

Planning Committee 17th December 2024
Report of the Head of Planning

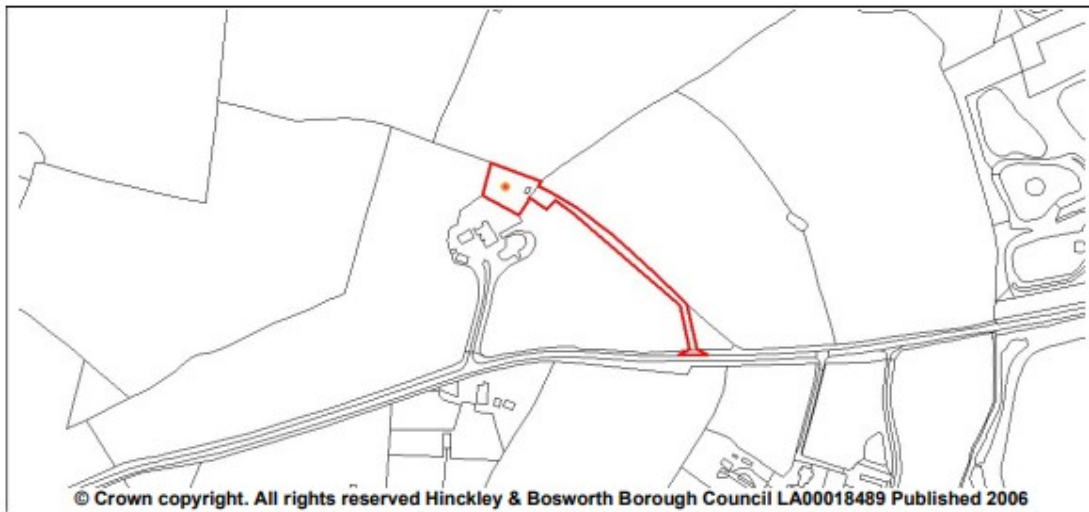
Planning Ref: 24/00322/FUL
Applicant(s): Mr & Mrs Warner
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: The White House, Bosworth Road, Wellsborough

Proposal: Erection of single storey self-build/custom-build dwelling (Resubmission of 23/00923/FUL)



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 full planning application seeks full planning permission for the provision of a single storey, three-bedroom, self-build dwelling on land to the northeast of The White House, Bosworth Road, Wellsborough.

Update Summary

- 2.2. Originally, the proposal was a resubmission of the refused full planning application 23/00923/FUL, and no alterations were made to the scheme.

- 2.3. This resubmission was presented to the Planning Committee on 04 June 2024 with a recommendation for refusal on four counts:
- Unsustainable location for development and significant harm to the environment; and
 - Significant harm to the countryside; and
 - Significant harm to trees and the character of the area; and
 - Significant harm to the residential amenity of future occupiers.
- 2.4. The scheme was then deferred by the Planning Committee to enable the Applicants to seek advice from Design Midlands on their scheme and to allow members to undertake a site visit.
- 2.5. The Applicants have now sought advice from Design Midlands and significantly revised plans were submitted on 23 October 2024, which were accompanied by a revised Planning Statement, a Tree Removal Plan, an Arboricultural Impact Assessment, and 3D Concept Images. This revised proposal has not been reviewed by Design Midlands.
- 2.6. Given the above, the Committee Report has been updated to reflect these revised changes.

New Revised Scheme Description

- 2.7. The new proposal is bounded by brick walls and is described as a 'walled garden' design. The development has an unusual polygon shape that bounds the residential garden of The White House. The scheme externally measures 28.5m in width by 29.6m in depth, which creates a total footprint of 472.6sqm. At its highest, the principal elevation is 3.7m, which reduces to 3.1m on the rear elevation of the property.
- 2.8. The scheme is primarily constructed with Imperial Olde Reclamation Shire facing brickwork, but the principal south-eastern elevation features a partial black steel Fretwork Rainscreen cladding panel, the eastern side elevation utilises an Ibstock natural blue linear facing brick, and the northern rear elevation incorporates Corten steel rainscreen cladding. The flat roof of the structure features a sedum green roof system.
- 2.9. The site is accessed via a new 241m long and 815.3sqm surfaced private track, which utilises a new replacement access that was approved as an agricultural vehicular access via 20/01095/FUL, which is accessed from Bosworth Road. This previous planning permission was not implemented and has since expired.
- 2.10. Within this proposal, the existing field access on to Bosworth Road, which lies to the east, is subsequently closed, and new planting has been proposed on the eastern side of the new access, but the details of the new proposed planting have not been confirmed.

- 2.11. To facilitate this development, Paragraph 4.1.1 of the AIA confirms that nine individual trees and a group of trees are removed from the site, and two groups of trees and one hedgerow is partially removed from the site. The submitted Tree Retention and Removals Plan demonstrates that two further hedges are also removed from the site.

Previous Design Description (04 June 2024)

- 2.12. The previous design of the proposal was rectangular in form and externally measured 19.6m in width by 20m in depth, which created a total footprint of 389.7sqm. The development was set below ground level by 0.4m and featured a variety of pitched roofs which had a maximum ridge height of 4m from ground floor level. The property was surrounded by a brick wall that extended a width of 28.1m along the principal eastern elevation between a height of 3.4m and 4.1m. The exact use of materials was not confirmed, but the scheme utilised facing brickwork and a metal profiled roof covering system.

3. Description of the Site and the Surrounding Area

- 3.1. The 0.25ha application site is located to the north of Bosworth Road outside of any identified settlement boundary in the designated countryside. The application site is in an isolated location 1.5km west of the identified settlement boundary of Market Bosworth and 1.7km east of Wellsborough, which is not recognised as a settlement within the adopted Core Strategy (2009).
- 3.2. The application site is located within the Sence Lowlands Character Area within the Council's Landscape Character Assessment (LCA) (2017) which comprises flat-to-gently-rolling lowland vale landscape that gives rise to extensive and open views. The key sensitivity and value of this landscape area is the rural character and a lack of significant intrusions or light pollution, which result in a sense of 'remoteness' and tranquillity.
- 3.3. The application site comprises land that is outside of the residential curtilage of, but within the wider residential garden area associated with, The White House. The wider White House site is not within the red line boundary of this application. Currently, the application site features one small timber shed, a smaller corrugated steel outbuilding and numerous mature trees and hedging along its boundaries.
- 3.4. An outbuilding that is ancillary to the existing dwelling was approved in a similar location to the proposed development via planning permission 21/01121/FUL for garden storage, a workshop, and a studio. The scheme has not been implemented.
- 3.5. The structure was proposed to be constructed with vertical timber cladding and would have externally measured 17.5m in width x 8.4m in depth, with a total footprint of 97.7sqm. The scheme utilised a variety of flat roofs that had a maximum height of 4.2m to the south-east of the development and 3.5m to the north-west.

- 3.6. The White House itself is located 44.5m to the south-west of the application site and is accessed via a separate private drive from Bosworth Road. Bosworth Road is an adopted and classified 'C' road that is subject to the National Speed Limit. The land gradually rises from Bosworth Road towards The White House and the application site. With the exception of The White House, the application site is verdant in nature and is wholly surrounded by open agricultural fields.
- 3.7. Public Right of Way (PRoW), Footpath T10, runs immediately to the northeast, and southeast of the application site, and is separated from the proposed development by an existing mature hedgerow along the perimeter of the eastern boundary of the site. This mature hedgerow leads down to the existing field access on Bosworth Road. The hedgerows adjacent to the new proposed entrance to the site are identified as 'Bosworth Road' hedgerows, which are considered to be a Local Wildlife Site (LWS). A further PRoW, Footpath S78, runs in a northerly direction approximately 100m to the north-west of the application site. Hoo Hills Farm is over 500m to the west of the application site, and there are two dwellings, Byron's Court and The Lake House, which are 177m south and 360m southeast of the site respectively on the other side of Bosworth Road. These two existing dwellings are separated by Botany Spinney.

4. Relevant Planning History

4.1 23/00923/FUL

- Construction of single storey self-build dwelling
- Withdrawn
- 05.01.2024

This application was withdrawn following the Local Planning Authority's intention to refuse the development due to: the scheme's unsustainable location and its subsequent environmental harm; its significant harm to the countryside; its detrimental effect to the residential amenity of the future occupiers of the scheme as a result of poor visual outlook; and a failure to demonstrate an appropriate level of information regarding the trees within the site and the resultant impact this was likely to have on the character of the area if the trees were lost.

4.2 21/01121/FUL

- Proposed outbuilding to provide garden storage, workshop and studio.
- Permitted
- 09.03.2022

4.3 21/00489/HOU

- Proposed outbuilding
- Withdrawn
- 17.04.2023

4.4 **20/01095/FUL**

- Replacement vehicular access
- Permitted
- 06.01.2021

4.5 **15/00612/FUL**

- Two storey extensions and alterations to the existing property including the creation of an ancillary building to create a swimming pool
- Permitted
- 28.07.2015

4.6 **14/00255/FUL**

- Extensions and alterations to dwelling and the formation of annex including the erection of a detached garage.
- Permitted
- 29.07.2014

5. Publicity

5.1 Originally, a site notice was posted within the vicinity of the site. Given the location of the application site, no further public consultation was undertaken.

6. Consultation

6.1 Originally, the Ward Councillor called the proposal into Planning Committee. The Ward Councillor has not made any comments on the revised scheme.

6.2 Sheepy Parish Council originally objected to the scheme in relation to its harm to the character of the area, the countryside, and the views from the adjacent Public Right of Way.

6.3 Upon re-consultation, Sheepy Parish Council objected to the development again as the scheme continues not to be compliant with Sheepy Parish Neighbourhood Plan (SPNP); notably policies S1, S8, and S10 of the SPNP. In light of this, Sheepy Parish Council raised the fact that the SPNP is less than five years old and therefore Paragraph 14 of the National Planning Policy Framework (NPPF) applies.

6.4 The Parish Council stated that the proposal was not genuinely outstanding, nor of exceptional design, and it did not reflect the highest standards of architecture or significantly enhance the characteristics of the surrounding area. On the contrary, the Parish Council stated that the scheme failed to respond to its surroundings and demonstrated an unsuitable design that was insensitive to the local setting and detrimentally impacted views from Public Rights of Way and resulted in the loss of a significant number of mature and established trees.

- 6.5 The Parish Council also expressed highway safety concerns in relation to the proposed site access and stated that the new location of the proposal results in the new property suffering from the overbearing impact of The White House.
- 6.6 The Parish Council noted that no landscape analysis of the area was undertaken as recommended by the Design Midlands Review and the Applicants' references to the Market Bosworth Neighbourhood Plan were not relevant for this application site.
- 6.7 Following re-consultation with statutory consultees, there have been no objections 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 condition)
 - Leicestershire County Council (LCC)'s Archaeology Department
 - LCC's Ecology Unit (subject to conditions)

Archaeology

- 6.8 The County Council's Archaeology Department advised that the proposal is unlikely to result in significant direct or indirect impacts upon any known or potential heritage assets and therefore no further archaeological action is required.

Ecology

- 6.9 The County Council's Ecology Department did not object to the development but confirmed that the best practice precautionary recommendations in relation to breeding birds, badgers, amphibians, and reptiles identified within the Preliminary Ecological Appraisal need to be adhered to. The Ecology Department advised that details of the biodiversity enhancement recommendations including the provision of bird nest boxes and bat boxes can be secured via planning condition and requested a list of the native species proposed to be planted on a soft landscaping drawing or similar.

Waste

- 6.10 The Council's Waste Management Officer requested a planning condition that secures the adequate provision of storage and collection of refuse and recycling containers.
- 6.11 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- N/A.

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):

- Policy S1: Countryside
- Policy S2: Public Rights of Way Network
- Policy S8: Design
- Policy S10: Housing Development
- Policy S15: Car Parking and New Housing Development

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)
- Levelling-Up and Regeneration Act (LURA) (2023)
- Self-Build and Custom Housebuilding Act (2015)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2022)
- 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
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.
- 8.3 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the Sheepy Parish Neighbourhood Plan (2022). 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.

Assessment of the Transport Sustainability of the Application Site

- 8.4 Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF defines the three overarching and interdependent objectives of sustainable development, which are: economic, social, and environmental.
- 8.5 Paragraph 114 within Section 9 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. This supports the social and environmental objectives of sustainable development as defined within the NPPF by promoting accessibility, protecting the natural environment, and minimising pollution.
- 8.6 Policy DM17(d) of the SADMP reaffirms these requirements by stating that development proposals should be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that schemes should make the best use of existing public transport services.
- 8.7 Page 10 of the Design and Access Statement suggests that the proposal represents a high level of sustainable development. In spite of this, the Applicants fail to suggest why this assertion is their belief or to provide any evidence to demonstrate it.
- 8.8 The application site is in an isolated location that is 1.5km from the edge of Market Bosworth via a classified 'C' road that does not benefit from a pedestrian footway, street lighting, nor any public transport services. This distance increases to 3km to Market Place in Market Bosworth where the majority of key facilities within the settlement are located. In addition, the proposal is approximately 241m from the site's access onto Bosworth Road.

8.9 As a result, the application site suffers from poor transport sustainability and consequently the future occupiers of the development are likely to be dependent on private motorised transport to meet their day-to-day needs.

8.10 Therefore, the development causes significant environmental harm in principle, which is contrary to, and in conflict with, Policies DM4 and DM17 of the SADMP as well as Section 9 and the overarching environmental objectives of the NPPF.

Assessment of the Principle of Residential Development in the Countryside

8.11 Section 11 of the NPPF states that planning decisions should promote 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.

8.12 This is clear at Section 15 of the NPPF, which requires planning decisions to conserve and enhance the natural and local environment. Paragraph 180(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.”*

8.13 Paragraph 84 of the NPPF outlines that planning decisions should avoid the development of isolated homes in the countryside. The exception to this stance is where:

- (a) There is an essential need for housing a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; or
- (b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- (c) The development would re-use a redundant or disused building and enhance its immediate setting; or
- (d) The development would involve the subdivision of an existing residential building; or
- (e) The design is of exceptional quality in that it is truly outstanding and reflects the highest standards in architecture and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

- 8.14 Paragraph 84, Section 11, and Section 15 of the NPPF are all supported by the Development Plan. 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, which is reinforced by Policy S1 of the SPNP.
- 8.15 Consequently, 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.
- 8.16 These requirements are echoed within Policy S10 of the SPNP, which states that, outside the Sheepy Magna and Sibson settlement boundaries, permission for housing development will be limited to:
- (a) Land allocated for residential development at Hornsey Rise Memorial Home in accordance with Policy S13 of the SPNP; or
 - (b) Rural worker accommodation in accordance with Policy DM5 of the SADMP; or
 - (c) Replacement dwellings in accordance with Policy DM14 of the SADMP; or
 - (d) The re-use and/or adaptation of redundant rural buildings in accordance with Policy DM15 of the SADMP; or
 - (e) Other circumstances as set out in Paragraph 80 [now 84] of the NPPF; or
 - (f) Exception sites for affordable housing in accordance with Policy S12 of the SPNP.

- 8.17 Despite the discussions with the Applicants during the processing of the current application and the previously withdrawn application 23/00923/FUL, and the details within the previous Committee Report for this application, which all outlined the policy requirements of residential development in the countryside, the Applicants fail to reference Paragraph 84, Section 11 or Section 15 of the NPPF, and Policies S1 or S10 of the SPNP within their application and justification.
- 8.18 Given the above, the Applicant has also never claimed that the proposal is justified via Paragraph 84(e) of the NPPF, nor that the design of their scheme is of exceptional quality in that is truly outstanding or reflects the highest standards in architecture and would not significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area.
- 8.19 Whilst the Applicants have highlighted that Policy DM4 of the SADMP is out-of-date, no further engagement with this Policy has been undertaken by the Applicants when justifying their development. Moreover, although Policy DM4 of the SADMP is considered to be out-of-date, this assertion fails to consider the Policy's consistency with the NPPF and the full weight it is provided in accordance with Paragraph 225 of the NPPF.
- 8.20 Nevertheless, the proposal does not comply with any of the requirements of Paragraph 84 of the NPPF, Policy DM4 of the SADMP or Policies S1 or S10 of the SPNP. However, this does not necessarily mean that the development is not sustainable. 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.

Summary

- 8.21 To conclude, the proposal represents the development of an isolated dwelling in an unsustainable location and is likely to result in significant environmental harm in principle that is contrary to, and in conflict with, Policies S1 and S10 of the SPNP, Policies DM4 and DM17 of the SADMP, as well as Paragraph 84, Sections 9, 11, and 15, and the overarching ambitions of the NPPF.
- 8.22 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

- 8.23 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.

- 8.24 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.
- 8.25 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.
- 8.26 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.
- 8.27 Sheepy Parish Neighbourhood Plan (SPNP) was adopted in 2022, and Paragraph 5.7 of this Neighbourhood Plan confirms that the Sheepy Parish do not have an unmet need of housing within the Plan Period up to 2036. 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.
- 8.28 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim is to meet as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.
- 8.29 Paragraph 70 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. Paragraph 70 of the NPPF identifies that local planning authorities should support community-led development for housing and self-build and custom-build housing, give great weight to the benefits of using suitable sites within existing settlements for homes, and encourage developers to the subdivide larger sites.
- 8.30 The Applicants have claimed that the scheme is a self-build and custom-build development, which should be supported in principle in accordance with Paragraph 70 of the NPPF. This shall be discussed in detail further in this report.

- 8.31 Notwithstanding this, Paragraph 3 of the NPPF confirms the National Planning Policy Framework must be read as a whole. It is important to note that in order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities. As highlighted above, and in light of Paragraphs 83 and 84 as well as Sections 9, 11, and 15 of the NPPF, the application site is not considered to be in a location where it enhances or maintains the vitality of rural communities, nor is it considered to represent sustainable development in principle.
- 8.32 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.
- 8.33 Given the above, as the Council is able to deliver a five-year supply of land for housing, the benefit of providing one new dwelling within this application site is considered to attract very limited weight.

Custom and Self-Build Housing (CSB)

- 8.34 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.
- 8.35 These groups should include (but are not limited to) those who required affordable housing; families with children; older people (including those who require retirement housing, housing-with-care, and care homes); students; people with disabilities; service families; travellers; people who rent their homes; and people wishing to commission or build their own homes.
- 8.36 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.
- 8.37 The Applicants state 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.
- 8.38 The Applicants have stated that they intend to create the development to downsize from their existing dwelling, the White House. The Local Planning Authority notes that the Applicants have been on the Local Planning Authority's Custom House-Build and Self Build Register since 29 September 2023, and the Applicants have submitted a signed Self-and-Custom Build Evidence Form in support of this application.

- 8.39 To secure this proposal as a CSB development, the Local Planning Authority require a Unilateral Undertaking (UU) to be signed by the Applicant and submitted in writing to the Council.
- 8.40 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.
- 8.41 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.
- 8.42 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.
- 8.43 If secured by a UU, this development as a self-build and custom house-build would contribute to the current unmet demand of six plots or fewer and the cumulative need for permissions by the end of this Base Period (31 October 2024 to 30 October 2025). The reference to six or fewer as opposed to a definitive number is owing to ongoing monitoring at present due to the timing of the decision and the end of Base Period 9.
- 8.44 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 at this moment in time.

Design and Impact upon the Character of the Area

- 8.45 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.46 Paragraph 139 of the NPPF also states that significant weight should be given to:
- (a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

- (b) Outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.47 Conversely, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.48 Policy DM4(i) 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.
- 8.49 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.
- 8.50 Policy S2 of the SPNP requires development to protect and enhance the existing Public Rights of Way within Sheepy Parish.
- 8.51 Policy S8 of the SPNP also sets out the requirements for the design of development within the Parish, which includes responding positively to the character of the area, demonstrably responding to the features of its setting, and working with the scale, form, and character of the location to make a positive contribution to the street scene, amongst others.

Assessment of the Design Midlands Review of the Originally Submitted Proposal

- 8.52 It is considered important to point out that the Design Midlands Review (DMR) has not assessed the latest submitted proposal. Nevertheless, the DMR did not describe the 'walled garden' design of the proposal as outstanding or featuring an innovative design, nor did the DMR indicate that the scheme promoted high levels of sustainability or raised the standard of design more generally in the area.
- 8.53 On the contrary, the DMR, *"Emphasised the requirements of Paragraph 139 of the NPPF,"* and stated, *"A sensitive response to the landscape character of the site is therefore an essential part of the project."* The Applicants' Design and Access Statement also confirms that the Applicants and the DMR Panel agreed that the setting of the application site was, *"Exceptional."*
- 8.54 Page 6 of the DMR summaries the Design Midlands' response to the scheme as follows:

"As proposed, concerns were raised on the impact of the scheme on the site in particular the loss of the existing trees, the quality of the internal and external spaces, the formal approach to the drive and the visibility of the parking area / cars. The Panel emphasised the requirements of paragraph 139 of the NPPF and the need to demonstrate and evidence the proposal meets the criteria which includes

'outstanding design'. The Panel recommended further work be undertaken as follows:

- *Additional site analysis including landscape analysis, character, identifying receptors, views to the site including PRowS – how best to place a new house within the landscape;*
- *Provision of a clear and compelling narrative for the scheme – is there a different solution for the site which better meets the clients' needs and works with the site context?*
- *Provision of an options analysis on the overall site location and the position of the building within the site. Is this the best location for a building within the site?*
- *Provision of a Landscape Framework for the scheme to ensure a robust relationship between building and landscape;*
- *To further explore the building forms ie. would a building which is part two storey work better on the site and meet the clients' needs than the current walled garden form;*
- *Ensure the access and drive are in keeping with the narrative including further dialogue with County Highways on repositioning the access;*
- *Detail on the environmental approach and performance of the building;*
- *Supporting information including the scheme in the wider context in particular White House."*

- 8.55 It is noted that whilst the design of the proposal was revised, none of the concerns or recommendations within the DMR were appropriately taken on board within the Applicants' latest scheme. This is evident by the absence of the submission of a Landscape Framework, and the failure to make any alterations to, or to provide justification for, the proposed access into the site and the current loss of trees within the site. This detailed further in this Report.
- 8.56 The only narrative the Applicants have sought to pursue is their aspirations to downsize from their current, *"Under occupied,"* home and to address the negative connotations associated with bungalows.
- 8.57 Ultimately, the Applicants' desire for a new purpose-built home that better suits their needs does not provide the clear or compelling narrative required by the DMR. Contrary to the assertions of the Applicants, the current scheme and the previously submitted scheme are also both larger in footprint than the existing dwelling. This is discussed in detail further in this report.
- 8.58 The Local Planning Authority does not agree with this perception of bungalows, nor has the Applicant substantiated this claim. The Local Planning Authority does not agree with the claim made in the Applicants' Design and Access Statement that, *"If you choose to live in a bungalow, your useful life is over, and the next step is a care home quickly followed by death."* Ultimately, this unevidenced statement does not justify a dwelling in this location or its massing, nor does it provide a clear or compelling narrative as required by the DMR.

- 8.59 Whilst the Design and Access Statement refers to the scheme's, "*Innovative design*," the Applicants have failed to demonstrate why this scheme is worthy of such a description.
- 8.60 In summary, the Applicants have failed to demonstrate that they have appropriately taken on board any of the advice and recommendations of the Design Midlands Review Panel.

Assessment of the Design of the Proposal upon the Character of the Area

- 8.61 As highlighted previously, at Paragraph 8.20 of this Report, the proposal represents new and unjustified residential development in an isolated and unsustainable location within the countryside. Therefore, the proposed development causes significant environmental harm in principle, which is contrary to Policies S1 and S10 of the SPNP, Policies DM4 and DM17 of the SADMP as well as Paragraph 84, Sections 9, 11, and 15, and the overarching ambitions of the NPPF.
- 8.62 With the exception of The White House, there are no other residential dwellings on the northern side of Bosworth Road within 700m east of the application site, 800m of the north of the site, nor 450m west of the application site. Whilst there are two dwellings (Byron's Court and The Lake House) that are within 170m and 370m of the site respectively on the opposite side of Bosworth Road, the presence of these dwellings in the countryside does not support further domestication and development of the area.
- 8.63 Ultimately, the development of further residential dwellings on this site is not considered to preserve the rural character of the Sence Lowlands Character Area, nor the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.64 The design of the development is based on the concept of the creation of a new walled garden into which a single storey contemporary dwelling is inserted. The DMR suggests that the scheme has been influenced by a similar walled garden at Bosworth Hall, which led to the Applicants', "*Passion*," for walled gardens. The Applicants have though not provided details of this inspiring walled garden, nor any other examples of walled gardens within close proximity to the site. The Local Planning Authority also acknowledges that Bosworth Hall is 3.7km east of the application site on the other side of Market Bosworth in a materially different set of site-specific circumstances to the current proposal.
- 8.65 Therefore, it is considered that no appropriate justification has been provided to support the development of a walled garden in this location, nor to suggest that the dwelling is exceptional, outstanding or innovative in any way.
- 8.66 The existing boundaries within the host dwelling's garden are hedgerows and there is no evidence of brick wall boundary treatment within the garden area of The White House, nor in the immediate vicinity of the site. Therefore, the development represents a considerable extent of high brick walls that are insensitive to the

character of the site, the surrounding area, the Landscape Character Area, and the countryside, as well as the site's relationship with The White House.

- 8.67 In light of the above, the concept of the development is incongruous with the character of the area and will result in significant harm to the character of the area and the countryside in principle. Given the above, the Local Planning Authority does not consider the design of the proposal to be outstanding, innovative, or exceptional, nor does it fit in with the overall form and layout of its surroundings. This is supported by the DMR Panel's notable exclusion of any phrasing that may suggest that the scheme is compliant with Paragraph 84(e) or Paragraph 139 of the NPPF.
- 8.68 The DMR confirmed that a development with a larger footprint would be, "*Problematic,*" for this, "*Relatively small site.*"
- 8.69 Since the previous submission, the design of the scheme is 8.9m wider and 9.6m deeper and has a total footprint that is 82.9sqm and 21% larger than the originally submitted proposal. This directly conflicts with the guidance of the DMR.
- 8.70 As a result of the new design, the scheme proposes a 26.7m wide brick wall that is just under 4m in height. This is considered to be a completely alien feature that results in a significantly detrimental intrusion into the rural character and gently rolling lowland vale landscape of the Sence Lowlands Landscape Character Area.
- 8.71 Therefore, this scheme fails to complement or enhance the character of the surrounding area and has a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.72 However, the massing of the development is limited to below 4m in height and the scheme is over 170m from the public highway. Whilst this may reduce the visual impact of the development slightly from wider views, the scheme will still be visually prominent from Bosworth Road and Public Footpath T10, particularly at times of the year when there is less vegetation.
- 8.73 Irrespective of the above, a development in this location is still considered to result in significant harm to the character of the area, regardless of whether it is visually prominent from public views. In addition, the assessment of the visual prominence of the scheme does not justify the adverse impacts of the development on the site and the surrounding area.
- 8.74 The DMR also stated that the scheme's relation with The White House was, "*Particularly important,*" and needed to be, "*Clearly established and defined as a key element in the design concept.*"
- 8.75 Based on the approved plans within planning permission 15/00612/FUL, the existing dwelling externally measures 23.4m in width x 33.8m in depth, with a total footprint of 466.1sqm. However, the pool room alone is 17.8m in depth and has a footprint of 167.1sqm. Therefore, excluding the swimming pool, the dwelling externally measures 23.4m in width 15m in depth, with a total footprint of 297.8sqm.

- 8.76 As a result, the currently proposed development is 5.1m wider yet 4.2m shallower than The White House and its adjoined outbuildings, which creates a total footprint which is 6.5sqm larger in footprint than the existing dwelling. Excluding the pool room, the new proposal is almost double the depth of the existing property and 174.8sqm larger in footprint.
- 8.77 In light of these facts, the significant size of the structure is incongruous to, and fails to establish any appropriate relationship with, nor reflect the character of, The White House and its associated outbuildings. Whilst the proposal is now arranged in a right angle around the garden of the existing property, this is not sufficient to demonstrate any sort of meaningful relation with the wider site and its character. On the contrary, the unusual shape and layout of the development is considered to exacerbate the inharmonious nature of the scheme with the character of the wider site and the surrounding area.
- 8.78 Although materials can be secured via condition, it is noted that the nearest dwellings to the site, including The White House, Byron's Court, and The Lake House, utilise white render finishes. Therefore, the predominant use of brick within the scheme clearly is considered to demonstrate a lack of thought given to the design of the scheme and its ability to fit in with the overall form and layout of its surroundings.
- 8.79 Due to the significant size of the proposal, Table 2 of the Arboricultural Impact Assessment (AIA) confirms that nine individual trees ('T1,' 'T2,' 'T4,' 'T5,' 'T7,' 'T8,' 'T10,' 'T12,' and 'T13,') and one group of trees ('G2') are removed, and two further groups of trees ('G1' and 'G6') and one hedgerow ('H1') are partially removed from the site.
- 8.80 However, the Tree Retention and Removals Plan also highlights the loss of an additional hedgerow ('H5') and the partial loss of another hedgerow ('H6'). It is acknowledged that all these trees and hedges are identified as Category 'C' trees in relation to their retention value, except T10, which is a Category 'B' tree.
- 8.81 As per the comments within the DMR, the loss of trees within this site would, "*Significantly alter the site,*" and, "*Result in the loss of the site's assets.*"
- 8.82 Whilst it is noted that not all the trees within the site are lost as a result of this proposal, the considerable number of trees and hedgerows proposed to be removed, including almost half of the individually assessed trees and 48m of hedgerow, within this site is considered to have a detrimental impact on the verdant character of the site. This loss of existing mature planting is also considered to increase the scheme's visibility from Bosworth Road and the Public Footpath T10, which increases the harm of the scheme to the character of the surrounding area.
- 8.83 Although landscaping can also be secured via condition, it is noted that no new landscaping is proposed, nor has any attempt to soften the visual impact of scheme been proposed within the main grounds of the development.

- 8.84 This is in spite of the fact that Paragraph 4.1.5 of the AIA clearly recommends providing a minimum of 15 new trees within the site. Whilst the Proposed Site Context Plan suggests some additional planting near the new proposed access, there are discrepancies between the landscaping proposals within this plan and what is advised within the Arboricultural Impact Assessment. Therefore, no weight is given to this provision of landscaping at this stage.
- 8.85 Notwithstanding this, the provision of soft landscaping is not considered to reduce the visual impact of the development because vegetation cannot be relied upon to provide permanent or substantial buffers to views because they can be removed without planning permission, they are susceptible to disease, and they are ever evolving and reliant on regular maintenance to retain a consistent form.
- 8.86 The DMR also highlighted that the design of the proposed drive was "*Formal,*" and, "*Out of character with the adjoining landscape and undermines the [Applicants] design ambition.*" Despite these concerns raised by the DMR, no discernible amendments have been made to the proposed driveway.
- 8.87 The provision of a new 241m long hard surfaced private track, which covers an area of 815 square metres, is considered to be out of character with, and cause significant and demonstrable harm to, the rural character of the site and the surrounding area. This harm is considered to be exacerbated by the unnecessary relocation of the access and its resultant impact on the existing vegetation along the boundary of Bosworth Road, which currently contributes to the verdant and rural character of the area.
- 8.88 Although the provision of landscaping is given no weight at this stage, it is noted that Paragraph 4.1.9 of the AIA refers the provision of an, "*Avenue of trees,*" to be, "*Planted along the new track leading up to the dwelling.*"
- 8.89 The avenue of trees is considered to further formalise the access track into the site, which is contrary to the advice provided by the DMR. Ultimately, this is considered to intensify the incongruous nature of the development from the rural character and the flat-to-gently-rolling lowland vale landscape of the site and the surrounding area.
- 8.90 In summary, by virtue of its size, siting, scale, design, and use of materials, the development results in a significant, detrimental, and irreversible, urbanising and domesticating effect on the intrinsic value, beauty, open character, and landscape character of the countryside, the Sense Lowlands Character Area, and the surrounding area, as well as views from Public Footpath T10. This harm is compounded by the extensive hard surfacing associated with the proposed driveway, the significant loss of existing mature trees within the site, and the scheme's poor relation to the existing host dwelling.
- 8.91 Given the above, the development is considered to be contrary to, and in significant conflict with, Policies S1, S2, S8, and S10 of the SPNP, Policies DM4 and DM10 of the SADMP, and Sections 2, 12 and 15 of the NPPF, and the Good Design Guide.

Impact upon Residential Amenity

- 8.92 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.
- 8.93 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.

Impact upon Neighbouring Residential Amenity

- 8.94 The only property in close proximity to the development is The White House but given the development's distance from this dwelling and the scheme's size, scale, siting, and massing, the proposal is not considered to result in any detrimental impacts to the neighbouring residential amenity of The White House.

Impact upon the Residential Amenity of the Future Occupants

- 8.95 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.
- 8.96 To comply with the THS, proposals for three-bedroom, single storey dwellings should provide a minimum of 74sqm of floor space and 2.5sqm of built-in storage in accordance with the NDSS. Furthermore, in accordance with Paragraph 10(c) of the NDSS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the NDSS.
- 8.97 The proposal is considered to comply with all the minimum requirements of the NDSS.
- 8.98 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.
- 8.99 The size of the private outdoor amenity space is likely to exceed the requirements of the Good Design Guide.

- 8.100 However, given the limited arboricultural information about the site, and the scheme's impact on trees within the site in the original submitted documents, the Local Planning Authority were not able to fully consider their impact on the residential amenity of the future occupiers of the scheme within the Committee Report from 04 June 2024.
- 8.101 Within the Design Midlands' review of the original scheme, concerns were raised about the proposed external spaces for the property and stated that, "*The space to the rear of the building will be limited and be in heavy shade.*"
- 8.102 It is evident from the submitted plans that the private outdoor amenity space has not been relocated or revised away from the north-facing heavily shaded area of the site in light of the comments raised by the DMR. It is also noted that that the location of G1 is not correctly detailed within the Proposed Floor Plan or the Proposed Site Plan.
- 8.103 The private outdoor amenity space is to the rear and north of the proposed dwelling, and the principal windows to the principal bedroom, the study, the family area, and the lounge face directly into this area. Although the wider family area, kitchen, and dining area benefit from an additional southeast-facing window, this is 7.2m from the front elevation of the scheme that comprises a 3.6m high blank brick wall, and the 181.8sqm canopy from the group of trees identified as G1 within the AIA.
- 8.104 Therefore, due to the siting of the development and the constraints of the site, including its existing trees, it is considered that numerous principal windows to habitable windows within the proposed dwelling, nor its associated private amenity space are provided with an appropriate level of natural light. This is considered to result in significant harm to the residential amenity of the future occupiers of the scheme and if approved will create further pressure for the removal of existing trees within the site as they continue to grow.
- 8.105 In summary, the scheme fails to provide an adequate provision of natural light to the proposed dwelling and its associated private outdoor amenity space, which is considered to result in significant adverse impacts to the residential amenity of the future occupants of the scheme. Therefore, the development is considered to be in conflict with Policy S8 of the SPNP, Policy DM10 of the SADMP, Paragraph 135 of the NPPF, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.106 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. 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)).

Impact upon Highway Safety

- 8.107 The development utilises a new site access on to Bosworth Road, which was approved via planning permission 20/01095/FUL. Although this planning permission was never implemented and has subsequently expired, the permission remains a material consideration within the determination of this current planning application.
- 8.108 Within this 2020 application, the Local Highway Authority (LHA) confirmed that they were satisfied that the new access was acceptable subject to three planning conditions in relation to the width, gradient, and surfacing of the access, the closure of the existing access, and the provision of 2.4m by 215m visibility splays on each side of the access prior to the first use of the development. Therefore, subject to the same three planning conditions, the site access is considered to be acceptable in accordance with Policy DM17 of the SAMDMP and the LHDG.

Assessment of Parking Provision

- 8.109 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.110 Whilst no details have been provided, it appears that the application site can accommodate two off-street vehicle parking spaces in accordance with Policy DM18 of the SADMP.
- 8.111 In light of the above, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe and in accordance with Policy DM17(c) and (e), and Policy DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.112 In summary, the application was deferred by the Planning Committee in June 2024 so that members could undertake a site visit and that the Applicants could seek advice from the Design Midlands Review Panel. Whilst the Applicants sought advice from the Design Midlands Review Panel and subsequently revised their proposal, it is evident that the Applicants have failed to appropriately take into account or act upon the recommendations of the Design Midlands Review Panel in their approach to their application or in the design of their proposal.
- 8.113 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.

- 8.114 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.115 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. However, Paragraph 14 of the NPPF applies in this instance given that Sheepy Parish Neighbourhood Plan became part of the Development less than five years ago and Sheepy Parish do not have an unmet need of housing within the Plan Period up to 2036. Therefore, the adverse impact of allowing development that conflicts with the Neighbourhood Plan are likely to significantly and demonstrably outweigh the benefits

Benefits of the Development

- 8.116 To justify their development, the Applicants have relied on the benefits of addressing the need for more housing, the need for more housing for older people, and the need for more land for people to build their own homes, which the Applicants seek to support through a variety of quotes from the following documents:
- A foreword by the Associated Retirement Community Operators (ARCO)
 - The Coalition Government's '*Laying the Foundations*' (2011)
 - A letter from the Deputy Prime Minister to local authorities (31 July 2024)
 - Leicestershire BUILDER Magazine's "Right-sizing" article (November 2024)
 - Market Bosworth Neighbourhood Plan Housing Needs Assessment (December 2022).
 - The Former Prime Minister's 2021 Independent Review (August 2021)
 - A Royal Town Planning Institute (RTPI) policy statement on new Housing (2016)
 - Research by McCarthy Stone
- 8.117 None of these documents are planning policy documents, nor local design policies or government guidance on design. Furthermore, no information, justification, or assessment of the scheme has been provided in relation to these documents. Importantly, the application site lies outside of the area covered by the Market Bosworth Neighbourhood Plan Housing Needs Assessment. Therefore, these documents are of limited relevance to the determination of this planning application.
- 8.118 The concern for an aging population is a national issue and not one that is limited to, or particularly prevalent within, the local area. Whilst the Neighbourhood Plan Housing Needs Assessment is limited in relevance in terms of the demand for housing for older people, the Housing Needs Assessment confirms that specialist housing for older people should only be provided in sustainable, accessible locations that offer services and facilities, public transport options, and the

necessary workforce of carers and others. This is supported by Policy 7 of the adopted Core Strategy that states the Council will only support housing development within Key Rural Centres such as Market Bosworth within their identified settlement boundaries. Therefore, the proposal is not supported by Policy 7 of the adopted Core Strategy and the site is not considered to be in an appropriate location for housing to meet the needs for older people.

- 8.119 The Applicants have also referred to Paragraphs 5.19 and 5.20 of the SPNP, which state that, *“Sheepy Parish has a smaller proportion of young householders (under 35) but more households over the age of 65,”* and, *“The provision of market housing units which cater for older households is a key supply gap, which urgently needs to be addressed.”*
- 8.120 Notably, as a self-build and custom-housebuilding development, this proposal does not provide any market housing units and therefore does not directly meet the requirement highlighted by these paragraphs within the SPNP. In addition, the Applicants have failed to provide the context for these paragraphs, which is Policy S10 of the SPNP which clearly states that housing development outside of the settlement boundaries of Sheepy Magna and Sibson shall be limited to criteria (a) to (e) inclusively as previously highlighted at Paragraph 8.16 of this Report.
- 8.121 As highlighted previously, the scheme does not meet any of the criteria of Policy S10 of the SPNP.
- 8.122 Ultimately, the current proposal is in an isolated and unsustainable location. Whilst the Market Bosworth Needs Assessment isn't relevant in determining this planning application, it is noted that the proposal, which is claimed to meet the needs of older people, fails to meet any of the requirements of specialist housing for older people as detailed within the Market Bosworth Housing Needs Assessment.
- 8.123 As the Council is able to deliver a five-year supply of land for housing, the benefit of providing one new dwelling within this application site to the Borough's supply of housing land is considered to attract very limited weight.
- 8.124 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.
- 8.125 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. The benefits associated with providing one dwelling to the Council's supply of self-build and custom housebuilding developments is considered to attract moderate weight.

- 8.126 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.
- 8.127 In light of the above, it is not considered that the benefits of creating one self-build and custom housebuilding property is likely to independently significantly and demonstrably outweigh the adverse impacts of the proposal on the environment, the countryside, and the character of the area, which is contrary to Local and National Planning Policy.
- 8.128 Nevertheless, the Applicants have then attempted to justify their scheme by claiming the scheme's design is owed significant positive weight due to Paragraph 139 of the NPPF. Officers do not consider that the scheme accords with the requirements of that paragraph. No other benefits of the development are claimed by the Applicants.

Harm Caused by the Development

- 8.129 The application site is in an unsustainable location where the future occupiers of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs. As a result of this unsustainable location, the development causes significant environmental harm and fails to promote high levels of sustainability, which is contrary to, and in conflict with, Policies DM4 and DM17 of the SADMP as well as Paragraph 139 and Section 9 and the overarching environmental objectives of the NPPF. This harm attracts significant weight in the planning balance.
- 8.130 Moreover, the proposal represents the development of an isolated dwelling in the countryside. In principle, this is contrary to local design policies and national design guidance. The development then fails to comply with the Local and National Planning Policies restricting development in the locations outside of identified settlement boundaries. As a result, the scheme results in significant environmental harm and fails to promote high levels of sustainability, and is contrary to, and in conflict with, Policies S1 and S10 of the SPNP, Policies DM4 and DM17 of the SADMP, as well as Paragraphs 84 and 139, Sections 11, and 15, and the overarching ambitions of the NPPF. This harm attracts significant weight in the planning balance.
- 8.131 Paragraph 139 of the NPPF confirms that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. The design of the development is not considered to represent outstanding or innovative design that raises the standard of design more generally in the area, nor fits in with the overall form and layout of its surroundings. On the contrary, by virtue of its size, siting, scale, design, and use of materials, the development results in a significant, detrimental and irreversible, urbanising and domesticating effect on the intrinsic value, beauty, open character, and landscape character of the countryside, the Sense Lowlands Character Area,

and the surrounding area as well as views from Public Footpath T10. This harm is compounded by the extensive hard surfacing associated with the proposed driveway, the significant loss of existing mature trees within the site, and the scheme's poor relation to The White House. Given the above, the development is considered to be contrary to, and in conflict with, Policies S1, S2, S8, and S10 of the SPNP, Policies DM4 and DM10 of the SADMP, as well as Paragraph 139 and Sections 2, 12 and 15 of the NPPF, and the Good Design Guide. This harm attracts significant weight in the planning balance.

- 8.132 In addition, due to the siting of the development and the constraints of the site, including its existing trees, the proposal results in significant adverse impacts to the residential amenity of the future occupants of the scheme due to an inadequate provision of natural light for the proposed dwelling and its associated private outdoor amenity space.
- 8.133 Consequently, if approved, the development will create further pressure for the removal of existing trees within the site, which contributes to the scheme's harm to the character of the site, surrounding area, and the countryside. Therefore, the development is considered to be in conflict with Policy S8 of the SPNP, Policy DM10 of the SADMP, Paragraph 135 of the NPPF, and the Good Design Guide. This harm attracts significant weight in the planning balance.
- 8.134 In conclusion, the scheme is in conflict with numerous national and local planning policies, including those within the up-to-date Neighbourhood Plan. As a result, the adverse impacts of the development significantly and demonstrably outweigh any potential benefits of the provision of one self-build dwelling in this isolated and unsustainable location. In accordance with Paragraph 11(d)(ii), 14, and 139 of the NPPF, the development should be 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 development represents unjustified residential development in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. The future occupants of the scheme are therefore highly likely to be dependent on private motorised transport to meet their day-to-day needs and this results in significant environmental harm.

As a result, the proposal is contrary to, and in conflict with, Policies DM4 and DM17 of the adopted Site Allocations Development Management Policies Development Plan Document (2016), as well as Paragraphs 8 and 139, and Sections 9 and 15 of the National Planning Policy Framework (December 2023).

2. The development lies outside of any identified settlement boundary and in an isolated location within the countryside. By virtue of its size, siting, scale, design, and use of materials, the development results in a detrimental and irreversible, urbanising and domesticating effect on the intrinsic value, beauty, open character, and landscape character of the countryside, the Sense Lowlands Character Area, and the surrounding area, as well as views from Public Footpath T10. This harm is compounded by the extensive hard surfacing associated with the proposed driveway, the significant loss of

existing mature trees within the site, and the scheme's poor relationship to the existing residential structures near the site.

Ultimately, the benefits of the development of one dwelling do not significantly and demonstrably outweigh this harm. Therefore, the proposal is contrary to, and in conflict with, Policies S1, S2, S8, and S10 of the Sheepy Parish Neighbourhood Plan (2022), Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraphs 84 and 139, and Sections 2, 9, 11, 12, and 15 of the National Planning Policy Framework (December 2023), and the Council's Good Design Guide (2020).

3. Due to the constraints of the site, including the existing trees, the proposal results in significant adverse impacts to the residential amenity of the future occupants of the scheme due to the inadequate provision of natural light to the principal windows to habitable rooms within the proposed dwelling and to the property's associated private outdoor amenity space. Therefore, the development is considered to be in conflict with Policy S8 of the Sheepy Parish Neighbourhood Plan (2022), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 135 of the National Planning Policy Framework (December 2023), and the Good Design Guide (2020).

a. **Notes to Applicants**

1. The application has been determined in accordance with the following submitted details:
 - Arboricultural Impact Assessment (V1a) (submitted: 20.11.2024)
 - Design, Access & Planning Statement (October 2024) (submitted: 23.10.2024)
 - Design Midlands Review Statement (DMDR028) (submitted: 23.10.2024)
 - Leicestershire Builder Magazine (p. 14) (submitted: 20.11.2024)
 - Proposed Elevations 1 to 4 (24053 P006) (submitted: 23.10.2024)
 - Proposed Elevations 5 to 9 (24053 P007) (submitted: 23.10.2024)
 - Proposed Floor Plan (24053 P003) (submitted: 23.10.2024)
 - Proposed OS and Block Plans (24053 P001) (submitted: 23.10.2024)
 - Proposed Roof Plan (24053 P004) (submitted: 23.10.2024)
 - Proposed Site Context Plan (24053 P002) (submitted: 23.10.2024)
 - Proposed Site Plan (24053 P005) (submitted: 23.10.2024)
 - Proposed Tree Removal Plan (24053 P008) (submitted: 23.10.2024)
 - 3D Concept Images (submitted: 23.10.2024)