

Planning Committee 19th September 2023
Report of the Head of Planning (Development Management)

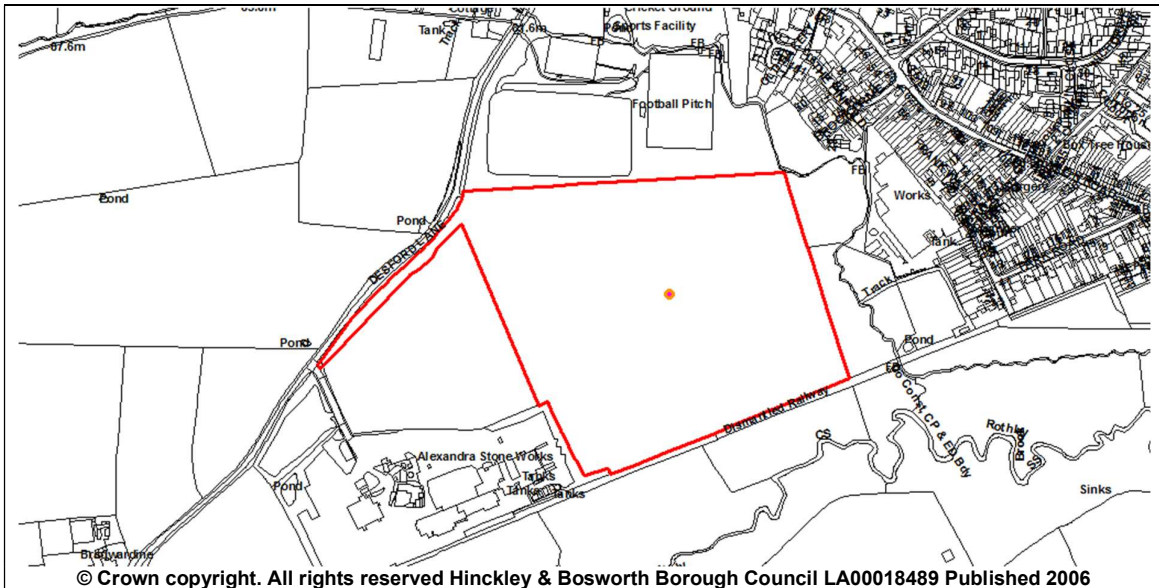


Hinckley & Bosworth
Borough Council

Planning Ref: 21/01295/OUT
Applicant: Gladman and Bletsoe
Ward: Ratby, Bagworth and Thornton

Site: Land off Desford Lane, Ratby, Leicestershire

Proposal: Outline planning application for the erection of up to 225 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point. All matters reserved except for means of access.



1. Recommendations

- 1.1. That the Committee approve the reasons for refusal of the application set out below:

2. Background

- 2.1. The application seeks outline permission for the erection of up to 225 dwellings (including 40% affordable housing), public open space and associated infrastructure that includes vehicular access, landscaping and a sustainable drainage system (SuDS), with all matters reserved except for access.
- 2.2. The application was refused by the Committee on 27 August. The applicant has informed officers of their intention to appeal the decision and a decision notice has been issued.
- 2.3. The policies that feature in the four reasons for refusal differ slightly from those referred to and so this report is brought to Committee so that the specific detailed reasons for refusal of the application can be confirmed.
- 2.4. There are no alterations to the previously submitted report or Late Items.

3. Equality implications

3.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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.

3.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

3.3 There are no known equality implications arising directly from this development.

3.4 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).

4. Recommendation

4.1 **That the Planning Committee confirm the following reasons for refusal:**

1. The proposed development lies within the open countryside, outside of and poorly related to the settlement boundary of Ratby. As such, the development site does not accord with any of the categories of development that are considered to be acceptable within the countryside and fails to provide convenient access for pedestrians to services and facilities and is not located where the need to travel is minimised. The application is therefore contrary to Policy DM4 and DM17 of the Site Allocations and Development Management Policies Development Plan Document.
2. The proposed development is considered to have a significant detrimental effect on the character of the site and wider area and on the intrinsic value, beauty, open character and landscape character of the countryside. The proposal would therefore be contrary to Policies 6 and 7 of the Core Strategy and Policies DM1 and DM4 of the Site Allocations and Development Management Policies Development Plan Document. Furthermore the proposed development would fail to complement or enhance the character of the surrounding area contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document and the environmental aims, in particular as contained within paragraphs 130 and 174, of the National Planning Policy Framework (2021).
3. Residential development of the site would result in the reduction of views to the Church of St Philip and St James in an agricultural context and as a result will

cause less than substantial harm to the Ratby Conservation Area and the Grade II Listed Church of St Philip and St James that is not outweighed by public benefits contrary to Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document and Section 16 of the National Planning Policy Framework (2021).

4. The applicant has not confirmed/agreed Section 106 contributions or the delivery of Affordable Housing and public open space. As such the application is considered contrary to Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document and Policy 19 of the Core Strategy.