

Delegated Report

Planning Ref: 24/00975/OUT
Applicant: Mr G. Warren
Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land northeast of Old White Cottage,
2 Newbold Road, Desford

Proposal: Outline application for the construction of a 3-bedroom split-level dwelling with landscaping (Self-Build) (Scale, Landscaping, Layout, and Access to be considered)

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 outline planning permission for the construction of a three-bedroom, split-level, self-build dwelling with landscaping at land northeast for Old White Cottage, 2 Newbold Road, Desford. Access, Scale, Layout, and Landscaping are sought for approval within this outline application and the appearance of the dwellings being a reserved matter.
- 2.2. The extent of the application is described and assessed via the scheme's scale, layout, landscaping and access, which are sought for planning permission, as detailed within the Proposed Floor Plans and Site Sections, Proposed Site Plan, and Proposed Tree Plan.
- 2.3. The development is located to the northwest corner of the site and utilises the existing field access onto Little Lane. The layout of the scheme is in a quasi-'L' shape and externally measures 17m in width by 17.9m in depth, which creates a total footprint of 179.9sqm. At the front of the development, the scheme features a ridge height of 5.2m. The height of the structure increases to 7.9m as the land levels decrease by 2.7m.
- 2.4. To facilitate the development, five trees and two groups of trees are removed from the site. All are protected by a Tree Preservation Order (TPO).

3. Description of the Site and the Surrounding Area

- 3.1. The 2,035sqm application site comprises an area of sloping woodland that is enclosed by established vegetation. The trees within the site are a variety of different species and ages and are all protected by TPO 17/00005/TPORD. The

land levels within the site fall from Little Lane by between 4.8m and 7.9m into the north-western and north-eastern corners of the site respectively.

- 3.2. The application site is located to the north of, but outside of, the identified settlement boundary of Desford in the designated open countryside. The application site is also adjacent to, but outside of, the Desford Conservation Area. The Desford Conservation Area Appraisal Map highlights an Important Tree within the site.
- 3.3. Beyond the northwest and northeast boundaries of the site are open fields where land levels continue to fall steeply whereby the application site is experienced in an elevated position.
- 3.4. The southern boundary of the site is bounded by Little Lane, which is a narrow, unadopted, private track that features Public Footpath R87. Built development along Little Lane is limited and confined to the ribbon development on its south-eastern side comprising three detached dwellings (Woodside, Orchard House (previously known as Trussells Cottage), and Sunbreak). Woodside and Sunbreak were constructed prior to 2000, and Orchard House was constructed in 2022 between the two existing properties.
- 3.5. To the southwest of the site is Old White Cottage, which is a distinctive single storey 17th Century Grade II Listed Building. The Listed Building is a timber-framed structure that has been built in brick and rendered, and features a thatched roof with three eyebrow dormers and a single brick axial chimney stack. Beyond this property is the wider built form of Desford and its Conservation Area.

4. Relevant Planning History

4.1 18/00663/FUL

- Erection of two detached dwellings, two detached gardens and associated access and landscaping (Resubmission)
- Refused
- 02.11.2018

The application was refused for the following reasons:

1. By virtue of the location of the application site, the proposed scheme would result in unsustainable and unjustified new residential development in the countryside outside the settlement boundary of Desford, would create ribbon development along the north west of Little Lane and would result in significant and permanent environmental harm that would neither complement nor enhance the intrinsic value, beauty, undeveloped rural character and verdant appearance of Little Lane and the wider rural landscape. The proposal would therefore be contrary to Policy 8 of the adopted Core Strategy and Policies DM1, DM4, DM6, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the

overarching principles of the National Planning Policy Framework (2018) with particular reference to Paragraph 79.

2. The proposal would result in the loss of a number of trees which provide a positive contribution to the visual amenity and the rural character, appearance and significance of the setting of the Desford Conservation Area. The proposal would result in a level of harm to the significance and setting of the Desford Conservation Area that would not be outweighed by any identified public benefits. The proposal would therefore be in conflict with Policies DM1, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Documents (2016), Section 12 of the National Planning Policy Framework (2018), and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

4.2 17/00015/PP

- Erection of two detached dwellings, two detached gardens and associated access and landscaping (Revised scheme)
- Appeal Dismissed
- 18.10.2017

4.3 17/00305/FUL

- Erection of two detached dwellings, two detached gardens and associated access and landscaping (Revised scheme)
- Refused
- 24.05.2017

4.4 16/01103/FUL

- Erection of two detached dwellings, two detached gardens and associated access and landscaping
- Refused
- 06.02.2017

4.5 87/00694/4

- Erection of a single detached dwelling
- Refused
- 25.08.1987

The application was refused for the following reasons:

1. The proposal is contrary to the intentions of the Leicestershire Structure Plan in that the application site lies within an area where the countryside policies apply. It is the policy of the Local Planning Authority that new dwellings will only be permitted in the open countryside where they meet the requirements

of Circular 24/74, in the proven long-term interests of agriculture. No such need exists in the present case to justify the erection of a dwelling contrary to established policy.

2. The proposal would constitute an undesirable and unwarranted extension of development outside the existing confines of Desford village and into a conspicuous elevated area of open countryside to the detriment of rural amenity.
3. The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would consequently be difficult to resist.
4. Little Lane is inadequate in width, construction, and design to cater for the traffic, which would be generated by the proposed development.

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 and a notice was displayed in the local press.

5.2 Five public responses from four separate properties objected to the development. The reasons for objection included the following:

- Ecological harm
 - Harm to protected trees
 - Harm to wildlife within the site
 - Loss of trees and woodland
- Harm to the character of the area
 - Harm to the countryside
 - Harm to Desford Conservation Area
 - Harm to the historic environment
 - Harm to the setting of Listed Buildings
 - Harm to protected trees
 - Harm to views from the Public Right of Way
 - The scheme is visually prominent
- Highway safety
 - Construction traffic concerns
 - Exacerbation of congestion levels
 - Harm to users of the Public Right of Way
 - Little Lane cannot sustain any further increase in traffic
 - Little Lane does not have any access for refuse or emergency vehicles

- Pedestrian safety concerns
 - There is limited vehicular visibility coming out of Little Lane
 - Vehicular site access concerns
 - Harm to neighbouring residential amenity
 - Decreasing the value of neighbouring properties
 - Harm to neighbouring visual outlook
 - Off-street parking concerns
 - Insufficient vehicle parking
- 5.3 Two members of the public raised that there is a covenant on the land that prevents development on the site.

The Case Officer notes that this a legal issue that is outside of the powers of the Planning Process.

- 5.4 No further responses have been received.

6. Consultation

- 6.1 Desford Parish Council objected to the development on the following grounds:

- The land is in an unsuitable position for development with the only access along an unmade, privately-owned track which is also a well-used public footpath
- The track meets the public highway at a congested and dangerous corner in the Conservation Area. Traffic at this junction is already grid-locked because of on-street parking
- The site is outside the settlement boundary
- The site is home to a large amount of wildlife including protected trees, ancient hedgerows, wildflowers, muntjac, sparrow, hawk, foxes, bats, and owls

The Parish Council also requested that a full ecological survey is carried out.

- 6.2 There have been no objections to the application from the following consultants:

- HBBC's Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- Leicestershire County Council (LCC)'s Archaeology Department
- LCC's Ecology Unit (subject to conditions)

- 6.3 Cadent Gas, National Grid, the Ramblers' Association and Severn Trent Water Ltd did not respond to the planning application.

Archaeology

- 6.4 Leicestershire County Council's Archaeology Department confirmed that the application site has very little potential for the presence of archaeological remains and therefore no further archaeological action is required.

Conservation

- 6.5 The Council's Conservation Officer considered the scheme to result in adverse effects to the character and appearance of the Desford Conservation Area. As a result, the Conservation Officer advised that the scheme must be carefully weighed against the public benefits of the proposal as required by Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document and Paragraphs 212, 213, and 215 of the National Planning Policy Framework.

Ecology

- 6.6 On 28 November 2024, the County Council's Ecology Department had a holding objection to the development until a Preliminary Ecological Appraisal (PEA) was submitted that included an impact assessment and proposed mitigation and enhancement measures. The PEA was submitted on 14 February 2025.
- 6.7 On 18 February 2025, the Ecology Department confirmed that the PEA identified that the development would not result in significant impacts upon protected or notable species. The PEA did include some precautionary recommendations in relation to vegetation clearance and pre-commencement checks for species such as amphibians, reptiles, breeding birds, badgers, and hedgehogs.
- 6.8 Given the above, the Ecology Department removed its holding objection to the proposal and requested a Biodiversity Enhancement Plan made in line with the recommendations of the PEA, a pre-commencement badger walkover investigation, and an external lighting strategy to be secured via planning condition.

Highways

- 6.9 Leicester County Council as the Local Highway Authority (LHA) referred to standing advice.

Minerals

- 6.10 The County Council as the Minerals and Waste Planning Authority (MWPA) confirmed that the development site is located within a Mineral Safeguarding Area (MSA) for sand and gravel. Given the site's location close to existing residential dwellings and distance from any safeguarded waste sites, the MWPA do not have any objections to the scheme.

Waste

6.11 The Council's Waste Management Officer requested that the scheme provides an adequate provision of storage and collection of refuse and recycling containers.

6.12 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- 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 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 Desford Neighbourhood Plan 2018 – 2036 (DNP) (2021):

- Policy H1: Settlement Boundary
- Policy H7: Housing Design
- Policy ENV3: Biodiversity General
- Policy ENV5: Local Heritage Assets
- Policy T1: Traffic Management

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- HBBC Good Design Guide (2020)
- Desford Conservation Area Appraisal (2010)

- Leicestershire Highway Design Guide (LHDG) (2024)
- The Hinckley & Bosworth Local Plan 2020 – 2041 Regulation 18 Consultation Draft Plan (2024)
- Levelling-Up and Regeneration Act (LURA) (2023)
- Self-Build and Custom Housebuilding Act (2015)
- 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
- Self-build and custom housebuilding
- Impact upon the character of the area
- Design and layout
- 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 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the Desford Neighbourhood Plan 2018 – 2036 (DNP).
- 8.4 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 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.
- 8.5 Nevertheless, 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
- 8.6 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.

- 8.7 This is clear at Chapter 15 of the NPPF, which requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) of the NPPF 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.”*
- 8.8 Policy H1 of the DNP confirms that land outside the defined settlement boundary of Desford will be treated as open countryside, where development will be carefully controlled in line with Local and National Strategic Planning Policies.
- 8.9 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. 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.
- 8.10 The proposal does not comply with any of the requirements of Policy DM4 of the SADMP.
- 8.11 However, this does not necessarily mean that the development is unsustainable. For example, 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.
- 8.12 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP or Policy H1 of the DNP and represents new and unjustified residential development in the designated open countryside. 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

- 8.13 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.
- 8.14 Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly. Paragraph 73 of the NPPF also identifies that local planning authorities should support small sites to come forward for community-led development for housing and self-build and custom-build housing.
- 8.15 The Applicants have stated that the scheme is a self-build and custom-build development, which should be supported in principle in accordance with Paragraph 73 of the NPPF. This shall be discussed in detail further in this report.
- 8.16 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.
- 8.17 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 May 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.
- 8.18 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.
- 8.19 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.

- 8.20 Footnote 7 of the NPPF confirms that areas and assets of particular importance include designated heritage assets (and other heritage assets of archaeological interest referred to in Footnote 75 of the NPPF).
- 8.21 Notwithstanding this, Paragraph 14 of the NPPF confirms that in situations where the presumption (at Paragraph 11(d) of the NPPF) applies to applications involving the provisions of housing, the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- (a) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - (b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement, where that requirement has been identified within five years or less of the date on which the decision is made.
- 8.22 Desford Neighbourhood Plan was adopted in 2021 and contains policies and allocations to meet identified housing requirement. Therefore, Paragraph 14 of the NPPF applies and the adverse impacts of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh its benefits.
- 8.23 The development is for one residential property, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.24 In light of the above, the 'tilted' balance is triggered and the adverse impacts of allowing development that conflicts with the Desford Neighbourhood Plan are likely to significantly and demonstrably outweigh its benefits. Whilst the Council is unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Self-Build and Custom Housebuilding

- 8.25 Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) people wishing to commission or build their own homes.
- 8.26 Section 1 of the Self-Build and Custom Housebuilding Act 2015 defines self-build and custom housebuilding as the building or completion of houses by individuals,

associations of individuals, or persons working with or for individuals or associations of individuals, to be occupied as homes by those individuals.

- 8.27 The Applicant states that the proposed development is classified as a 'custom house-build and self-build' (CSB) scheme within the definition provided within the Self-Build and Custom Housebuilding Act 2015. This is a material consideration within this planning application.
- 8.28 The Local Planning Authority notes that the Applicant submitted a signed proforma to the Council to apply to be included on the Local Planning Authority's Self-Build and Custom Housebuilding Register, and the Applicant has submitted a signed Self-and-Custom Build Evidence Form in support of this application on 20 November 2024.
- 8.29 To secure this proposal as a CSB development, the Local Planning Authority require a satisfactory Unilateral Undertaking (UU) to be submitted.
- 8.30 Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended by the Levelling Up and Regeneration Act 2023 (LURA)) 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.
- 8.31 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.
- 8.32 Currently, the Council has supplied less suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 9, which results in a modest shortfall of five self-build and custom-house build dwellings.
- 8.33 If secured by a UU, this development as a self-build and custom house-build would contribute to this current unmet demand and the cumulative need for permissions by the end of this Base Period (31 October 2024 to 30 October 2025).
- 8.34 Whilst the Local Planning Authority are not meeting their statutory duty to permit a sufficient number of self-build and custom house-build schemes, the current proposal would only provide one additional dwelling to this supply. As such, the benefits of this small contribution in addressing the limited current shortfall in the Council's provision self-build and custom housebuilding developments is considered to attract moderate weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.35 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.
- 8.36 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.
- 8.37 Chapter 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.
- 8.38 Therefore, in determining applications, Paragraph 212 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.
- 8.39 Paragraph 213 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.
- 8.40 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and development affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.41 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. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.42 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.
- 8.43 Policy DM4(i) and (iii) of the SADMP states 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 it does not create or exacerbate ribbon development.

- 8.44 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.
- 8.45 Policy H7(a) of the DNP states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views.
- 8.46 Policy H7(c) of the DNP requires all new housing to continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials. However, contemporary and innovative design and materials will be supported where positive improvements can be robustly demonstrated without detracting from the historic context.
- 8.47 Policy H7(d) of the DNP then states that developments should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible.
- 8.48 The Good Design Guide provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing.
- 8.49 This is an outline application with all matters reserved except for access, scale, layout, and landscaping. Therefore, the detailed appearance of the development is not being assessed at this stage and the detailed design of the appearance of the scheme shall be assessed further at the Reserved Matters stage of the development. Notwithstanding this, the indicative plans illustrate that the development will consist of a three-bedroom, split-level, detached dwelling.
- 8.50 As highlighted previously at Paragraph 8.12 of this Report, the proposal represents new and unjustified residential development in the designated open countryside. Therefore, the proposed development causes significant environmental harm in principle, which is contrary to, and in conflict with Policies DM4 and DM10 of the SADMP as well as Chapters 12 and 15 of the NPPF.
- 8.51 However, the significance of the Grade II Listed Old White Cottage is confined to the building itself and its immediate environs rather than its wider setting. The proposal is considered to be at sufficient distance and oblique angle to the Listed Building to preserve and safeguard the character and significance of the Listed Building.

- 8.52 Notwithstanding this, the Desford Conservation Area Appraisal (DCAA) highlights that the character of the Conservation Area derives from four key factors, including the agricultural origins of the settlement. The origins of the settlement can be identified by the open view of the countryside between buildings, a preponderance of woodland trees within and adjacent to the settlement, and a number of former farm buildings such as Priory Farm and Manor Farm.
- 8.53 The application site contains a great number of trees that provide a particularly verdant and rural character, which contributes positively to the character, setting, and significance of the Conservation Area. Paragraph 7.8 of the submitted Planning Statement and Heritage Impact Assessment confirms this position by stating that the site, "*Positively*," contributes to the setting of the Conservation Area.
- 8.54 Whilst the site benefits from a level of screening from public views along Little Lane and the Public Footpath due to the established hedgerows along its south-eastern and north-eastern boundaries, this vegetation creates a clear transition along Little Lane between the edge of the village and the countryside beyond. As such, the site forms an important part of this green and largely undeveloped route to and from the settlement with open countryside beyond.
- 8.55 Consequently, the proposal fundamentally alters the character of the site by introducing detrimental urbanising features into the designated open countryside. This harm is compounded by the significant ground level differences between the development proposal and the wider site. For example, the proposed parking provision is 2.6m higher than the wider site and the private outdoor rear amenity space is 1.5m higher than that of the wider site to the east. This is considered to result in a significant adverse impact to the character of the site, to the surrounding area, and to the rural setting of the Conservation Area.
- 8.56 In comparison to the scale and layout of the previously refused planning application, 18/00663/FUL, the scheme is located in a similar location to Plot B. It is noted that the current scheme is 6.7m wider and 10.1m deeper than the layout of Plot B and has a total footprint that is almost three times the size of Plot B and 42.6sqm larger than the combined footprint of the two dwellings within the previously refused proposal. The height of the dwelling on the principal elevation of the scheme is only 0.1m lower than the previously refused Plot B.
- 8.57 In light of the above, the proposal's adverse impact on the character of the area by virtue of its size, footprint and layout is considered to be greater than that of the previously refused scheme.
- 8.58 There are no existing structures along this side of Little Lane beyond Old White Cottage. Therefore, this proposal encroaches into the green and rural approach to and from the village in the form of new ribbon development. This is considered to diminish the intrinsic value, beauty, open character and landscape character of the countryside and the rural setting of the Conservation Area, which detrimentally impacts its character and significance. This harm is also compounded by the considerable extent of hard surfacing associated with the scheme.

- 8.59 Whilst the scheme takes advantage of the site's falling topography to reduce the scale and height of the development's principal elevation, the development would still be visually prominent from Public Footpath due to views from the proposed site access.
- 8.60 Notwithstanding this, the limited visual prominence of the scheme does not justify the significant adverse impacts caused by the size, scale, and layout of the development on the rural and verdant character of the application site and the rural setting of the Conservation Area.
- 8.61 In addition, although the proposal is set back from Little Lane, which reduces its visual prominence in the street scene, this siting fails to respect the existing building line along Newbold Road, which heightens the incongruous nature of the development within the character of the surrounding area and the setting of the Desford Conservation Area.
- 8.62 The Arboricultural Impact Assessment (AIA) states that five individual protected trees (T002, T003, T004, T005, and T006), one group of protected trees (G003), and parts of two groups of protected trees (G002 and G006) are removed from the site within this development.
- 8.63 Tree T002 is an early mature Category 'B' Ash Tree and Tree T004 is a mature lime tree that is a Category 'C' tree. Both groups of trees G002 and G006 are considered to comprise early mature groups of Category 'C' trees. No suitable justification has been submitted to explain why these trees need to be removed from the site apart from in order to facilitate the proposal.
- 8.64 In addition, Paragraph 3.27 of the AIA confirms that crown lifting to approximately 4m to 5m above ground level is required to the trees adjacent to the dwelling, parking, and construction works. These works would affect all the groups of trees within the site, three of which are classified by the AIA, as Category 'B' groups of trees, and the remaining trees within the site, two of which are classified by the AIA as Category 'B' trees. This is considered to reduce their positive contribution to the character of the area and the setting of Desford Conservation Area.
- 8.65 Whilst the majority of the removed trees are only considered to be of low quality and value by the AIA, these trees are all protected by a Tree Preservation Order due to their collective positive contribution to the character of the area and the setting of the Desford Conservation Area. Therefore, their removal from the site and the proposed crown lifting is considered to result in significant harm to the character of the area.
- 8.66 Whilst landscaping can be sought via planning condition, it is noted that the submitted proposal fails to suggest that any landscaping is proposed to offset the loss of the existing protected trees within the site.

- 8.67 In summary, the proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, and siting, the development results in a significant adverse impact to protected trees within the site, the character of the site and the surrounding area, and the intrinsic value, beauty, open character and landscape character of the open countryside. This harm has a significant adverse effect on the rural setting of the Desford Conservation Area, which ultimately has a detrimental impact on the character and significance of the historic environment.
- 8.68 Therefore, the proposal is considered to be contrary to, and in conflict with, Policy H7 of the DNP, Policies DM4, DM10, DM11, and DM12 of the SADMP, Chapters 2, 12, 15, and 16 of the NPPF, and the Good Design Guide. For the purposes of the NPPF, the harm to character and significance of the Desford Conservation Area is considered to represent less than substantial harm.
- 8.69 Where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, Paragraph 215 of the NPPF and Policies DM11 and DM12 of the SADMP required this harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This shall be assessed further in the planning balance of this Report.

Impact upon Residential Amenity

- 8.70 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.
- 8.71 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 is fully considered when assessing planning applications.
- 8.72 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.
- 8.73 The Good Design Guide 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.
- 8.74 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.

- 8.75 In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”*
- 8.76 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.

Existing Neighbouring Residential Amenity

- 8.77 There are no existing dwellings to the east of the site and the development is approximately 80m from the closest property to the north on Lindridge Lane. Therefore, the scheme is not considered to result in any adverse impacts to neighbouring residential amenity to the north or east of the site.
- 8.78 Although there are three dwellings on the south side of Little Lane, the closest dwelling, Woodside, is approximately 19m from the site boundary and 30m from the development itself. This exceeds the minimum separation distances within the Good Design Guide. In light of the scheme's size, scale, massing, and layout, the proposal is not considered to result in any adverse impacts to the existing neighbouring properties on the southern side of Little Lane.
- 8.79 However, the development is 13.5m to the rear and northeast of the Old White Cottage. Whilst this is slightly less than the minimum separation distance requirements outlined within the Good Design Guide, by virtue of the massing and scale of the development, and the layout of the development, the future occupiers of the scheme, nor the existing neighbouring residents are considered to suffer from overlooking, loss of light, loss of privacy or any overbearing impacts to the extent that it results in any significant adverse effects to their residential amenity.
- 8.80 Given the above, the scale and layout of the scheme are not considered to result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP.

The Residential Amenity of the Future Occupiers of the Scheme

- 8.81 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.
- 8.82 To comply with the NDSS, proposals for two-storey, three-bedroom dwellings should provide a minimum of 84sqm of internal floor space and 2.5sqm of built-in storage. In addition, Paragraph 10(c) of the NDSS requires one bed space single

bedrooms to provide 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.

- 8.83 The proposal provides sufficient internal floorspace and built-in storage to meet the requirements of the NDSS and all three bedrooms meet the minimum space standards outlined within the NDSS.
- 8.84 However, the principal habitable window to Bedroom 2 is only 1.7m from the shared boundary of 2 Newbold Road. This is not considered to provide an adequate level of visual amenity to the bedroom and is likely to result in harm to the residential amenity for the future occupants of the scheme.
- 8.85 In addition, the principal window in the kitchen is less than 5m from the two-storey element of the scheme. Whilst this window does not face onto a neighbouring property or a blank elevation, this is less than the 14m separation distance required between a principal habitable window and a two-storey elevation and this is likely to result in an overbearing impact on this habitable room. This is considered to contribute to the harm to the residential amenity of the future occupiers of the scheme. However, this harm is not considered to result in any significant loss of light impacts to the dwelling in light of the 5.3m high floor-to-ceiling window on the northern elevation.
- 8.86 The principal habitable window to Bedroom 3 faces onto the protected group of Category 'B' trees G001. The principal habitable window to Bedroom 1 also faces towards the Category 'B' tree T001. Given the close proximity of these protected trees, the scheme fails to provide an adequate level of natural light to these habitable rooms, which is considered to result in significant harm to the residential amenity of the future occupiers of the scheme. If approved, the development will create further pressure for the alteration or the complete removal of the protected trees to provide additional light and space to the proposed dwelling, which would result in additional significant harm to the character of the area.
- 8.87 To comply with the Good Design Guide, three-bedroom houses should also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.88 Whilst there are lots of areas of open space within the site, it is not considered that these areas comprise private outdoor amenity space due to the proximity of Public Footpath S87 and the public views into the site from the existing access. Whilst the development does provide a hard surfaced rear amenity area that exceeds 7m in length, this area is only 66.7sqm in area, which is less than the requirements of the Good Design Guide.

- 8.89 In addition, given the two-storey element of the scheme to the south and west, and the retention of the existing protected trees to the east, this area of private open space is not considered to be provided with an adequate level of natural light.
- 8.90 As a result, the scheme fails to provide an appropriate level of private outdoor amenity space that benefits from a sufficient provision of natural light. Therefore, the scheme causes significant harm to residential amenity of the future occupants of the development. If approved, the development will create further pressure for the alteration or the complete removal of the protected trees to provide additional light and space to the proposed dwelling, which would result in additional significant harm to the character of the area.
- 8.91 To summarise, whilst appearance is not sought for approval at this stage, by virtue of the size, scale, massing, layout, and siting of the development, the scheme is considered to result in significant harm to the future occupiers of the scheme due to poor visual outlook to principal habitable windows, overbearing impacts, an inadequate provision of private outdoor amenity space, and an insufficient level of natural light to habitable windows and the private outdoor amenity space.
- 8.92 If approved, the development will create further pressure for the alteration or the complete removal of the protected trees to provide additional light and space to the proposed dwelling, which would result in additional significant harm to the character of the area. Therefore, the proposal is contrary to, and conflict with, Paragraph 135 of the NPPF, Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.93 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.
- 8.94 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)).
- 8.95 The proposal utilises an un-amended existing access onto the unadopted highway, Little Lane.
- 8.96 In the previous planning application, 18/00663/FUL, the Local Highway Authority advised that the residual cumulative impacts of the development of two dwellings in this location can be mitigated, and area not considered to be severe. The LHA were unable to demonstrate that a proposal for two new dwelling would result in a material increase in traffic visiting the site. Therefore, the LHA had no objections to the scheme subject to conditions.

- 8.97 It is considered that the conditions of Little Lane have not materially changed since this time. Given the proposal is now only for one dwelling and in light of the above, it is not considered that the scheme results in a significant adverse impact on highway safety, nor a severe residual cumulative impact on the highway network. Therefore, the scheme is acceptable in accordance with Policy DM17 of the SADMP.
- 8.98 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.99 Policy T1 of the DNP states that all housing development must be designed to minimise additional traffic generation and movement through the villages and incorporate sufficient off-road parking in line with Policy H7 of the DNP.
- 8.100 Policy H7(b) confirms that adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three-bedrooms or less and three spaces for dwellings of four-bedrooms or more.
- 8.101 Table 28 (Residential Parking Standards) of the LHDG requires dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces. This increases to a minimum of three off-street parking spaces for properties with four or more bedrooms. Any reduction below minimum standards will require robust justification.
- 8.102 Figure 44 (Dimensions) of the LHDG requires minimum parking sizes to be 2.4m in width by 5.5m in depth, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.103 The scheme provides two off-street parking spaces in accordance with Paragraph Table 28 of the LHDG and Policy H7(b) of the DNP.
- 8.104 However, both parking spaces are bounded on one side and therefore the current parking provision does not meet the required dimensions detailed within the LHDG. Therefore, the scheme does not provide adequate off-street parking provision, which is contrary to, and in conflict with Policy DM17 of the SADMP, Policy H7(b) of the DNP, and Figure 44 of the LHDG.
- 8.105 In addition, this shall require an additional metre of hard surfacing and amendments to the ground levels, which is likely to contribute to the stress and harm of the development upon the protected trees within the site, which is considered to result in further harm to the character of the area.
- 8.106 In summary, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network, subject to planning conditions. Therefore, However, the scheme does not provide adequate off-street parking provision, which is contrary to, and in conflict with Policy DM17 of the SADMP, Policy H7(b) of the DNP, and Figure 44 of the LHDG

Planning Balance

- 8.107 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.
- 8.108 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.
- 8.109 The ‘tilted’ balance detailed in Paragraph 11(d) of the NPPF is engaged whereby planning permission should 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.
- 8.110 Importantly, Paragraph 14 of the NPPF also applies where the adverse impacts of allowing development that conflicts with the Desford Neighbourhood Plan are likely to significantly and demonstrably outweigh its benefits.
- 8.111 The proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, ground levels, and siting, the development results in a significant adverse impact to protected trees within the site, the character of the site and the surrounding area, and the intrinsic value, beauty, open character and landscape character of the open countryside. This is considered to attract significant weight in the planning balance.
- 8.112 This harm has a significant adverse effect on the rural setting of the Desford Conservation Area, which ultimately has a detrimental impact on the character and significance of the historic environment. Therefore, the proposal is considered to be contrary to, and in conflict with, Policy H7 of the DNP, Policies DM4, DM10, DM11, and DM12 of the SADMP, Chapters 2, 12, 15, and 16 of the NPPF, and the Good Design Guide. For the purposes of the NPPF, the harm to character and significance of the Desford Conservation Area is considered to represent less than substantial harm. This is considered to attract significant weight in the planning balance.

- 8.113 Furthermore, by virtue of the size, scale, massing, layout, and siting of the development, the scheme is considered to result in significant harm to the future occupiers of the scheme due to poor visual outlook to principal habitable windows, adverse overbearing impacts, an inadequate provision of private outdoor amenity space, and an insufficient level of natural light to habitable windows and the private outdoor amenity space. If approved, the development will create further pressure for the alteration or the complete removal of the protected trees to provide additional light and space to the proposed dwelling, which would result in additional significant harm to the character of the area. Therefore, the proposal is contrary to, and conflict with, Paragraph 135 of the NPPF, Policy DM10 of the SADMP and the Good Design Guide. This is considered to attract significant weight in the planning balance.
- 8.114 The scheme also does not provide adequate off-street parking provision, which is contrary to, and in conflict with Policy DM17 of the SADMP, Policy H7(b) of the DNP, and Figure 44 of the LHDG. This is likely to contribute to the stress and harm of the development upon the protected trees within the site, which is considered to result in further harm to the character of the area. This is considered to attract significant weight in the planning balance.
- 8.115 In accordance with Paragraph 215 of the NPPF and Policies DM11 and DM12 of the SADMP, the harm to Conservation Area as a designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.116 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.
- 8.117 The development is not considered to demonstrate any heritage benefits.
- 8.118 Whilst the Council is unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.
- 8.119 Furthermore, the potential social and economic benefits from providing one additional dwelling to the Borough are limited and are not considered to maintain or enhance the local community. The scheme also does not provide any planning benefits such as affordable housing or essential infrastructure provision as identified

within Paragraph 12.13 of the SADMP. Therefore, the social and economic benefits associated with the provision of one new dwelling in this location are afforded limited weight in the planning balance.

- 8.120 It is appreciated that the development can contribute to the Council's limited unmet need for self-build and custom housebuilding, which is a benefit if secured via a Unilateral Undertaking. Therefore, the benefits associated with providing one dwelling to the Council's supply of self-build and custom housebuilding developments are considered to attract moderate weight.
- 8.121 Nevertheless, whilst the NPPF does not include locational requirements for the provision of self-build and custom housebuilding developments, this does not mean that these types of developments should be exempt from policies designed to direct developments to the most sustainable locations. On the contrary, Paragraph 3 of the NPPF confirms that the National Planning Policy Framework must be read as a whole.
- 8.122 Importantly, Paragraph 35 of the Right to Build Task Force Custom and Self-Build Planning Guidance: PG3.2: Counting Relevant Permissioned Plots (2024) confirms that, *"A development contributing to CSB is unlikely on its own to outweigh planning harm (e.g. landscape or environmental harms)."*
- 8.123 In light of the above, it is not considered that the benefits of creating one self-build and custom housebuilding property are likely to independently significantly and demonstrably outweigh the adverse impacts of the proposal.
- 8.124 In conclusion, the development is in conflict with, and contrary to, Policies H1 and H7 of the Desford Neighbourhood Plan, Policies DM4, DM10, DM11, and DM12 of the Site Allocations and Development Management Policies Development Plan Document, and Chapters 2, 11, 12, 15, and 16 of the National Planning Policy Framework. The adverse impacts of the development are considered to significantly and demonstrably outweigh the potential benefits of the scheme. In accordance with Paragraph 11(d), 14, and 139 of the NPPF, the proposal 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 to be refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Reasons

1. The proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, ground levels, and siting, the development results in a significant adverse impact to protected trees within the site, the character of the site and the surrounding area, and the intrinsic value, beauty, open character and landscape character of the open countryside.

Therefore, the proposal is contrary to, and in conflict with, Policy H7 of the adopted Desford Neighbourhood Plan, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document, Chapters 2, 12, and 15 of the National Planning Policy Framework (2024), and the Good Design Guide (2020). The adverse impacts of the development significantly and demonstrably outweigh the potential benefits of the scheme.

2. By virtue of its size, scale, layout, ground levels, and siting, the development results in a significant adverse impact to the protected trees within the site and the rural and verdant character of the site, which provide a positive

contribution to the visual amenity, and the rural character, appearance, and significance of the setting of the Desford Conservation Area. The proposal therefore has a significant detrimental impact on the significance and setting of the Desford Conservation Area, which is considered to represent result in less than substantial harm in terms of the National Planning Policy Framework. The harm of the development to the heritage asset is not outweighed by any identified public benefits of the scheme.

Therefore, the proposal is contrary to, and in conflict with, Policy H7 of the adopted Desford Neighbourhood Plan, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document, Chapters 2, 12, and 16 of the National Planning Policy Framework (2024), the Good Design Guide (2020), and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

3. By virtue of the size, scale, massing, layout, and siting of the development, the scheme results in significant harm to the future occupiers of the scheme due to poor visual outlook to principal habitable windows, overbearing impacts, an inadequate provision of private outdoor amenity space, and an insufficient level of natural light to habitable windows and the private outdoor amenity space. If approved, the development will create further pressure for the alteration or the complete removal of the protected trees to provide additional light and space to the proposed dwelling, which would result in additional significant harm to the character of the area.

Therefore, the proposal is contrary to, and conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document, Paragraph 135 of the National Planning Policy Framework (2024), and the Good Design Guide (2020). The adverse impacts of the development significantly and demonstrably outweigh the potential benefits of the scheme.

a. Notes to Applicant

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted 11.11.2024)
 - Arboricultural Impact Assessment and Draft Method Statement (AIA-25-01-001) (submitted: 14.02.2025)
 - Arboricultural Impact Plan (AIP 25-01-01) (submitted: 14.02.2025)
 - Draft Tree Protection Plan (DTPP-25-01-01) (submitted: 14.02.2025)
 - Planning Statement & Heritage Impact Assessment (submitted: 23.10.2024)
 - Preliminary Ecological Appraisal (Q24-5156) (submitted: 14.02.2025)
 - Proposed Floor Plans and Site Sections AA (0105-P02-005) (submitted: 14.02.2025)

- Proposed Section BB and CC (0105-P02-006) (submitted: 23.10.2024)
- Proposed Site Plan (0105-P02-002A) (submitted: 14.02.2025)
- Proposed Tree Plan (0105-P02-004A) (submitted: 14.02.2025)
- Self-Build Evidence Form (submitted: 20.1.2024)
- Self-Build Form (submitted: 04.11.2024)
- Site Location Plan (0105-P02-002) (submitted: 23.10.2024)
- Topographical Survey (0105-P02-001) (submitted: 23.10.2024)
- Tree Constraints Plan (TCP-25-01-01) (submitted: 14.02.2025)
- Tree Survey (TS-25-01-001) (submitted: 14.02.2025)