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Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6.00 pm on Tuesday, 11 November 2025
Location	Forest Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

<b>AGENDA</b>		
<b>Item</b>		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>		
<b>2. DECLARATION OF INTERESTS</b>		
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
<b>3. MINUTES</b>		
	To confirm and sign the minutes of the meeting held on	<b>3 - 6</b>
<b>4. PLANNING ENFORCEMENT MONITORING UPDATE</b>		
	The report of the Head of Planning and Infrastructure.	<b>7 - 16</b>
<b>5. PLANNING APPLICATIONS AND OTHER MATTERS</b>		
	Report of the Head of Planning and Infrastructure.	<b>17 - 20</b>

## Index of Applications to be Considered

<b>Item</b>	<b>Application Number and Details</b>	<b>Recommendation</b>	<b>Page</b>
<b>A1</b>	<b>25/00738/OUT - Erection of 1 no. single custom-build dwelling (Outline - all matters reserved)</b>  Colliery Farm, 36 The Moor, Coleorton, Leicestershire	<b>PERMIT</b>	<b>21 - 46</b>
<b>A2</b>	<b>23/01595/FUL - Change of use of Methodist church to a single residential dwelling (resubmission following withdrawal of 23/00413/FUL)</b>  Worthington Methodist Chapel, Main Street, Worthington	<b>PERMIT</b>	<b>47 - 68</b>
<b>A3</b>	<b>23/01596/LBC - Internal and external alterations to facilitate the use of the building as a dwelling (Listed Building Consent)</b>  Worthington Methodist Chapel, Main Street, Worthington	<b>PERMIT</b>	<b>69 - 82</b>

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 14 October 2025

Present: Councillor R Boam (Chair)

Councillors A Barker, M Burke, R Canny, D Cooper, D Everitt, J Legrys, P Moulton, J G Simmons and N Smith

Officers: Ms S Booth, Ms J Davies, Mr B Dooley, Ms A Edwards, Mr C Elston and Mrs R Wallace

## **22. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor D Bigby, Councillor R Morris, and Councillor C Sewell.

## **23. DECLARATION OF INTERESTS**

There were no interests declared.

## **24. MINUTES**

Consideration was given to the minutes of the meeting held on 9 September 2025

It was moved by Councillor J Legrys, seconded by Councillor N Smith and

RESOLVED THAT:

The minutes of the meeting held on 9 September 2025 be approved and signed by the Chair as an accurate record of proceedings.

## **25. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

## **26. 24/01236/FUL: RETENTION OF 3 NO. UNDERGROUND LPG GAS TANKS TO SERVE THE APPROVED RESIDENTIAL DEVELOPMENT SCHEME FOR 28 HOUSES AT HOME FARM**

The Senior Planning Officer presented the report.

Mr D Harris-Watkins, speaking as agent, addressed the Committee. He expressed support for this application and highlighted the lack of objections.

A discussion was had during which members expressed their support for the application, and several questions of clarity were addressed by officers.

A question was asked related to footpath disruption and possible diversion routes should further development on the site be necessary. The Planning and Development Team Manager responded that the new development would accommodate the footpaths on the new route and confirmed that diversion routes would be put in place if needed.

It was also questioned whether the gas tanks would be used if there were to be further development on the site. The Planning and Development Team Manager replied that, in the event of further development, the building regulations may be changed, and that fossil fuel heat sources would not be used.

The Officers recommendation to permit the application was moved by Councillor J Legrys, seconded by Councillor R Canny.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below and

RESOLVED THAT:

The application be permitted without modification.

<b>Recorded Vote (Resolution)</b>	
Councillor Russell Boam	For
Councillor Anthony Barker	For
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor Doug Cooper	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moul	For
Councillor Jenny Simmons	For
Councillor Nigel Smith	For
<b>Carried</b>	

**27. 25/00711/FUL: DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION AND ERECTION OF A TWO STOREY REAR EXTENSION AND SINGLE STOREY REAR EXTENSIONS, OUTSIDE KITCHEN AND PERGOLA. ALTERATIONS TO FRONT WINDOWS, REPLACEMENT WINDOWS AND REPLACEMENT FRONT PORCH. EXTENSION TO EXISTING OUTBUILDING TO FORM HOME GYM. LANDSCAPING TO INCLUDE PROVISION OF RETAINING WALLS.**

Prior to the item commencing, Councillor N Smith stated that he used to own the property the application was concerned with and asked the Legal Advisor whether that should be treated as a registerable interest. The Legal Advisor advised that, due to the length of time that had passed since owning the property, it could not be regarded as a registerable interest.

The Planning Officer presented the report.

Mr D Harris-Watkins, speaking as agent, addressed the Committee. He noted there were no objections resulting from a statutory consultation. The Committee was urged to grant the application.

Members expressed their support for the development but asked whether a condition could be implemented to prevent the land from being used for commercial purposes. The Head of Planning and Infrastructure and the Planning and Development Team Manager agreed to add this condition.

A discussion was had by members which focused on privacy issues resulting from new extensions. The Head of Planning and Infrastructure was satisfied that there was to be no impact on the neighbouring property caused by this extension, and that windows would not be positioned directly over properties.

The Officers recommendation to permit the application was moved by Councillor R Canny, seconded by Councillor J Legrys.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

**RESOLVED THAT:**

The application be permitted, subject to the condition that the land must not be used for commercial purposes.

<b>Recorded Vote (Resolution)</b>	
Councillor Russell Boam	For
Councillor Anthony Barker	For
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor Doug Cooper	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Jenny Simmons	For
Councillor Nigel Smith	Abstain
<b>Carried</b>	

The meeting commenced at 6.00 pm

The Chair closed the meeting at 6.34 pm

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE – TUESDAY, 11 NOVEMBER 2025



<b>Title of Report</b>	<b>PLANNING ENFORCEMENT MONITORING UPDATE</b> <b>Q3 and Q4 - 2024/2025 and Q1 and Q2 – 2025/2026</b>
<b>Presented by</b>	Jim Wilmot
<b>Background papers</b>	<a href="#">Local Enforcement Plan</a>
<b>Public Report</b>	Yes
<b>Financial Implications</b>	There are no financial implications that arise from this report.
<b>Legal Implications</b>	<b>Signed off by the Legal Advisor: Yes</b>
<b>Staffing and Corporate Implications</b>	The Local Enforcement Plan sets priorities for the team and how they will deal with their casework efficiently. Corporately, the plan sets out the Council's priorities on planning enforcement so that councillors, members of the public, and external organisations are clear in terms of what the team can enforce against and what the priority cases for investigation are.
	<b>Signed off by the Head of Paid Service: Yes</b>
<b>Purpose of Report</b>	To provide an overview of the work completed by the Planning Enforcement Team for Q3 and Q4 - 2024/2025, and Q1 and Q2 – 2025/2026.
	<b>THAT PLANNING COMMITTEE NOTE THE INFORMATION CONTAINED WITHIN THE REPORT.</b>

**1.0 Background**

- 1.1 This report is to update Planning Committee members on the performance of the Planning Enforcement Team during Q3 and Q4 - 2024/2025 and Q1 and Q2 – 2025/2026.

**2.0 Local Enforcement Plan**

- 2.1 At the Council's Cabinet meeting on 22 October 2024 a new Local Enforcement Plan (Planning) was adopted. The new Local Enforcement Plan identifies what tools are available to the Council to enforce planning matters, sets out how planning

enforcement cases will be dealt with and also provides a simple priority system for dealing with cases.

- 2.2 Since adoption of the Local Enforcement Plan and following the recruitment of a new Planning and Development Enforcement Team Leader, training was delivered to Parish Councils on 16 January 2025 and to members on 6 March 2025. The training provided an overview of the key points within the Local Enforcement Plan, along with details of the Planning Enforcement Team's 'toolkit' used to enforce planning breaches, an insight into caseloads and the types of planning breaches the team are currently dealing with. The training was welcomed by the Parish Councils and members alike.
- 2.3 The Planning Enforcement Team have been working on reducing caseloads, which has enabled the team to move cases forward or recommend case closures in line with the Local Enforcement Plan.

### **3.0 Member Feedback at Local Enforcement Plan Training**

- 3.1 Members felt that reports to Planning Committee needed to focus on examples of cases rather than just on the number of outstanding cases the team are currently dealing with.

In addition, members asked to be provided with the following information:

- Examples of where cases have been closed, resolved or enforced rather than just figures as previously reported to Planning Committee; (See section 6 of this report).
  - The type of breaches being raised e.g. unauthorised development, breach of conditions, changes of use, Unauthorised works to protected trees. (See section 7 of this report).
- 3.2 Members also felt that communication with members from Planning Enforcement officers could be improved. To achieve this and monitor staff performance, priority targets have been implemented within our in-house ICT systems which will be monitored in line with the 'Priority timescales' set out in the Local Enforcement Plan.
- 3.3 Acknowledgement letters to complainants are generated when a case is logged which set out how each case will be dealt with in line with the priority targets set out in the Local Enforcement Plan. The case officer will then communicate regularly with complainants, including members, to update them on the progress of the investigation.
- 3.4 It is important to note that meeting priority timescales can sometimes be difficult to maintain currently as Planning Enforcement caseloads still remain high, this is due to a backlog of cases, some of which are extremely complex and time consuming, which the team are actively working on, new queries being received on a daily basis and a vacant position within the team. Recruitment to this post will take place in the coming months.
- 3.5 Members felt that there should be a more streamlined approach to reporting breaches online and officers have been working with the Council's Customer Experience team to improve the online forms. This will be further updated in the



future as part of the ongoing corporate project to review and update the Council's website.

#### 4.0 Planning Enforcement Case Statistics

- 4.1 The tables below provide details of the number of cases being dealt with in the last four quarters.
- 4.2 Table 1 below shows the number of new cases opened by the team by quarter, the number of cases closed by the team per quarter and the number of closures where the breach has been resolved or there was no breach found, or the case was not expedient to pursue. The table also shows in the last column a running total of the live cases that the team has open.

**Table 1 – Number of New Cases Opened**

<b>2024/25</b>					
<b>Months/Year</b>	<b>No. of new cases opened</b>	<b>No. of cases closed with breach resolved</b>	<b>No. of cases closed with no breach/ not expedient</b>	<b>Cases closed</b>	<b>Total no. of live cases at the end of each quarter</b>
<b>Q3 – October 24 – December 24</b>	63	7	41	48	245
<b>Q4 – January 25 – March 25</b>	79	15	70	85	244

<b>2025/26</b>					
<b>Months/Year</b>	<b>No. of new cases opened</b>	<b>No. of cases closed with breach resolved</b>	<b>No. of cases closed with no breach/ not expedient</b>	<b>Cases closed</b>	<b>Total no. of live cases at the end of each quarter</b>
<b>Q1 – April 25 – June 25</b>	64	29	90	121	165
<b>Q2 – July 25 – September 25</b>	78	13	81	96	147

- 4.3 Table 1 shows that the team are continuing to receive significant numbers of new cases and are investigating and closing off cases at a good rate which shows that the team are working hard to actively deal with enquiries and bring their cases to a conclusion.

- 4.4 Table 1 illustrates that the overall load of open cases continues to decrease with 98 fewer live cases from Q3 2024/2025 to Q2 2025/2026. This is a significant improvement given that at the beginning of 2024 the team had nearer to 300 live cases. The team are continuing to work hard to reduce overall case numbers towards a more manageable level.

## **5.0 Examples of Planning Enforcement Cases**

- 5.1 Some examples of cases where breaches have been closed, resolved or enforced against are provided below –
- Alleged material change of use - A report was received that car repairs were taking place at a residential property in Coalville. An officer attended the property and found that the owner did not realise planning permission was required. The owner acknowledged the possible breach and all works taking place to cars at the address have ceased.
  - Adverts – A report was received that a shop in Castle Donington was displaying several advertisements which required consent. A Planning Enforcement Officer worked alongside the shop owner to regularise the unauthorised adverts via an application for consent and relocating some of the adverts to locations which fell under deemed consent.
  - Alleged unauthorised built development – It was reported that some alleged unauthorised fencing adjacent to the highway exceeding 2m in height in Hugglescote. A Planning Enforcement Officer worked alongside the owner to remedy the breach by requiring the fence to be reduced to 1m in height, falling in line with permitted development rights. The owner complied within the timescales required and the breach was resolved.
  - Breach of condition – A query was raised regarding insufficient tree protection measures for trees protected by a Tree Preservation Order (TPO) at a construction site. An urgent site visit was carried out and the developer quickly remedied the breach of planning control by implementing the correct tree protection measures on site.
  - Breach of condition – A report was received of contractor's vehicles not being parked in an area approved under a construction management plan that was a condition of a planning permission in Ashby de la Zouch. Although the enforcement team cannot insist that these vehicles are parked in the approved area, the site manager has contacted all contractors to advise that they should park in the approved area.
  - Unauthorised adverts – A report was received of banners having been installed on lamp posts at a construction site in Hugglescote. An application was subsequently submitted by the developer which was approved.
  - Breach of condition – A report was received of manure being stored at a site in Coleorton that did not comply with a condition of the planning permission. Following discussions with the applicant's agent, the manure is now being stored in compliance with the condition.

- Breach of condition – Reports were received of windows having been installed in a new dwelling in Castle Donington and extensions in Ashby de la Zouch that did not comply with the requirements of conditions for them to be obscure glazed and non-opening up to specific height above the internal floor level, causing impacts on privacy. Following discussions both windows were installed in accordance with the conditions.

5.2 The Planning Enforcement team also receive queries that may not relate to planning matters, these are now logged in the ICT system as 'Advice' cases so the team can actively monitor the amount of officer time spent on these types of enquiries. In Q1 2025/2026 the team received 16 of these types of enquiries with 45 being received in Q2 2025/2026. The reason for the difference in the numbers between these two quarters is likely to be due to this being a new process that has taken a few months to be embedded into working practices.

## **6.0 Breakdown of Types of Cases Received for Q1 and Q2 2025/2026**

6.1 A breakdown of the types of cases that were received in Q1 and Q2 2025/2026 is set out below. The means of producing this information is only available for these periods onwards due to information relating to each type of case now being recorded in the ICT system that was not possible in the past.

- Unauthorised development (Non-Domestic) – 11 cases raised – These types of cases are raised where alleged 'unauthorised development' has taken place that is non-residential, i.e. commercial or alleged development on land.
- Unauthorised development (Domestic) – 23 cases raised – These types of cases are raised where alleged 'unauthorised development' has been carried out at dwellings or flats for example, an unauthorised extension which doesn't fall within the parameters of permitted development rights.
- Breach of planning conditions – 13 cases raised – These cases are raised where developers/owners are alleged to be in breach of planning conditions on a planning permission.
- Build not in accordance with the approved plans – 7 cases raised – These are cases where a development is allegedly different from the plans that were approved under the planning permission.
- Change of use – 11 cases raised – These cases consist of both domestic and non-domestic properties or land and often relate to the alleged change of use of a shop or someone working/ running a business from home.
- Unauthorised works to listed buildings – 6 cases raised – Complex historic building investigations which remain ongoing.
- Works to protected trees – 5 cases raised – These cases relate to alleged works to trees protected by a Tree Preservation Order (TPO) or trees in a conservation area.
- Unauthorised adverts – 5 cases raised – These cases relate to situations where adverts have allegedly been installed that do not comply with the Advertisement Regulations or that need advertisement consent.

- Advice cases – 61 cases raised – These types of cases are recorded when officers have spent time answering enquiries, mainly received via the Enforcement email inbox, that may not relate to a planning enforcement matter, but it is not clear when the enquiry is first received or where the enquiry did not warrant a case being raised. Examples of these types of cases can be enquiries relating to boundary disputes, environmental issues, works within the public highway or where a public right way of way is being obstructed, however, due to the time spent on these types of enquiries, the team have begun logging them to calculate the amount of officer time spent.

## 7.0 Key Cases

- 7.1 **Prosecutions** - There have been no prosecutions during Q3 or Q4 2024/25 or Q1 and Q2 2025/25. Prosecutions can only be undertaken in certain circumstances, e.g. when an Enforcement Notice is breached or unauthorised works are undertaken to listed buildings or protected trees. Prosecution is usually a last resort where all other forms of negotiation to resolve the issue have failed.
- 7.2 **Injunctions** – No injunctions have been made during Q3 or Q4 2024/25 or Q1 and Q2 2025/25. The injunctions that are in place continue to be monitored. Injunctions are reserved for the most serious cases where the breach is causing significant harm. The court will consider if an injunction is a proportionate remedy compared to other potential actions and will look at the specific circumstances, and the Council must demonstrate that it is necessary or expedient to seek the injunction.
- 7.3 **Notices** – One Planning Enforcement Notice has been issued, during Q3 2024, when a Breach of Condition Notice was served. Cases also continue to be monitored where there are extant notices in place. It must be emphasised that the service of an Enforcement Notice is a last resort where all other forms of negotiation to resolve the issue have failed.
- 7.4 **Appeals** - One new enforcement appeal has been lodged with the Planning Inspectorate, which relates to an Enforcement Notice served in Q2 2024. The appeal is ongoing, and a decision has not yet been issued by the Planning Inspectorate. This relates to 'Land adjacent to the A453 Trunk Road, Green Lane, Kegworth.
- 7.5 On 6 February 2025, a decision was made by the Planning Inspectorate in respect of an appeal against an Enforcement Notice which had been served on Bardon Truck Park on 15 March 2024. Following a five day public inquiry, the appeal was dismissed and upheld in the Council's favour, therefore requiring the use of the site as an unauthorised truck park to cease. The case is now closed, with the appellant adhering to all conditions and timescales set by the Planning Inspectorate.

## **8.0 Priority Response Targets**

- 8.1 The Local Enforcement Plan identifies four different priority response settings for commencing investigations upon receiving complaints. These response times are dependent upon the potential impacts and seriousness of the alleged breach of planning control. These priorities are set out below along with the results for Q1 and Q2.

### **Top Priority**

- 8.2 Top priority cases are those which are considered most harmful in planning terms and could lead to irreparable harm. Some of these matters, if founded, could also constitute a criminal offence for which the Council may prosecute. These include:
- Current unauthorised works to a listed building;
  - Current unauthorised works to protected trees (trees protected by a Tree Preservation Order (TPO) or by being within a Conservation Area);
  - Current removal of an important hedgerow;
  - Current demolition of a building within a Conservation Area; and,
  - Unauthorised works relating to hazardous substances.
- 8.3 The Council will aim to commence investigations on top priority cases within one working day, and where possible, on the same day as the enquiry is received.
- 8.4 In Q1 there were 2 top priority complaints, and the target was hit 50% of the time.
- 8.5 In Q2 there was 1 top priority complaint, and the target was missed.

### **High Priority**

- 8.6 These include:
- Breaches of either Listed Building or Conservation Area controls not coming into the Top Priority category;
  - Breaches of the requirements of an Enforcement Notice or a Breach of Condition Notice;
  - Unauthorised development, which without intervention would be nearing immunity from enforcement action by virtue of the 4 or 10 year rules (see appendix A for changes brought in by the Levelling Up and Regeneration Act);
  - Unauthorised advertisements, which constitute a potential highway safety.
- 8.7 The Council will aim to commence investigations on high priority cases within three working days of the enquiry being received.
- 8.8 In Q1 there were 4 high priority complaints, and the target was hit 75% of the time.
- 8.9 In Q2 there was 2 high priority complaints, and the target was hit 100% of the time.

### **Medium Priority**

- 8.10 Medium priority cases are those where there is still potential for significant harm in planning terms, but it is unlikely that there is irreparable harm, or the immediacy required compared to high priority cases. These include:

- Anything listed in the high priority category that is not current or it is clear that there is no immediate risk;
- Unauthorised works in the setting of a listed building;
- Development that contravenes local planning policy, and development that significantly impacts on amenity or public safety;
- Unauthorised works within a Conservation Area; and,
- Deviations from planning permissions in terms of not according with approved plans/details or breaching conditions imposed.

8.11 The Council will aim to commence investigations on medium priority cases within 14 days of the enquiry being received.

8.12 In Q1 there were 13 medium priority complaints, and the target was hit 92% of the time.

8.13 In Q2 there was 22 medium priority complaints, and the target was hit 95% of the time.

### **Low Priority**

8.14 Low priority cases as those which are likely to present a low level of harm in planning terms and make up a large proportion of the enquiries received. These include:

- Domestic developments;
- Small business operating from domestic properties;
- Unauthorised advertisement, and;
- Other minor development.

8.15 The Council will aim to commence investigations on low priority cases within 28 days of the enquiry being received.

8.16 In Q1 there were 47 low priority complaints, and the target was hit 98% of the time.

8.17 In Q2 there was 52 low priority complaints, and the target was hit 95% of the time.

8.18 This is the first time that these figures have been recorded and reported. It is generally very positive to see response time rates of more than 90% being achieved for High, Medium and Low Priority cases. Clearly the number of Top Priority cases are an extremely small sample size, but work will be undertaken to stress the need to respond immediately when these complaints are received.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Planning and regeneration</li> <li>- Communities and housing</li> <li>- A well-run council</li> </ul>
Policy Considerations:	Local Enforcement Plan
Safeguarding:	None identified
Equalities/Diversity:	An Equalities Impact Assessment has been prepared for the Local Enforcement Plan and the potential impacts that were identified have been addressed and mitigated against in the plan.
Customer Impact:	The changes that have been implemented following the adoption of the Local Enforcement Plan have improved the service offered by clarifying what the Planning Enforcement Team can investigate and how this will be undertaken by officers reduce the potential for unjustified complaints. Clarity is also now provided as to how customers can make complaints to simplify the process.
Economic and Social Impact:	Effective planning enforcement of the planning will enhance public confidence in the planning system. Improved perception of the service and integrity of the planning system more widely brings social benefits.
Environment, Climate Change and zero carbon:	Improvements to service effectiveness will lead to environmental and climate change benefits as breaches of planning control involving these considerations will be better remedied.
Consultation/Community Engagement:	None identified
Risks:	None identified
Officer Contact	Chris Elston, Head of Planning and Infrastructure <a href="mailto:chris.elston@nwleicestershire.gov.uk">chris.elston@nwleicestershire.gov.uk</a>

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**Report of the Head of Planning and Infrastructure  
to Planning Committee**

**PLANNING & DEVELOPMENT REPORT**

## **PLANNING COMMITTEE FRONT SHEET**

### **1. Background Papers**

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

### **2. Late Information: Updates**

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

### **3. Expiry of Representation Periods**

In cases where recommendations are headed "Subject to no contrary representations being received by ..... [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

### **4. Reasons for Grant**

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Infrastructure.

### **5. Granting permission contrary to Officer Recommendation**

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure.

## **6 Refusal contrary to officer recommendation**

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

## **7 Amendments to Motion**

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

## **8 Delegation of wording of Conditions**

A list of the proposed planning conditions are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Infrastructure.

## **9. Decisions on Items of the Head of Planning and Infrastructure**

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

**Erection of 1 no. single custom-build dwelling (Outline - all matters reserved)**

**Report Item No A1**

**Colliery Farm, 36 The Moor, Coleorton, Leicestershire**

**Application Reference:  
25/00738/OUT**

**Grid Reference (E) 440136**

**Grid Reference (N) 316983**

**Date Registered:  
28 May 2025**

**Applicant:  
Mr Dan Sturgess – Lychgate Homes Ltd**

**Consultation Expiry:  
24 September 2025**

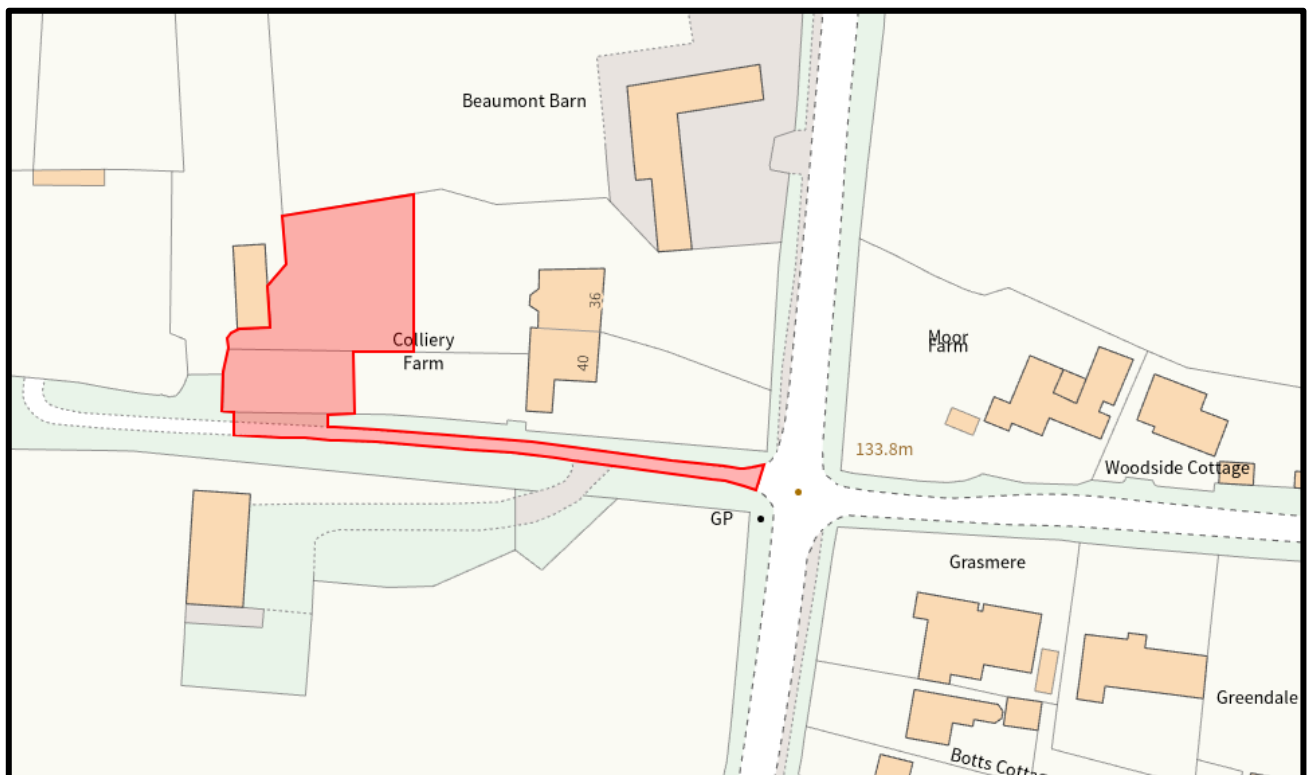
**Case Officer:  
Lewis Marshall**

**8 Week Date:  
14 July 2025**

**Extension of Time:  
21 November 2025**

**Recommendation:  
PERMIT**

### Site Location - Plan for indicative purposes only



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**Reasons the case is called to the Planning Committee:**

The application is brought to the Planning Committee for determination under the requirement of the constitution as the agent for this scheme is related to an Elected Member of the Council and objections have been received in relation to the application. The application has also been the subject of a call-in by Cllr Boam for the following reasons:

- The site is outside of the limits to development
- The development is too large for the area
- The development is restricted to a certain builder and is not a self-build

**RECOMMENDATION – PERMIT, subject to the following conditions;**

1. Time limit for reserved matters submission
2. Reserved Matters to be approved (access, layout, scale, appearance and landscaping)
3. Approved Plans
4. Details of levels to be submitted and approved as part of the reserved matters application
5. Self/custom build occupation restriction
6. Coal mining site investigations and implementation of remediation works
7. Verification of remediation works
8. Great Crested Newt Precautionary Working Method Statement
9. Biodiversity Enhancement Scheme which shall include at least one woodcrete/integrated bat box, and at least one woodcrete/integrated sparrow terrace with a minimum of three entrance holes
10. Tree Protection and Retention Plan to be submitted with reserved matters applications(s) seeking approval of access, layout and landscaping
11. Details of foul and surface water drainage to be submitted and agreed under the outline application

**Informatives:**

1. Positive and Proactive Statement
2. BNG Exemption
3. Nesting Birds
4. Public Right of Way
5. Crane and tall equipment procedures – East Midlands Airport

## MAIN REPORT

### 1. Proposals and Background

This application seeks outline planning permission for the erection of one custom-build dwelling with all matters reserved. Therefore the access, layout, appearance, scale and landscaping would be subject to later reserved matter(s) applications should outline planning permission be granted.

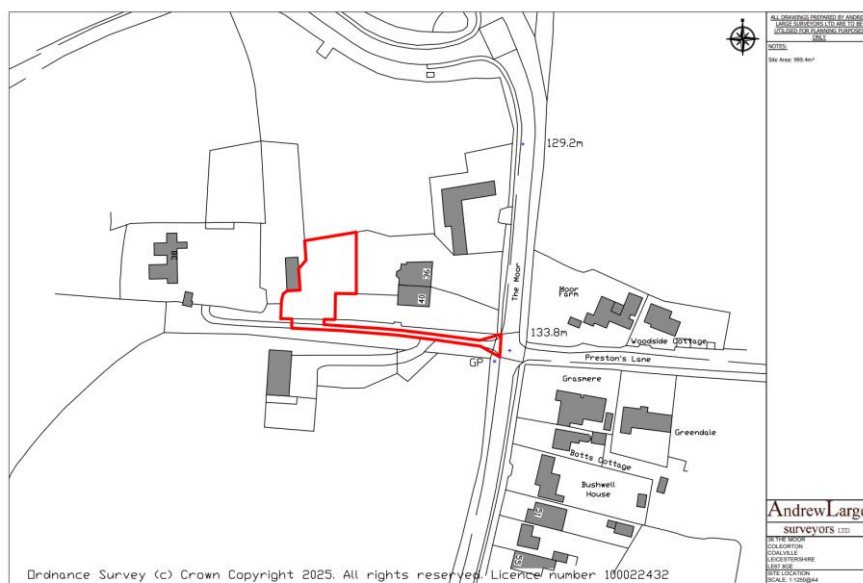
The wider application site is known as Colliery Farm. The site is accessed via an existing unmade track taken from The Moor which is to the east. The track also forms the route of Public Right of Way (PROW) M65 which provides access to the countryside and wider Rights of Way network to the west of Coleorton. Ownership of the existing track is unknown, and the owner cannot be traced. Accordingly, the applicant has completed Certificate C within the submitted application form and undertaken the necessary publication and notice prior to the submission of the application.

The application site is located outside of the Limits to Development as per the adopted North West Leicestershire Local Plan (2021). The site is also within the National Forest and a “Coal Development – High Risk Area”. A group of three candidate Local Wildlife Sites’ (CLWS) are located to the south of the site.

The site is not within a conservation area nor is it at risk of any sources of flooding. The Grade II\* Registered Park and Garden to Coleorton Hall is located 120m to the north-west, however, given the intervening extent of land and highway network, the site is not considered to be within the setting of the heritage asset.

To the east of the application site are a pair of semi-detached two storey dwellings accessed off The Moor. To the north-east, is a large, detached dwelling and its associated curtilage known as ‘Beaumont Barn.’ West of the application site is the large, detached dwelling and its associated curtilage and outbuildings at no.38 The Moor. A detached annexe building associated with this neighbouring dwelling abuts the western boundary of the application site. Agricultural land and an agricultural building are located to the south of the access track. The application site is contained to the north by dense woodland and a timber fence. The southern site boundary is formed by a hedgerow mix and an access with a steel five-bar gate. A number of mature specimen trees are located on the site peripheries.

### Site Location Plan



## Aerial Image of the Site Location



## Indicative Site Layout



Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council's website.



## **Relevant Planning History**

24/00406/FUL - Erection of dwelling with associated works including detached garage, parking and access – Withdrawn 02.05.2024

## **2. Publicity**

Three neighbouring properties were initially notified on 28<sup>th</sup> May 2025.

A site notice was displayed on 26<sup>th</sup> June 2025.

A press notice was published in the Leicester Mercury on the 25<sup>th</sup> June 2025.

## **3. Summary of Consultations and Representations Received**

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

### **Objections from:**

Coleorton Parish Council, for the following summarised reasons:

- The site is outside of the limits to development;
- The application is contrary to local planning policy;
- There is an alternative vacant property elsewhere that would provide a dwelling that could be enhanced to preserve the history and character of Coleorton;
- There are no environmental benefits from the proposed development;
- The use of the land as garden is disputed and it is considered more likely to be agricultural land;
- There are no details of foul, surface or storm water drainage thus the site is not a serviced plot as required for self-build development;
- Concerns that any drainage measures could be a nuisance to neighbours;
- Supports the concerns raised by local residents in respect of access, highways, ecology, heritage and coal mining risks.

### **No Objections from:**

NWLDC Environmental Protection

### **No Objections, subject to conditions and/or informatives, from:**

Coal Authority

East Midlands Airport Aerodrome Safeguarding Team

Leicestershire County Council - Highway Authority

Leicestershire County Council – Ecology

NWLDC Tree Officer

### **No Comments received from:**

NWLDC Waste Services

### Third Party Representations

19 third party representations have been received objecting to the application alongside the submission of photographs and other visual material which can be viewed on the Council's website. The comments raised are summarised as follows:

Grounds of Objections	Description of Impact
<b>The Principle of Development and Preliminary Matters</b>	The application conflicts with local policy due to its location outside of the limits to development with a lack of local services/facilities and is therefore unsustainable development.
	A previous application for one dwelling on the site was withdrawn and there are no material differences between that and the current application.
	There is a lack of social, economic or environmental benefits associated with the development having regard for paragraph 11dii of the NPPF. The provision of a self-build dwelling does not outweigh the policy conflict.
	The lawful use of the site is not residential curtilage. The site should not be considered as previously developed land.
	Many applications and appeals for self-build dwellings in the local area have been refused and dismissed and therefore to be consistent, the Local Planning Authority should refuse this application.
<b>Visual Impacts and Impacts on the Countryside</b>	The proposal is at odds with the sporadic character and settlement pattern of Coleorton and it will set an unwelcome precedent.
	Loss of open countryside and rural character.
	A large number of trees were removed from the site prior to the submission of the application.
<b>Residential Amenity</b>	The submitted indicative site layout plan suggests the proposed dwelling would be two storeys in scale and would therefore result in overbearing and privacy impacts.
<b>Highway Safety Impacts</b>	The access track is not a public highway and the applicant has no right of way to use the track to access the land nor are there any shared responsibilities to maintain the track.

	Additional use of the track is a danger for pedestrians and users of the PROW.
	The existing access to the site is not a historic access and was recently created.
	The access is unsuitable for additional vehicles due to its narrow width, unmade surface and poor visibility on to The Moor.
	Insufficient visibility splays on to The Moor and the impact on the highway has not been properly assessed by the Local Highway Authority.
	Construction activities and additional use could block the access resulting in a danger to highway safety.
<b>Ecology</b>	The site has biodiversity value and the proposal would harm wildlife and protected species.
<b>Other Matters</b>	The site does not benefit from a sewer connection and the application does not contain details of the septic tank location.
	The proposal is not a genuine custom build development as it should be on a serviced plot.
	The application form has been completed incorrectly and the application should be refused for that reason.
	The site is part of the former Beaumont Estate and therefore Historic England should have been consulted due to the importance of the site to the local area.
	There are vacant properties in the area that would meet housing needs.
<b>Non-Material Planning Considerations</b>	There are overhead wires close to the site which could be a hazard during deliveries/construction.
	The site owners have themselves objected to other self-build planning applications.

One letter of support has been received from who is believed to be the owner of the land (not the named applicant). The letter of support is submitted in response to objections received and the following material planning matters have been raised:

- The builder has an excellent reputation for bespoke projects and high-quality self and custom build homes.
- The site should be considered sustainable due to the proximity to local services and public transport links.
- The Local Highway Authority has not objected to the previously withdrawn or the current application.
- The access road is an unclassified road repairable at public expense.
- Existing trees on the site have been removed because they were largely overgrown non-native species that were overbearing and blocked light to neighbours property.
- The site is well screened and hidden from public view and neighbours
- The site is residential curtilage to no. 36 The Moor and should be considered previously developed land
- Other sites have been granted permission for housing in the locality
- The site is not a nature reserve and LCC Ecology have not raised any objections

All responses from statutory consultees and third parties are available to view in full on the Council's website.

#### **4. Relevant Planning Policy**

##### **National Policies**

##### **National Planning Policy Framework (2024)**

The following sections of the NPPF are considered relevant to the determination of this application:

Chapter 2. Achieving sustainable development;  
Chapter 4. Decision-making;  
Chapter 5. Delivering a sufficient supply of homes;  
Chapter 8. Promoting healthy and safe communities;  
Chapter 9. Promoting sustainable transport;  
Chapter 11. Making effective use of land;  
Chapter 12. Achieving well-designed places;  
Chapter 14. Meeting the challenge of climate change, flooding and coastal change;  
Chapter 15. Conserving and enhancing the natural environment;  
Chapter 16. Conserving and enhancing the historic environment.

##### **Local Policies**

##### **Adopted North West Leicestershire Local Plan (2021)**

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S2 – Settlement Hierarchy;  
Policy S3 – Countryside;  
Policy D1 – Design of New Development;  
Policy D2 – Amenity;  
Policy IF4 – Transport Infrastructure and New Development;  
Policy IF7 – Parking Provision and New Development;  
Policy En1 – Nature Conservation;

Policy En3 – The National Forest;  
Policy En6 – Land and Air Quality;  
Policy Cc2 – Water – Flood Risk;  
Policy Cc3 – Water – Sustainable Drainage Systems; and  
Policy Ec5 – Airport Safeguarding

### **Adopted Leicestershire Minerals and Waste Local Plan (September 2019)**

The Leicestershire Minerals and Waste Local Plan forms part of the development plan and the following policies are relevant to the determination of the application:

Policy M11: Safeguarding of Mineral Resources  
Policy W9: Safeguarding Waste Management Facilities

### **Other Policies**

National Planning Practice Guidance  
National Forest Strategy 2014-2024  
Good Design for North West Leicestershire Supplementary Planning Document – April 2017.  
Leicestershire Highways Design Guide (Leicestershire County Council).  
National Design Guide – October 2019.  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).  
Department for Transport's 'Building Sustainable Transport into New Developments' (2008)  
Chartered Institution of Highways and Transportation 'Planning for Walking' (2015)  
The Conservation of Habitats and Species Regulations 2017  
The Self-Build and Custom Housebuilding Act 2015

## **5. Assessment**

### **Principle of Development**

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the Leicestershire Minerals and Waste Local Plan (2019).

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are up to date having regard for their consistency with the National Planning Policy Framework. The most important policies in the determination of this application are Policies S2 and S3 as they relate to the provision and distribution of housing. The Council can demonstrate a five-year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that Local Plan Policies S2 and S3, the policies most important in this case, are effective, not out of date and carry significant weight.

The site is located on land falling outside the defined Limits to Development designated as countryside within the adopted Local Plan. On sites falling outside the defined Limits to Development, residential development is not a form of development that is permissible by Policy S3 save for limited exceptions as specified in the policy (e.g. re-use or adaptation of an existing building or the redevelopment of previously developed land).

The NPPF defines 'Previously Developed Land' (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface

infrastructure. However, this excludes land in built-up areas such as residential gardens (although it should not be assumed that the whole of the curtilage should be developed).

The applicant has suggested that the site forms part of the curtilage to no. 36 The Moor and is previously developed land by reason of its location in the countryside and therefore not in a 'built up area'. There is no definition of what constitutes a built-up area and therefore a judgement is required in each case. The location in the countryside and outside of the defined settlement limits does not preclude sites from being located in a "built-up area" as the applicant suggests. The site is bound to the east, north and west by existing residential properties. An agricultural building is also located to the south of the site beyond the existing access track. The site is also in close proximity to other clusters of dwellings in the wider Coleorton area which is characterised by sporadic pockets of built-up development. It is therefore considered that the site is located within a 'built-up area' and therefore cannot be considered to be PDL as defined by the National Planning Policy Framework.

Furthermore, the lawful use of the site as domestic curtilage has not been confirmed through the determination of a certificate of lawfulness application and evidence has been received by third parties which contradicts this claim. It cannot therefore be determined for the purposes of considering the current application that the site is lawful residential curtilage, thus the site should be considered as agricultural land which would not constitute PDL.

In the event that the site was determined to be lawful domestic curtilage, the NPPF is clear that *"it should not be assumed that the whole of the curtilage should be developed"*. Given the degree of separation between the majority of the site from the host dwelling and the primary garden area associated with no. 36 The Moor, together with the lack of any existing hard surfacing or infrastructure on the application site, there are strong grounds to determine that the site is not suitable for redevelopment as PDL when having regard for the NPPF definition.

The proposed development would not, therefore, fall within any of the exceptions provided for within Policy S3. The application therefore conflicts with Policy S3.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within paragraphs 7 and 8 of the NPPF. Policy S2 is consistent with the core principle of the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

The site is located within an area identified as countryside under Policy S3, with the nearest settlement being the part of Coleorton defined as a "Sustainable Village", which is located approximately 290m on foot from the site.

Sustainable Villages are defined under Policy S2 as *"Settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development."* Policy S2 specifies that any 'growth' should be proposed on land within the Limits to Development. The remainder of Coleorton (the part not considered to be a Sustainable Village) where the site is located, is defined as a "Small Village" which have *"very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land"*.

As such this proposal would not accord with the details listed in the hierarchy of settlements as per Policy S2 of the Local Plan.

For the reasons set out above, the proposal would not accord with the provisions of Policies S2 and S3 of the adopted Local Plan.

Notwithstanding the above failure to comply with Policies S2 and S3 of the Local Plan, Policy S3

provides a second set of criteria which requires development on land within the countryside to be assessed against subparagraphs (i) - (vi) of Policy S3. An assessment of these subparagraphs is listed below:

*(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.*

The site is located within the National Forest and within the Leicestershire and South Derbyshire Coalfield National Character Area (NCA). NCA profile 71 notes that *"although mining and urban features dominate the landscape, there are areas that remain rural. There are small villages, particularly in the coalfield in the south, and there are some areas of very distinctive character such as the landscape around Coleorton where small pasture fields, overgrown hedges, with frequent hedgerow trees and small copses are linked to a dispersed pattern of cottages and small groups of houses along winding lanes with a network of paths and tramway."*

Coleorton is a dispersed settlement with ribbons of sporadic houses separated by 'green gaps' with the occasional cluster of more dense development. The site and its surrounding group of dwellings can be considered as one these clusters with further ribbons of development located along The Moor and Preston's Lane to the south and west of the site.

The site itself comprises of an area of greenfield land, located to the west of The Moor behind existing properties which form a small band of linear development. To the west of the site is a large, detached dwelling with a large 1.5 storey outbuilding (used as a domestic annexe) situated immediately adjacent to the application site. Within the site locality, new development has occurred beyond The Moor along Preston's Lane. The application site contains a fence and tree lined boundary to the north and a hedgerow and access track to the south. Beyond the access track is a single storey agricultural building. The site is visually well contained by existing buildings and planting and as such, forms part of the existing cluster of built development and therefore provides only a modest positive contribution to the character and appearance of the countryside in this location. This modest contribution is limited to views when crossing the PROW along the access track.

Overall, and subject to the submission of reserved matters application(s), it is considered the proposals in this instance would not result in a suburban form of development that would fail to respond to or enhance the built and natural character of the settlement, thus would not result in harm to its immediate and wider landscape setting.

*(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements, either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries.*

The proposals would result in the infilling of an existing undeveloped site outside of the defined limits to development. However, as set out above, the site is well contained and forms part of the existing cluster of built development and as such, that the proposals would not undermine, the physical and perceived separation and open undeveloped character between nearby settlements.

*(iii) It does not create or exacerbate ribbon development.*

It is noted that the Planning Portal defines 'ribbon development' as *"development, usually residential, extending along one or both sides of a road but not extended in depth" with the dictionary definition being "the building of houses along a main road, especially one leading from a town or village."*

The proposal, whilst only illustrative at this stage, would result in additional development at depth and would be viewed in the context of the existing linear section of ribbon development which fronts

onto this section of The Moor as well as the existing development at greater depth to the west of the site. As such, it is not considered the proposals would create or exacerbate ribbon development.

*(iv) Built development is well integrated with existing development and existing buildings, including the reuse of existing buildings, where appropriate.*

Given that the proposal would be in close proximity to existing dwellings which either front onto The Moor or are located further west at greater depth than the site, it is considered that a form of development could be secured at reserved matters stage that would be well-related to existing development that forms the existing eclectic mix of dwellings in the immediate locality.

*(v) The development will not seriously undermine the vitality and viability of existing town and local centres.*

Given the residential nature of the proposal, it is not considered the proposal would seriously undermine the vitality and viability of existing town and local centres.

*(vi) The proposed development is accessible or will be made accessible, by a range of sustainable transport.*

The Chartered Institution of Highways and Transportation's (CIHT) 2015 publication entitled 'Planning for Walking' states that, "most people will only walk if their destination is less than a mile away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of "walkable neighbourhoods," with a typical catchment of around 800m or 10 minutes' walk." This distance is also referenced in Manual for Streets (MfS) (2007) and the Department for Transport's 'Building Sustainable Transport into New Developments' (2008). MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents.

The National Design Guide (2021) also provides a definition of "walkable" and states "Walkable: Local facilities are within walking distance generally considered to be no more than a 10 minute walk away (800m radius)".

The National Design Guide (2021) introduced 10 characteristics to illustrate the Government's priorities for well-designed places, which include: "Movement - accessible and easy to move around." The National Design Guide (2021) states that a well-designed movement network provides a genuine choice of sustainable transport modes and limits the impact of cars by prioritising and encouraging walking, cycling and public transport. It goes on to state that in well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities, open spaces or the natural environment. Safe and direct routes with visible destinations or clear signposting encourage people to walk and cycle.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within paragraphs 7 and 8 of the NPPF. Policy S2 is consistent with the core principle of the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. It is important to note that this has to be balanced with Paragraph 110 of the NPPF which indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

### *Assessment*

The draft local plan is still in the early stages with consultation on draft policies having been carried out at the beginning of 2024 and additional proposed housing and employment allocations in early 2025. However, it is noted that no part of Coleorton is proposed to be classified as a Sustainable



Village under the draft version of Policy S2, with Coleorton instead being classified as a 'Local Housing Needs Village' which would be defined as *"settlements with very limited services and where development will be restricted to that which meets a local need in accordance with policy S3"*. This is consistent with the objectives of paragraph 110 of the NPPF which seeks to concentrate significant development on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. On the basis of the above, it is considered that limited weight can be afforded to draft Policy S2.

Additionally, due consideration has also been given to the assessment of sustainability of Coleorton outlined within the Inspectors report in the consideration of appeal reference APP/G2435/W/24/3348375 which related to White Gables, Lower Moor Road, Coleorton. This noted that the area of Coleorton around Lower Moor Road (the part of Coleorton which has a defined Limits to Development) was deemed to be a sustainable location in the consideration of a proposal for five self-build dwellings. In relation to the provision of sustainable transport options available along Loughborough Road (A512), the Inspector found that there would be suitable alternative transport provision and no conflict with Policy S3(vi) of the Local Plan was identified.

It should be noted that the application site is positioned approximately 650 metres south of the White Gables site referred to above and is outside of the part of Coleorton which is considered to be sustainable in the adopted Local Plan (2021). However, from a social sustainability perspective, the nearest bus stops are at The Moor, Loughborough Road (the same bus stop referred to by the Inspector in the aforementioned appeal) which is used by Service 29 (Leicester – Swadlincote) which provides a service every one hour (Monday-Sunday). This bus stop is located approximately 380m from the site. Existing footways with street lighting are present between the Site and the bus stop. It should be noted that the frequency of the bus service remains unchanged from when the Inspector considered the aforementioned appeal. As such, the sustainability of the application site, as far as access to bus services is concerned, is not materially different to that of the appeal site.

In terms of cycling, and although superseded, the Cycle Infrastructure Design Local Transport Note (2/08) states that: "Around 60 percent of car trips are typically under 5 miles". Coalville, Ashby, Shepshed, Castle Donnington and the edge of Loughborough are all within 5 miles of the Site and that they would be within easy cycling distance, especially on an electric bike.

Therefore, it is concluded that there would be some opportunities for access to a wider array of facilities and services to be accessed via sustainable forms of travel.

In terms of other services available, there is a public house (The George, Loughborough Road - approximately 760m away), a second public house (The Kings Arms Coleorton-approximately 800m away), a primary school (Viscount Beaumont's C Of E Primary School, Ashby Road approximately 650m away) and a Methodist Church (Coleorton Methodist Church, Lower Moor Road - approximately 700m away). With the exception of the school, the walk to these services could largely be carried out along maintained footpaths which are well lit. It should also be noted that these services and facilities would be within the 800-1000 metre maximum recommended walking distance set out in Manual for Streets (MfS) (2007), the Department for Transport's 'Building Sustainable Transport into New Developments' (2008) and the National Design Guide (2021) set out above.

However, it must be acknowledged that the provision of local services and facilities in the immediate area is limited. Nonetheless, future occupants would have some access to facilities and services in order to meet day to day needs. Given this and having regard for the conclusions of the Inspector in the determination of the aforementioned appeal in relation to The White Gables site in Coleorton, it is considered that future occupiers of the proposed dwelling would not be solely reliant upon the private car to access basic day to day services/facilities. Overall, it is concluded that the proposed development would be accessible by a range of sustainable transport and would accord with criterion (vi) of Policy S3 of the Local Plan.

### *Conclusion - Principle of Development*

The proposal is fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 of the adopted Local Plan and would also be contrary to Policy S3, as it is not a form of development supported in the countryside under Policy S3. The harm arising from the conflict with these policies is considered within the planning balance below.

### **Self-Build and Custom Housing**

It is recognised that self-build and custom housebuilding is a key element of the government's agenda to increase the supply of housing, both market and affordable and gives more people the opportunity to build their own homes as set out in Paragraph 63 of the NPPF.

The applicant has provided a series of documents and arguments in support of a self-build unit, including but not limited to that the Council has not satisfactorily demonstrated that it has granted enough permissions to meet the identified need and that the relevant policies of the Local Plan are failing to secure sufficient permissions in this regard.

Self and custom build is defined as the building or completion by individuals, an association of individuals or persons working with or for individuals, of houses to be occupied as homes by those individuals. The application seeks outline planning permission for the erection of one custom-build dwelling. Custom build involves the occupier of a new home commissioning or building their new custom home through a range of housing delivery models facilitated and/or supported by a landowner, developer, contractor, or enabler. The customisable homes model offers purchasers the opportunity to customise a new pre-designed home. The submitted Design and Access Statement states that 'on the granting of consent the applicant will purchase the site from the landowner. The applicant is a reputable local housing developer. They will thereon sell the plot to the future occupier alongside a Design and Build Contract, in order for the applicant to build the property but the future occupier to have full input into the design of the property. This includes elevation details, floor plans and layout, external and internal finished materials, as well as final specification. This would then form part of the Reserved Matters Application for the development plot'.

The occupation by the custom-builder could also be secured by condition as recommended. Accordingly, the proposal would meet this 'definition' and would contribute towards the delivery of self-build and custom housebuilding in the district.

While concerns have been raised by local residents that the proposal is not a genuine custom or self-build development, the application has been submitted as such and subject to a condition to secure it as a custom build dwelling, the local planning authority is satisfied that the proposal would meet this definition thus the concerns raised do not justify refusal of the application.

The District Council has a duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), to give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the area of North West Leicestershire arising in each base period. This District Council's Self-Build Register was established in April 2016. As of 28 October 2025 there are 195 individuals on the list. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots.

A	B	C	D	E	F
Base Period	Registrations in base period	Plots required to meet demand by end of base period	Permissions granted in base period (dwellings)	Cumulative permissions at end of base period (dwellings)	Oversupply (+) or shortfall (-) (E minus C)
1 April 2016 to 30 October 2016	6	0	1	1	+1
31 October 2016 to 30th October 2017	10	0	1	2	+2
31 October 2017 to 30 October 2018	8	0	2	4	+4
31 October 2018 to 30 October 2019	14	6	30	34	+28
31 October 2019 to 30 October 2020	20	16	0	34	+18
31 October 2020 to 30 October 2021	14	24	0	34	+10
31 October 2021 to 30 October 2022	20	38	0	34	-4
31 October 2022 to 30 October 2023	34	58	3	37	-21
31 October 2023 to 30 October 2024	37	72	17	54	-18
31 October 2024 to 30 October 2025	TBC	92	32	86	-6
31 October 2025 to 30 October 2026	TBC	126	-	-	-

\* As of 30 October 2025

The demand is split into different base periods running from 31 October to 30 October (column A above). At the end of each base period, local planning authorities have three years in which to grant planning permission for an equivalent number of plots of land. This is known as the 'duty to grant planning permission' under the Self-build and Custom Housebuilding Act (the Act).

Changes to the Act made by the Levelling-Up and Regeneration Act 2023 make clear that any unmet demand (or shortfall) must be carried over to the following base periods.

*31 October 2023 to 30 October 2024*

There was a cumulative demand for 72 self-build and custom housebuilding plots (Column C) to be

provided by the end of the last base period (30 October 2024).

At that same date, cumulative planning permissions had been granted for a total of 54 plots (Column E), meaning there was an unmet demand, or shortfall, of 18 plots at the end of that base period. This unmet demand is to be carried over into the latest base period.

#### *31 October 2024 to 30 October 2025*

During the current base period (31 October 2024 to 30 October 2025), there is a cumulative demand for 92 plots, which is based on all those who signed up to the register between 1 April 2016 and 30 October 2022.

Planning permission or permission in principle for 32 plots has been granted so far during this base period, so cumulative planning permissions had been granted for a total of 86 plots (54 permissions from the previous base period and 32 from this base period). (A further 2 plots have resolutions to permit but as the permissions have not yet been issued, they cannot be added to the supply at present). Therefore, at the current time there is an unmet demand, or shortfall, of 6 plots. This represents an unmet need.

To meet its duties under the Act, the Council needed to have granted planning permission for 6 self-build and custom housebuilding plots by 30 October 2025.

#### *31 October 2025 to 30 October 2026*

It should also be noted that the cumulative demand will increase in the 31 October 2025 to 31 October 2026 base period.

The new base year figure which commences on 31<sup>st</sup> October 2025 will be reported to members via the update sheet prior to the committee meeting.

Concerns have been raised by third parties that there are vacant existing buildings within the local area that would meet housing needs and therefore additional development is not required. However, the availability of existing housing stock is not a material consideration in the determination of an application for a custom or self-build dwelling. The application must be determined on its merits as proposed and the Local Planning Authority cannot sustain a reason to refuse the application on such grounds.

Therefore, it is acknowledged that this proposal for one dwelling would contribute to addressing the existing and future shortfall and this is a material consideration in the determination of the application to be given moderate weight in favour of the proposal. This ensures a consistent approach with recent appeal decisions received by the Local Planning Authority.

In light of recent appeal decisions where the Planning Inspectorate has used a condition to secure dwellings as self or custom build rather than a legal agreement, the Local Planning Authority will also use such a condition for the same purpose.

The adopted Local Plan is silent on the matter of self-build housing and in these circumstances, Paragraph 11 of the NPPF would apply which states that 'plans and decisions should apply a presumption in favour of sustainable development'.

For decision taking, it sets out in criterion (d) that "*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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.'*

Footnote 7 of the NPPF makes it clear that the policies referred to in paragraph 11 are those in the Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change. In this case, the proposal would not impact any of the above protected areas or constraints to development. As set out within the heritage and planning balance sections below, Paragraph 11(d)(i) is not engaged in this case.

However, the conclusion and planning balance section of this report considers whether the adverse impacts of approving the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (Paragraph 11(d)(ii)).

In light of the self-build shortfall that derives from the Self Build Register, this need has to be balanced against all planning considerations in coming to a view on the suitability of the proposal. This balancing exercise will be undertaken upon completion of the consideration of all planning matters at the end of this report.

## **Design and Visual Impact**

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. This is expanded upon in the Council's Good Design for North West Leicestershire Supplementary Planning Document (April 2017) (the SPD) which states that developments must be underpinned by a thorough understanding and appreciation of the place, both the site and its immediate and wider context. Policy S3 of the Local Plan (2021) requires developments to safeguard and enhance the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness (criterion (i)) and for built development to be well integrated with existing development and existing buildings (criterion (vi)). Policy En3 requires development in the National Forest to be appropriate to its Forest setting. Pictures of the site are below.



*View of the access looking west from The Moor*



*View of the site/frontage and hedgerow looking north from access track/PROW*





*View east towards the site further west along the access track/PROW*



*View across the site looking north*

The proposal seeks outline planning permission with all matters reserved. The illustrative layout plan below has been submitted and considered on an indicative basis only.

### Illustrative Site Layout Plan



The application does not seek approval of access, layout, scale, appearance, or landscaping; the detailed design of the scheme would therefore be a matter to assess at the reserved matters stage/s.

However, the principle of the erection of a dwelling on this site would result in a level of harm to the character and appearance of the countryside by virtue of the unjustified development of a greenfield site in the countryside. The site is also visible from the adjacent Public Right of Way (PROW) along the adjacent access track.

However, the application site has a relatively enclosed appearance which is set back from The Moor and screened by existing dwellings fronting The Moor. The site is also well contained by woodland to the north and built development to the west and south. The site has very limited value within the wider landscape setting, and it is not considered that the construction of a dwelling, subject to reserved matters submissions, would result in unacceptable harm to the character and appearance of the countryside at this location. The use and enjoyment of the adjacent PROW is not likely to be adversely affected, providing that the existing hedgerow is retained and maintained and the scale and appearance of the proposed dwelling is sympathetic to its surroundings. Such matters would be assessed and determined at the reserved matters stage(s).

Overall, there is some minor conflict with Policies En3 and S3 given the unjustified development within the countryside and the National Forest. However, given the site is well screened and within a small cluster of existing built development, it is not considered that the visual increase in surfacing, or the presence of a dwelling within the site, would result in harm to the wider character of the area or the countryside. Any harm could also be mitigated with high quality design and landscaping to be considered and secured as part of the reserved matters stage(s).

The proposal is therefore considered to be acceptable having regard for the provisions of Policies D1, S3, and En3 of the adopted Local Plan, the Council's Good Design SPD, National Design Guide and the NPPF.



## **Impact on Residential Amenities**

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

The site is located within a cluster of four existing residential properties and gardens which are situated adjacent to the site boundaries. Concerns have been raised by neighbouring residents that the proposal would give rise to additional noise, disturbance, overbearing impacts and loss of privacy.

Given that the application is in outline form with all matters reserved, it is not possible to assess the full extent of impacts upon the residential amenity of surrounding dwellings in detail. It is however considered that the proposal, when based on the indicative plans submitted, the distance to nearby properties, and given the size of the site, would not result in any unacceptable overlooking, overshadowing or overbearing impacts. However, such impacts would be a primary consideration at the reserved matters stage/s, when details of the layout, scale and appearance of the proposal are presented for approval.

The Council's Environmental Protection team have raised no objections; it is not considered that the amenity concerns raised by neighbouring residents could justify a refusal of the application and therefore the development would accord with the aims of Policy D2 of the adopted Local Plan.

It should be noted that any development has the potential to result in impact on amenity during the construction period, however, this is controlled by other legislation and regimes to mitigate impact in terms of noise, dust and traffic.

Overall, the proposal is not considered to result in any unacceptable impacts upon the amenities of the occupiers of surrounding residential dwellings. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

## **Ecology and Biodiversity Net Gain**

Policy En1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. On the basis the proposed development is for a Custom build or self build dwelling, it would be exempt from the requirement to demonstrate a 10% BNG. Notwithstanding this, Paragraphs 187(d) and 193(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity.

The application site relates to an area of vegetated grassland with trees and shrubs that connect to the wider countryside. The application site is surrounded by Candidate Local Wildlife Sites: Church Town Woodland, Church Town Pasture and Church Town Pasture and Pond. These provide connectivity to the wider landscape for a range of species for foraging and commuting species such as bats, birds, badgers and Great Crested Newts (GCN). The application is not supported by a Preliminary Ecological Appraisal. The applicant has provided photographs of the site which has informed the consultation response provided by the County Council's Ecologist.

Concerns have been raised by local residents that the site was cleared of trees and vegetation prior to the submission of the application. While the removal of the vegetation is unfortunate, permission to remove vegetation would not have required planning permission and is outside the control of the Local Planning Authority. Given the development is exempt from providing a mandatory BNG, the

condition of the site as it currently exists should therefore be considered when determining its existing ecological value and subsequent impact of the development on protected species, habitats, connectivity and biodiversity.

Leicestershire County Council's (LCC) Ecologist has been consulted on the application, and following the submission of additional information in the form of site photographs, they have raised no objections to the application, subject to the imposition of conditions. They have advised that the site is considered to be of low ecological value, but it must be noted that it does provide some terrestrial habitat for GCN given there are known GCN ponds in the local area. It is therefore recommended that a Precautionary Working Method Statement is secured by condition as to avoid potential harm to GCN during the development. A condition is also recommended to secure a scheme of biodiversity enhancements, which shall include at least one woodcrete/integrated bat box, and at least one woodcrete/integrated sparrow terrace with a minimum of three entrance holes.

It is considered that the proposal would comply with the provisions of Paragraph 187(d) and 193(d) of the NPPF. Furthermore, subject to conditions, it is not considered that the proposal would result in any adverse impacts to protected species and would increase biodiversity in accordance with Policy En1 of the Local Plan, and relevant sections of the NPPF and the statutory provisions of the Environment Act.

## **Highway Impacts**

Policy IF4 of the adopted Local Plan requires that development takes account of the impact upon the highway network and the environment and incorporates safe and accessible connections to the transport network to enable travel choice. Policy IF7 requires that development incorporates adequate parking provision.

Whilst the site access is not to be determined as part of this outline application, the Local Planning Authority (LPA), in consultation with the Local High Authority (LHA) must be satisfied that a safe and suitable site access can likely be achieved for all users, as required by Paragraph 115(d) of the NPPF. Furthermore, it should be noted that Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Access to the site is likely to be proposed from The Moor, which is a classified C road, subject to a 30mph speed limit. The existing point of access currently serves the no.38 The Moor and the agricultural building and farmland to the south of the site. The existing access track is in private ownership and Public Right of Way M65 runs along its length which provides access to the open countryside to the west.

Concerns have been raised by third parties that the access track which adjoins The Moor has been referred to as a "public highway" by the LHA, which is considered to be incorrect. A Public Right of Way exists along the track and thus the public have a right to cross over the land contained within the access. Therefore, it can be considered a public highway. This does not infer that the access track is publicly owned, nor does it form part of the adopted highway as the LHA has confirmed in its formal observations.

The LHA has confirmed in its formal observations that they undertook a site visit on 17<sup>th</sup> June 2025 and is satisfied that the existing access is of a width that is capable of allowing two way movements and accords with the Leicestershire Highways Design Guide (LHDG) standards. The detailed design and safety of the access will be considered at the reserved matters stage(s) when full details have been submitted, alongside details of all vehicles (including agricultural vehicles) that use the access.

Concerns have been raised by third parties that the use of the track by an additional dwelling could

result in dangers to vehicles and pedestrians due to a lack of passing places. The access track is 118m in length and given the limited number of two-way vehicular movements generated by one dwelling as proposed, together with existing vehicular movements, it is not considered that additional use would result in conflict between vehicles or pedestrians that would constitute an unacceptable impact to highway or pedestrian safety, or a severe impact on the road network.

Concerns have also been raised by third parties that the visibility from the access track onto The Moor in a southerly direction is substandard due to the presence of hedgerows and highway infrastructure. It is suggested that the hedgerow is privately owned and therefore beyond the control of the applicant.

The LHA have assessed the suitability of the access on to The Moor and have advised the LPA that the extent of the publicly owned highway at this location would provide for an adequate visibility splay. The exact length of the visibility splay would be determined by a speed survey to be undertaken prior to the submission of the reserved matters application. While the existing hedgerow and infrastructure currently impedes visibility, the visibility splay does not extend over third-party land and therefore can be safely created and maintained for the lifetime of the development. It will be for the relevant landowner to ensure that the hedgerow in private ownership does not extend beyond land outside of their ownership. Notwithstanding this, the LHA has the right to cut back any hedgerows that encroach onto public land in order to maintain the visibility splay. The LHA have also advised that consideration may be given to the need to relocate street furniture at the reserved matters stage and that any costs associated with the relocation of street furniture would be entirely at the applicants expense.

The LHA have also confirmed that there have been no recorded Personal Injury Collision (PICs) in the last five years that have occurred within 500m in either direction of the site access. Consequently, there is no evidence of any existing highway safety issue in the vicinity which the proposed development could reasonably be expected to exacerbate.

Therefore, the LHA have advised that it is likely that safe and suitable access could be achieved as part of a future reserved matters application, as required by paragraph 115 of the NPPF.

Whilst not for consideration at this stage the LHA advise that off-street parking should be provided in accordance with Table 28 of the LHDG. Spaces should measure a minimum of 2.4m x 5.5m. such details would be considered and secured as part of any future reserved matter(s) application which will be determined in light of the number of bedrooms to be proposed.

Furthermore, the proposal would not impact on the Public Right of Way (PROW) that runs to the south of the site.

Overall, it is considered that a suitable access could be achieved at the reserved matters stage in order to comply with the provisions of Policies IF4 and IF7 of the adopted Local Plan, the NPPF and the Leicestershire Highways Design Guide.

## **Flood Risk and Drainage**

Policy Cc2 (Flood Risk) of the North West Leicestershire Local Plan seeks to ensure that new developments do not increase flood risk either on-site or elsewhere. Proposals within flood risk areas must be supported by a Flood Risk Assessment (FRA) and demonstrate that appropriate measures are in place to manage flood risk, including the application of a sequential approach to site layout and the incorporation of sustainable drainage systems (SuDS) where feasible.

Policy Cc3 (Sustainable Drainage Systems) requires all new developments to incorporate sustainable drainage measures to manage surface water effectively and reduce flood risk. The policy emphasizes minimizing the impact of surface water run-off on existing drainage networks and

ensuring that drainage schemes are designed to maintain water quality and biodiversity enhancement.

The site is located within Flood Zone 1 (an area at the lowest risk of fluvial flooding) and is not at risk of a low, medium or high risk of surface water flooding. As such, it is not considered that the proposal would give rise to any risks of flooding to the future occupiers or increase flood risk elsewhere.

Objections have been received relating to drainage and that the site does not benefit from a sewer connection and the application does not contain details of a septic tank location. Notwithstanding this, full details of foul and surface water drainage are recommended to be secured by condition upon any outline permission granted.

It is therefore concluded that, subject to conditions and the details to be submitted as part of the reserved matters application, the proposal would accord with Policies Cc2 and Cc3 of the adopted Local Plan.

### **Coal Mining Risks**

Policy En6 of the adopted Local Plan requires that, where necessary, planning applications are accompanied by a detailed investigation and assessment of the land stability issues and appropriate mitigation measures are identified which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. Therefore, the applicant has submitted a Coal Mining Risk Assessment as part of the application. The report is able to identify a moderate risk of instability from potential unrecorded mine workings targeted at the New Main and Swannington Yard seams beneath the site. It advances to recommend that a rotary probe drilling investigation is undertaken in order to determine if shallow unrecorded workings exist beneath the property.

The Coal Authority has been consulted on the application and concurs with the recommendations of the Coal Mining Risk Assessment Report. It considers that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Therefore, no objection is raised subject to the imposition of conditions that secure a scheme of intrusive investigations, remediation and mitigation works as necessary to address any land stability issues identified and verification of the works undertaken which confirms the site is safe for its intended use is to be submitted.

The site is also within a Minerals Safeguarding Area for Coal. However, given the scale and nature of the proposed development and the proximity to neighbouring residential uses, in this instance, prior extraction of minerals would not be either practicable or viable. There are also no safeguarded waste sites located within close proximity of the proposed development site.

### **Other Matters**

#### *Overhead wires*

Concerns have been raised by third parties that overhead wires close to the site could be a hazard during deliveries/construction. This is not a planning matter and would be subject to separate legislation or laws concerning construction safety.

#### *East Midlands Airport*

The site is within the safeguarded area of East Midlands Airport. The Airport Safeguarding Authority has been consulted on the application, and no objection is raised. A standard informative is recommended to advise the applicant of the permitting procedures in place should tall equipment or cranes be required during construction.

### *Heritage*

Concerns have been raised by third parties that the site has heritage value due to its previous associations with the Beaumont Estate. The Beaumont family were the principal landowners and lords of the manor of Coleorton, so almost every parcel of land in the parish was at one time part of the Beaumont Estate. Therefore, the site is not considered to be a designated or non-designated heritage asset, nor is it considered that the development would impact or harm the setting of any designated heritage assets. The Councils Conservation Officer has confirmed in writing that, providing the development would be sympathetic to local character, he does not foresee any impact on heritage assets, whether designated or non-designated. Therefore, it is not considered that the objection raised in this respect would justify a refusal of the application.

### *Self-build and Custom Housebuilding definition*

An objection to the application has been received on grounds that the application is not for a genuine custom-build development as it should be on a serviced plot and that the applicant may not meet the definition set out in the Self-build and Custom Housebuilding Act 2015 (as amended).

As set out earlier in this report, the application seeks outline planning permission for the erection of one custom-build dwelling. Custom build involves the occupier of a new home commissioning or building their new custom home through a range of housing delivery models facilitated and/or supported by a landowner, developer, contractor, or enabler.

It should be noted that the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act provides that self-build and Custom Housebuilding are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. It does not require the *applicant* of this application to meet the definition, instead it relates to the future initial *occupant* of the dwelling. Furthermore, there is no requirement that a self-build proposal be located on a plot that is already serviced i.e. it has pre-existing connections to utilities and services.

The occupation by the custom-builder would be secured by condition as recommended. Accordingly, the proposal would meet the above 'definition' and would contribute towards the delivery of self-build and custom housebuilding in the district.

## **Overall Planning Balance, Contribution to Sustainable Development and Conclusions**

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the Adopted Leicestershire Minerals and Waste Local Plan (September 2019).

It is outlined above that the most important policies in the determination of the application (being Policies S2 and S3 of the adopted Local Plan as they relate to the provision and distribution of housing) are effective, not out of date, and carry significant weight.

The adopted Local Plan is silent on the matter of self-build housing and in these circumstances, as set out earlier in this report, paragraph 11(d)(ii) of the NPPF would apply which states that 'where

there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, 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.

The proposed development would contribute towards the supply of self-build plots when there is an identified shortfall and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. It should also be acknowledged that, in terms of technical matters, the scheme would be satisfactory, subject to conditions and the details submitted as part of the future reserved matters application(s). Nevertheless, the scheme would result in residential development on greenfield land located outside of the Limits to Development.

In this instance, it is contended by the LPA that very limited harm would arise from the loss of greenfield land located within the countryside. Any harm may be minimised with appropriate design and landscaping at the reserved matters stage(s). It is also a significant material consideration in the determination of this application that similar locations in the Coleorton area have been found to be acceptable at appeal in regards to the access to public transport and local services.

Balanced against the harms, the provision of additional housing in an accessible location is afforded positive weight, and the need for self-build plots in the district is considered to be significant, with moderate weighting in favour of the proposal being given to the provision of one self-build plot.

Limited positive weighting would also be attached to economic expenditure both during construction and through additional expenditure by future occupants within the local area which is of benefit to the local economy and assists in sustaining local services. Occupiers would also not be wholly dependent on the private car. It is considered that these would have moderate weight in favour of the proposal in the balance.

Furthermore, this location is more acceptable when compared to remote locations in the countryside where there would be more adverse environmental and social sustainability impacts. In this case, the proposal would not constitute an 'isolated' dwelling and the proposed dwelling would be close to other dwellings and services.

Technical matters with regards to amenity impacts, highway safety, land instability, drainage, the impact on ecology and biodiversity are possible of being addressed at the reserved matters stage(s) should outline planning permission be granted.

In this case it is acknowledged that there would be conflict with the spatial strategy, however given the contribution of a dwelling to the significant unmet need for self-builds, along with the other benefits of the proposal listed above, it is considered that the adverse impact of allowing this development would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF 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. There are no other material considerations that indicate that permission should be refused.

**Change of use of Methodist Church to a single residential dwelling (resubmission following withdrawal of 23/00413/FUL)**

**Report Item No  
A2**

**Worthington Methodist Church  
Main Street Worthington  
Leicestershire  
LE65 1RP**

**Application Reference:  
23/01595/FUL**

**Grid Reference (E) 440882  
Grid Reference (N) 320482**

**Date Registered:  
01 December 2023  
Consultation Expiry:  
24 May 2024  
8 Week Date:  
26 July 2024  
Extension of Time:  
None agreed**

**Applicant:  
Mr J Boam**

**Case Officer:  
Karina Duncan**

**Recommendation:  
PERMIT**

#### Site Location - Plan for indicative purposes only



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**Reason the case is called to the Planning Committee:**

The application is brought to the Planning Committee for determination under the requirement of the constitution as the applicant for this application is related to a serving Member of the Council and objections have been received in relation to the application.

**RECOMMENDATION – PERMIT, subject to the following conditions and informatives:**

1. Approved Plans.
2. Approved Materials.
3. Grampian planning condition to ensure that no occupation takes place unless the approved bin enclosure is made available for us.
4. Permitted Development Rights removal to restrict any change of use from the approved C3 (Dwellinghouse) use.

**Informatives:**

1. Positive/proactive statement
2. Biodiversity Net Gain exemption informative
3. Bat roosting/legislation (recommended by LCC Ecology)
4. Applicant reminded to comply with conditions of the Listed Building Consent application 25/01596/LBC



## MAIN REPORT

### 1. Proposals and Background

This application seeks full planning permission for the change of use of Worthington Methodist Church to a single residential dwelling. Worthington Methodist Church is a Grade II listed building.

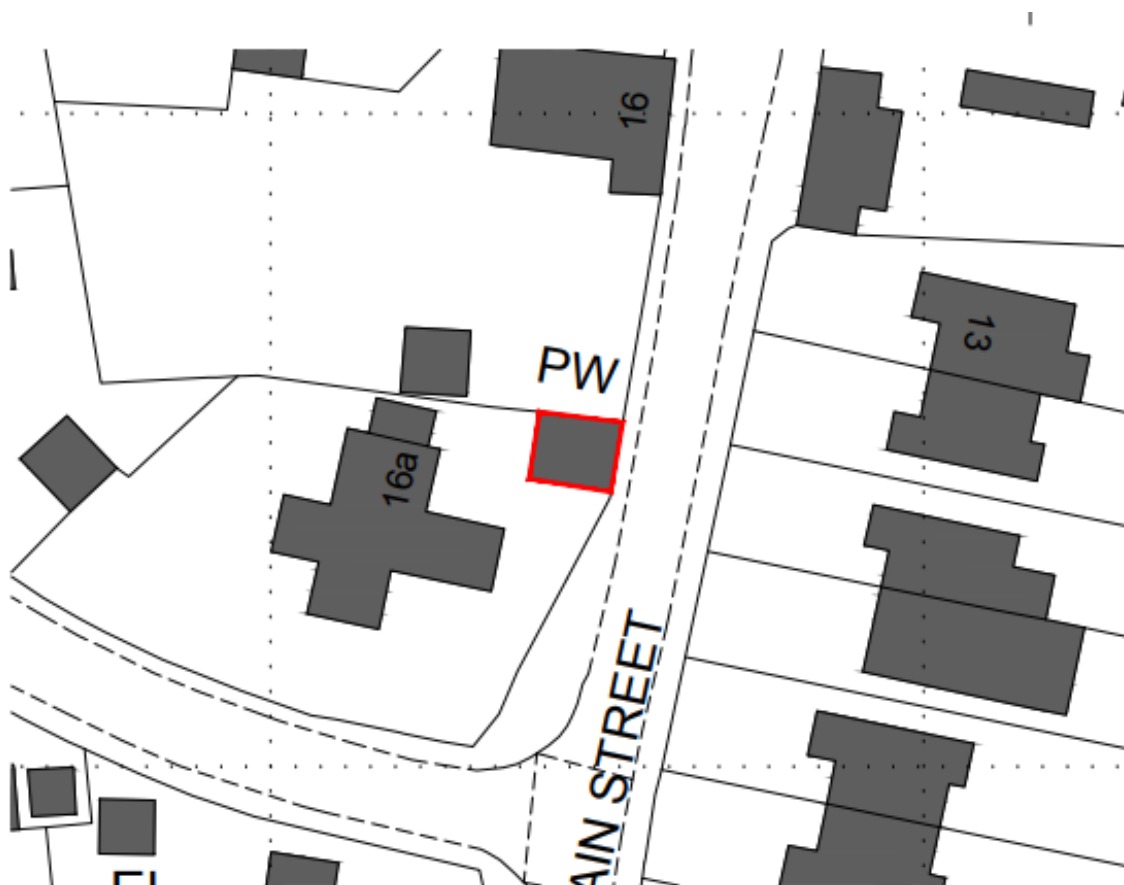
The dwelling would feature an open plan kitchen, dining and living area at the ground floor with a ground floor bathroom. At the first floor the dwelling would feature one double bedroom with a mezzanine which would occupy approximately half of the footprint of the dwelling. There is no land associated with the proposed dwelling and the property would, as is the case now, be accessed by foot from the public footpath on the western side of Main Street.

The dwelling would not feature any off-street car or cycle parking and would not have any form of external amenity space.

Amendments to the scheme have been made throughout the course of the application which now show the provision of external vents and the installation of a bin enclosure adjacent to the principal elevation of the existing Church.

The application site is located within the defined Limits to Development as per the adopted North West Leicestershire Local Plan (2021).

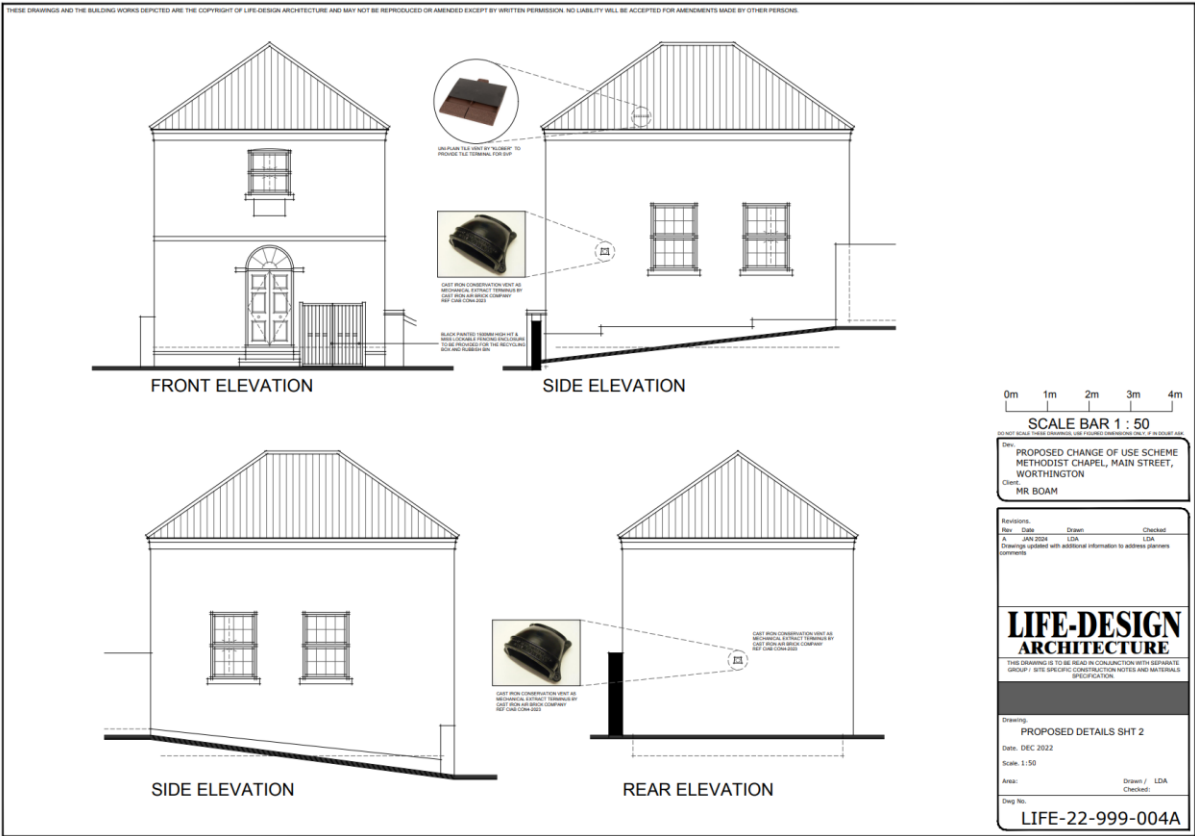
#### Site Location Plan



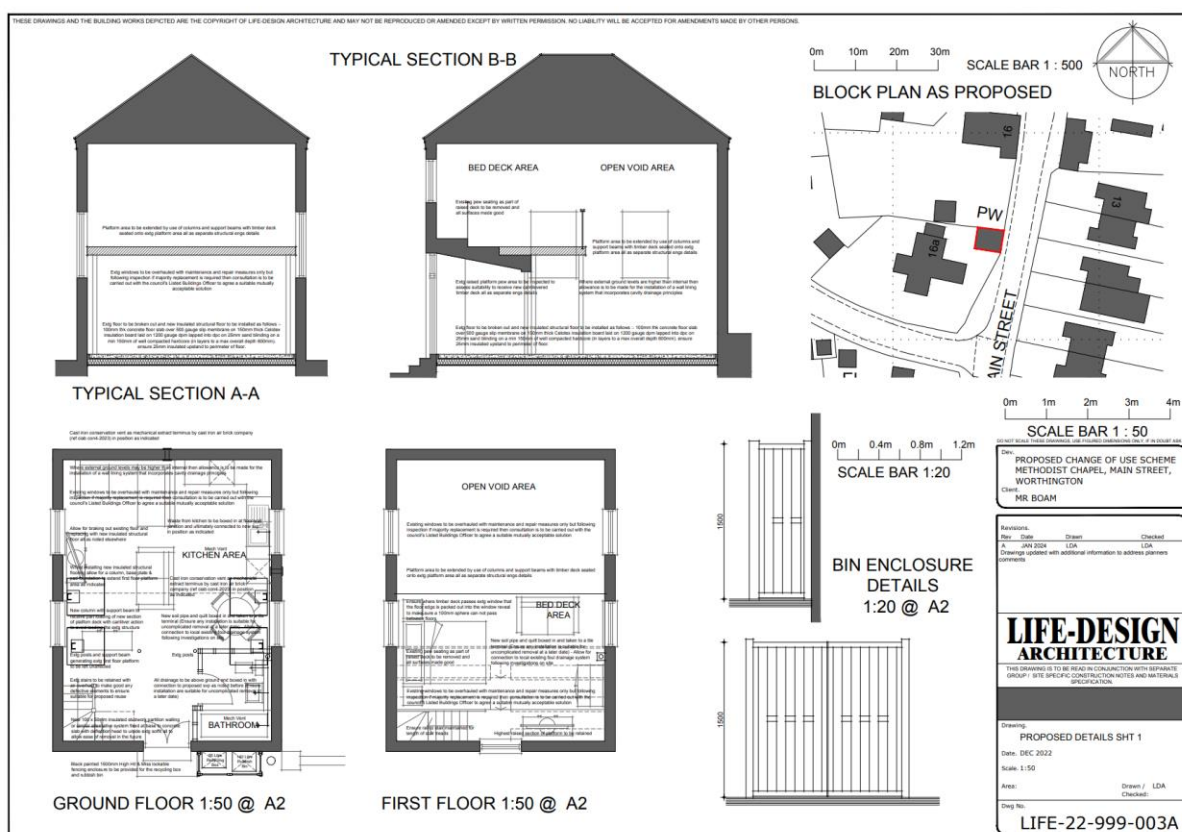
Aerial Imagery of Site Location



Amended Proposed Elevations



## Amended Location Plan, Block Plan and Proposed Floor Plans and Sections



Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council's website.

### Relevant Planning History

In March 2023 planning permission was sought for the use of the listed building as a dwelling (23/00413/FUL). The application was accompanied by an associated Listed Building Consent application (23/00414/LBC). Both applications were withdrawn in September 2023. This application is a resubmission of the full application.

An associated Listed Building Consent application 23/01596/LBC for the internal alterations to facilitate the use of the building as a dwelling is pending consideration and is Item A3 on the agenda.

### 2. Publicity

15 neighbours were initially notified on the 12<sup>th</sup> December 2023.

A site notice was displayed on the 14<sup>th</sup> December 2023.

A press notice was published in the Leicester Mercury on the 27<sup>th</sup> December 2023.

### 3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

**Objections from:**

Worthington Parish Council

**No Objections from:**

Leicestershire County Council Ecology, subject to an informative.

NWLDC Environmental Protection

**Refers to Standing Advice**

Leicestershire County Council - Highway Authority.

**Comments made by:**

NWLDC Conservation Officer.

NWLDC Waste Services Team.

**No comments received from:**

Severn Trent Water.

NWLDC Building Control Team.

**Third Party Representations**

Four letters of objection have been received with the comments raised summarised as follows:

Grounds of Objections	Description of Impact
<b>Parking and Highway Impacts</b>	Parking would have to be on the road which would cause splay visibility issues for vehicles turning from Chapel Rise, and problems for residents across the road.
	Lack of detail relating to where cycles will be stored.
	The road is quite narrow, at this location, and the bus regularly has difficulty navigating past any parked cars. The Parking statement is misleading. At most there were 10 people attending the Church (not 125 as stated in the Parking Statement) and most walked and this would only be on a Sunday.
	The bin enclosure would be on the public footpath and could cause an obstruction to a narrow footpath. The reduction in width cannot be determined as the plan fails to show the depth of the wooden structure. When the doors are open, it will be impossible for pedestrians and pushchairs to pass unless they step into the road, which is normally lined with cars during school times.

	The area is close to the village primary school which causes a lot of car movement at school times, plus many young children walking, scooting or cycling in the area, plus parents with prams and push chairs.
	The provision of the bin enclosure on the public footpath is dangerous and would restrict visibility for people when reversing out of neighbouring driveways, and would also interfere with the sight of drivers pulling out of Chapel Rise.
<b>Bin Storage</b>	The building has no outside space to house refuse bins, and no area inside has been highlighted for storage. The application clearly states that no refuse area is provided.
	The bin enclosure is unsightly in front of a listed building.
<b>Drainage</b>	Lack of clarity relating to drainage.
<b>Amenity Impacts</b>	The drawings include a vent that extracts directly onto a neighbouring property which will discharge steam, smells and noise below head height.
<b>Other matters</b>	Lack of detail relating to the type of heating system.
	A listed building would not be allowed solar panels and there is no outside space to put air source equipment.
	There is only one entry/exit point to the building which opens directly onto the street. For fire safety regulations where would another door/exit be situated?
	The building is not suitable for conversion to a dwelling.

One letter of objection also states that despite objections to a number of elements of the application, they would prefer to see the building in use rather than left to ruin.

## **4. Relevant Planning Policy**

### **National Policies**

#### **National Planning Policy Framework (2024)**

The following sections of the NPPF are considered relevant to the determination of this application:

- Chapter 2. Achieving sustainable development;
- Chapter 4. Decision-making;
- Chapter 5. Delivering a sufficient supply of homes;
- Chapter 8. Promoting healthy and safe communities;
- Chapter 9. Promoting sustainable transport;
- Chapter 11. Making effective use of land;
- Chapter 12. Achieving well-designed places;
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change;
- Chapter 15. Conserving and enhancing the natural environment;
- Chapter 16. Conserving and enhancing the historic environment.

### **Local Policies**

#### **Adopted North West Leicestershire Local Plan (2021)**

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

- Policy S1 - Future Housing and Economic Development Needs;
- Policy S2 - Settlement Hierarchy;
- Policy D1 - Design of New Development;
- Policy D2 - Amenity;
- Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment;
- Policy IF2 - Community and Cultural Facilities;
- Policy IF4 - Transport Infrastructure and New Development;
- Policy IF7 - Parking Provision and New Development;
- Policy En1 - Nature Conservation;
- Policy Cc2 - Water - Flood Risk;
- Policy Cc3 - Water - Sustainable Drainage Systems.

#### **Adopted Leicestershire Minerals and Waste Local Plan (September 2019)**

The Leicestershire Minerals and Waste Local Plan forms part of the development plan and the following policies are relevant to the determination of the application:

Policy M11: Safeguarding of Mineral Resources  
Policy W9: Safeguarding Waste Management Facilities

## **Other Policies**

National Planning Practice Guidance

Good Design for North West Leicestershire Supplementary Planning Document (April 2017).

National Design Guide

Leicestershire Highways Design Guide (Leicestershire County Council)

The Conservation of Habitats and Species Regulations 2017

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

The Planning (Listed Buildings and Conservation Areas) Act 1990

The Town and Country Planning Act 1990 (as amended)

## **5. Assessment**

### **Principle of Development**

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for determination of the application is the Development Plan, which, in this instance, comprises the adopted North West Leicestershire Local Plan (2021) and the Leicestershire Minerals and Waste Local Plan (2019).

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are up to date having regard for their consistency with the National Planning Policy Framework. The most important policies in the determination of this application are Policies S2, IF2 and He1 as they relate to the provision and distribution of housing, loss of community facilities and heritage matters. The Council can demonstrate a five-year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that Local Plan Policies S2, IF2 and He1 are consistent with the National Planning Policy Framework, are effective, not out of date and carry significant weight.

The site is located within the defined Limits to Development, as defined by the Policy Map to the adopted North West Leicestershire Local Plan (2021). The site is located within Worthington, which is defined as 'Sustainable Village' under Policy S2 of the Local Plan (2021). Policy S2 defines Sustainable Villages as *'settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.'*

As such, the provision of new residential development within the Limits to Development in a Sustainable Village is considered to be acceptable in principle and would accord with Policy S2 of the Local Plan (2021). The remaining paragraphs of this section of the report will assess the loss of the Church itself.

### *Loss of a community facility*

Paragraph 88(d) of the NPPF states that planning decisions should enable the retention and development of accessible local services and community facilities, which includes places of worship. The Church therefore constitutes a community facility and the proposal would result in its loss.

Policy IF2 (Community and Cultural Facilities) of the Local Plan (2021) states that *'the loss of key services and facilities will be resisted unless an appropriate alternative is provided, or there is demonstrable evidence that the facility is no longer required and/or viable and that suitable alternative community uses have been considered.'*

The application does not propose an 'appropriate alternative' to the existing Church and therefore Policy IF2 requires the application to provide *'demonstrable evidence that the facility is no longer required and/or viable'* (It should be noted that the Policy only requires one of these criteria to be met given the use of the word 'or') *and that suitable alternative community uses have been considered.'*

*Is there demonstrable evidence provided as part of the application to demonstrate that the facility is no longer required or viable?*

Paragraph 9.12 of the Local Plan (2021) states that the council will require that proposals demonstrate that a particular facility or service is no longer viable and explain the options that have been investigated to maintain the facility or service.

It goes on to state that in relation to commercial services, such as public houses and shops, marketing of the property for a minimum of 6 months with an appropriate price will be required. In this case, the building is a Methodist Church and is not therefore a 'commercial service.' On that basis, there is no requirement set out within the Local Plan (2021) to market the property for a minimum of 6 months at an appropriate price. Paragraph 9.12 of the Local Plan (2021) further states that for other types of facilities, appropriate forms of evidence may be the internal processes that have been undertaken by the disposal bodies when identifying the future role of the facility.

The application has been supported by a letter provided by Simon Hollis (Chartered Surveyors) dated 23<sup>rd</sup> April 2024. The letter states that since construction in 1820, the Methodist Church has been in predominantly constant use until its recent closure as a result of dwindling attendance. It states that it is unlikely that an adequately funded religious organisation would be found to purchase and use the building in its present condition and to continue its past use into the future. The letter goes on to state that *"in its present condition, the chapel requires a significant amount of work to bring it back into any form of modern use – at present, the building is one large open space with a raked mezzanine area. There is no mains water, drainage, or space heating and there are no welfare facilities. In our opinion, this makes change inevitable to achieve any form of sustainable future for the building."*

The letter states that ensuring a sustainable future for the building will likely require conversion to a commercial use, or domestic one. The letter goes on to state that a non-domestic conversion would likely require a comprehensive refurbishment of the interior and exterior of the property, external signage and parking for employees and visitors and that bearing in mind the work required and the commercial property rents in the immediate and surrounding areas, it is considered unlikely that a landlord/owner-occupier would consider the chapel a financially



viable project. The letter states that it could therefore remain vacant with its condition deteriorating further for a significant amount of time.

The letter concludes by advising that they do not think that the heritage asset has a future as a religious building, a community asset-type venture or as a commercial property and that a conversion to a single domestic dwelling is the most sustainable viable use for the heritage asset and that the minimal harm proposed would be outweighed by bringing the building back into beneficial use.

The application has also been supported by a statement provided by Gadsby Nichols (RICS Registered Valuers) dated 8<sup>th</sup> May 2024. The statement covers matters relating to viability and the letter confirms that Gadsby Nichols have been instructed [by the agent for the planning application] to report on events prior to and during the marketing of the Church.

The statement confirms that Gadsby Nichols have acted for the Methodist Church for a number of years on land and property owned by the Church. The statement confirms that Gadsby Nichols are not privy to congregation numbers, however, from experience, they have confirmed that the Methodist Church only dispose of property where the congregation is unable to maintain and keep the property up to the standard outlined in the '5-yearly quinquennial property report,' or where congregation numbers have dwindled to such a level that it is no longer viable to retain the asset.

The statement sets out that the Methodist Church instructed Gadsby Nichols to prepare a Qualified Surveyors Report in respect of the property (which is a requirement of the Charities Act prior to disposing of assets). The QSR was prepared in June 2022 which confirmed that the property was considered to be in a poor state of repair, with signs of timber decay, water ingress, and damp. Utility supplies were also limited to electricity only; the building was not DDA (Disability Discrimination Act) compliant having only a stepped access, and there was no water connections or foul water discharge.

The QSR concluded that *"the property is very unusual in terms of its size and Listed Building status. Subject to planning, the property could be suitable for a variety of uses, which may include tearoom, office, studio, residential, or community facility."* The QSR also concluded that there were no alternative options available to the Church as it was not financially viable to keep the building in good repair and retain the asset.

The QSR concluded that the property should be promoted on the open market with a marketing period of 4 weeks with a sale secured via auction which was a sale method chosen in order to comply with the Charities Act.

### *Assessment*

It is considered that the statement which has been prepared by the same valuers acting on behalf of the Methodist Church in the disposal of the Church, provides sufficient evidence to demonstrate that the Church was no longer required or viable. The letter submitted by Simon Hollis is also considered to demonstrate that the use of the building as a Church was no longer viable. This element of Policy IF2 of the Local Plan (2021) is therefore considered to be satisfied.

*Is there demonstrable evidence provided with the application to demonstrate that suitable alternative community uses have been considered?*

The letter provided by Simon Hollis confirms that following the closure of the Church it is understood that the Diocese presented the opportunity to purchase the building for the local Worthington community, however, there was insufficient interest in this to progress a sale to the community and the property has been vacant since its use as a religious building ceased. The letter goes on to state that based on the outcome of this exercise, it is considered unlikely that a community use for the building in its present condition would be found.

The statement provided by Gadsby Nichols confirms that Worthington Parish Council requested that the District Council list the property as an 'Asset of Community Value.' No date for when this request was made has been provided in the statement, however, the statement confirms that because of this, the marketing of the property was delayed to enable the Parish Council or any other community group an opportunity to bid on the building. The notice period provided was 6 weeks ending 10<sup>th</sup> August 2022. This process delayed the auction date for the property by 2 months with the action taking place on 29<sup>th</sup> September 2022. It should be noted that the Methodist Church is not listed in the Council's latest 'Asset of Community Value listings' register either as a successful or unsuccessful listing.

The statement confirms that the Church was marketed via Gadsby Nichols and via 'SDL auctions' with all interested parties, including those interested in utilising the building for community uses, given the opportunity to bid for the property. The statement confirms that under Charity law, it is a requirement to ensure that best value is obtained for the sale of the asset.

### *Assessment*

The Gadsby Nichols statement does not confirm any details relating to the valuation of the Church or details of the marketed reserve price to enable the Local Planning Authority to determine whether the property was marketed at a price which would have been viable for other community uses to purchase the property. However, Policy IF2 of the Local Plan (2021) only sets out a requirement for commercial services (such as public houses and shops) to be marketed for a minimum of 6 months at an 'appropriate price' and therefore the Methodist Church was not bound by this requirement.

Whilst the statement confirms that the Methodist Church was advised that the building could be suitable for other uses including a tea room or other community facilities, the advice provided to the Methodist Church was to dispose of the asset at auction. In addition, whilst the building could have been utilised for other community uses, these uses, in the opinion of Officers, would be limited owing to the restricted nature of the site with no external space or car parking available, the limited size of the building internally, its poor condition, and its lack of services (no water or foul waste connections). For these reasons, the buyer profile is likely to have been limited in this case.

On the above basis, other community uses were considered by the Methodist Church, however, the decision was made to dispose of the asset in line with the advice provided in the QSR. This element of Policy IF2 of the Local Plan (2021) has therefore been met.

### *Principle of Development Summary*

The provision of new residential development within the Limits to Development in a Sustainable Village is considered to be acceptable in-principle and would accord with Policy S2 of the Local Plan (2021).

With regard to the loss of the Methodist Church as a community facility, the statement (Gadsby Nichols) and letter (Simon Hollis) submitted to support the application provide sufficient evidence to demonstrate that the Church was no longer required or viable and that community uses were considered by the Methodist Church before its disposal. The application is therefore considered to be acceptable in-principle and would accord with Policy IF2 of the Local Plan (2021).

### **Heritage and Design Impacts**

Policy He1 (Conservation and enhancement of North West Leicestershire's historic environment) of the North West Leicestershire Local Plan (2021) states that to ensure the conservation and enhancement of North West Leicestershire's historic environment, proposals for development, including those designed to improve the environmental performance of a heritage asset, should:

- a) Conserve or enhance the significance of heritage assets within the district, their setting, for instance significant views within and in and out of Conservation Areas;
- b) Retain buildings, settlement patterns, features and spaces, which form part of the significance of the heritage asset and its setting;
- c) Contribute to the local distinctiveness, built form and scale of heritage assets through the use of appropriate design, materials and workmanship;
- d) Demonstrate a clear understanding of the significance of the heritage asset and of the wider context in which the heritage asset sits.

Paragraph 203(a) of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further states (at paragraph 212) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 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 proposed development must also be considered against Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which sets out a general duty for decision makers and states that in considering whether to grant planning permission for any development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy D1 (Design of New Development) of the North West Leicestershire Local Plan supports proposed developments that are well designed and, as a minimum, offer a good standard of design based upon robust opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. This is expanded upon in the Council's Good Design for North West Leicestershire Supplementary Planning Document (April 2017) (the SPD) which states that developments must be underpinned by a thorough understanding and appreciation of the place, both the site and its immediate and wider context.

The NPPF includes several measures to improve design quality. This includes a test at paragraph 139 which directs that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The Council's Good Design SPD and the government's National Design Guide therefore carry substantial weight.

### *Assessment*

This application for planning permission will consider all proposed external works requiring planning permission. Any internal alterations, or other proposed external works which do not require planning permission, are matters which are to be assessed fully under the associated listed building consent application.

The submitted Heritage Statement states that there are no external changes proposed to the building itself, though maintenance of the windows may be required and this element of the proposal would be assessed under the associated listed building consent application. It is also noted that the application includes the installation of external vents, however, these do not require planning permission and are not to be assessed as part of this report.

The only external alteration proposed requiring planning permission is the installation of a bin enclosure to the front elevation of the building. The bin enclosure would be constructed from black painted 'hit and miss' timber fencing which would have a height of 1.5 metres. The enclosure would be positioned to the north of the existing steps leading to the front door of the Church and would abut the front elevation of the Church. It would be positioned between these steps and a pillar which forms part of the boundary treatment associated with No.16 to the north of the site. The double doors of the enclosure would face east towards Main Street.

Objections to the design and siting of the proposed bin enclosure have been received from nearby occupiers. It is considered, as advised by the Council's Conservation Officer, that the enclosure would harm the appearance of the building's principal elevation and therefore both visual and heritage harm would arise as a result of this element of the proposal. The Conservation Officer has made a request that the enclosure be omitted from the proposal, however, this omission has not been made and therefore the visual and heritage harm would remain.

The Council's Conservation Officer has not identified the level of harm arising to the significance of the listed building in the consultation responses provided, however it is considered that the level of harm arising to the listed building would be 'less than substantial,' likely to fall at the lower end of the scale. In such scenarios, Paragraph 213 of the NPPF, requires that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In this case the alternative would be for bins associated with the proposed dwelling to be permanently sited to the front of the building outside of any form of bin store. This arrangement would in itself be unsightly to the front of the building and within the street scene and in the opinion of Officers, is more likely to result in bins being left in an untidy

manner along the public footway in front of the building. As such, whilst both visual and heritage harm would arise as a result of the proposed design and siting of the enclosure, this harm is considered to be justified in this case and would be outweighed by the public benefits of the building being converted to a dwellinghouse which would secure the ongoing use of an existing empty listed building. Furthermore, it is likely that the majority of other alternative uses for the building (such as commercial or other community uses) would also require external bin storage provision.

In addition, the letter provided by Simon Hollis (Chartered Surveyors) states that the conversion of the building to a single domestic dwelling is considered to be the most sustainable viable use for the heritage asset and that the minimal harm proposed would be outweighed by bringing the building back into beneficial use. When having regard to the site-specific constraints (no external space and no car parking), the condition/state of repair of the building, its limited size, and the lack of services provided internally (electricity only), this is a view which is agreed with by Officers and therefore it is considered that the proposal would secure the optimum viable use of the building.

On the basis of the above, whilst design and heritage harm has been identified in this case which results in conflict with Policies D1 and He1 (a) and (c) of the Local Plan (2021), on balance the harm in this particular case, when having regard to the site-specific constraints which restricts the ability for bins to be stored elsewhere on or adjacent to the site, is considered to be justified and would be outweighed by the public benefits of the proposal as required by Paragraphs 203 and 213 of the NPPF. Furthermore, the conversion of the building to a dwellinghouse is considered to preserve the heritage asset as a whole by ensuring that it is brought back into use and that its optimum viable use would be secured, as required by both Policy He1 of the Local Plan (2021) and Paragraph 215 of the NPPF.

### **Neighbour Amenity**

Policy D2 (Amenity) of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. As such, development proposals will be supported where:

- 1) They do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact, and;
- 2) They do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.

Policy D2 of the Local Plan (2021) is consistent with the NPPF requirement that developments create places which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 198 of the NPPF also states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The application does not propose the installation of any additional openings within any of its elevations which would introduce further overlooking opportunities to neighbouring properties

or garden areas over and above that of the existing arrangement. As such, it is not considered that the proposal would be unacceptable with regard to the privacy of neighbouring occupiers.

There are no extensions proposed and therefore the application would not introduce any additional overbearing or overshadowing impacts. The proposed bin enclosure to the front of the site, owing to its positioning away from other neighbouring properties and its limited scale, would not result in any unacceptable amenity impacts.

Given the residential use proposed there are no concerns with regard to noise impacts.

An objection has been received to the application relating to the positioning of a proposed vent which would discharge into a neighbouring site. The objection states that the vent will discharge steam, smells and noise below head height. The vent would be positioned within the northern side elevation of the building and would serve the proposed kitchen area. It should be noted that vents of this nature do not require planning permission for their installation and therefore this element of the proposal is only a matter to be considered under the associated listed building consent application in respect of preserving the features of special architectural or historic interest which the listed building possesses. Notwithstanding the above, the vent would be positioned a sufficient distance from the nearest neighbouring windows associated with No.16 to the north of the site and there would be no unacceptable impact arising to the occupiers of this neighbouring property.

On the above basis, the application is considered to be acceptable with regard to impacts upon residential amenity and no conflict has been identified with Policy D2 of the Local Plan (2021) or the guidance set out in Paragraph 198 of the NPPF.

### **Living conditions for future occupiers**

Paragraph 11.31 of the Council's Good Design SPD states that the rear private garden spaces must be at least equal to the footprint of the property. This is a minimum required standard.

The Council's Good Design SPD also states that *"Buildings should be designed internally to ensure that spaces are fit for their intended purpose with adequate internal space for their intended purpose. The Council will encourage applicants to provide furnished internal floor plans to demonstrate that homes and the rooms within them are fit for purpose. Internal layout plans should demonstrate that there is sufficient space within the home for the following activities:*

- o (The maximum number of) occupants to sit together in the living room.*
- o (The maximum number of) occupants to sit around a table together.*
- o A space to allow work at a desk to be undertaken without disturbance, i.e. located away from the kitchen or living room.*
- o Applicants must demonstrate that homes offer sufficient internal storage space to enable residents to store items conveniently and out of sight when not in use."*

Policy D2 of the Local Plan (2021) does not refer to the Technical housing standards - nationally described space standard (March 2015) (NDSS); however, as a well-established expression of national housing standards, it provides a reasonable guide to appropriate room sizes.

## *Assessment*

In this case, the dwelling would not be afforded with any private amenity space given the constraints of the site. The application is therefore considered to result in conflict with the Council's Good Design SPD in this respect. However, when having regard to the location of the site, there are open spaces within walking distance of the site, including access to a network of Public Rights of Way and The Cloud Trail which is a traffic free off-road route which uses the Cloud trail following the disused Derby, Melbourne and Ashby branch railway from Worthington and Cloud quarry before joining the Trent and Mersey canal to Swarkestone Stop. Whilst it is recognised that Public Rights of Way and recreational routes are not substitutes for private amenity space, given the small size of the dwelling proposed (which features one bedroom), it is considered unlikely that the dwelling would be occupied by a family who would likely find the lack of private amenity space to be a more significant issue when compared to other occupiers (such as young professionals, or students for example).

In addition, the conversion of an existing building, particularly one that is listed, to residential use can often result in the creation of residential accommodation with no access to private gardens. Furthermore, it is not considered uncommon for dwellings of the size and nature proposed to not incorporate private outdoor garden space. Therefore, as the proposed development would result in a one bedroom dwelling, and given the proposal relates to a conversion scheme, it is not considered the proposal would result in detriment to the amenities of future residents that a reason to refuse the application would be warranted in this case.

In terms of internal space standards, Section 12 of the Good Design SPD provides some guidance in relation to internal layout plans and states that applications should demonstrate that there is sufficient space within the home for a range of activities. The Nationally Described Space Standards are still considered to act as a useful guide in assessing the quality of internal living environments.

The dwelling cannot reasonably be considered as a two storey dwelling given that the first floor features a mezzanine. As such, the dwelling has been classed as a '1 storey dwelling' given that the Nationally Described Space Standards does not specify 1.5 storeys. The gross internal floor area of the proposed dwelling would exceed the minimum gross internal floor area for a 1bed 2person 1 storey dwelling of 39m<sup>2</sup> set out within Table 1 of the Nationally Described Space Standards.

The proposed bed deck area has been measured in terms of the floor area and width. The minimum standards set out within the Nationally Described Space Standards for bedrooms state that in order to provide 2 bedspaces, a double (or twin bedroom) should have a floor area of at least 11.5m<sup>2</sup> and a 1 double (or twin bedroom) should be at least 2.75m wide. The proposed bedroom meets this requirement.

It is also considered that all habitable rooms proposed, including the proposed bed deck area, would be afforded with adequate natural light for future occupiers.

As such, the proposed dwelling is considered to be acceptable in terms of living conditions for future occupiers.

## Highway Impacts

Policy IF4 (Transport Infrastructure and new development) of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees.

Policy IF7 (Parking provision and new development) of the Local Plan (2021) requires that development incorporates adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment.

Paragraph 115 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

The County Council's Highway Authority (CHA) have been consulted on the application and have referred the LPA to its standing advice.

A number of objections to the application have been received on the basis that the proposed dwelling would not benefit from off-street car parking and that the resultant on-street parking impacts would result in highway safety impacts to include reduced visibility for drivers using nearby driveways, and the highway being blocked with parked cars. Further concerns have been raised relating to the siting of the proposed bin enclosure on the footpath which would block the path for pedestrians and would force pedestrians, including children out on to the road when the doors of the bin enclosure are open.

### *Car Parking*

With regard to car parking there is no land owned by the applicant associated with the existing Methodist Church which could be utilised for off-street car parking and therefore the car parking arrangement proposed remains unchanged from the existing arrangement. Concerns from objectors state that the Parking Statement submitted to support the application is misleading in that the Methodist Church was not attended by 125 people and that a maximum of 10 people attended the Church. It further states that these 10 people mostly walked to the Church and only attended on Sundays. Whilst it is recognised that the proposed conversion would result in a demand for on-street car parking, the car parking demand associated with a one bedroom dwelling would be limited. Table 28 (Residential Parking Standards) of the Leicestershire Highways Design Guide (LHDG) states that dwellings with up to 3 bedrooms require a minimum of 2 off-street car parking spaces.

It should be noted that a Methodist Church falls within Use Class F1 (Learning and non-residential institutions) which encompasses a range of different uses including the provision of education, for the display of works of art (otherwise than for sale or hire), as a museum, as a public library or public reading room, as a public hall or exhibition hall, and for, or in connection with, public worship or religious instruction. On this basis, the Church could change use to any one of these uses without the need to obtain planning permission. If the Church were to be used for any of these uses falling within the same use class, in all cases, the



demand for car parking would be in excess of the demand for car parking generated by a one bedroom dwellinghouse.

Furthermore, the CHA have been consulted on the application and have confirmed that on-street parking is common along Main Street, therefore, the development proposal would not change the character of Main Street and cause a severe impact on the surrounding highway network. No objection from the CHA has been received on highway safety or pedestrian safety grounds. On this basis, when having regard to the provisions of Paragraph 116 of the NPPF, it is not considered that the proposed development could be prevented or refused on highways grounds.

### *Cycle Parking*

Table 27 (Minimum Provision for Cycle Parking) of the LHDG states that one cycle space for every bedroom should be provided for C3 (Dwellinghouse) uses and that cycle parking should be under cover and secure. In this case the application does not propose any form of cycle parking provision for the dwelling which would fail to meet the guidance set out within the LHDG. However, given the site-specific constraints in this case which restricts the ability for cycle provision from being provided externally, it is not considered that the application could be resisted on this basis.

On the basis of the above, the application is considered to be acceptable when having regard to highway and pedestrian safety, as well as parking impacts and would accord with Policies IF4 and IF7 of the Local Plan (2021).

### **Ecology and Biodiversity Net Gain**

Policy En1 (Nature Conservation) of the Local Plan (2021) supports proposals that conserve, restore or enhance the biodiversity of the District. It goes on to state that new development will be expected to maintain existing ecological networks, hotspots and landscape features (such as water courses and waterways, disused railway lines, trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses. Paragraphs 187(d) and 192(b) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity.

### *Ecology*

Following the submission of amended plans showing the installation of a vent in the roof, and the County Ecologist has confirmed that an informative should be imposed upon any planning permission issued to advise the applicant that the building may be suitable for roosting bats, and that it is the applicants' responsibility to ensure that bat legislation is not breached. The informative would also advise that the applicant may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works.

Subject to the imposition of the recommended informative the application is considered to be acceptable in terms of ecology impacts.

### *Biodiversity Net Gain*

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for minor development as required by the Environmental Bill was enacted on the 2nd April 2024. However, a development that does not decrease the biodiversity value of a site is exempt from providing

a biodiversity net gain. In this case, as the proposal relates solely to the conversion of the existing Church, and the installation of the proposed bin enclosure on an existing area of hardstanding, no habitat would be affected. As such, the application is not required to demonstrate a mandatory 10% biodiversity net gain.

Overall, subject to the imposition of an informative relating to roosting bats and their protection, the application would be acceptable when having regard to ecology and biodiversity. It is considered that the proposals would comply with the requirements of Policy En1 of the Local Plan (2021).

### **Flood Risk and Drainage**

Policy Cc2 (Flood Risk) of the Local Plan (2021) seeks to minimise the risk and impact of flooding through: (a) Directing new development to areas with the lowest probability of flooding; and (b) Ensuring that all new development addresses the effective management of all sources of flood risk; and (c) Ensuring that development does not increase the risk of flooding elsewhere; and (d) Ensuring wider environmental benefits of development in relation to flood risk.

The site lies within Flood Zone 1 (which has the lowest risk of fluvial flooding). It is therefore not considered that the proposed development would exacerbate any fluvial flood risk. The site is also not identified by the Environment Agency Flood Map for Planning to be at a high, medium or low risk of surface water flooding.

Policy Cc3 (Sustainable Drainage Systems) of the Local Plan (2021) states that when assessing development proposals where it is necessary to manage surface water drainage, Sustainable Drainage Systems (SuDS) should be incorporated into developments in accordance with national and local standards.

The existing building does not have any internal facilities which would require drainage (there is no W/C provision or any kitchen facilities nor any water supply). It is considered likely, given the sites' location and its lack of external space which prohibits the ability for SuDS to be provided, that the building will connect to the sewer for surface water disposal and for general grey water drainage. In terms of foul waste, the application confirms that the applicant proposes to connect to the mains sewer which is considered to be acceptable.

An objection has stated that there is a lack of detail with regard to the precise drainage details proposed. Matters relating to the specific drainage details and how or where the site will drain from and to is not a matter for this planning application as such details would be dealt with under Building Regulations. The associated Listed Building Consent application will consider the impacts of any work required to provide drainage routes and services upon the fabric of the listed building.

Overall, the application is considered to be acceptable with regard to flood risk and drainage and no conflict is identified with Policy Cc2 of the Local Plan (2021). Given that SuDS are not achievable on this site, the application is not considered to conflict with Policy Cc3 of the Local Plan (2021).

## **Bin Storage and Collection**

Objections have been received during the course of the application relating to bin storage and collection provision. The amended application shows the provision of a bin enclosure to be installed to the front of the building on an existing area of the public footpath.

The Council's Waste Services Team have commented to state that the occupiers would be responsible for presenting the waste and recycling receptacles for collection at the kerbside adjacent to the adopted highway of Main Street, as per the current collection arrangements for neighbouring properties.

There is no private land associated with the Church which could be utilised for bin storage. Whilst the proposed bin enclosure is not an ideal situation given its positioning to the front of the building which would be visually prominent, as well as its positioning on the public footpath, given that the enclosure would not project any further into the path than the depth of the existing steps leading up to the front door of the Church, and given that it would be positioned between these existing steps and a pillar which forms part of a neighbouring boundary wall which projects slightly beyond the front elevation of the Church, it is considered that the proposed bin enclosure would not impede upon the footpath to any unacceptable degree to warrant a refusal of planning permission on this basis. Furthermore, the Council's waste services crew will be able to service the site from the adopted highway, as per the requirements of the Council's Waste Services Team.

An objection has been received to state that the plans do not show the depth of the proposed enclosure. It should be noted that the enclosure would measure 0.6 metres in depth which would be large enough to accommodate a 140-litre wheelie bin which typically measure 0.55m in depth. The overall width of the enclosure at approximately 1.4m would be wide enough to accommodate the waste wheelie bin referred to above, as well as the recycling boxes and bags used throughout the District.

A Grampian planning condition is recommended to be imposed to any permission granted to ensure that the dwelling is not occupied at any time unless the proposed bin enclosure is made available for use for the future occupiers.

## **Other Matters**

Objections have been received advising that there is a lack of detail relating to the type of heating system proposed, that a listed building would not be allowed solar panels, and that there is no outside space to put air source equipment. Heating systems do not require planning permission and therefore this objection cannot be considered as part of this report. Any works relating to heating which require listed building consent will be addressed under the associated listed building consent application.

A further objection relates to fire safety and entry/exit points. It should be noted that for a proposal of this scale, fire safety is dealt with separately, under Building Regulations.

## **Overall Planning Balance, Contribution to Sustainable Development and Conclusions**

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the Leicestershire Minerals and Waste Local Plan (2019).

It is outlined above that the most important policies in the determination of the application are Policies S2, IF2 and He1 as they relate to the provision and distribution of housing, loss of community facilities and heritage matters. The Council can demonstrate a five-year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that Local Plan Policies S2, IF2 and He1 are consistent with the National Planning Policy Framework, are effective, not out of date and carry significant weight.

The provision of new residential development within the Limits to Development in a Sustainable Village is considered to be acceptable in-principle and would accord with Policy S2 of the Local Plan (2021). With regard to the loss of the Methodist Church as a community facility, the requirements of Policy IF2 of the Local Plan (2021) have been fully met. The statement (Gadsby Nichols) and letter (Simon Hollis) submitted to support the application provide sufficient evidence to demonstrate that the Church was no longer required or viable and that community uses were considered by the Methodist Church before its disposal. The application is therefore considered to be acceptable in-principle.

Design and heritage harm has been identified in this case as a result of the proposed bin enclosure which results in conflict with Policies D1 and He1 (a) and (c) of the Local Plan (2021), however the harm in this particular case, when having regard to the site-specific constraints which restricts the ability for bins to be stored anywhere else on or adjacent to the site, is considered to be justified and would be outweighed by the public benefits of the proposal as required by Paragraphs 203 and 213 of the NPPF. Furthermore, the conversion of the building to a dwellinghouse is considered to preserve the heritage asset as a whole by ensuring that it is brought back into use and that its optimum viable use would be secured, as required by both Policy He1 of the Local Plan (2021) and Paragraph 215 of the NPPF.

Whilst no off-street car or cycle parking is proposed, no objection from the CHA has been received on highway safety or pedestrian safety grounds. On this basis, when having regard to the provisions of Paragraph 116 of the NPPF, it is not considered that the proposed development could be prevented or refused on highways grounds.

There are no ecology concerns arising as a result of the proposal and the application is exempt from providing a mandatory 10% biodiversity net gain. There are no unacceptable living conditions or residential amenity impacts arising as a result of the proposed change of use and the application is considered to be acceptable when having regard to bin storage and collection, as well as drainage and flood risks.

On the basis of the above, and after balancing the heritage and design harm against the benefits of the proposal, including public benefits, which include ensuring that the building is brought back into use and that its optimum viable use would be secured, it is considered that the proposed development complies with the relevant policies of the North West Leicestershire Local Plan (2021) and the NPPF (2024).

Subject to the imposition of conditions the proposed development represents sustainable development, and approval is therefore recommended. There are no other material considerations that indicate that planning permission should not be granted.

**Internal and external alterations to facilitate the use of the building as a dwelling (Listed Building Consent)**

**Report Item No  
A3**

**Worthington Methodist Church  
Main Street Worthington  
Leicestershire  
LE65 1RP**

**Application Reference:  
23/01596/LBC**

**Grid Reference (E) 440882  
Grid Reference (N) 320482**

**Date Registered:  
01 December 2023  
Consultation Expiry:  
13 June 2024  
8 Week Date:  
26 January 2024  
Extension of Time:  
None agreed**

**Applicant:  
Mr J Boam**

**Case Officer:  
Karina Duncan**

**Recommendation:  
PERMIT**

#### Site Location - Plan for indicative purposes only



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**Reason the case is called to the Planning Committee:**

The application is brought to the Planning Committee for determination under the requirement of the constitution as the applicant for this application is related to a serving Member of the Council and objections have been received in relation to the application.

**RECOMMENDATION – PERMIT LISTED BUILDING CONSENT, subject to the following conditions:**

1. Approved Plans
2. Notwithstanding the submitted details or condition 1 above, prior to any further works taking place full details of restoration and/or repair details, including details of materials and methods, for the following works shall first be submitted to and agreed in writing by the Local Planning Authority:

- (a) internal timber cladding which shall be good quality timber wainscotting;
- (b) dado rail (above east (front) wall);
- (c) internal limewashed plaster;
- (d) coat hooks (east (front) wall);
- (e) timber cornice (east (front) wall);
- (f) required maintenance and/or repair of existing windows;
- (g) required repair and/or making good of existing staircase.

All works shall be undertaken in accordance with the agreed details and thereafter retained.

3. Notwithstanding the submitted details or condition 1 above, full details of the following shall be submitted to and agreed in writing by the Local Planning Authority prior to any further work taking place:

- (a) the finish to be applied to the external faces of the partition walls and how this would reflect the finishes in the principal internal space;
- (b) amended proposed ground floor plan showing an alternative bathroom wall layout to ensure that the partition wall closest to the entrance forms a straight line;
- (c) the balustrade serving the bed deck area;
- (d) the cavity drainage system;
- (e) full details of an alternative structural support method for the first floor bed deck area which shall utilise existing posts where possible. This should be supported by a structural appraisal and an alternative column design which utilises O-section columns;
- (f) construction and materials details for the bin enclosure which shall ensure that the enclosure is not fixed or mounted to the principal elevation of the listed building.

All works shall be undertaken in accordance with the agreed details and thereafter retained.

4. Submission of a Written Scheme of Investigation to record the evidence of the evolution of the heritage asset to be submitted and agreed in writing prior to any further works taking place.

**Informatives:**

1. Positive/proactive statement
2. Biodiversity Net Gain exemption informative
3. Applicant reminded to comply with conditions attached to 23/01595/FUL

## MAIN REPORT

### 1. Proposals and Background

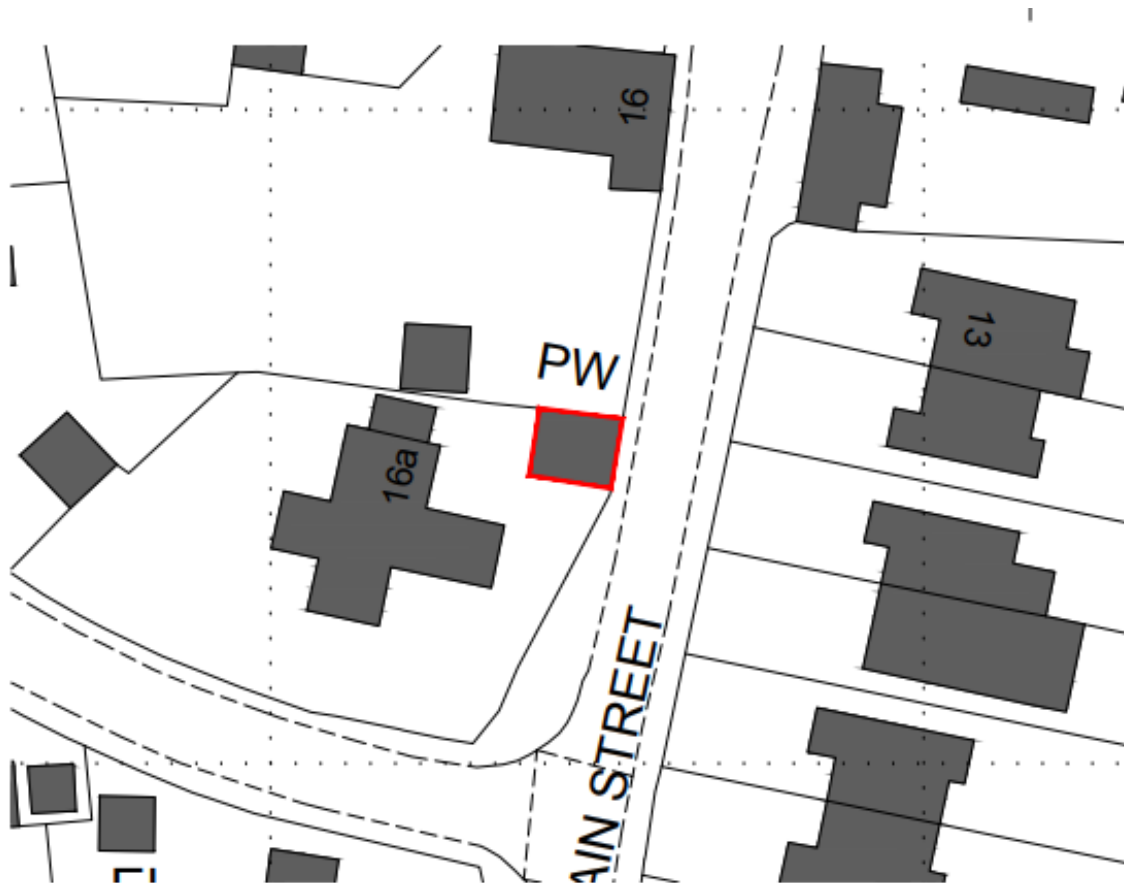
This application seeks listed building consent for internal and external alterations to facilitate the use of the building as a dwelling. Worthington Methodist Church is a Grade II listed building.

It should be noted that works to the building including the removal of timber cladding internally have taken place prior to obtaining the necessary listed building consent. This is a matter which has been referred to the Council's Planning Enforcement Team.

Amendments to the scheme have been made throughout the course of the application which now show the provision of external vents and the installation of a bin enclosure adjacent to the principal elevation of the existing Church.

The application site is located within the defined Limits to Development as per the adopted North West Leicestershire Local Plan (2021).

#### Site Location Plan

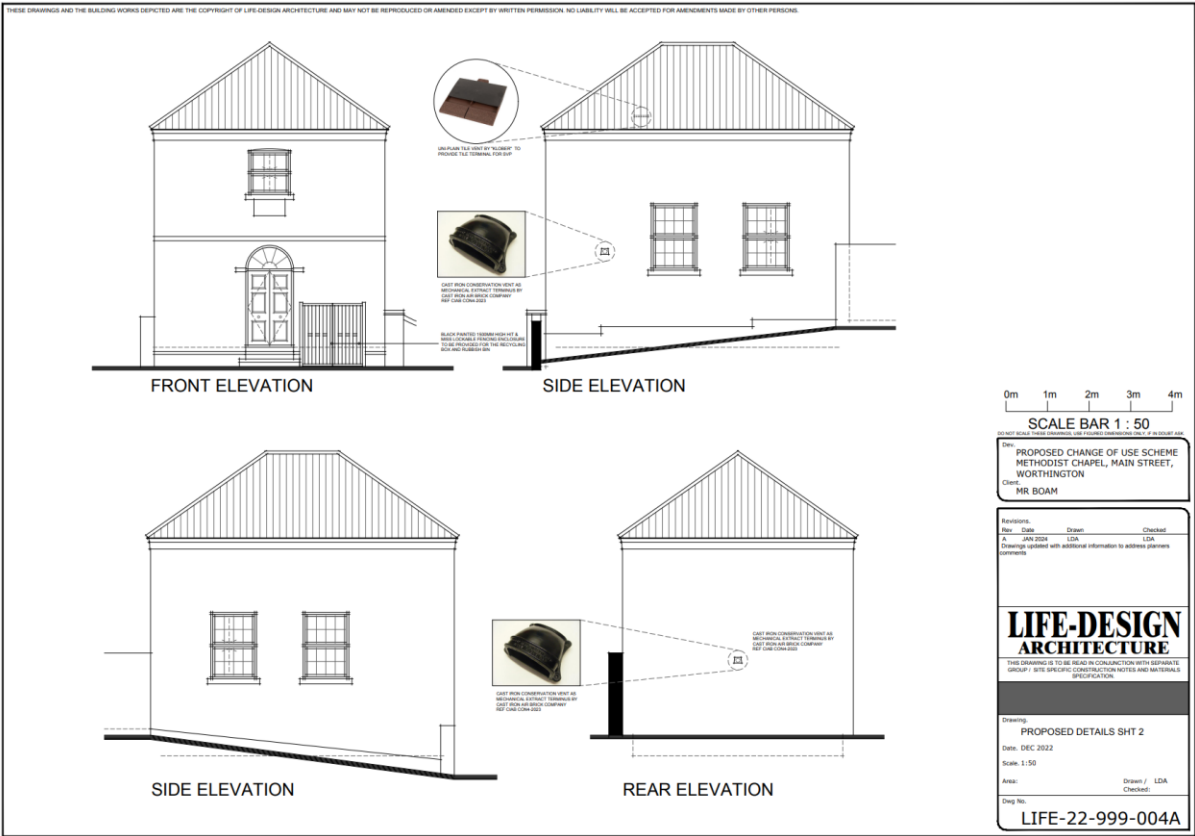




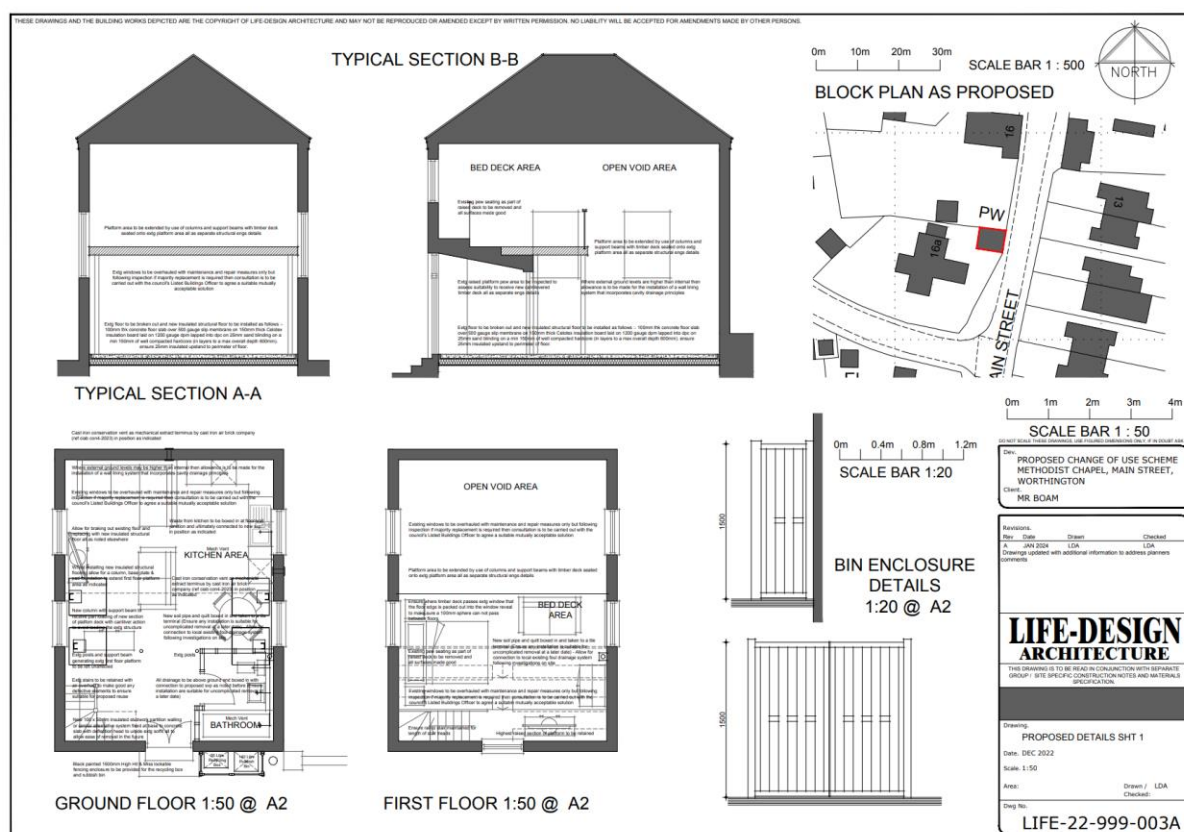
Aerial Imagery of Site Location



Amended Proposed Elevations



## Amended Location Plan, Block Plan and Proposed Floor Plans and Sections



Further information submitted in respect of the application can be found on the District Council's website.

### Relevant Planning History

In March 2023 planning permission was sought for the use of the listed building as a dwelling (23/00413/FUL). The application was accompanied by an associated listed building consent application (23/00414/LBC). Both applications were withdrawn in September 2023. This application is a resubmission of the listed building consent application.

An associated application for full planning permission (23/01595/FUL) for the change of use of Worthington Methodist Church to a single residential dwelling is pending consideration and is Item A2 on the agenda.

### 2. Publicity

16 neighbours were initially notified on the 12<sup>th</sup> December 2023.

A site notice was displayed on the 14<sup>th</sup> December 2023 and a further notice was displayed on 16<sup>th</sup> May 2024.

A press notice was published in the Leicester Mercury on the 22<sup>nd</sup> May 2024.

### 3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

**Objections from:**

Worthington Parish Council

**Comments made by:**

NWLDC Conservation Officers.

**Third Party Representations**

Three letters of objection have been received with the comments raised summarised as follows:

Grounds of Objections	Description of Impact
<b>Heritage</b>	Comments state that Historians are awaiting confirmation of the intention of the cladding etc, however the heritage statement states that aside from the pews, all other historic elements should remain in-situ. The internal timber cladding has been stripped off and disposed of.
<b>Other matters non-material to the determination of this listed building consent application</b>	The impacts of bin storage upon the use of the footpath. Comments relating to where bins would be stored.
	Lack of a garden and no land available for an air source heat pump or vessels for oil or gas. Lack of detail relating to the proposed heating system.
	Lack of car and cycle parking and highway safety impacts.
	The building is not suitable for conversion to a dwelling.
	Overlooking impacts and reduced privacy for neighbours opposite.
	Whether the owners have any right of access.
	Disruption caused during construction works.
	Fire safety relating to the single point of entry and exit.

One of the three letters of objection also offers support for the proposed conversion in principle.

## **4. Relevant Planning Policy**

### **National Policies**

#### **National Planning Policy Framework (2024)**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

The following sections of the NPPF are considered relevant to the determination of this application:

Chapter 16. Conserving and enhancing the historic environment.

### **Local Policies**

#### **Adopted North West Leicestershire Local Plan (2021)**

The North West Leicestershire Local Plan forms part of the development plan and the following policy of the Local Plan is relevant to the determination of the application:

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment.

### **Other Guidance**

Historic England advice note, 'Making changes to heritage assets' (2016).

### **Relevant Legislation**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **5. Assessment**

Policy He1 of the North West Leicestershire Local Plan (2021) states that to ensure the conservation and enhancement of North West Leicestershire's historic environment, proposals for development, including those designed to improve the environmental performance of a heritage asset, should:

- a) Conserve or enhance the significance of heritage assets within the district, their setting, for instance significant views within and in and out of Conservation Areas;
- b) Retain buildings, settlement patterns, features and spaces, which form part of the significance of the heritage asset and its setting;
- c) Contribute to the local distinctiveness, built form and scale of heritage assets through the use of appropriate design, materials and workmanship;
- d) Demonstrate a clear understanding of the significance of the heritage asset and of the wider context in which the heritage asset sits.

Paragraph 203(a) of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further states (at paragraph 212) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 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 proposed development must also be considered against Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which sets out a general duty for decision makers and states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Historic England's advice note (Making Changes to Heritage Assets) says that the "loss of historic fabric following repairs" should be "proportionate to the nature of the works". It goes on to say that "original materials normally only need to be replaced when they have failed in their structural purpose" and "the loss of historic fabric following repairs ... [should] be proportionate to the nature of the works".

### *Assessment*

This application for listed building consent will consider all proposed external and internal works requiring listed building consent to facilitate the proposed conversion of the building to a dwelling. The assessment of this application is limited to assessing the proposal in the context of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any objections relating to other more general planning matters (such as parking, highway safety, amenity impacts etc.) are not matters which can be considered as part of this report.

The interior of the building comprises three spaces. The principal double-height space is to the rear (west) of the building. To the front (east) there is an entrance space at ground floor and a balcony space at first floor.

The following section of this report will summarise the extent of the proposed changes to the building:

- (a) Extension of gallery to form a 'bed deck area' at first floor level and installation of C-section columns as support;

The scheme proposes to install a 'studio type living arrangement', with service functions on the ground floor and a bedroom occupying the mezzanine. The Conservation Officer also considers the extension of the mezzanine is acceptable.

The Council's Conservation Officer has, however, advised that the proposed four C section columns would harm the internal appearance of the listed building and would not "follow the character" of the existing O-section columns. The Council's Conservation Officer has stated that the 'front' of the deck should be supported by the existing columns if they are suitable to receive the new imposed loadings and that the 'back' of the deck should be supported by a steel beam. It has been advised that if this is not feasible, then the 'back' of the deck should be supported by two O-section columns. Accordingly, notwithstanding the details submitted, full details of an alternative structural support method for the first floor bed deck area, is recommended to be secured by way of a condition in order to mitigate the identified heritage harm.

(b) Insertion of partition walls to form a ground floor bathroom;

No objection to the provision of the partition walls has been raised by the Council's Conservation Officer, however, the Council's Conservation Officer has advised that the layout of the wall which wraps around the bath should be amended to be a straight wall which would require the applicant to specify a bath of a smaller width. An amended plan is therefore recommended to be secured by condition to ensure this amendment is made. It is also recommended that details of the finish that would be applied to the external faces of the partition walls and how this would reflect the finishes in the principal internal space are secured by condition.

(c) Installation of a wall lining system;

There is correspondence on the application file to suggest that the applicant originally proposed to finish the wall lining system with a 40mm base coat of hemp insulated lime plaster and a finishing coat of lime plaster. The installation of the wall lining system would enable the occupation of the building for residential purposes by ensuring that rising damp is controlled. However, whilst the Council's Conservation Officer has confirmed that a wall lining system to the lower proportion of the internal walls (i.e. where external ground levels are higher than the internal) would be acceptable in-principle, no details have been provided of this system. On this basis, the Council's Conservation Officer has advised that this detail should be secured by way of planning condition.

(d) Installation of external vents to serve the proposed bathroom and kitchen;

It has been confirmed by the Council's Conservation Officer that the installation of the two proposed external vents are acceptable. The details submitted show that the vent discharging out of the wall would be a cast iron conservation vent (cast iron air brick company). The vent discharging out of the roof has been specified as a 'Uni-plain tile vent by "KLOBER." Both specifications are considered to be acceptable.

(e) Installation of a proposed balustrade and extension to mezzanine detail;

No objection to this element of the proposal has been raised by the Council's Conservation Officer. Full details of the proposed balustrade and the mezzanine extension detail, including the detail of how the extended mezzanine would be built-up, design details of the gallery front, and the section detail showing how the floor would be viewed externally through the existing side facing windows are recommended to be secured by condition.

(f) Works to existing stairs;

The submitted plans show that the existing stairs would be retained, but that they would receive an 'overhaul' and making good of any defective elements to ensure that they are suitable for the proposed reuse.

No objection to this element of the proposal has been raised by the Council's Conservation Officer, however, detail of the precise works proposed to the stairs has been submitted and therefore these details are recommended to be secured by condition.

(g) Insulated structural floor;

No objection to this element of the proposal has been raised by the Council's Conservation Officer on the basis that the floor would be replacing a modern concrete floor which is non-

original. The Conservation Officer has confirmed that no planning condition is required to be imposed to secure any details of the proposed insulated structural floor.

(h) Installation of a cavity drainage system;

No objection to this element of the proposal has been raised by the Council's Conservation Officer. Full details of the proposed cavity drainage system are recommended to be secured by condition.

(i) Repair and maintenance to windows;

No objection to this element of the proposal has been raised by the Council's Conservation Officer. Full details of the required repairs and maintenance are recommended to be secured by condition.

(j) Installation of external bin enclosure.

It is considered that the level of harming arising to the Listed Building, as a result of the proposed bin enclosure, would be less than substantial and likely to fall at the lower end of the scale. In such scenarios, Paragraph 213 of the NPPF, requires that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In this case the alternative would be for bins associated with the proposed dwelling to be permanently sited to the front of the building outside of any form of bin store. This arrangement would in itself be unsightly to the front of the building and within the street scene, and, in the opinion of Officers, is more likely to result in bins being left in an untidy manner along the public footway in front of the building. As such, whilst both visual and heritage harm would arise as a result of the proposed design and siting of the bin enclosure, this harm is considered to be justified in this case and would be outweighed by the public benefits of the building being converted to a dwellinghouse which would secure the ongoing use of an existing empty Listed Building. Furthermore, it is likely that the majority of other alternative uses for the building (such as commercial or other community uses) would also require external bin storage provision.

Full details in terms of the precise materials and construction, which should ensure that the enclosure is not fixed or mounted to the principal elevation of the Listed Building, are recommended to be secured by condition.

(k) Removal of internal timber cladding;

Prior to the commencement of works to the Listed Building, a dado rail was mounted to the internal walls with wide 'bead and butt' cladding installed above the dado rail. Modern 'beauty board' cladding was also installed below the dado rail. This timber cladding has been removed from the walls of the building prior to obtaining listed building consent.

The Council's Conservation Officer has confirmed that harm has arisen as a result of the removal of cladding from above the dado rail. The Council's Conservation Officer has confirmed that it is likely that the blue limewashed plaster was 'intended to be seen' at an early phase in the evolution of the heritage asset, however, the Council's Conservation Officer confirms that the cladding above the dado rail constituted historic fabric.

The Council's Conservation Officer has also confirmed that harm has arisen as a result of the removal of modern cladding from below the dado rail, but that this cladding did not constitute

historic fabric and that it is unlikely that the plain plaster was 'intended to be seen' at any phase in the evolution of the heritage asset.

The Council's Conservation Officer has advised three remedy options in this case, the most preferable being to restore the traditional cladding below the dado rail and repair the blue limewashed plaster. It is considered that the repair of the plaster and the restoration of the traditional cladding below the dado rail would outweigh the harm identified relating to the removal of the cladding as set out above, particularly given that the traditional cladding would also be replaced.

Whilst the Local Planning Authority requested that plans of the internal walls be submitted showing traditional cladding below the dado rail and noting that all of the blue plaster will be repaired, these plans have not been provided by the applicant. On this basis, owing to the fact that the proposal would be unacceptable should the restoration and repair works set out above not be secured, such restoration and repair works, including full details relating to materials and methods, are recommended to be secured by condition.

(l) Other works recommended by the Conservation Officer

The Council's Conservation Officer has advised that the removal of cladding has revealed evidence relating to the evolution of the heritage asset, specifically relating to a former pulpit and two dado rail positions. It has been advised that the lower dado rail position should be restored as this appears to be the earlier position and the position that existed prior to the removal of the cladding taking place. The Council's Conservation Officer has also confirmed that evidence of the evolution of the heritage asset should be recorded to an archaeological standard and to an agreed Written Scheme of Investigation which is recommended to be secured by condition.

The Council's Conservation Officer has also advised that the dado rail, the coat hooks, and the timber cornice above the front (east) wall should be restored as these were small-scale features that contributed strongly to significance. Such works are recommended to be secured by condition.

## **Conclusion**

The works taken place relating to the removal of timber cladding internally has resulted in heritage harm to the listed building which has not been supported by clear and convincing justification as required by Paragraph 213 of the NPPF. Furthermore, the removal of the cladding fails to retain features which form part of the significance of the heritage asset as required by Policy He1(b) of the Local Plan (2021). It is, however, considered that in this case the repair of the plaster and the restoration of the traditional cladding below the dado rail would outweigh the harm identified relating to the removal of the cladding as set out in the above report. Such works are recommended to be secured by condition.

With regard to the proposed bin enclosure, this element of the proposal would also result in less than substantial heritage harm, however this harm is considered to be sufficiently justified in this case and would be outweighed by the public benefits of the building being converted to a dwellinghouse which would secure the ongoing use of an existing empty listed building. As such, this element of the proposal is considered to accord with Policy He1(2) of the Local Plan (2021) and the requirements of Paragraph 215 of the NPPF.



All other elements of the proposal to facilitate the proposed conversion of the building are considered to be acceptable, subject to securing further details by way of appropriate worded conditions. As such, on the basis of the above and subject to the imposition of planning conditions, this application for listed building consent is recommended to be approved.

**RECOMMENDATION – PERMIT LISTED BUILDING CONSENT, subject to conditions.**

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