposed dwelling loosely results in the appearance of a simple vernacular building, which is one of the general categories of building style identified within the OHCA Appraisal. The scale of the northern range is two storeys in height, similar to a converted threshing barn or similar, with the southern range being single storey.
- 8.31 The indicative 'double pile' arrangement of the two linear structures is considered to represent a convoluted and wholly uncharacteristic arrangement, with no precedent

or similar arrangement of built form of any existing or former farms within the settlement. This is likely to result in a considerable mass of development, which is exacerbated by the width of each range along the southwest to northeast alignment. The resulting appearance of the indicative development is considered to represent a modern dwelling rather than the conversion of traditional vernacular farm buildings. Due to the two-storey range being set within the northern section of the site, where the site levels are highest, the visibility of the uncharacteristic arrangement and mass of the proposed dwelling is considered to be exacerbated.

- 8.32 In summary, the proposal is considered to give rise to a similar effect as the inappropriate historical infill developments elsewhere in the Orton on the Hill Conservation Area, which results in both a spatial and visual erosion of the verdant and open nature of a designated key space within the Conservation Area. This impact would also have associated implications for the integrity of a key view within the Conservation Area and diminishing the contribution of this view would also have a detrimental impact on an observer's ability to appreciate the character of the area and the significance of the Church of St Edith.
- 8.33 By virtue of these factors, the proposal is considered to result in an adverse impact upon the character and appearance of the Orton on the Hill Conservation Area as well as the appreciation of the special interest of the Grade I Listed Church of St. Edith. This is considered to be contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the SADMP as well as the requirements of the NPPF.
- 8.34 The level of harm to both heritage assets is considered to be less than substantial in terms of the NPPF. Given the quantum of detrimental effects, the adverse impact upon the Conservation Area is considered to be between the middle and higher end of this spectrum of harm. As the proposal results in an adverse change to the setting of the Church rather than a direct impact, it is considered that the adverse impact upon the Church is at the lower end of less than substantial harm.

Impact upon Residential Amenity

- 8.35 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.
- 8.36 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.
- 8.37 No details have been submitted in relation to the precise appearance, siting, scale, layout, or landscaping of the development.

- 8.38 Nevertheless, there are no residential properties to the north, east, or south immediately adjacent to the site. The closest residential dwelling is 4 Pipe Lane to the west of the site.
- 8.39 Indicatively, the side elevation of the development is 10.2m from the shared western boundary of the site with 4 Pipe Lane. Given the siting and the location of the proposal, it is considered that a scheme could be designed to ensure that adequately protects the neighbouring residential amenity as well as the amenity of the future occupants of the scheme.
- 8.40 As a result of these considerations, and subject to further information, it is considered that the detailed design of a forthcoming scheme is able to prevent any significant adverse impacts on the residential amenity of neighbouring properties or the future occupants of the scheme. Therefore, the application is in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.41 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.
- 8.42 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)).
- 8.43 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.44 The development utilises an existing field access onto an existing private drive, which currently serves two properties, that has an existing access onto The Green. The scheme makes no amendments to field access, the private drive, or the access onto The Green.
- 8.45 As the development is for one dwellinghouse, the Local Planning Authority are unable to demonstrate that the proposal is likely to lead to a significant intensification to the use of the access onto the private drive, nor the access onto The Green to the extent that it may result in a highway safety issue.
- 8.46 The indicative plans demonstrate that suitable off-street parking can be accommodated within the application site within any forthcoming detailed design of the scheme.
- 8.47 In light of the above, 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 and the LHDG.

Planning Balance

- 8.48 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.49 Paragraph 205 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be. This is irrespective of the level of harm to the significance of the asset. Grade I listed buildings are recognised in the NPPF as being assets of the highest significance.
- 8.50 The proposal is considered to result in less than substantial harm (in terms of the NPPF) to the Orton on the Hill Conservation Area and the Grade I Listed Church of St. Edith, which is contrary to, and in conflict with Policies DM10, DM11, and DM12 of the SADMP. This is considered to attract significant weight in the planning balance.
- 8.51 Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.
- 8.52 No justification has been provided by the Applicant for the harm caused by the proposal as the submitted Heritage Statement reaches a differing conclusion on the impacts of the proposal upon affected heritage assets.
- 8.53 Nevertheless, where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, Paragraph 208 of the NPPF and Policies DM11 and DM12 of the SADMP require this harm to be weighed against the public benefits of the proposal.
- 8.54 Public benefits may follow from many developments and could be anything that delivers economic, social, or environmental progress as described in Paragraph 8 of the NPPF. Public benefits may also include heritage benefits as specified in Paragraph 20 of the Planning Practice Guidance (Conserving and Enhancing the Historic Environment), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting.
 - Reducing or removing risks to a heritage asset.
 - Securing the optimum viable use of a heritage asset in support of its long-term conservation.
- 8.55 It is not considered that the development can demonstrate any heritage benefits, and the indicative layout, scale, and appearance of the proposed dwelling are not

considered to sustain or enhance the significance of the Orton on the Hill Conservation Area or the Grade I Listed Church of St. Edith.

- 8.56 However, the Applicant has referred to several non-heritage benefits including the provision of a dwelling to the housing land supply of the Borough, the provision of an additional property to the supply of self-build and custom housebuilding within the Borough, the sustainable location of the application site, and the economic benefits of the construction of the scheme.
- 8.57 The Council can demonstrate a five-year supply of land for housing and therefore the benefit of one dwelling contributing to this supply is considered to attract little weight in the planning balance. In addition, the Council does not have a shortfall of self-build and custom housebuilding and therefore no weight is given to the benefit of contributing to this supply.
- 8.58 The further benefits associated with one dwelling are considered to be modest and are not considered to maintain or enhance the local community. There are also no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.
- 8.59 Whilst the application site is within the identified settlement boundary of Orton on the Hill, this rural hamlet only benefits from a church and a public house and does not feature any bus routes or pedestrian footpaths out of the hamlet. Therefore, the future occupiers of the scheme would be reliant on private motorised travel to meet their day-to-day needs, which is likely to result in environmental harm in principle that is contrary to the overarching environmental aim of sustainable development as defined within the NPPF.
- 8.60 In light of the above, the adverse impacts to the character and appearance, and thus significance, of the Orton on the Hill Conservation Area, and therefore the character of the surrounding area, and the appreciation of the special interest of the Grade I Listed Church of St. Edith are considered to significantly and demonstrably outweigh the benefits associated with the provision of one dwelling in these site-specific circumstances.

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:

- Planning reasons outlined at the end of this report.

11.2 Reasons

1. The proposal results in adverse impacts to the character and appearance, and thus significance of the Orton on the Hill Conservation Area and the surrounding area due to the spatial and visual erosion of the verdant and open nature of a designated key space within the Conservation Area. This harm is considered to have a further detrimental effect on the integrity of a key view within the Conservation Area, which diminishes the view's important contribution to the appreciation of the character and appearance, and thus significance, of the Grade I Listed Church of St, Edith. These effects are contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Section 16 of the National Planning Policy Framework (Dec 2023) and the statutory duty of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Ultimately, these adverse impacts significantly and demonstrably outweigh the public benefits of the development.