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Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6:00pm on Tuesday, 10 February 2026
Location	Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

## AGENDA

Item	Pages
<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 9 December 2025.	<b>3 - 8</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>	
The report of the Head of Planning and Infrastructure.	<b>9 - 12</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>25/00916/PIP: Permission in principle for 1 self-build dwelling</b>  Land rear of 71 Main Street, Osgathorpe.	<b>PERMIT</b>	<b>13 - 46</b>
<b>A2</b>	<b>25/01465/FUL: Erection of a detached bungalow</b>  Land at former Priory Nursery Garden Centre, Ashby Road, Breedon.	<b>PERMIT, subject to conditions</b>	<b>47 - 86</b>

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 9 December 2025

Present: Councillor R Boam (Chair)

Councillors R L Morris, D Bigby, R Blunt, R Canny, D Everitt, J Legrys, P Moult, C A Sewell and J G Simmons, M B Wyatt

In Attendance: Councillor R Johnson

Officers: Mr J Arnold, Ms J Davies, Mr B Dooley, Mr D Gill, Mr J Knightley, Ms S Lee, Mr L Marshall, Mr A Mellor, Mr I Nelson, Mrs R Wallace and Ms R Elliott

#### **41. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors M Burke and N Smith.

#### **42. DECLARATION OF INTERESTS**

In accordance with the Code of Conduct, Members declared the following interests:

Councillor R Boam declared a registerable interest in item A2, application number 23/00427/OUTM, of the agenda as ward member, and Councillor R Blunt would be joining the meeting as his substitute for that item.

Councillor D Bigby declared that he had previously been involved in discussions about item A2, application number 23/00427/OUTM, as part of Ashby Town Council's Planning Committee but had come to the meeting with an open mind.

Members declared that they had been lobbied without influence in respect of the following applications but had come to the meeting with an open mind.

##### Item A1, application number 25/00274/FULM

Councillors D Bigby, R Canny, J Legrys, R Morris, P Moult, C Sewell, and J Simmons.

##### Item A2, application number 23/00427/OUTM

Councillors D Bigby, R Canny, J Legrys, R Morris, P Moult, C Sewell, and J Simmons.

##### Item A3, application number 25/01184/FUL

Councillor J Legrys.

#### **43. MINUTES**

Consideration was given to the minutes of the meeting held on 11 November 2025.

It was moved by Councillor D Everitt, seconded by Councillor J Legrys and

RESOLVED THAT:

The minutes of the meeting held on 11 November 2025 be approved and signed by the Chair as an accurate record of proceedings.

#### 44. 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.

#### 45. 25/00274/FULM: HYBRID PLANNING PERMISSION FOR DEVELOPMENT OF THE SITE COMPRISING: FULL PLANNING PERMISSION FOR SITE WIDE INFRASTRUCTURE WORKS INCLUDING: NEW ROUNDABOUT ACCESS FROM (AND ALTERATIONS TO) THE A444; NEW PEDESTRIAN CROSSING POINTS OVER THE A444; INTERNAL SPINE ROAD; ALL EARTHWORKS AND SITE LEVEL WORKS INCLUDING RETAINING FEATURES; CREATION OF DEVELOPMENT PLATEAUS (WITHIN DEVELOPMENT ZONES 1 AND 2); STRUCTURAL LANDSCAPING (INCLUDING BOUNDARY TREATMENTS AND PEDESTRIAN / CYCLE PATHS); ASSOCIATED UTILITIES AND LIGHTING INFRASTRUCTURE; FOUL AND SURFACE WATER DRAINAGE INFRASTRUCTURE. FULL PLANNING PERMISSION WITHIN DEVELOPMENT ZONE 1 FOR THE ERECTION OF CLASS B8 DISTRIBUTION UNIT AND ANCILLARY OFFICES (E.G.I); SERVICE YARDS AND HGV PARKING; VEHICULAR AND CYCLE PARKING; GATEHOUSE AND SECURITY FACILITIES; PLANT; HARD AND SOFT LANDSCAPING (INCLUDING BOUNDARY TREATMENTS AND RETAINING WALLS); PEDESTRIAN AND CYCLE INFRASTRUCTURE; ASSOCIATED UTILITIES AND LIGHTING INFRASTRUCTURE; INTERNAL ROADS; FOUL AND SURFACE WATER DRAINAGE INFRASTRUCTURE

Land to the East of the A444 / North of J11 of the M42, Stretton En Le Field, Leicestershire

**Officer's Recommendation:** Permit

The Principal Planning Officer presented the report.

Ann Hughes, speaking as Chair of Overseal Parish Council, addressed the Committee. She stated that, while the development was not within Overseal's proximity, it could adversely impact this area due to its potential to increase the traffic on the A444. She highlighted existing congestion at Junction 11 of the A444, off-street parking pressures, and raised further issues regarding air pollution, reduced access to footpaths and bridleways, recent increases in accidents, and the unsafe condition of the structure of the A444.

Matthew Fox, speaking as agent, addressed the Committee and expressed support for the development, stating that it would maximise opportunities for local people. He highlighted that the development would create more jobs, deliver high-quality buildings and establish connections to Mercier Park.

During discussion, members questioned whether there was an immediate demand for the site, emphasising the importance of complying with Policy Ec2 (2) in the Local Plan. Members also raised concerns with regards to employment benefits, flooding and compliance with Policy S3 in the Local Plan which promoted sustainable development in rural areas, expressing doubts as to whether the landscape was safeguarded.

It was noted by the Principal Planning Policy Officer that immediate demand was a matter of judgement rather than an absolute measure, and that Policy Ec2 (2) permits consideration of additional evidence to form this judgement. It was added that job creation would follow should there be enough demand.

Legal advice was noted that no conditions could be added to the application that would impact an area outside of the District.

Members highlighted the importance of planning ahead, and that granting permission for the application at this stage would give certainty to the developer and enable them to react more quickly.

It was moved by Councillor R Morris, seconded by Councillor J Simmons and

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 in accordance with the officer's recommendations.

<b>Motion to permit the application in accordance with the officer's recommendations. (Motion)</b>	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	Against
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	Against
Councillor Carol Sewell	Against
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Councillor Richard Blunt	No vote recorded
<b>Carried</b>	

**46. 23/00427/OUTM: DEVELOPMENT OF UP TO 46,451 SQ M GIA OF B2 (INDUSTRIAL) AND/OR B8 (STORAGE OR DISTRIBUTION) UNITS WITH ANCILLARY E(G)(I) (OFFICES) AND SERVICE BUILDINGS, ALONG WITH ASSOCIATED PARKING, HIGHWAY INFRASTRUCTURE, LANDSCAPING AND POTENTIAL FOUL DRAINAGE CONNECTION TO FARM TOWN (OUTLINE, ALL MATTERS RESERVED EXCEPT FOR THE PRINCIPAL MEANS OF VEHICULAR ACCESS TO THE SITE)**

Land at Corkscrew Lane, Ashby-de-la-Zouch, Leicestershire

**Officer's Recommendation:** Permit

Having declared an interest in item A2 of the agenda, Councillor R Boam left the meeting, and Councillor R Blunt joined as his substitute. As Deputy, Councillor R Morris took the Chair.

The Principal Planning Officer presented the report.

Siobhan Dillon, speaking as parish councillor on behalf of Coleorton Parish Council, addressed the Committee. She questioned the immediate need for the development and commented that it could cause an increase in traffic on roads that were already experiencing congestion.

Christopher Smith, speaking as town councillor on behalf of Ashby Town Council, addressed the Committee. He expressed scepticism over previous promised developments, the sustainability of the land, and highlighted that there was no need for more developments on green fields. He made reference to suitable alternative sites such as the adjacent G Park site that were yet to be built on.

Paul Bench, speaking as agent on behalf of DHL Real Estate Solutions, addressed the Committee. He spoke in support of the application and stated that they had a long history of investing in the local area. It was added that the development would create more jobs for local residents, and the community were supportive of this.

A discussion was had during which several questions of clarity were addressed by the planning officers. Members put forward arguments both for and against the application, with some raising concerns that it was premature, and did not comply with DHL's requirements. Members noted that, if there was an immediate need, it would be a full application rather than at outline stage. They also discussed that there were alternative sites available that were more suitable for the development, including the adjacent G-Park site and at the Money Hill site. A request was also made that if there was a reserved matters application for this site, that it be brought to Planning Committee for a decision.

The Legal Advisor drew members' attention to sub-paragraph (c) of Paragraph 130 of the National Planning Policy Framework (NPPF) which advises that local planning authorities should refuse applications that do not make efficient use of land. He added that, should part of the land associated with the G-Park site become sterilised because a scheme of the size proposed by DHL under the current application was proposed on the G-Park site, it would be recommended that the Committee refuse the application. Any refusal of the proposed application would have to be on planning grounds rather than because of adjacent land availability.

Clarification was provided by the Principal Planning Policy Officer and the Principal Planning Officer in respect of the alternative sites discussed by members.

Councillor D Bigby moved to refuse the application due to the availability of alternative sites. It was moved by Councillor J Legrys.

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

The motion was LOST.

Councillor J Simmons moved that the application should be approved in accordance with the officer's recommendations. It was seconded by Councillor R Canny.

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 in accordance with the officer's recommendations.

<b>Motion to refuse application due to the availability of alternative sites. (Motion)</b>	
Councillor Russell Boam	No vote recorded
Councillor Ray Morris	Against
Councillor Dave Bigby	For
Councillor Rachel Canny	Against
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moult	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	Against
Councillor Michael Wyatt	Against
Councillor Richard Blunt	Against
Councillor Ray Morris	Against (Casting Vote)

<b>Rejected</b>	
<b>Motion to approve application in accordance with the officer's recommendations. (Motion)</b>	
Councillor Russell Boam	No vote recorded
Councillor Ray Morris	For
Councillor Dave Bigby	Against
Councillor Rachel Cannan	For
Councillor David Everitt	Against
Councillor John Legrys	Against
Councillor Peter Moult	Against
Councillor Carol Sewell	Against
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Councillor Richard Blunt	For
Councillor Ray Morris	For (Casting Vote)
<b>Carried</b>	

**47. 25/01184/FUL - ERECTION OF A 10-BEDROOM HOUSE IN MULTIPLE OCCUPATION (HMO), INCLUDING ASSOCIATED HARD AND SOFT LANDSCAPING, COMMUNAL AREAS, CYCLE STORAGE AND BIN STORE.**

2 Central Road, Hugglescote, Coalville, Leicestershire, LE67 2FD

**Officer's Recommendation:** Permit

Councillor R Boam resumed his role as Chair, and Councillor R Blunt left the meeting.

The Principal Planning Officer presented the report.

Bhavik Patel and Craig Farrell, speaking as agent and applicant respectively, addressed the Committee. They spoke in support of the application, stating that the development had been carefully designed after being approached by residents who wanted to see something built on the land.

Councillor R Johnson, speaking as ward member, addressed the Committee. He stated there was a lack of evidence supplied by the applicant to suggest there was a local need. It was noted that issues with waste collection could develop which may result in road hazards. He added that the application did not comply with policies in the Local Plan and did not take the Neighbourhood Plan into consideration. He urged the Committee to refuse the application.

A discussion was had during which members expressed concern over the quality of housing. Members also raised concerns about the number of occupants in the building, and they asked how the limit of 10 would be enforced. The Principal Planning Officer explained that this would be handled by the enforcement team.

Additionally, members noted that issues with bin storage may occur following the implementation of the new waste system. It was therefore asked whether, as a provision, a condition could be included to make bin storage in the area more efficient.

The Planning and Development Team Manager confirmed that comments from the Waste Services team had been considered as part of the application. It was added that alternative wording could be provided instead to allow for food provision, approved by the Waste Services team, and an additional condition for bin storage could be included.

Councillor R Morris moved that the application be approved, subject to the inclusion of a condition relating to efficient bin storage to prevent issues with food waste from occurring. It was seconded by Councillor R Canny.

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 inclusion of a condition relating to efficient bin storage to prevent issues with food waste from occurring.

<b>Motion to permit the application, subject to the inclusion of a condition relating to efficient bin storage to prevent issues with food waste from occurring. (Motion)</b>	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor John Legrys	Against
Councillor Peter Moult	For
Councillor Carol Sewell	Abstain
Councillor Jenny Simmons	For
Councillor Michael Wyatt	Against
Councillor Richard Blunt	No vote recorded
<b>Carried</b>	

The meeting commenced at 6:00pm

The Chair closed the meeting at 8:25pm



**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.

**Permission in principle for 1 self-build dwelling**

**Report Item No**

**A1**

**Land Rear Of 71 Main Street,  
Osgathorpe, Leicestershire, LE12 9TA**

**Application Reference:  
25/00916/PIP**

**Grid Reference (E) 442517  
Grid Reference (N) 319368**

**Date Registered:  
01 July 2025**

**Applicants:  
Mr Tilbrook**

**Consultation Expiry:  
13 August 2025**

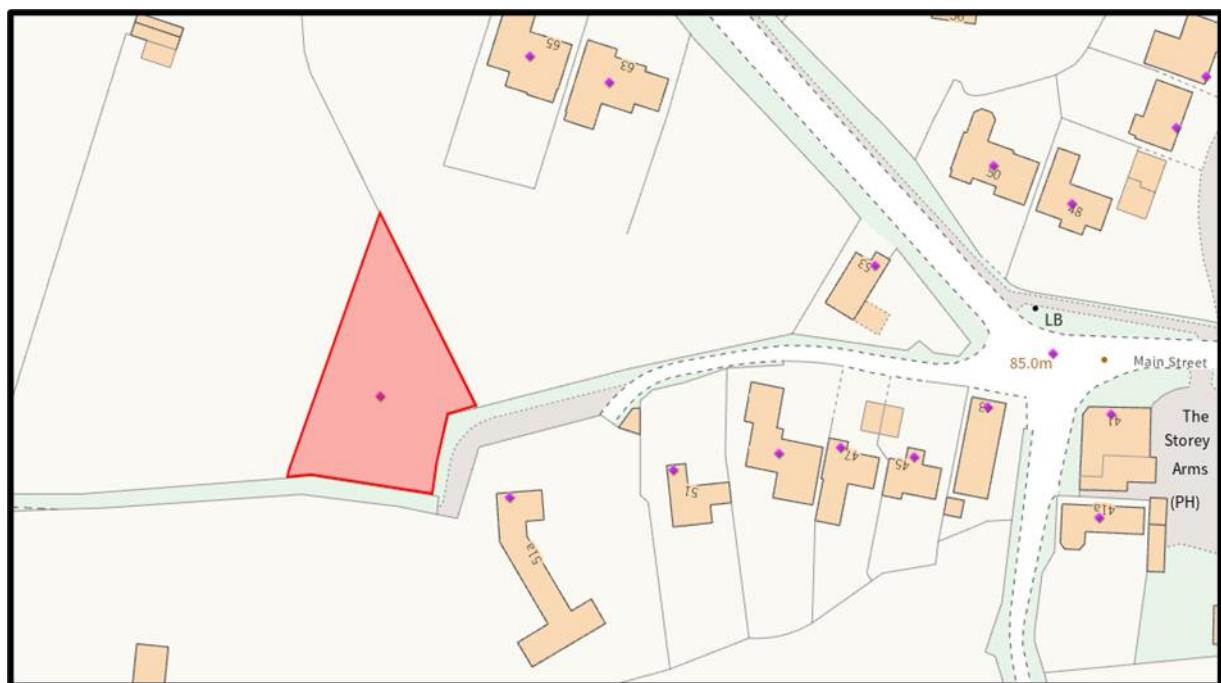
**Case Officer:  
Dee Wood**

**8 Week Date:  
5 August 2025**

**Recommendation:  
PERMIT**

**Extension of Time:  
11 February 2026**

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



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## DEFERRAL OF APPLICATION

A decision on this application was deferred at the Planning Committee meeting on 21 January 2026 to allow for clarification in respect of matters relating to the lane that would provide access to the site, in relation to whether it is a highway (including having regard to the public right of way that runs along the lane) and whether there is a right of access to the site, and whether highway safety can be considered as part of a permission in principle application.

Officers have investigated these matters and the application is brought back to the Planning Committee for Members to make their decision.

This section of the report relates to the reasons for deferral and updates on other matters. The Update Sheet presented to Members as part of the Planning Committee on 21 January 2026 is then repeated below, followed by the original Committee Report for the meeting on 21 January.

### Highway

As set out in the Committee Report and Update Sheet, it is a reasonable assumption of both the County Highway Authority (CHA) and the Local Planning Authority that access to the site would be via the lane located to the south/south east of the site, as the red line boundary of the site adjoins this lane and does not adjoin any other public highway or private drives that could provide access to the site.

In respect of whether the lane is a highway, officers have investigated whether there is a definition set out in legislation.

The Highways Act 1980 (as amended) does not include a definition of 'highway'. Section 328 of the Highway Act 1980 is called 'Meaning of "highway"', and states:

- (1) *In this Act, except where the context otherwise requires, "highway" means the whole or a part of a highway other than a ferry or waterway.*
- (2) *Where a highway passes over a bridge or through a tunnel, that bridge or tunnel is to be taken for the purposes of this Act to be a part of the highway.*
- (3) *In this Act, "highway maintainable at the public expense" and any other expression defined by reference to a highway is to be construed in accordance with the foregoing provisions of this section.*

The Town and Country Planning Act 1990 (as amended) states that a highway has the same meaning as in the Highways Act 1980.

Leicestershire County Council's January 2026 document called 'Highway Land: Acquiring, Stopping Up, Diverting or Downgrading in Leicestershire' says '*A highway is an area of land which the public at large have absolute the right to use to "pass and repass without let or hindrance". This right exists over all types of highway, regardless of its use or appearance.*' It should be noted that this is an advisory document only, is not legislation and does not relate to matters for consideration in a planning application or an application for permission in principle.

A Supreme Court judgement from 2018 found that there is no clear and consistent meaning of 'highway' in common law, and that rather, the meaning of 'highway' depends on the context in which it is used, so its meaning can change in different statutes and even different provisions within statutes.

The lane is not public highway. A public footpath (N6/2) runs along the lane from its junction with Main Street and Meadow Lane in a westerly direction to Ashby Road. The public have a legal right to pass on foot only along the public footpath, although there may be private rights for access using a vehicle along a route of a public footpath. The lane appears to be used by cars belonging to residents of existing dwellings located along the southern side of the lane, as these properties have driveways

that exit onto the surfaced part of the lane. The access drive to No. 53 Main Street, situated on the northern side of the lane, also has a driveway that exits onto the surfaced part of the lane. It is understood that there is no vehicular access from the garden to The Jetty (which lies on the southern side of the lane with part of the garden being opposite the application site) onto the public footpath. It is not known if the lane is used by vehicles in connection with other land that adjoins the lane.

Given the above, and that 'highway' is not defined in planning legislation nor in planning case law, officers are therefore unable to give an unequivocal answer to whether the lane is a 'highway'.

### **Right of Access**

Notwithstanding the above, it may be the case that there is not a private right of access by vehicle along the lane to and from the application site. Obtaining a right of access over land and to a site does not form part of planning legislation. Granting permission for an application on a site where there may be no private right of access does not grant a right of access to that site nor override the need to obtain a right of access, and does not affect or override any legal rights or other legislation, nor does it mean that it is inevitable that an illegal action would take place. If an illegal action took place on the lane or public footpath if permission is granted, then there would be options open to any affected parties to take separate legal action. Therefore it is considered that it would be unreasonable for the Council to refuse the application on the basis that there may be no private right of access by vehicle along the lane to the site or on the basis that the proposal could result in a breach of third party land interests or other separate legislation.

### **Highway Safety**

Officers have reviewed appeals relating to applications for permission in principle submitted against other Local Planning Authorities, and have found that Inspectors have approached highway safety consistently in that it is a matter to be determined at the Technical Details Consent (TDC) stage and should not be considered under a Permission in Principle application.

As set out in the original committee report below, the County Highways Authority (CHA) has not raised any in-principle highway or pedestrian safety concerns with the use of the lane, the use of its junction onto Main Street to accommodate the additional vehicular trips associated with the occupation of an additional dwelling, nor the use of the drive to accommodate temporary construction traffic. Further, no concerns have been raised by the CHA with regard to the current road surfacing at the junction of the lane with Meadow Lane and Main Street. As the lane is a private drive the CHA would not be able to insist on any surfacing works to the lane itself. The CHA has also advised that a single dwelling would not result in a significant amount of daily trips and so it is not considered that the proposal would result in a significant intensification in use of the junction to justify refusal of the application or amendments to the junction.

Also as set out in the original report, it is noted that an outline application for a single dwelling was refused in May 2001 in part on the basis of the inadequate width and design of the private lane to cater for the additional traffic arising from the development. As set out above, the CHA has not raised any concerns or objections in respect of this matter and given that the lane is a private drive and only public highway safety impacts can be taken into account, a reason for refusal could not be sustained in respect of this matter.

As the original report concludes there is no evidence to suggest that a safe and suitable access from the public highway could not be achievable, it is considered that vehicular access and any highway mitigation measures could be addressed through any TDC application and this is therefore consistent with the approach taken by Inspectors.

In terms of the public footpath as outlined within the original report, the CHA has not raised an objection in respect of impacts upon the users of the Public Right of Way network and therefore it is not considered a refusal on these grounds could be substantiated.

## **Other Matters**

### **Access to Bus Stops**

Clarity has been sought over the distances involved with reference to the bus stops from the application site in comparison to another application refused to the east of the village located off Chapel Lane under 25/01135/PIP which was refused at Planning Committee in November 2025 in part on the grounds of '*The site location is such that it is not and cannot be made accessible by a range of sustainable transport and so would also conflict with subparagraph (vi) of the second part of Policy S3 of the adopted Local Plan. The site is also remote from basic services and facilities and therefore the future occupants of the dwelling would be socially isolated and heavily reliant on the private car to access such services*'

Officers have reviewed the locations of these bus stops and advise that the Chapel Lane site is approximately 247m from the nearest bus stops located towards the eastern end of Main Street, with the application site approximately 275m from the nearest bus stops located towards the western end of Main Street.

To reach the bus stops from the Chapel Lane site would have involved traversing along public highways subject to 30mph speed limits using a narrow lane with no footways for 50 metres, and then along a road also with no footways for a further 80 metres until a footway is reached. The route from the application site would be along the adjacent lane for 100 metres (which whilst narrow is a public footpath and is not public highway, along which vehicles from a small number of dwellings travel) for approximately 100 metres, then crossing Main Street to walk along a footway to the bus stops, and is therefore considered to be of a different character to the route from the Chapel Street site.

Considering the above, it is not considered the application could be considered to be in conflict with criterion (vi) of Policy S3 of the Local Plan (2021).

### ***Update on self-build and custom build permissions and the shortfall of plots***

An update on permissions for self-build and custom-build plots and the shortfall of plots was set out on the Update Sheet for the Planning Committee on 21 January.

The shortfall when the original Committee Report was published was 39 plots, and had reduced to 36 plots when the Update Sheet was published (full details set out below). Since publication of that Update Sheet no further custom or self-build plots have been granted planning permission or permission in principle. 227 people are on the custom and self-build register.

The shortfall of custom and self-build plots remains significant and it is considered that the further reduction of three plots to the overall shortfall does not change the positive weighting afforded to the provision of self-builds or the overall planning balance.

## **Conclusion and Planning Balance**

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).

It is outlined above that the most important policies in the determination of the matter of principle (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(dii) 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. There is a shortfall of 36 self-build plots in the District for the current base period. It should also be acknowledged that, in terms of technical matters, there is nothing to suggest that a scheme on this site could not be designed to be satisfactory, subject to the details submitted as part of the technical details stage. Nevertheless, the scheme would result in residential development on greenfield land located outside of the Limits to Development.

The site lies within Osgathorpe which is defined as a Small Village where access to services and facilities is limited and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land or affordable housing in accordance with Policy H5 of the adopted Local Plan. The development of a greenfield site for one dwelling in this location would conflict with the provisions of Policies S2 and S3 of the adopted Local Plan. Significant harm would additionally arise from the granting of a permission that is in conflict with Policies S2 and S3 of the Local Plan (2021).

In light of the appeal decision on a site 95 metres to the north of the application site and the route to the bus stops from the site, it is not considered the application would be in conflict with criterion (vi) of Policy S3 of the Local Plan (2021) in relation to access by a range of sustainable transport or in this case that a reason for refusal on the basis of access to services/facilities could be justified.

In this instance, it is contended by the Local Authority that moderate harm would arise from the loss of greenfield land located within the countryside. Any harm may be minimised by securing appropriate design and landscaping at the TDC stage.

Balanced against the harms, the provision of additional self-build housing is afforded positive weight, and the need for self-build plots in the district is considered to be significant, with moderate weighting 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 attract moderate weight in favour of the proposal in the planning balance.

It is considered that highway safety is a matter that could be addressed through any TDC application and this is therefore consistent with the approach taken by Inspectors. The CHA has not raised an objection in respect of impacts upon the users of the Public Right of Way network

Technical concerns with regards to the impact on residential amenities, ecology, trees and biodiversity are possible of being addressed at the Technical Details Consent stage should Permission in Principle be granted.

Overall, and when taking account of the appeal decision for the nearby site in the west of the village mentioned earlier in this report (appeal following the refusal of application 24/00233/OUT), and the route to the bus stops when assessing the proposal against the policies in the Framework when taken as a whole, it is considered that the harm derived from departing from Policies S2 and S3, in respect of the principle of development, in addition to the limited landscape and visual harm which would arise owing to the development of a greenfield site in this location, would not significantly and demonstrably outweigh the benefits of one self-build dwelling when there is a recognised undersupply of self-build plots in the District. The economic benefits from the development and the benefits of future residents helping to maintain local services in the area add further positive weight in favour of the proposal. It therefore follows, as set out in Paragraph 11(d)(ii) of the Framework, that permission should be granted for the proposal. There are no other material considerations that indicate that Permission in Principle should be refused.

#### **RECOMMENDATION - PERMIT**

## UPDATE SHEET PRESENTED TO PLANNING COMMITTEE - 21<sup>ST</sup> JANUARY 2026

The Update Sheet for the Planning Committee on 21 January 2026 is set out below in full.

### Further Representations

#### ***Osgathorpe Parish Council***

Osgathorpe Parish Council has submitted the following representation:

Regrettably a Parish Council representative is unable to attend the Planning Committee meeting scheduled for the 21st January 2026. The Parish Council maintains its objection to this application for the reasons set out in its consultation response dated 1st August 2025. In the circumstances the Parish Council requests that the following is read out to the Committee members prior to it determining the application.

*Dear Councillors, Osgathorpe Parish Council wishes to draw the following points relating to this application to your attention as they are relevant to the application being considered.*

*The Parish Council responded to the consultation process on the 1st August 2025 and objects to the application for the following reasons:*

- 1. The application site is outside the limits to development shown on the Planning Authority's adopted Local Plan, and*
- 2. Development would increases the surface water flood risk to properties on Meadow Lane and the Storey Arms public house.*

### *Flood Risk to off-site Properties*

*The application site is appreciably higher than Meadow Lane. The Planning Officer's report and recommendation for approval relies upon the fact that the application site is not prone to flooding. This point is not at issue. However, during periods of heavy rainfall surface water from the site flows down-hill, and contributes to flooding, which frequently occurs at the Meadow Lane/Main Street junction.*

*The Parish Council has significant local knowledge of flood risks in the village. This knowledge is more extensive than information held by both the Environment Agency and the Lead Local Flood Authority. Policy Cc2 of the Local Plan (2021) seeks to minimise the risk and impact of flooding, including by ensuring that development does not increase the risk of flooding elsewhere. The proposed development would be contrary to Policy Cc2 of the adopted Local Plan and the NPPF.*

### *Highways*

*The Parish Council's attention has been drawn to the fact that the application site does not have a right of vehicular access to the highway network. Committee members will recall that the Mr Marshall's report in respect of application ref: 25/01523/PIP contained the following statement " . . . . . in order to grant permission in principle, the Local Planning Authority must be satisfied that safe and suitable access can be achieved at this location".*

*Ms Wood's report to Committee states that the CHA and the Local Planning Authority have assumed that any future vehicular and pedestrian access to the site proposed under a TDC application would be via the existing private drive to the south east of the application site which accommodates Public Footpath N6/2. This recognises that the Local Planning Authority does not have sufficient evidence to be satisfied that safe and suitable access can be achieved. For this reason the application is contrary to adopted planning policy.*

*The Parish Council requests that for these reasons the application be refused or alternatively a decision be deferred until the applicant has adequately addressed these issues.*

*The Parish Council thanks Committee members for their time in receiving its concerns regarding the proposed development.*

### **Officer Comment**

In respect of flood risk, the Environment Agency's Flood Map for Planning shows that some land at and in the vicinity of the junction of the lane with Meadow Lane and Main Street at risk of low, medium and high risk of surface water flooding, in particular around the Storey Arms and Nos. 43 Main Street and 1 Meadow Lane and on some parts of the road. There are also some areas at very low risk of surface water flooding.

The Lead Local Flood Authority (LLFA) was asked about surface water flowing off the site and contributing to stones/gravel/silt being washed into the highway drains and a nearby culvert, causing flooding at the junction and at nearby properties. The committee report sets out at page 87 that the LLFA has not raised any concerns or objections regarding flooding matters, and that the LLFA is not aware of any enquiries or previous issues reported with this location.

In respect of highway safety, pages 88-89 of the committee report sets out that the exclusion of the lane from the red line boundary does not affect the Council's ability to consider the adequacy of the access onto the lane, the lane itself and the lane's junction with the public highway. It is considered to be a reasonable assumption of both the County Highway Authority (CHA) and the Local Planning Authority that access would be via the lane, as the red line boundary of the site adjoins this lane and does not adjoin any other public highway or private drives that could provide access to the site.

As set out at page 89 of the committee report, the CHA has not raised any in-principle highway or pedestrian safety concerns or objections to the use of the private drive (the lane), the use of its junction onto Main Street to accommodate the additional vehicular trips associated with the occupation of an additional dwelling, nor the use of the drive to accommodate temporary construction traffic. It is considered there is no evidence to suggest that a safe and suitable access from the public highway could not be achievable given the CHA has not raised any concerns or objections.

### **Additional Information**

#### **1) *Update on self-build and custom build permissions and the shortfall of plots***

Since publication of the committee report and as of 21 January a further three custom or self-build plots have been granted planning permission or permission in principle. This reduces the ongoing shortfall from 39 plots as set out in the published committee report to 36 plots. 224 people remain on the custom and self-build register. An updated table is set out below.

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	33	92	32	86	-6
31 October 2025 to 30 October 2026	TBC	146*	24**	110**	-36**

\* 126 is the total number of registrations between 1 April 2016 and 30 October 2023. 146 includes an additional 20 registrations which were previously removed from register which have now been added back in

\*\* As of 21 January 2026

The shortfall of custom and self-build plots remains significant and it is considered that the further reduction of three plots to the overall shortfall does not change the positive weighting afforded to the provision of self-builds or the overall planning balance as set out in the report.

### **Committee Technical Briefing**

#### **2) An update on the provision of public transport/bus services within the vicinity of the site**

During the Committee Technical Briefing members sought clarification over the bus services available to the site following recent service updates.

Officers have reviewed the present timetable for the bus service LC16 which maintains a route through the village. This service connects Ashby de la Zouch, Shepshed and Loughborough, with departures roughly every two/three hours between 7.28am and 6.18pm.

There have been no reported changes to the bus service since the published date of the committee report. The updated timetable was last published on 3 January 2026 and is valid until April 17 2026.

#### **3) Weight to be given to the self-build policy in the draft Local Plan**

During the Technical Briefing councillors raised the question of weight to be afforded to the draft Local Plan Policy H7 which relates to self-build development.

The policy as drafted supports self-build dwellings where they are within limits to development, and sets out that where they are proposed in the countryside, they would have to meet five criteria, relating to:

- i) there being clear evidence of demand for self and custom build plots, and

- ii) adjoining the Limits to Development, and
- iii) being reflective of its location and setting and of a scale and character that is proportionate to the settlement, and
- iv) being within a reasonable walking distance of a good bus service route, and
- v) being within a reasonable walking/cycling distance of a range of local services and facilities.

In this instance, the site would be located in the countryside. Officers are of the view that criterion i), iii), iv) and v) would be met. However, under the draft new Local Plan, Osgathorpe does not have any Limits to Development and is wholly within the countryside, and so the site would not adjoin the limits to development.

For the purposes of decision making, when considering the weight afforded to emerging plans, Paragraph 49 of the NPPF states that:

*"Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*

At this time, the weight afforded to the draft Local Plan as a whole is very limited given it has only been subject to Regulation 18 consultation, is likely to be subject to further change, is subject to unresolved objections and the evidence that underpins the Local Plan has not yet been tested at examination.

In respect of draft Policy H7, the Planning Policy team has advised that it is the draft policy that has received the highest level of objections at Regulation 18 stage of the new Local Plan, and their advice is that as draft Policy H7 has a significant number of adverse comments, only limited weight can be attached to the draft policy.

The draft policy is not considered to carry sufficient weight at the current time to be determinative in consideration and determination of this application and would not change the overall planning balance as set out in the report.

## **RECOMMENDATION – NO CHANGE TO RECOMMENDATION**

The original Committee Report is set out below.

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

The application is brought to Planning Committee at the request of Councillor Boam as the application is outside the defined limits to development and due to concerns over flood risk impacts.

**RECOMMENDATION – PERMIT**

## MAIN REPORT

### 1. Proposals and Background

This application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (as amended). The proposal seeks permission in principle (PIP) for one self-build dwelling at Land Rear Of 71 Main Street, Osgathorpe.

The site is located outside Limits to Development, as defined by the Policy Map to the adopted North West Leicestershire Local Plan (2021). The site is located in on the edge of Osgathorpe to the south west of the village. The application site comprises undeveloped land located to the rear (south) of No. 71 Main Street. It is made up predominantly of grassland with hedgerows to the south and mature trees to the north. In the wider context there are pockets of woodland, agricultural land, ponds and streams. The surrounding area is characterised by residential properties and gardens to the north, north west, north east and south east, with fields/paddocks/vegetated areas to the east, south and west.

Article 5D of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (as amended) sets out the requirements for a valid PiP application as:

- (a) A completed application form;
- (b) A plan to which identifies the land to which the application relates: and
- (c) The correct application fee.

Such information has been submitted in support of the application, along with a planning statement, and this documentation can be viewed on the District Council's website.

#### *Planning History*

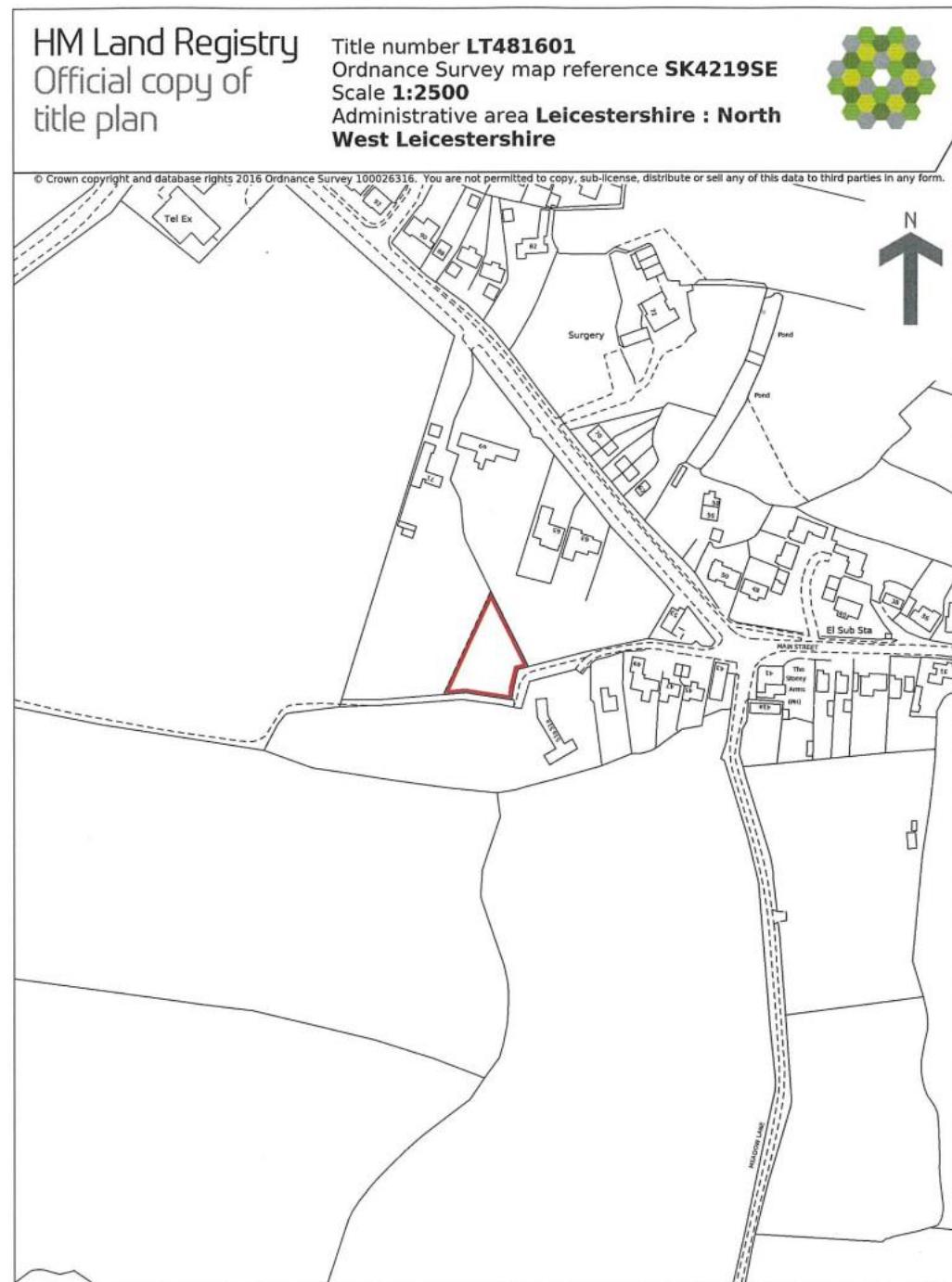
An application for the erection of a single storey dwelling (outline with means of access included) (01/00308/FUL) was refused on the following grounds in May 2001:

1. The site is outside the Limits to Development as defined by the deposit North West Leicestershire Local Plan (as proposed to modified). Policy H2 presumes against new residential development outside the Limits to Development unless it is essential for the efficient long term operation of agriculture or forestry or other exceptional criteria. Similar principles are contained with Planning Policy Guidance Note 7 (PPG7). The application does not relate to any of the exceptional circumstances referred to in Policy H2 and would result in the unnecessary development of the countryside, contrary to Policy H2 and advice contained in PPG7.
2. The site lies within a Sensitive Area as defined by the deposit North West Leicestershire Local Plan (as proposed to modified). The proposed dwelling would diminish the open character of the area and the contribution it makes to the character, form and setting of the village and its relationship with the adjoining countryside, contrary to Policy E1.
3. The section of the road between the proposed dwelling and its junction with Main Street is inadequate in width and design to cater for the additional traffic generated by the development. To permit the proposal would not be in the interests of highway safety and be contrary to Policy T3 of the deposit North West Leicestershire Local Plan (as proposed to modified).

An application for a rear extension to No. 71 Main Street (21/01884/FUL) was approved in November 2021.

The site location plan and site photos are shown on the following pages.

## Site Location Plan



## Aerial Image of Site Location



## Site Photos



## 2. Publicity

6 neighbours were initially notified on the 11<sup>th</sup> July 2025.

A site notice was displayed on the 17<sup>th</sup> July 2025.

A press notice was published in the Leicester Mercury on 23<sup>rd</sup> July 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.

### Objection from:

**Osgathorpe Parish Council** object to the application on the following summarised grounds:

- The application site is outside the limits to development;
- The restricted size of the application area means that any development would either be out of scale with surrounding properties or within its own plot;
- Development of the site would result in an avoidable loss of an important local habitat;
- The site is on a slope and the development of the site will increase flood risks at the junction of Meadow Lane and Main Street and in the village. The site's underlying geology is low permeability clay, which negates the use of soakaways to manage water;
- Requests for a condition to impose to secure the resurfacing of the lane used to access the site to negative stone and sediment blockages in a nearby culvert;
- There are no access or development rights to the site.

### No Objections from:

Leicestershire County Council – Ecology Team.

Leicestershire County Council - Highway Authority.

Leicestershire County Council – Lead Local Flood Authority

NWLDC Environmental Protection Team.

### No representation received from:

Leicestershire County Council – Tree Officer.

Severn Trent Water.

## Third Party Representations

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

Grounds of Objections	Description of Impact
<b>Principle of development and Sustainability</b>	Failure to accord with Policies S2 and S3 of the North West Leicestershire Local Plan.
	Concerns over the use of self-build as a way to circumvent the planning system and if the applicant meets that definition
	Concerns over precedent if granted
	Lack of services and facilities in the village.
	Concerns over the use of self-build as a way to circumvent the planning system and if the applicant meets that definition
	The need and value of the proposal

<b>Ecology, Biodiversity and Tree Impacts</b>	Ecological impacts as the site has been 'rewilded' and now attracts badgers, foxes, deer, pheasants, newts, partridge, owls, birds, lizards, bats etc.
	Impact of the proposal on TPO trees and the hedgerows
<b>Highway Safety and Access Impacts</b>	Concerns over the increased use of the track due to surfacing and poor visibility and impacts on the public footpath users
<b>Visual Impacts and Impacts on the Countryside</b>	Precedent of application and concerns over the design, location and pattern of development if permitted
	The proposal is comparable to the Coleorton / Loughborough Road 'self build' refusal (application ref 24/00048/OUT) where harm to character and appearance outweighed the self-build benefit.
<b>Flooding and Drainage Impacts</b>	Surface water runoff impacts and increased flooding risk
	The proposed site sits directly on hard clay and so soakaways cannot be implemented.
<b>Amenity Impacts</b>	Overlooking concerns
	Private matters in relation to access rights to the track and private drains

#### 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:

Paragraphs 7, 8, 9 and 10 (Achieving sustainable development);  
 Paragraphs 11, 12 and 14 (Presumption in favour of sustainable development);  
 Paragraphs 39, 48 and 49 (Decision-making);  
 Paragraphs 56, 57 and 58 (Planning conditions and obligations);  
 Paragraphs 61 and 63 (Delivering a sufficient supply of homes);  
 Paragraph 96 (Promoting healthy and safe communities);  
 Paragraphs 109, 110, 115, 116, 117 (Promoting sustainable transport);  
 Paragraphs 124, 125, 128 and 129 (Making effective use of land);  
 Paragraphs 131, 133, 135, 136, 139 and 140 (Achieving well-designed places);  
 Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change); and;  
 Paragraphs 187, 192 193, 196, 197 and 198 (Conserving and enhancing the natural 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 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 En6 - Land and Air Quality;  
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 policy is relevant to the determination of the application:

Policy M11: Safeguarding of Mineral Resources

### **Other Policies and Guidance**

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)  
Department for Transport's 'Building Sustainable Transport into New Developments' (2008)  
Chartered Institution of Highways and Transportation 'Planning for Walking' (2015)

## **5. Assessment**

### **Background to Permission in Principles (PiPs)**

As is outlined in the 'Proposals and Background' section of this report above, this application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (as amended) and seeks PiP for the provision of one self-build dwelling.

This consent route has two stages. The first stage establishes whether a site is suitable in principle. The second stage, also known as 'technical details consent' (TDC), is where the detailed development proposals are assessed. The TDC stage is subject to a further application which is submitted to the Local Planning Authority for further consideration.

This application relates to the first stage and therefore only the principle of the development in respect of its location, land use and amount of development can be considered. Issues relevant to these 'in principle' matters can be considered at this stage, with other matters being considered at the TDC stage.

The Local Planning Authority can inform applicants of what they expect to see at the TDC stage but cannot impose planning conditions on any approval of this PiP application.

In light of the above, the main issues relevant to this proposal are:

- (a) Location;
- (b) Land Use; and
- (c) Amount of Development.

These are assessed in turn below.

## LOCATION

The submission of a PiP application, as is the case in this instance, can apply to greenfield sites with a decision on whether to grant PiP being made in accordance with relevant policies in the development plan unless material considerations indicate otherwise.

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).

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 (NPPF) (2024). The most important policies in the determination of the matter of 'principle' 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 adopted Local Plan Policies S2 and S3 are effective, not out of date, and carry significant weight.

The application site is located within 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 of the North West Leicestershire Local Plan (2021), save for limited exceptions as specified in the policy.

Policy S2 of the Local Plan (2021) sets out the settlement hierarchy for the District and the approach to development within settlements, the intention being that those higher up the hierarchy will take more growth than those lower down. Osgathorpe is within the "small village" category; the small villages are described as having "very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land (as defined in the National Planning Policy Framework) or affordable housing in accordance with Policy H5 (Rural Exceptions Sites for Affordable Housing).

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. In this instance, the application site is a greenfield site previously forming part of the residential garden associated with No.71 and it would not fall under the NPPF's definition of PDL.

The application is not for affordable housing and proposes development on a greenfield site and is located outside of the Limits to Development. The proposal is therefore not supported by Policies S2 or S3 of the Local Plan.

It is noted that an outline application for a single dwelling was refused in May 2001 in part on the basis of being outside the Limits to Development and was contrary to Policy H2 in the then deposit North West Leicestershire Local Plan and PPG7. That plan is no longer in force and has been replaced by the current Local Plan. PPG7 was cancelled by the government in 2004 and has been replaced by the NPPF and the current Planning Practice Guidance. As such it is considered that the reason for refusal on this basis of the 2001 application is not a matter that has any weight in the consideration of the current application, given that it was refused nearly 25 years ago and the Local Plan policies and national planning guidance has been updated since then.

Whilst in this case the proposal is not supported by criteria (a) to (s) of Policy S3, the policy goes on to state that development in accordance with criteria (a) to (s) would be supported, subject to satisfying

criteria i-vi as set out below. An assessment of the application against the second set of criteria set out in Policy S3 has been carried out below for completeness.

*(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*

For the reasons expanded upon in the 'Impact on the Character of the Area' section of this report, it is considered that the appearance and character of the landscape, historic character, local distinctiveness or the settlement pattern would not be adversely impacted, subject to the submission of an acceptable proposal to be considered at TDC stage.

*(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*

Whilst the proposal would introduce new built form to the site, the development would be positioned a significant distance from the closest neighbouring settlements. Therefore, the proposal would not undermine the physical or perceived separation between nearby settlements. Therefore, no conflict has been identified with criterion (ii) of Policy S3.

*(iii) it does not create or exacerbate ribbon development*

The proposal dwelling, owing to its likely siting, would not create or exacerbate ribbon development. The proposal therefore accords with criterion (iii) of Policy S3.

*(iv) built development is well integrated with existing development and existing buildings*

Any development of the application site would result in the construction of a dwelling within close proximity to other residential properties, with properties and garden areas located to the north, north west, north east and south east of the site within relatively close proximity to the application site.

It should however be noted that this application seeks permission in principle with technical details, such as the design and layout subject to a further application seeking TDC.

The proposal therefore accords with criterion (iv) of Policy S3.

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

Given the nature of the proposal, this criterion is not considered to be relevant.

*(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.

#### *Assessment*

Reference has been made in the objections to an application for self-build dwellings in Coleorton (24/00048/OUT) and the references in the officer report to sustainable transport and amenities. The officer report for that application has been reviewed, which concluded that the development would be accessible by a range of sustainable transport and would accord with criterion (vi) of Policy S3. It should also be noted that each application has to be assessed on their own individual merits having regard to the specific material considerations relevant to that site. The below assessment does however refer to two recent appeal decisions for self-build dwellings in Osgathorpe, as well as decisions made by the Local Planning Authority, available relating to residential (including self-build) proposals in Osgathorpe, which are material considerations in the determination of this application.

In terms of services and facilities within the village itself, there is only the St Mary the Virgin Church and a public house, the 'The Storey Arms' Free House, which is understood to have recently resumed trading in early May 2025. Osgathorpe therefore contains very little in the way of everyday services. There is no local shop selling groceries, nor is there any education facilities or employment opportunities. Future residents of the dwelling would therefore be reliant on travelling to other places for shopping and other services.

A bus service (Arriva bus number LC16 running between Ashby, Shepshed and Loughborough) would be located within 240 metres walk of the site (Orchard Close bus stops), however whilst this service provides a connection to larger centres, as it runs only every two hours (between 07.28am – 18.18pm Monday – Saturday) with only 5 services a day, no evening services, and no services on Sunday, it is unlikely to be relied on by residents for access to day to day services and facilities.

An appeal decision for a self-build dwelling in the eastern part of the village (ref: 22/01611/FUL) was dismissed in part due to the site not being a sustainable location. A recent committee report concluded that the site outside the eastern part of the village for conversion of an agricultural building to a dwelling (ref: 24/01541/FUL) would not be accessible nor made accessible by a range of sustainable transport.

However a significant material consideration in the determination of this application is the conclusions of the Inspector in respect of an appeal following the refusal of application 24/00233/OUT for one self-build dwelling on a nearby site to the application site, in the western part of the village. This site is located at No. 72 Main Street, 95 metres to the north of the application. This appeal decision concluded that the site was accessible because future occupiers would not be wholly reliant on the use of a private car and that the site would be accessible via a range of sustainable transport modes. Following this, an outline application (ref: 25/00272/OUT) for the erection of 1 no. self-build dwelling on an adjacent site (Land at 72-82 Main Street) was approved by the Local Planning Authority on 9<sup>th</sup> September 2025, with the officer concluding that the proposal would not conflict with criterion (vi) of Policy S3 of the Local Plan (2021). The location of the appeal site, and the site of the current application, are therefore considered to be materially different to that of the site where the appeal was

dismissed and an application recently refused under this criterion of Policy S3 at the eastern end of the village.

Considering the above, and given that the application site is within walking distance of the same bus stop/bus services referred to in the above decisions, it is not considered the application could be considered to be in conflict with criterion (vi) of Policy S3 of the Local Plan (2021).

## **Other Matters**

In addition to the considerations under Policy S3, Policy S2 notes that Osgathorpe is a Small Village with very limited services and facilities.

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.

In terms of other services in Osgathorpe, these consist of a pub (The Storey Arms - 110m away), a church (Church of St. Mary the Virgin - 800m away) and a recreation ground off Dawson's Road (920m away). These services are within the 800 metre-1km recommended maximum walking distance.

Overall, it is concluded that future residents of the proposed dwelling would have access to very limited services. This conclusion regarding provision of services/facilities in the village was also set out in the appeal decision for 22/01611/FUL and the committee report for 24/01541/FUL (although the pub was not open at that time of the former, but had re-opened at the time of the latter).

However, given the Inspector's conclusions in respect of the allowed appeal decision for the dwelling on the nearby site to the north, and the Local Planning Authority's position taken on another recent planning application for a dwelling on another nearby site on Main Street (Land At 72-82 Main Street), in addition to the lack of material changes to the bus services referred to and the services and facilities provided in the village, it is considered that in this case a reason for refusal on the basis of access to services/facilities could not be justified.

### *Conclusion - Principle of Development*

The proposal would conflict with the settlement hierarchy and strategic housing aims of Policy S2 and would also be contrary to Policy S3, as it is not a form of development supported in the countryside under Policy S3. The proposal would be in conflict with the broad objective of containing new residential development within the settlement limits and this is considered further within the planning balance below.

For the reasons set out above, the proposal would not accord with the provisions of Policies S2 and S3 of the adopted Local Plan (2021).

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

A number of objections to the application have been received on grounds that the application is not for a 'self-build' dwelling and that the applicant may not meet the definition set out in the Self-build and Custom Housebuilding Act 2015 (as amended).

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.

A further objection has been received which states that it is not clear as to whether all of the people on the self-build register are still actively seeking plots. The numbers provided in the table below accurately reflect the number of entries on the register for the current base period.

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.

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 Permission in Principle for the erection of one self-build dwelling. When considering to grant TDC, evidence can be submitted which demonstrates that the applicant has had primary input into the design and procurement of the dwelling. The occupation by the self-builder could also be secured by condition at the technical details stage. Accordingly, the proposal would meet this 'definition' and would contribute towards the delivery of self-build and custom housebuilding in the district.

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 9 January 2026 there are 224 individuals on the register. 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	33	92	32	86	-6
31 October 2025 to 30 October 2026	TBC	146*	21**	107**	-39**

\* 126 is the total number of registrations between 1 April 2016 and 30 October 2023. 146 includes an additional 20 registrations which were previously removed from register which have now been added back in

\*\* As of 9 January 2026

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*

There was a cumulative demand for 92 self-build and custom housebuilding plots (column C) to be provided by the end of the last base period (30 October 2025).

At that same date, 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) (column E), meaning there was an unmet demand, or shortfall, of 6 plots at the end of the last base period. (A further 3 plots had resolutions to permit but as the permissions have not yet been issued, they were not added to the supply).

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. This unmet demand is to be carried over into the latest base period.

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

The cumulative demand has increased from 92 plots (column C) to 146 plots (column C) in the current 31 October 2025 to 30 October 2026 base period.

Planning permission or permission in principle for 21 plots (column D) has been granted so far during this base period, so cumulative planning permissions have been granted for a total of 107 plots (column E) (86 cumulative permissions at the end of the previous base period and 21 from this base period). (A further 1 plot has a resolution to permit but as the permission has not yet been issued, it cannot be added to the supply at present). Therefore, at the current time there is an unmet demand, or shortfall, of 39 plots (Column F). This represents a significant unmet need. To meet its duties under the Act, the Council would need to grant planning permission for 39 self build and custom housebuilding plots by 30 October 2026.

Therefore, it is acknowledged that this proposal for 1 dwelling (subject to a condition securing it as a self-build dwelling at the TDC stage) would make a contribution to addressing this shortfall and this is a material consideration in the determination of the application to be given moderate weight. This ensures a consistent approach with recent appeal decisions received by the Local 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. Therefore Paragraph 11(d)(i) is not engaged in this case.

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.

## **Impact on the Character of the Area**

Policy D1 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.

It is noted that an outline application for a single dwelling was refused in May 2001 in part on the basis of being within a Sensitive Area in the then deposit North West Leicestershire Local Plan. That plan is no longer in force and there is not a policy in respect of Sensitive Areas in the adopted Local Plan.

#### *Assessment*

The application does not seek approval of the detailed design which would therefore be a matter to assess at the TDC stage. However, consideration of whether the location of the site is suitable, having regard to whether the proposal would result in significant detriment to the character and appearance of the locality, can be considered at Permission in Principle stage. A number of objections have been received on grounds that the proposal would result in adverse impacts upon the character and appearance of the area and countryside.

The character of the area is defined by its rural location on the edge of the village. The immediate area to the north and south east of the site features a mix of dwelling styles and sizes with no uniform pattern or density of development. The site is an undeveloped parcel of land predominantly comprising grassland with hedgerows to the south and mature trees to the north. In the wider context there are pockets of woodland, agricultural land, ponds and streams and neighbouring properties are mainly positioned to the north and east of the site. The undeveloped nature of the site, together with its tree specimens and hedgerows, contributes positively to the rural character of this part of Osgathorpe, particularly when approaching the central core of the village on foot along the Public Footpath to the south of the site. It is however considered to be closely associated with other residential development, particularly those dwellings positioned to the south east and east along the lane.

The Parish Council, and other objectors, have also objected to this application partly on the basis that the site is relatively small and is of a restricted size, meaning that any development would be out of scale with surrounding properties. It is however considered that the site is of a sufficient size to accommodate a single dwelling. Furthermore, the size of plots and the footprint of neighbouring dwellings within the immediate area varies significantly and the development of this site could not be said to be out of character with the established pattern or density of development already established in the immediate vicinity.

Reference has also been made to an application for self-build dwellings in Coleorton (24/00048/OUT) which was refused on visual impact grounds. That application was for four self-builds and is located on a different site in a different settlement. It should also be noted that each application has to be assessed on their own individual merits having regard to the specific material considerations relevant to that site.

The proposal to develop the site would erode the undeveloped character of the site which contributes towards the openness of this edge of the village. As such, the scheme would result in a level of visual and landscape harm to the rural character of the area. However, it is considered on balance that this harm would be limited owing to the fact that a single dwelling is proposed and the site has a good

level of screening from existing vegetation. Subject to appropriate landscaping being secured, and subject to a dwelling of a suitable scale and design being secured at the TDC stage, it is not considered that the proposal would result in significant visual or landscape harm in conflict with Policy D1 or S3 to warrant a refusal of this application on this basis.

## **Neighbour Amenity**

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. 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 National Planning Policy Framework 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.

An objection to the application has been received on grounds that the proposal would result in overlooking to an existing bungalow to the south of the site given the land levels at the application site. It is considered possible to design a scheme for one dwelling whilst ensuring that no unacceptable overlooking, overshadowing and overbearing impacts would arise between the development itself and upon existing properties and garden areas. Therefore, the impact on adjacent occupiers would be a consideration at the TDC stage(s) when the scale, layout, landscaping and appearance, as well as the finished floor levels of the dwelling, are submitted.

An objection has also been received to state that neighbours adjacent to the application site plan to plant fast growing Leylandii trees adjacent to the site which would result in the dwelling/site being overshadowed for much of the day. Consideration in terms of shading impacts and any unacceptable overshadowing would be considered at the TDC stage when the layout of the site and the design of the dwelling is submitted for approval. This assessment would take place having regard to the situation on site at that time and cannot consider any potential impacts of future planting on adjacent sites which may or may not come forward.

It is therefore considered that a scheme for one dwelling would accord with Local Plan Policy D2 subject to exact details to be considered as part of any TDC application.

## **Flood Risk**

Policy Cc2 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.

Objections have been received on the basis that the site is located on a slope and that the development of the site will increase flood risks at the junction of Meadow Lane and Main Street, where the lane to the south of the site meets the public highway, and in the village itself. The objection also states that the site's underlying geology is low permeability clay, which negates the use of soakaways to manage surface water. Objections state that the site's flooding risk is a future safety risk.

The site lies within Flood Zone 1 (which has the lowest risk of fluvial flooding). It is therefore not considered likely 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. The development would not be at unacceptable risk of flooding or increase the risk of flooding elsewhere. There are therefore no in-principle reasons associated with fluvial or pluvial flood risks to resist this application.

Notwithstanding the above, Paragraph 182 of the NPPF states that *"Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity"*. It is considered that any additional surface water created by the development can be addressed by an appropriate layout and landscaping details which can include sustainable drainage provision on the site in order to protect the future occupiers from the potential impacts of surface water flooding as well as prevent any increase in flood risk elsewhere, so that the proposal could comply with paragraph 181 of the NPPF. It is therefore considered that subject to the TDC application, a suitable form of surface water drainage appropriate to the specific site conditions could be provided as part of the development and thereafter maintained on the site.

It should be noted that this PiP application, nor any future TDC application, cannot be used as a way to regularise any existing issues relating to any loose stones and sediment from the existing access lane at its junction with Meadow Lane and Main Street leading to flooding issues including blockages to a nearby culvert.

Additionally, the Lead Local Flood Authority (LLFA) were consulted on the application who advised that the application isn't one they would generally be consulted on as they are not a statutory consultee for schemes for less than 10 dwellings, and they have not raised any concerns or objections in respect of flooding matter. The LLFA has also advised that they are not aware of any enquiries or previous issues reported with the location.

Furthermore, an objection has been received stating that neighbouring occupiers may not agree to future occupiers requesting approval to connect to private drains. It should be noted that this would be a private matter to be resolved outside of the planning system and any agreements required to adequately drain the site, should permission be granted, would be a matter for the applicant to overcome.

Overall given the above it is considered that the proposal would be acceptable in terms of fluvial and pluvial flood risks and would accord with the aims of Policies Cc2 and Cc3 of the adopted Local Plan and the NPPF.

## **Ecology, Biodiversity Net Gain and Impacts upon Trees**

Policy En1 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*

Objections to the application have been received on grounds that the development of the site would result in an avoidable loss of an important local habitat. Other objections state that the site has been 'rewilded' and now attracts badgers, foxes, deer, pheasants, newts, partridge, owls, birds, lizards, bats etc. all of which would be disrupted by any development of this plot.

The site is in a rural setting on the outskirts Osgathorpe, the application site itself is predominantly grassland with hedgerows to the south and mature trees to the north. In the wider context there are pockets of woodland, agricultural land, ponds and streams providing further suitable connective and foraging habitat routes for multiple species of wildlife.

The County Council's Ecologist has been consulted on the application and has confirmed that there are no objections to the application, but that an ecology survey will be required to be submitted with the Stage 2 application (TDC stage), in addition to a biodiversity enhancement scheme which should include a detailed landscaping plan using native species of local provenance where possible, and nesting provision for birds/bats either integrated within the dwelling or in a suitable location situated onsite.

The County Ecologist has also confirmed that the development should also follow the mitigation hierarchy of avoiding harm to habitats, mitigate or compensate for them.

### *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, certain self build proposals are exempt from mandatory net gain. Whilst Biodiversity Net Gain would be a matter to address under any future TDC application, a proposal for the erection of one self-build dwelling on a site under 5 ha in size would benefit from the self build exemption and the proposal is not required to demonstrate mandatory BNG in this case. Notwithstanding this, it is considered possible for a measurable biodiversity net gain to be achieved on the site which would weigh in favour of any future technical details consent application.

### *Impact upon Trees*

The site features a number of trees which may be affected by the proposal. None of these trees are protected through the use of a Tree Preservation Order. An objection has been received to state that there are trees protected by Tree Preservation Orders metres from the site. TPO No.323 protects a number of trees at land adjacent to 53 & 69 Main Street, Osgathorpe, including one tree on the boundary with the site.

The application has not been supported by a Tree Survey or an Arboricultural Impact Assessment (AIA) to demonstrate that the scheme would not impact trees and hedgerows, including those protected by TPO, on or adjacent to the site, however any TDC application could be subject to the submission of a Tree Survey and AIA. Comments are awaited from the County Council's Tree Officer which will be reported on the Update Sheet along with officer comments on the acceptability in principle of development on the site in terms of the impacts on trees and hedgerows.

Furthermore, the design of the dwelling as part of a TDC scheme would need to consider other existing site features such as trees and hedgerows.

As such, a TDC application which would secure biodiversity and ecological enhancements, the application is considered to be acceptable when having regard to ecology and biodiversity. It is considered that the proposals would comply with the provisions of Paragraph 187(d) of the NPPF and Policy En1 of the Local Plan (2021).

## **Highway Safety Impacts**

Policy IF4 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 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.

A number of objections to the application have been received on grounds of highway and pedestrian safety.

### *Assessment*

Whilst the site access is not to be determined as part of this Permission in Principle application, the County Highway Authority (CHA) must be satisfied that a safe and suitable site access can likely be achieved and that the principle of the development would not result in an unacceptable impact on highway safety, or any residual cumulative impacts on the road network, following mitigation, being severe, contrary to Paragraph 116 of the NPPF.

The submitted Location Plan does not provide a red line boundary which extends to abut the adopted highway. The CHA and the Local Planning Authority have therefore assumed that any future vehicular and pedestrian access to the site proposed under a TDC application would be via the existing private drive to the south east of the application site which accommodates Public Footpath N6/2 as the land to the north of the site that would provide direct access onto Main Street, is not included within the red line boundary. Although the Planning Practice Guidance indicates that an application site should be edged in red to include all land necessary to carry out the proposal, e.g. land required for access to the site from the public highway, there is no statutory requirement for the application site to have a common boundary with the public highway. The exclusion of the lane from the red line boundary does not affect the Council's ability to consider the adequacy of the access onto the lane, the lane itself and the lane's junction with the public highway. No works are proposed to the lane as part of the application.

The CHA has not raised any in-principle highway or pedestrian safety concerns with the use of this private drive, the use of its junction onto Main Street to accommodate the additional vehicular trips associated with the occupation of an additional dwelling, nor the use of the drive to accommodate temporary construction traffic. Further, no concerns have been raised by the CHA with regard to the current road surfacing at the junction of the lane with Meadow Lane and Main Street. As the lane is a private drive the CHA would not be able to insist on any surfacing works to the lane itself. The CHA has also advised that a single dwelling would not result in a significant amount of daily trips, it is not

considered that the proposal would result in a significant intensification in use of the junction to justify refusal of the application or amendments to the junction.

It is noted that an outline application for a single dwelling was refused in May 2001 in part on the basis of the inadequate width and design of the private lane to cater for the additional traffic arising from the development. As set out above, the CHA has not raised any concerns or objections in respect of this matter and given that the lane is a private drive and only public highway safety impacts can be taken into account, a reason for refusal could not be sustained in respect of this matter.

Overall, there is no evidence to suggest that a safe and suitable access from the public highway could not be achievable given the CHA has not raised any concerns or objections. As such, it is considered that vehicular access and any highway mitigation measures could be addressed through any TDC application and therefore the development could be compliant with Policies IF4 and IF7 of the adopted Local Plan as well as the NPPF.

### **Impact on the Public Footpath**

Public Footpath N6/2 (From the Ashby Road (B5324) to Main Street, Osgathorpe) is located to the south and east of the site. Vehicular and pedestrian access to the site would likely be taken from the private road which carries footpath N6/2. There are a number of other residential properties to the east of the site which already utilise this same route for both vehicular and pedestrian access and no objections from the County Council have been raised in respect of impacts upon the users of the Public Right of Way network.

### **LAND USE**

The application site comprises a greenfield site with agricultural land to the west and residential gardens and properties to the north, east and south east. Further residential development is located in the wider context forming part of the village envelope.

It is considered that the development of one dwelling on the site would relate adequately to the immediate residential uses and would not result in the creation of an isolated dwelling in the countryside. As set out above in the section of the report relating to location, the use of the land for residential development of the nature proposed is contrary to Policies S2 and S3 of the adopted Local Plan which relate to the provision and distribution of housing. However, the planning balance below considers if the land use proposed is acceptable.

### **AMOUNT OF DEVELOPMENT**

The application proposes a residential development of one dwelling.

The proposed development on the site of 0.09ha would make efficient use of the land, would not result in a cramped form of overdevelopment and would not adversely impact on the character of the area, as set out above in the section of the report relating to location.

However, it must also be acknowledged that Policies S2 and S3 of the adopted Local Plan (relating to the provision and distribution of housing) indicate that residential development of any amount on a greenfield site as proposed is unacceptable in principle in this location. The policy conflict arising from the provision of one dwelling as proposed is considered in the planning balance below.

## **Other Matters**

A number of objections state that there may be no access or 'development rights' to the site. It should be noted that these issues are not material planning considerations which can be considered by the Local Planning Authority as part of this application.

Whilst an objection relating to bin storage, collection and 'drag' distances has been received, this is not a matter to be considered at the PiP stage and would be addressed at the TDC stage.

## **Conclusion and Planning Balance**

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).

It is outlined above that the most important policies in the determination of the matter of principle (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(dii) 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. There is a shortfall of 39 self-build plots in the District for the current base period. It should also be acknowledged that, in terms of technical matters, there is nothing to suggest that a scheme on this site could not be designed to be satisfactory, subject to the details submitted as part of the technical details stage. Nevertheless, the scheme would result in residential development on greenfield land located outside of the Limits to Development

The site lies within Osgathorpe which is defined as a Small Village where access to services and facilities is limited and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land or affordable housing in accordance with Policy H5 of the adopted Local Plan. The development of a greenfield site for one dwelling in this location would conflict with the provisions of Policies S2 and S3 of the adopted Local Plan. Significant harm would additionally arise from the granting of a permission that is in conflict with Policies S2 and S3 of the Local Plan (2021).

In light of the appeal decision on a site 95 metres to the north of the application site, it is not considered the application would be in conflict with criterion (vi) of Policy S3 of the Local Plan (2021) in relation to access by a range of sustainable transport or in this case that a reason for refusal on the basis of access to services/facilities could be justified.

In this instance, it is contended by the Local Authority that moderate harm would arise from the loss of greenfield land located within the countryside. Any harm may be minimised by securing appropriate design and landscaping at the TDC stage.

Balanced against the harms, the provision of additional self-build housing is afforded positive weight, and the need for self-build plots in the district is considered to be significant, with moderate weighting 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 attract moderate weight in favour of the proposal in the planning balance.

Technical concerns with regards to the impact on ecology, trees and biodiversity are possible of being addressed at the Technical Details Consent stage should Permission in Principle be granted.

Overall, and when taking account of the appeal decision for the nearby site in the west of the village mentioned earlier in this report (appeal following the refusal of application 24/00233/OUT), and given the recent decision made by the Local Planning Authority in respect of application 25/00272/OUT, when assessing the proposal against the policies in the Framework when taken as a whole, it is considered that the harm derived from departing from Policies S2 and S3, in respect of the principle of development, in addition to the limited landscape and visual harm which would arise owing to the development of a greenfield site in this location, would not significantly and demonstrably outweigh the benefits of one self-build dwelling when there is a recognised undersupply of self-build plots in the District. The economic benefits from the development and the benefits of future residents helping to maintain local services in the area add further positive weight in favour of the proposal. It therefore follows, as set out in Paragraph 11(d)(ii) of the Framework, that permission should be granted for the proposal. There are no other material considerations that indicate that Permission in Principle should be refused.

## **RECOMMENDATION - PERMIT**

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**Erection of a detached bungalow.**

**Report Item No  
A2**

**Land at Former Breedon Priory Nursery Garden Centre,  
Ashby Road, Breedon on the Hill, Derbyshire, DE73 8AZ**

**Application Reference:  
25/01465/FUL**

**Grid Reference (E) 440194**

**Date Registered:  
27 October 2025**

**Grid Reference (N) 322965**

**Consultation Expiry:  
24 November 2025**

**Applicant:  
Cameron Homes Ltd**

**8 Week Date:  
22 December 2025**

**Case Officer:  
Adam Mellor**

**Extension of Time:  
16 February 2026**

**Recommendation:  
PERMIT, subject to conditions**

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



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## **Reasons the case is referred to the Planning Committee**

This application is referred to the Planning Committee for determination under the requirements of the Council's Constitution as the agent for the application is related to an employee of the Council and objections have been received in relation to the application.

## **RECOMMENDATION – PERMIT, subject to the following conditions:**

1. Standard time limit.
2. Approved plans.
3. Biodiversity gain plan.
4. Habitat management and monitoring plan prior to occupation to be submitted, approved and implemented.
5. Habitat management and monitoring plan implementation notification.
6. Removal of permitted development rights for development under Part 1 (Classes A, AA, B and C) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
7. Bathroom and en-suite windows in the north-eastern elevation to be glazed with obscure glass and with a restricted opening.
8. Finished floor and ground levels prior to the commencement to be submitted, approved and implemented.
9. External materials and design finishes to be in accordance with submitted details.
10. Details demonstrating that windows and doors would be set in reveal prior to the bungalow being built above damp proof course level to be submitted, approved and implemented.
11. All rainwater goods and utility boxes to be finished in black.
12. Tree and hedge protection scheme and arboricultural method statement prior to commencement to be submitted, approved and implemented.
13. Soft landscaping scheme prior to the bungalow being built above damp proof course level to be submitted, approved and implemented.
14. Hard landscaping scheme prior to occupation to be submitted, approved and implemented.
15. Boundary treatment scheme prior to the bungalow being built above damp proof course level to be submitted, approved and implemented.
16. No retaining walls constructed above a height of 0.5 metres unless details of retaining walls first submitted and approved.
17. Construction surface water management scheme prior to commencement to be submitted, approved and implemented.
18. Surface water drainage scheme in accordance with submitted details.
19. Management of approved surface water drainage scheme in accordance with submitted details.
20. Risk based land contamination assessment prior to commencement to be submitted, approved and implemented.
21. Verification investigation (if remediation required) prior to occupation to be submitted, approved and implemented.
22. Provision of pedestrian visibility splays.
23. Provision of off-street parking in accordance with submitted details.
24. External lighting scheme prior to occupation to be submitted, approved and implemented.
25. Development to be undertaken in accordance with submitted preliminary ecological appraisal report.
26. Scheme of integrated bird box and bat box prior to the bungalow being built above damp proof course level to be submitted, approved and implemented.

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of a detached bungalow at the former Breedon Priory Nursery Garden Centre (BPNGC), Ashby Road, Breedon on the Hill. The 0.05 hectare site (as identified in the image below) is situated on the north-western side of Ashby Road and is outside the defined Limits to Development on the basis of the Policies Map to the adopted Local Plan, but within the defined Limits to Development on the basis of the Policies Map associated with the Breedon on the Hill Neighbourhood Plan. The application site is also within close proximity to the boundary of the Breedon on the Hill Conservation Area.

#### ***Site Location Plan***



An aerial photograph of the application site is shown on the next page.

### *Aerial Photograph of Site Location*



It is intended that the proposed bungalow would comprise a 3 bed detached property served by two off-street parking spaces with the proposed layout being as shown in the below image.

### *Proposed Layout*



Details of the appearance and scale of the dwelling, along with the supporting documentation, are available to view on the Council's website.

The application site is immediately adjacent to the north-western boundary of part of the former BPNGC which has been redeveloped for 43 dwellings, a new village hall, formation of vehicular and

pedestrian access points and associated infrastructure as approved on the 17<sup>th</sup> December 2019 under application reference 18/02198/FULM. It also lies to the immediate north-east of another part of the former BPNGC which has been redeveloped for 9 dwellings, with associated works, as approved on the 23<sup>rd</sup> December 2021 under application reference 20/01920/FUL. Additionally, the application site is also to the immediate south-west of another part of the former BPNGC which is in the process of being redeveloped for 6 dwellings, with associated works, as approved on the 29<sup>th</sup> August 2024 under application reference 24/00197/FUL.

In terms of vehicular access, the proposed bungalow would be served via the same vehicular access permitted under application reference 18/02198/FULM which resulted in the former 'entrance' to the BPNGC off Ashby Road being upgraded to allow two-way vehicle flows. The internal access road to serve the bungalow would be that associated with the dwellings permitted under application reference 20/01920/FUL.

## Relevant Planning History

- 10/00884/CLE – Certificate of lawful existing use for use of existing access for both access and egress purposes – Withdrawn 22<sup>nd</sup> February 2011.
- 16/01120/FULM – Removal of existing buildings and erection of 27 dwellings, a new village hall, new commercial/retail units, new agricultural building together with associated access – Withdrawn 16<sup>th</sup> April 2020.
- 20/00178/DIS – The approval of details reserved by conditions 17 (highways) and 24 (drainage) relating to planning permission 18/02198/FULM – Approved 28<sup>th</sup> September 2020.
- 20/00193/DIS – The approval of details reserved by conditions 10 (trees), 11 (trees), 21 (highways / trees), 27 (flood mitigation), 30 (land contamination) and 33 (levels) relating to planning permission ref 18/02198/FULM – Split Decision 26<sup>th</sup> January 2021 (conditions 10, 11, 27, 30 and 33 discharged and condition 21 not discharged).
- 20/01074/DIS – The approval of details reserved by condition 37 (landscape and ecological mitigation plan) relating to planning permission reference 18/02198/FULM – Approved 23<sup>rd</sup> December 2020.
- 20/01198/DIS – The approval of details reserved by condition 5 (external materials and finishes), 14 (brick and stone wall elevation details), 23 (surface water drainage), 26 (surface water bunded basin assessment), 28 (archaeology) and 35 (external lighting), relating to planning permission 18/02198/FULM – Approved 6<sup>th</sup> January 2021.
- 20/01385/DIS – The approval of details reserved by condition 34 (retaining walls / structures) relating to planning permission reference 18/02198/FULM – Approved 20<sup>th</sup> January 2020.
- 20/01625/DIS – The approval of details reserved by condition 7 (landscaping) relating to planning permission reference 18/02198/FULM – Approved 10<sup>th</sup> February 2022.
- 20/01631/DIS – The approval of details reserved by conditions 4 (external materials and finishes) and 38 (precise details of substation materials) relating to planning permission reference 18/02198/FULM – Approved 20<sup>th</sup> November 2020.
- 21/01789/DIS – The approval of details reserved by conditions 12 (hard landscaping), 15 (off-site highway works: tactile paving), 16 (off-site highway works: speed reduction), 18 (village hall cycle parking), 25 (surface water: long term maintenance), 29 (archaeology: occupation) and 32 (bin collection area / points) relating to planning permission reference 18/02198/FULM – Approved 20<sup>th</sup> July 2022.
- 22/00073/DIS – The approval of details reserved by condition 6 (soft landscaping scheme), 7 (tree protection scheme), 11 (construction surface water), 17 (construction traffic), 19 (highways trees - tree survey), 22 (retaining walls / structures), 23 (external lighting) and 26 (landscape and ecological management) relating to planning permission reference 20/01920/FUL – Approved 31<sup>st</sup> March 2022.
- 22/00615/NMA – Non-material amendment to planning application reference 20/01920/FUL so as to reposition screen wall to plot 52 – Approved 5<sup>th</sup> May 2022.
- 22/00665/DIS – The partial approval of details reserved by condition 31 (land contamination, in relation to plots 1- 31 only) relating to planning permission ref 18/02198/FULM – Approved

17<sup>th</sup> May 2022.

- 22/01308/VCIM – Demolition of existing buildings and redevelopment for 43 dwellings, a new village hall, formation of vehicular and pedestrian access points and associated infrastructure approved under planning permission 18/02198/FULM without complying with condition 21 associated with works to highway trees on Ashby Road – Approved 17<sup>th</sup> October 2022.
- 22/01950/DIS – The approval of details reserved by condition 31 (contaminated land - occupation) relating to planning permission reference 18/02198/FULM – Approved 17<sup>th</sup> July 2023.
- 24/01534/DIS – The approval of details reserved by conditions 4 (design detailing) and 9 (boundary treatment elevations) relating to planning permission ref: 24/00197/FUL – Approved 27<sup>th</sup> January 2025.
- 24/01559/DIS – The approval of details reserved by conditions 10 (surface water drainage scheme), 12 (surface water scheme maintenance) and 16 (finished floor and ground levels) relating to planning permission reference 24/00197/FUL – Approved 14<sup>th</sup> October 2025.
- 24/01560/DIS – The approval of details reserved by condition 11 (construction surface water scheme) relating to planning permission reference 24/00197/FUL – Approved 23<sup>rd</sup> January 2025.
- 25/00048/DIS – The approval of details reserved by condition 19 (Bat And Bird Box Locations) relating to planning permission reference 24/00197/FUL – Approved 25<sup>th</sup> February 2025.
- 25/00281/DIS – The approval of details reserved by condition 19 (bat and bird box locations) relating to planning permission reference 24/00197/FUL – Approved 25<sup>th</sup> February 2025.
- 25/00605/DIS – The approval of details reserved by conditions 14 (verification investigation) and 18 (external lighting scheme) relating to planning permission reference 24/00197/FUL – Approved 21<sup>st</sup> July 2025.

## **2. Publicity**

13 neighbours notified on the 28<sup>th</sup> of October 2025.

A site notice was displayed on the 30<sup>th</sup> of October 2025.

A press notice was published in the Derby Evening Telegraph on the 5<sup>th</sup> of November 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.

### **Comments from:**

NWLDC Conservation Officer who has commented that under application reference 20/01920/FUL the approved site layout identified the retention of a large mature tree which was an existing landscape feature to be retained. Based on Section 8 of the Council's adopted Good Design SPD ('responsive to context'), a bungalow should therefore not be developed, and compensatory planting should be delivered.

If, however, a bungalow is to be permitted then the Council's Conservation Officer would consider its appearance to be acceptable.

### **No Objections from:**

Breedon on the Hill Parish Council.

Historic England.

Leicestershire County Council – Archaeology.

Leicestershire County Council – Highways Authority (subject to standing advice being considered).

Leicestershire County Council – Lead Local Flood Authority (subject to standing advice being considered).

Leicestershire County Council – Planning Obligations.

NHS Leicester, Leicestershire and Rutland Integrated Care Board.

NWLDC Affordable Housing Enabler.

NWLDC Environmental Protection.

NWLDC Waste Services Development Officer.

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

Leicestershire County Council – Ecology.

Leicestershire County Council – Tree Officer.

NWLDC Environmental Protection (Contaminated Land).

NWLDC Tree Officer.

#### **Third Party Representations**

Six third party representations have been received objecting to the application with the comments raised summarised as follows:

<b>Grounds of Objections</b>	<b>Description of Impact</b>
<b>Overdevelopment Loss of Character</b>	The additional dwelling would have a cramped appearance and would impact on the character of the settlement.
	The openness of the estate would be lost because of the proposed development.
	The proposed development would be contrary to the original approach to development envisaged on the site and would conflict with Policy D1 of the adopted Local Plan.
<b>Residential Amenity</b>	The proposed positioning of the bungalow would result in adverse impacts to residential amenity particularly in relation to overlooking, overbearing and overshadowing impacts.
	The construction of the development will result in adverse impacts to residential amenity.
	The dwelling would result in adverse noise and disturbance impacts from vehicular activity, vehicle highlights, door openings and conversations.
	As proposed the development conflicts with Policy D2 of the adopted

	Local Plan.
<b>Highways</b>	The development would result in the loss of visitor parking around St Hardulphs Close and thereby would result in congestion and detriment to highway safety.
	The movement of construction vehicles, as well as those associated with the dwelling, will result in detriment to highway safety.
	The ability for vehicles to manoeuvre would be lost.
<b>Tree Impacts</b>	The proposed development would impact on the roots of the trees and cause shading impacts to the occupants of the proposed dwelling.
	There would be boundary and maintenance disputes given the location of the trees.
	The proposed development would not enable the retained trees to be maintained.
<b>Loss of Open Recreational Space</b>	The proposed development would result in the loss of an open green / recreational space which in turn impacts upon the openness and character of St Hardulphs Close. Such open green / recreational space should be retained.
	A mature tree has been removed from the site and therefore the land should be retained and a replacement tree planted.
	The land is identified as being 'retained' on previous plans and is managed by a landscaping management company with residents contributing financially to the management of such landscaping.
	The NPPF encourages the protection of green / recreational spaces.
	The proposal conflicts with Policy IF3 of the adopted Local Plan.
	The emerging Local Plan (under Policy IF3) seeks to protect green spaces, and this should be given weight in the determination of the application.

## **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:

Paragraphs 8 and 10 (Achieving sustainable development);  
Paragraphs 11 and 12 (Presumption in favour of sustainable development);  
Paragraph 35 (Development contributions);  
Paragraphs 39, 40, 41, 42, 43, 45, 48 and 55 (Decision-making);  
Paragraphs 56, 57, 58 and 59 (Planning conditions and obligations);  
Paragraphs 61, 62, 63, 64, 65, 66, 71, 78, 79 and 81 (Delivering a sufficient supply of homes);  
Paragraphs 96, 98, 102 and 104 (Promoting healthy and safe communities);  
Paragraphs 109, 110, 112, 113, 115, 116 and 117 (Promoting sustainable transport);  
Paragraphs 124, 125, 129 and 130 (Making effective use of land);  
Paragraphs 131, 133, 135, 139 and 140 (Achieving well-designed places);  
Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);  
Paragraphs 187, 193, 196, 197, 198, 199 and 201 (Conserving and enhancing the natural environment);  
Paragraphs 202, 207, 208, 210, 212, 213, 215, 216 and 218 (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 S1 – Future Housing and Economic Development Needs;  
Policy S2 – Settlement Hierarchy;  
Policy S3 – Countryside;  
Policy D1 – Design of New Development;  
Policy D2 – Amenity;  
Policy H4 – Affordable Housing;  
Policy H6 – House Types and Mix;  
Policy IF1 – Development and Infrastructure;  
Policy IF3 – Open Space, Sport and Recreation Facilities;  
Policy IF4 – Transport Infrastructure and New Development;  
Policy IF7 – Parking Provision and New Development;  
Policy En1 – Nature Conservation;  
Policy En6 – Land and Air Quality;  
Policy He1 – Conservation and Enhancement of North West Leicestershire's Historic Environment;  
Policy Cc2 – Water – Flood Risk; and  
Policy Cc3 – Water – Sustainable Drainage Systems.

#### **Made Breedon on the Hill Neighbourhood Plan (2025)**

The Breedon on the Hill Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy BotH5 – Ecology and Biodiversity;

Policy BotH6 – Trees and Hedgerows;  
Policy BotH7 – Water Management;  
Policy BotH9 – Ultrafast Connectivity;  
Policy BotH10 – Infrastructure;  
Policy BotH11 – Locally Valued Heritage Assets;  
Policy BotH12 – Design;  
Policy BotH14 – Housing Requirement;  
Policy BotH15 – Breedon on the Hill – Windfall Housing Development;  
Policy BotH19 – Housing Mix; and  
Policy BotH20 - Affordable Housing.

## Other Policies

National Planning Practice Guidance.

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

Leicestershire Highways Design Guide (Leicestershire County Council).

The Conservation of Habitats and Species Regulations 2010 (the ‘Habitats Regulations’).

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

## 5. Assessment

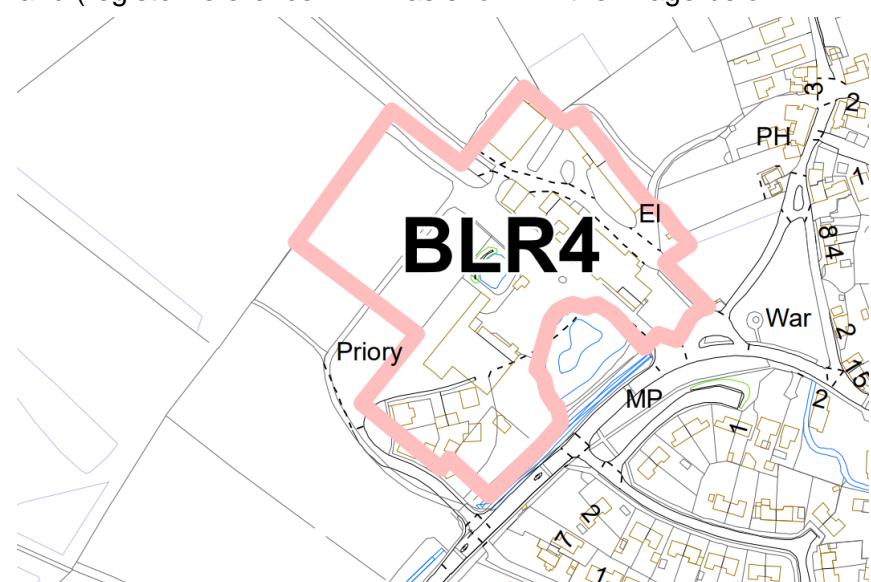
### Principle of Development

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan, which in this instance includes the adopted Local Plan (2021) and the made Breedon on the Hill Neighbourhood Plan (BotHNP) (2025).

In terms of the site’s status within the adopted North West Leicestershire Local Plan, it is noted that it lies outside the defined Limits to Development and therefore Policy S3 of the adopted Local Plan would be applicable. This policy would support, amongst other things, the “*redevelopment of previously developed land in accordance with Policy S2*” (criterion (e)).

The Council’s Brownfield Land Register identifies land which would be considered ‘previously developed’ in the context of Policy S2 of the Local Plan and this register identifies that the application site would constitute brownfield land (register reference BLR4 as shown in the image below).

**Brownfield Land Register  
Reference BLR4**



For the purposes of the made BotHNP the application site would be within the defined Limits to Development, with Policy BotH15 of the made BotHNP supporting residential development within such Limits.

Paragraph 31 of the NPPF (2024) states that:

*“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”*

On the basis that the principle of the development would be supported by Policy S3 of the adopted Local Plan, given that the application site comprises previously developed land, it is considered that there is not conflict with the aims and intentions of the BotHNP and therefore the terms of Paragraph 31 would not be applicable in this instance.

In terms of the NPPF there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole, or if specific policies in the NPPF indicate development should be restricted.

The sustainability credentials of the scheme would need to be assessed against the NPPF and in this respect Policy S2 of the adopted Local Plan highlights that Breedon on the Hill is a ‘Sustainable Village’ which is defined as a settlement which has *“a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.”*

Services available within the settlement include a shop (incorporating a post office), primary school, public houses, church and a recreation ground with a village hall also being constructed in accordance with the permission granted under application reference 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM). Breedon lies within a zone served by a bookable bus service FoxConnect which operates Monday to Saturday (6am to 7.30pm) and links to Coalville, Castle Donington and East Midlands Gateway. Given the location of the application site such services would be accessible via foot on raised footways and consequently future occupants of the property would not necessarily be dependent on the private car to access the most basic of services. The proposed dwelling would also make a limited contribution to sustaining these services which is a key intention of Paragraph 83 of the NPPF.

Whilst recognising that Policy S2 of the adopted Local Plan outlines that the limited amount of growth to take place within ‘Sustainable Villages’ will be within the defined Limits to Development, the policy does outline that the *“re-use of previously developed land (as defined in the National Planning Policy Framework) will be supported where it is compatible with the settlement hierarchy”* with it also being stated that the *“redevelopment of previously developed land for housing should be within or well-related to the Principal Town, a Key Service Centre, Local Service Centre, Sustainable Village or Small Village.”* Paragraph 5.18 of Policy S2 further reiterates that any further development within a Sustainable Village will be restricted to either *“infilling or previously developed land which is well related to the settlement concerned.”*

As is outlined above the application site comprises brownfield land (register reference BLR4).

Whilst there is separation from the defined Limits to Development on the Policies Map associated with the adopted Local Plan, it is considered that the application site is well-related to Breedon as it is immediately adjacent to three previous developments on the former Breedon Priory Nursery Garden Centre site (18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL) with the development permitted under 18/02198/FULM (22/01308/VCIM) adjoining the defined Limits. In this

context it is considered that the development would be compliant with Policy S2, with it also being recognised that the application site is within the defined Limits for the purposes of the made BotHNP where the principle of the proposed development is supported.

The application has also been submitted by the same applicant who constructed the residential developments consented under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL and the plans identify the application site would have connectivity with the adjacent site due to the use of the same vehicular access off Ashby Road. Given such physical and visual connectivity between the four sites, it is considered that this would further support the compliance with the aims of Policy S2 of the adopted Local Plan. Paragraphs 124 and 125 of the NPPF also encourage the re-use of previously developed land, with such land being sequentially preferable to greenfield land.

On the above basis the proposal would be considered acceptable in principle and in accordance with the aims of Policies S2 and S3 of the adopted Local Plan. It would, however, be necessary to assess the development against the requirements of criteria (i) to (vi) of Policy S3 albeit only criteria (i), (iv) and (vi) would be applicable to the proposed development. This view is taken given that the development would not undermine the physical and perceived separation between settlements (criterion (ii)), would not comprise ribbon development (criterion (iii)) and would not undermine the vitality or viability of local or town centres (criterion (v)).

An assessment against criterion (i) and (iv) is undertaken in the relevant sections of the report which follow and an assessment in respect of criteria (vi) has been undertaken earlier in this section of the report.

### **Design, Housing Mix and Impact on the Character and Appearance of the Streetscape**

Policy D1 of the adopted Local Plan requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must positively perform against Building for a Healthy Life (BfHL) (formerly Building for Life 12 (BfL12)) and that developments will be assessed against the Council's adopted Good Design SPD.

Policy BotH12 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) outlines that *“to support the creation of high quality, beautiful and sustainable buildings and places, development should reflect the Breedon on the Hill Design Code (Appendix 2). Development that is not well designed will not be supported, especially where it fails to reflect the Breedon on the Hill Design Code and government and local guidance on design.”*

In the assessment of application references 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM), 20/01920/FUL and 24/00197/FUL it was determined that the layouts would respect the context of the environment in which they were set by ensuring that the dwellings were orientated so as to address the streets within the scheme, and which would not be substantially detached from the internal highways. The type of dwellings proposed also responded to the context of the immediate environment outside the confines of the site by ensuring that those along the main internal highways were compacted together. The private rear amenity areas being commensurate with the footprint of the proposed dwelling, as well as ensuring that off-street car parking was not dominant to the frontage of the properties, were also secured as part of those approvals.

Images of the proposed site layout, proposed elevations and floor plans, as well as two visual illustrations, are shown in the following images.

## Proposed Site Layout



## Proposed Elevations and Floor Plans



## Visual Illustrations



The proposed dwelling is served off the internal highway which formally served the golf course implements store, demolished as part of the planning permission granted under application reference 24/00197/FUL, and has been designed and orientated to provide a positive vista on the approach to St Hardulphs Close. This is achieved by the design detailing being consistent with that approved elsewhere within the estate. Additionally, the property is also designed to address the footpath which 'wraps' around the southern part of the application site and whereby appropriate design detailing is also provided. The provision of the bedroom window within the south-eastern elevation also ensures that there is active surveillance of the footpath in line with the requirements of the Council's adopted Good Design SPD.

Whilst the proposed dwelling would be set back from the internal highway to a greater extent than those properties on St Hardulphs Close, and would have off-street parking to its frontage, such an arrangement is not significantly different to that established by nos. 48 and 54 Priory Close which are both situated at the end of a cul-de-sac. It is also considered that the hard landscaping infrastructure to the bungalow's frontage is appropriately balanced with soft landscaping infrastructure in order to be compliant with the Council's adopted Good Design SPD.

The proposed size of the plot would also be consistent, if not greater, than those of the properties which exist within the estate and therefore it is considered would not result in the development appearing 'cramped' when viewed collectively with the neighbouring properties. It is also considered that the spacing between plots would also be in line with that established elsewhere within the estate thereby not resulting in its openness being impacted upon. In addition, the size of the rear amenity area would also be in excess of the footprint of the property as required by the Council's adopted Good Design SPD.

Overall, the proposed development would contribute positively to the visual amenities of the residential development undertaken as part of the permissions granted under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL, and would accord with the Council's adopted Good Design SPD.

It is also considered that the proposed development would not impact on the character and appearance of the wider rural landscape given that the proposed development would not encroach any further in a north-western direction than the development permitted under application references 20/01920/FUL and 24/00197/FUL. The bungalow would also be viewed in the context of its relationship with the existing residential development which it is immediately adjacent to.

In the consideration of application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL the design of the dwellings were acceptable with them being traditional in appearance so as to respond positively to their setting adjacent to the Breedon on the Hill Conservation Area, as well as the design and style of traditional dwellings which exist on The Green and Melbourne Lane. The proposed bungalow is designed so that it is consistent with the approach to the design of house types elsewhere within the estate and therefore the development would continue to contribute positively to the setting of the Breedon on the Hill Conservation Area.

Such design detailing would include the use of brick cills and lintels, brick detail banding as well as brick detailing to the south-eastern elevation, and conditions would be imposed on any permission granted to ensure such detailing is provided. An additional condition would also ensure that windows and doors were set in reveal in a manner consistent with that elsewhere within the estate. Given the location of the off-street parking, it would be subject to active surveillance from within the property thereby encouraging its use in accordance with the Council's adopted Good Design SPD.

An appropriate selection of external materials has been proposed, and these would also be conditioned on any planning permission granted.

The development is also considered compliant with Policy BotH12 of the made BotHNP as well as the Breedon on the Hill Design Code (BotHDC), with the development being considered under the "*Breedon on the Hill – Development Beyond the Conservation Area*" focus area, given the density, layout and materials of construction to be utilised.

Whilst noting the third-party representations received, for the reasons as outlined above it is considered that the proposed development would not have a cramped appearance which would impact adversely on the character of the settlement, nor would the openness of the residential estate be lost.

#### *Design and Impact on the Character and Appearance of the Streetscape Conclusion*

Overall, the proposed bungalow would be a positive addition to the settlement and would integrate into the environment in which it is set and as such would ensure compliance with criteria (i) and (iv) of Policy S3 and Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD, Policy BotH12 of the made BotHNP, the BotHDC and Paragraphs 131 and 135 of the NPPF.

#### *Housing Mix*

It is outlined in the '*Developer Contributions and Infrastructure*' section of this report below that for the purposes of developer contributions the proposal would be considered as an extension to the developments permitted to the south-east (under 18/02198/FULM (22/01308/VCIM)), south-west (20/01920/FUL), and north-east (24/00197/FUL) even though a development of one dwelling would not ordinarily require the provision of developer contributions.

With regards to housing mix, Policy H6 of the adopted Local Plan outlines that a mix of housing types, sizes and tenures is expected on residential developments proposing 10 dwellings. When determining an appropriate housing mix the information contained within the Housing and Economic Development Needs Assessment (HEDNA) is one of the factors to consider alongside other criteria as outlined in Part (2) of Policy H6. The range of dwelling sizes (in terms of number of bedrooms) identified as appropriate in the HEDNA are as follows:

- 1 bed – 0-10% (Market) and 30-35% (Affordable);
- 2 bed – 39-40% (Market) and 35-40% (Affordable);
- 3 bed – 45-55% (Market) and 25-30% (Affordable); and
- 4 bed – 10-20% (Market) and 5-10% (Affordable).

Policy BotH18 of the made BothNP outlines that on developments of five or more dwellings, no more than 16% of the market housing should be four or more bedrooms and that provision should be made for bungalows and other properties designed to meet the housing needs of older households.

The submitted scheme proposes the following (%):

- 1 bed – 0% (Market);
- 2 bed – 0% (Market);
- 3 bed – 100% (Market); and
- 4 bed+ - 0% (Market).

When assessed with the schemes permitted under application references 18/02198/FULM (22/01308/FULM), 20/01920/FUL and 24/00197/FUL the combined mix would be as follows (%):

- 1 bed – 0% (Market) and 0% (Affordable);
- 2 bed – 3.7% (Market) and 80% (Affordable);
- 3 bed – 38.9% (Market) and 20% (Affordable); and
- 4 bed+ - 57.4% (Market) and 0% (Affordable).

The market housing would be weighted more towards larger units than as suggested by the HEDNA, with the terms of Policies H6 and BotH18 not being considered applicable to the proposed application as it relates to one dwelling and cannot be applied retrospectively to the developments permitted under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL.

It is acknowledged that Policy H6 indicates that the HEDNA mix is one of several criteria to be considered when applying the policy, and consideration should also be given to other factors such as the *“character and context of the individual site”* (criterion (f) of Part 2). Paragraph 129 of the NPPF also outlines that in terms of the efficient use of land planning decisions should support development which take into account, amongst other things:

- *“the desirability of maintaining an area’s prevailing character and setting (including residential gardens)”* (criterion (d)); and
- *“the importance of securing well-designed attractive and healthy places”* (criterion (e)).

In the assessment of application reference 18/02198/FULM (22/01308/VCIM) the officer report outlined that:

*“Whilst utilising previously developed land the application site lies outside the Limits to Development with open countryside to the north-west. Consequently, care has been given to designing a scheme which has a greater density of development closer to the settlement boundary and which then ‘feathers out’ towards the edges given the transition to the open countryside. It is considered that such a design approach has influenced the provision of larger homes within spacious plots. The development also provides positive economic and social benefits with the provision of a village hall*

*and affordable housing in excess of that which would be sought under Policy H4 of the adopted Local Plan, with the affordable mix being acceptable to the Council's Affordable Housing Enabler."*

In the case of this application no further affordable housing would be required as the requirements of Policy H4 of the adopted Local Plan are not triggered due to the proposed development being carried out on previously developed land. Policy BotH19 of the made BotHNP would also not be applicable as the development is on previously developed land and the number of dwellings proposed does not exceed 10.

It is considered that whilst the affordable housing, as well as the social and economic benefits associated with the provision of the village hall, are only realised because of the implementation of the permission granted under 18/02198/FULM (22/01308/VCIM) such benefits would still be of relevance to an assessment of the proposed application against Policy H6. This is the case given that a standalone application of one dwelling would not be required to demonstrate compliance with Policy H6.

In any event the proposed development would be situated to the edge of the scheme, as permitted under application reference 18/02198/FULM (22/01308/VCIM), and would also be adjacent to open countryside. Given the conclusion reached in the consideration of 18/02198/FULM (22/01308/VCIM), in that the scheme 'feathered out' towards the edges given the transition to the open countryside, it is considered that this has led to a design approach which results in a large dwelling within a spacious plot

On the basis that an intensification in the number of dwellings would be discordant with the approach to design considered appropriate in the consideration of application reference 18/02198/FULM (22/01308/VCIM), it is determined that the compliance with criteria (f) of Part (2) of Policy H6, as well as Paragraph 125 of the NPPF, would negate the lack of compliance with the housing mix suggested by the HEDNA in this instance. Paragraph 129 of the NPPF also only seeks to ensure that residential developments are not built at low densities where there is a shortage of land available for meeting housing needs, this is not applicable in this case as the Council can demonstrate a five year housing land supply.

Part (3) of Policy H6 of the adopted Local Plan indicates that schemes of 50 dwellings or more should provide a proportion of dwellings suitable for occupation by the elderly (criterion (a)) as well as dwellings which are suitable for occupation, or easily adaptable, for people with disabilities (criterion (b)).

As is identified above, the combination of the proposed development with that permitted under application references 18/02198/FULM (22/01308/VCIM), 20/1920/FUL and 24/00197/FUL would result in a total of 59 dwellings being created, as such Part (3) of Policy H6 would be applicable.

Whilst Part (3) of Policy H6 is applicable both criterion 3(a) and 3(b) are not specific on what 'proportion' of dwellings would be required, nor is it defined what would constitute a dwelling which would be suitable for occupation by an elderly and / or disabled person. In this respect criterion (a) simply indicates that the proportion of dwellings should include bungalows and that in relation to criterion (b) a dwelling should accord with Part M4(2) of the Building Regulations.

Previous consents have not delivered any bungalows, which largely was as a result of the original development (18/02198/FULM (22/01308/VCIM)) not being required to demonstrate compliance with Policy H6 as the number of dwellings permitted was under 50 (being 43).

Notwithstanding this, the proposed dwelling would comprise a bungalow and it has previously been demonstrated that the properties constructed within the estate are in accordance with Part M4(2) of the Building Regulations 2010. In these circumstances, it is considered that the proposed development would be compliant with Part (3) of Policy H6.

## **Impact on the Historic Environment and Archaeology**

Policy He1 of the adopted Local Plan and the advice in the NPPF requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed development must also be considered against Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving the setting of a listed building and the character and appearance of the conservation area.

Policy BotH11 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) seeks to ensure that development proposals that will affect locally valued heritage assets, or their setting, will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset.

### *Historic Environment*

In terms of heritage assets, the application site is situated around 90 metres from the boundary of the Breedon on the Hill Conservation Area, set to the east. In terms of listed buildings, the Grade II listed lies 135 metres to the south east and the Parish War Memorial is also 160 metres to the south east with the Grade II listed Holly Bush Inn (Melbourne Lane) and Grade I listed Church of St Mary and St Haldulph and hill fort 140 metres and 460 metres to the north-east respectively. An Iron Age hill fort ('The Bulwarks'), which is a scheduled ancient monument (SAM), is also to the north-east and forms the surrounds of the Grade I listed church. Therefore, the impacts of the development on the setting of these heritage assets should be given special regard as required by the 1990 Act.

The nearest locally valued heritage asset, as defined by Policy BotH11 of the made BotHNP would be the post war prefab housing at 1 to 7 The Crescent (identified as MLE22622).

As part of the consideration of the application the Council's Conservation Officer and Historic England (HE) have been consulted.

In their consultation response, HE has outlined that the views of the Council's Conservation Officer and County Council Archaeologist should be sought. Archaeology is discussed in the '*Archaeology*' sub-section of this report below.

The comments of the Council's Conservation Officer have focused on the loss of an Ash tree, which was removed at some point in the past, and how compensatory tree planting should be delivered instead of the proposed bungalow. This matter is discussed in more detail in the '*Landscaping*' section of this report below, with the Council's Conservation Officer not defining how the loss of the Ash tree (which was not formally protected) impacts on the significance of the designated heritage assets.

It is, however, specified by the Council's Conservation Officer that the proposed appearance of the bungalow would be acceptable.

For the purposes of application reference 24/00197/FUL it was concluded that when viewed from the SAM, and following the permissions granted under application references 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) and 20/01920/FUL, the proposed six dwellings did not extend further into the countryside and consequently no harm arose to the significance of the setting of 'The Bulwarks' SAM. For the purposes of the determination of application reference 24/00197/FUL, the Council's Conservation Officer also did not identify any harm to the other heritage assets identified above.

The proposed bungalow would be visually integrated with the surrounding residential properties permitted in accordance with the permissions granted under application references 18/02198/FULM

(22/01308/VCIM), 20/01920/FUL and 24/00197/FUL and consequently it is reasonable to conclude that no harm would arise to the significance of the identified heritage assets.

It is also considered that the proposed development would not impact on the setting of the locally valued heritage asset of 1 to 7 The Crescent given the separation distance involved, and the presence of the development consented under application reference 18/02198/FULM (22/01308/VCIM) between the application site and this locally valued heritage asset.

Based on the above, it is considered that no harm would arise to the significance of the setting of any heritage assets. In the circumstances that no harm arises, an assessment in the context of Paragraphs 215 is not required and the setting of heritage assets would be preserved.

#### *Archaeology*

As part of the consideration of the application the County Council Archaeologist has been consulted.

The County Council Archaeologist has advised that following a review of the Leicestershire and Rutland Historic Environment Record (HER) they do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets, as such they advise that no archaeological action will be required.

#### *Impact on the Historic Environment and Archaeology Conclusion*

Overall, the proposal would be compliant with Policy He1 of the adopted Local Plan as well as Policy BotH11 of the made BotHNP, Paragraphs 207, 208, 210, 212 and 218 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Residential Amenities**

Policy D2 of the adopted Local Plan outlines that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents. Paragraph 198 of the NPPF requires development to be appropriate for its location.

The properties most immediately impacted on as a result of the development would be no. 8 St Hardulphs Close, set to the south-west, as well as no. 55 Priory Close, set to the south-east, and nos. 57, 59 and 61 Priory Close, all set to the north-east.

#### *Relationship between Existing Dwellings and Proposed Bungalow*

On the basis of the submitted plans the proposed bungalow would be set around 13 metres from the north-eastern (rear) elevation of no. 8, 9 metres from the north-western (side) elevation of no. 55, around 11 metres from the south-western (rear) elevations of nos. 57 and 59 and around 13 metres from the south-western (rear) elevation of no. 61. Additionally, the proposed dwelling would be around 1 metre from what would become a shared boundary with nos. 57 and 59, around 2 metres from a shared boundary with no. 8 and around 6 metres from the boundary with no. 55.

The Council's adopted Good Design SPD outlines that the minimum 'back to back' distance to be established should be 20 metres, with the minimum separation distance where the principal elevation would face the blank side elevation of a neighbouring property being 12 metres. There is no specification for the minimum distance which should be established in a 'front to front' relationship but this relationship would be less sensitive than a 'back to back' relationship.

Whilst acknowledging the Council's adopted Good Design SPD, it is recognised that this is 'guidance' and therefore the particular circumstances of a development proposal will need to be factored into account.

In this respect, the proposed dwelling would be a bungalow (single storey property), with the plans indicating that the overall eaves height of the property would be around 2.4 metres and that the overall ridge height would be 5.4 metres. As proposed the roof of the dwelling is also designed to be hipped and therefore slopes away from the boundaries with the neighbouring properties, with the ridge height (of 5.4 metres) being set around 5 metres from the boundaries of nos. 57 and 59. The part of the dwelling set around 1 metre from the boundaries of nos. 57 and 59 comprises the eaves height which is 2.4 metres. The dwelling would be positioned to the south-west of nos. 57 and 59, which have both have gardens around 10 metres in length. The property is also to the north-east of no. 8 and would be off-set so that it does not sit 'directly' behind no. 8 or its rear amenity area, with a group of trees situated on land between the boundary of no. 8 and the application site. The site is separated from the boundary with no. 55 by a pedestrian footpath.

Given the above circumstances, it is considered that the proposal would not result in adverse overbearing or overshadowing impacts to occupiers of no. 8 or nos. 55, 57, 59 and 61 to a degree that would justify a refusal of the application.

In terms of overlooking impacts the three windows proposed in the south-western elevation of the bungalow would serve two bedrooms as well as a kitchen; the window in the south-eastern elevation would serve a bedroom and the two windows in the north-eastern elevation would serve a bathroom and an en-suite.

A 1.8 metre high close boarded fence is present to the south-eastern boundary of no. 8, with a retained group of trees (outside the boundary of no. 8) to the north-east. The north-western boundary of no. 55 also comprises a 1.8 metre high close boarded fence. The permitted boundary treatments to nos. 57, 59 and 61, under application reference 24/00197/FUL, comprise a 1.2 metre high post and rail fence with wire mesh infill and hedgerow planting to the south-western boundaries, albeit it was observed during the site visit that a 1.8 metre high close boarded timber fence is positioned along the south-western boundary of no. 57.

It is considered that direct views from the windows in the south-western elevation would be onto the internal highway towards St Hardulphs Close, as well as the footpath, with the presence of the existing boundary treatments to no. 8 and no. 55 restricting views into the rear amenity areas of these properties, as well as directly into the dwellings themselves. The existing boundary treatment to no. 55 would also prevent direct overlooking from the window in the south-eastern elevation of the proposed dwelling. Given that the windows in the north-eastern elevation are to serve a bathroom and en-suite they can be conditioned to be obscure glazed with a restricted opening in order to prevent any direct overlooking being established towards nos. 57 and 59. Direct views from the openings in the north-western elevation (being a secondary window to the kitchen and a French door to the living room) would be onto the proposed garden associated with the dwelling and therefore would not result in overlooking towards no. 8 or 61.

Third party representations have raised concerns in relation to overlooking towards two ground floor windows within the south-eastern (side) elevation of no. 8, however it is considered that such windows are smaller secondary windows and already have a relationship with the public domain given the presence of the footpath.

### **Side Windows within No. 8 St Hardulphs Close**



In these circumstances any overlooking towards these windows would not be materially different to that already established by pedestrians travelling to and from St Hardulphs Close from Priory Close via the footpath. A hedgerow is also present to the boundary with no. 8 and this hedgerow, once matured, would also filter and restrict views towards the two ground floor windows. On this basis any overlooking impact in this respect would not be of such detriment that a reason to refuse the application could be substantiated.

The establishment of suitable boundary treatments to the north-eastern and south-western boundaries of the rear amenity area would also ensure that no adverse overlooking impacts would arise from the future occupants' use of the amenity area.

On the above basis, and subject to the imposition of relevant conditions to restrict the nature of the windows installed in the north-eastern elevation and that suitable boundary treatments are established, it is considered that no adverse overlooking impacts would arise.

The conclusions reached above are based on the height of the proposed bungalow, the design of its roof and the placement. However, it is acknowledged that permitted development rights (being rights that would grant deemed consent for works to a dwelling without the need for formal planning permission under the Town and Country Planning (Permitted Development) (England) Order 2015 (as amended)) could allow for works to be undertaken to the dwelling which could increase its height, alter the shape of the roof and / or allow for further windows to be installed. Paragraph 55 of the NPPF outlines that conditions "*should not be used to restrict national permitted development rights unless there is clear justification to do so.*" In this particular case it is considered there is clear justification to remove permitted development rights for certain forms of development in the interests of ensuring that the amenities of existing dwellings are adequately protected given the nature of the relationships to be established.

### *Residential Amenities of Future Occupants of the Proposed Dwelling*

Based on the above assessment it is considered that the proposed dwelling would have an acceptable relationship with existing residential dwellings and therefore the future amenities of any occupants would not be adversely affected in relation to overbearing, overshadowing or overlooking impacts.

Whilst a retained group of trees would be present to the south-western boundary of the application site it is considered that the proposed layout has been designed so that the bungalow and its associated amenity area are located in the most optimum location, to lessen this impact. On this basis the extent of any shadowing would not be sufficiently detrimental as to warrant a refusal of the application particularly as neither the Council's Tree Officer, or the County Tree Officer, have raised any objections, and any future occupants of the bungalow would be aware of this relationship prior to their purchase. The location of the group of trees outside of the amenity area associated with the bungalow would also ensure that such trees would not be subject to undue pressure for removal.

#### *Other Amenity Impacts*

The other aspect to consider in respect of residential amenity is any potential impacts arising from noise, dust and fumes which is as outlined in Part 2 of Policy D2 of the adopted Local Plan.

Paragraph 201 of the NPPF outlines that the focus of planning decisions “*should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.*”

As part of the consideration of the application no representation has been received from the Council's Environmental Protection Team raising an objection to the proposed development, or that there would be a requirement to impose conditions on any permission granted.

By its nature, the future occupation of a residential property would not be considered a noisy use, with the relationship the proposed dwelling would have with the neighbouring properties not being materially different to that established elsewhere on the residential estate.

Concerns have been raised by third parties that the positioning of the vehicular access and driveway to the proposed bungalow would result in the movement of vehicles adjacent to no. 8 and its associated amenity area, additionally the noise associated with vehicle engines starting up and doors opening and closing near no. 8 would also result in adverse noise impacts. As is outlined above, the Council's Environmental Protection Team have raised no objections to the application, with it being considered that the movement of vehicles adjacent to the side of a dwelling and its associated amenity area is not materially different to that of a property which sits on the junction of two roads. Such a relationship is also established elsewhere on the estate, including the access road between nos. 1 and 9 St Hardulphs Close, nos. 23 and 41 Priory Close, nos. 42 and 58 Priory Close, and nos. 57 and 67 Priory Close, and whereby any vehicular movements are associated with multiple dwellings rather than the one dwelling proposed as part of this application. In such circumstances there is no justification to refuse the application in this respect.

Whilst third parties have also raised concerns about vehicle headlights associated with the bungalow resulting in detriment to residential amenities, it is again the case that no objections are raised to the application by the Council's Environmental Protection Team. As proposed the driveway to the bungalow would be from the internal access road towards St Hardulphs Close and whereby the direct illumination of headlights from vehicles entering or exiting the site would be onto the internal access road. Whilst windows are present on the neighbouring properties, including to their side elevations, it is again considered that any lighting impact from vehicular headlights would not be materially different to that established at the junctions referred to above within the estate. On this basis there would be no justification to refuse the application in this respect.

In terms of external lighting to the bungalow itself, a condition would be imposed requiring the approval of a suitable scheme in the absence of any precise information as part of the application submission.

Although third parties have raised concerns in relation to construction activity resulting in detriment

to residential amenity, this view is not shared by the Council's Environmental Protection Team. It is considered that the construction impacts associated with one dwelling would not be significant, with it being the case that the planning permissions granted under application references 20/01920/FUL (for 9 dwellings) and 24/00197/FUL (for 6 dwellings) were not subject to any restrictions in relation to the hours of construction or construction activity. On this basis the imposition of a condition(s) to restrict construction activity would be unreasonable and would not meet the tests for conditions outlined at Paragraph 57 of the NPPF.

If any statutory nuisance issues were to arise as a result of the development, then the Council's Environmental Protection Team would be able to investigate such issues and take appropriate action, where required, under separate Environmental Protection legislation.

#### Residential Amenities Conclusion

Overall, and subject to the imposition of relevant conditions, the proposed development would be considered compliant with Policy D2 of the adopted Local Plan as well as Paragraphs 198 and 201 of the NPPF.

### **Highway Impacts**

As part of the consideration of the application the County Council Highways Authority (CHA) has been consulted and they have advised that their standing advice should be considered, including the contents of the Leicestershire Highways Design Guide (LHDG).

#### **Site Access**

The site will be accessed from a secondary road off Priory Close which comprises a private residential road constructed in accordance with the planning permission originally granted under application reference 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) and 20/01920/FUL. Priory Close has a design speed of 20mph.

Priory Close meets the adopted public highway at its junction with Ashby Road which is around 223 metres from the application site. On the basis that only one additional dwelling is proposed it is considered that there would not be a significant intensification in the use of the junction with Ashby Road which was originally designed to accommodate a higher number of dwellings than what has been constructed on the site.

The proposed access to serve the dwelling is of a sufficient width to accommodate the movements associated with one property and it can be ensured that suitable pedestrian visibility splays are provided given the relationship the access has with the pedestrian footpath. These would be conditioned on any permission granted. Low level boundary treatments would also ensure that suitable vehicular visibility splays are achieved, albeit the location of the access would likely lead to there being no interaction with other vehicles given that the access to the property is located away from the junction of St Hardulphs Close.

Overall, the proposed site access would be acceptable.

#### **Highway Safety**

There have been no Personal Injury Collisions (PIC's) recorded to have taken place within 500 metres of the application site on the adopted highway in the most recent five-year period. As such there are no existing highway safety concerns regarding this site.

Although third party representations have raised concerns in relation to highway safety on the internal

estate road, particularly in relation to construction vehicles, there is no evidence to suggest that the construction of the dwellings permitted under application references 20/1920/FUL and 24/00197/FUL, following the original construction of the dwellings permitted under application reference 18/02198/FULM (22/01308/VCIM) have resulted in detriment to highway safety. The construction activity associated with one dwelling, as well as the vehicular activity of any future occupants, would also not be significant and therefore not at a level which would be considered unacceptable to highway safety in the context of Paragraph 116 of the NPPF.

#### *Internal Layout*

In terms of off-street parking, the LHDG and Council's adopted Good Design SPD outline that properties with 1 to 3 bedrooms should have a minimum of two off-street parking spaces. The proposed dwelling would have three bedrooms, and it is demonstrated on the submitted plans that two suitably sized and positioned off-street car parking spaces would be provided in accordance with the LHDG and Council's adopted Good Design SPD.

The ability for vehicles to manoeuvre within the application site so as to exit in a forward direction is also demonstrated on the submitted plans.

On the above basis the internal layout and off-street parking provision is acceptable and would be secured by condition on any permission granted.

Third party representations received have objected to the application on the basis that it would remove visitor parking and impact on the manoeuvring of vehicles.

The relevant policies of the adopted Local Plan, as well as the LHDG, do not mandatorily require visitor parking to be provided as part of residential development proposals and none was secured as part of the planning permission granted under application reference 20/01920/FUL. Each individual dwelling on St Hardulphs Close, however, was provided with a sufficient level of off-street parking in accordance with the LHDG and Council's adopted Good Design SPD as part of that planning permission.

The red line of the site associated with application reference 20/01920/FUL does not adjoin with that associated with this application, and therefore any visitor parking which may be undertaken in the vicinity of the application site is not required by any planning permission. It is also the case that at the time of the determination of application reference 20/01920/FUL, the internal estate road providing access to St Hardulphs Close was continuous as it served the golf course implements store which was not demolished until planning permission was granted under application reference 24/00197/FUL.

On the above basis any loss of visitor parking, which in any event was not required as part of any planning permission granted, would not justify a refusal of the application. It is also considered that the width of the internal highway at the point where vehicular access to the proposed dwelling would be delivered is not designed to allow the manoeuvring of vehicles, nor is there any dedicated turning head which would be lost as a result of the development. On this basis the delivery of the proposed dwelling would not impact on the ability for existing vehicles to manoeuvre, either formally or informally.

#### *Highway Impacts Conclusion*

Paragraph 116 of the NPPF outlines that development should only be refused on highway grounds where "*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.*"

On the basis of the above assessment, and subject to the imposition of conditions, it is considered that the proposed development would not result in an unacceptable impact to highway safety nor would the residual cumulative impacts on the highway network be severe. On this basis the proposed development would be compliant with criterion (vi) of Policy S3 and Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 112, 113, 114, 115, 116 and 117 of the NPPF.

## **Ecology and Biodiversity Net Gain**

Vegetation, in the form of trees and other shrubs, are present on the site. Such features could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2017 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

Part (1) of Policy En1 of the adopted Local Plan states that proposals for new development will be supported which conserve, restore or enhance the biodiversity in the district.

Policy BotH5 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) outlines that development should conserve, restore and enhance the network of local ecological features and habitats, Local Wildlife Sites (including historical sites), Geology Sites and Wildlife Corridors. It also specifies that new development will be expected to provide a net gain in biodiversity consistent with national policy.

### *Ecological Impacts*

In their original consultation response, the County Council Ecologist outlined that two ponds are within 250 metres of the application site, along with a ditch, and that historic information from the Leicestershire and Rutland Environment Record Centre indicated the presence of Great Crested Newts (GCNs) and bats within 1 kilometre of the site. In these circumstances the County Council Ecologist requested the submission of a Preliminary Ecological Appraisal (PEA).

A PEA has subsequently been submitted by the applicant and following a review of its contents the County Council Ecologist has raised no objections to the application subject to the imposition of a condition on any permission granted which would require the development to be undertaken in accordance with the mitigation measures outlined within the PEA. Such a condition would be imposed on any permission granted.

Although not specifically requested by the County Council Ecologist a condition would also be imposed on any permission granted which would secure a bird box and bat box given the terms of criterion (d) of Paragraph 187 of the NPPF which specifically encourages the incorporation of features which support priority or threatened species such as swifts and bats.

Map 8 associated with Policy BotH5 of the made BotHNP identifies an Ash tree which comprises a Local Wildlife Site (LWS) (ref: 91421). Whilst this is the case, such an Ash tree no longer exists on the site with it being unclear when the Ash tree was removed. It is acknowledged within the officer reports associated with application references 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) and 20/01920/FUL that the Ash tree lay outside of the site boundaries of these two applications and therefore the relevant planning permissions granted did not impose any conditions which required the Ash tree to be retained. Additionally, the Ash tree (whilst recognised as a veteran tree) was not subject to a Tree Preservation Order (TPO), nor did it lie within a Conservation Area, and consequently its removal could be carried out at any time without any form of consent. As is discussed in the '*Landscaping*' section of this report below, the Council's Tree Officer also considers that the tree either died from Ash dieback disease or became moribund.

Whilst acknowledging the terms of Policy BotH5, it is considered that a reason to refuse the application based on the loss of the Ash tree could not be justified given the absence of the Ash tree at the time the application was submitted as well as the fact that the Ash tree was never subject to any form of protection which prevented its removal.

#### *Biodiversity Net Gain*

In terms of Biodiversity Net Gain (BNG), the mandatory requirement for 10% BNG for small sites (minor applications) as required by the Environment Act has come into force. The proposals are therefore required to demonstrate compliance in this regard.

The submitted BNG Report (BNGR) and BNG Metric Calculations (BNGMC) conclude that there would be net gain of 0.03 habitat units (+74.29%) and therefore the trading rules (i.e. the guidelines to ensure no 'net loss' of biodiversity occurs as part of developments) would be satisfied and offsetting would not be required in line with the biodiversity gain hierarchy.

In their original consultation response, the County Council Ecologist outlined that the proposed vegetated garden would contribute towards the net gain in habitat units and that as there was an inability to legally secure biodiversity net gains within private gardens the BNGMC should be updated to demonstrate that a 10% net gain would still be achieved without the incorporation of the private garden.

The applicant's ecologist subsequently challenged this position by outlining that the BNG Metric has been designed to incorporate the use of vegetated gardens within the assessment as outlined in the Department for Environment, Food and Rural Affairs (DEFRA) Statutory Biodiversity Metric User Guide.

Whilst the applicant's ecologist agrees with the County Council Ecologist in respect of the inability to legally secure gains within private gardens, they have noted that the BNG Metric takes this into account by providing a 'blanket' classification for vegetated gardens (irrespective of what is present) giving them 'Low' distinctiveness within the Condition Assessment where they are classed as 'not applicable' (N/A). As a result, the ability (or otherwise) to legally secure management is unnecessary as whatever management is / is not undertaken in the long-term has no bearing on the score for this classification. In this particular instance a blanket 'vegetated garden' classification has been applied to the single plot, but the same approach would also be applied to a larger residential scheme which would be viewed in the same way.

Following further consideration of the applicant's ecologist response, the County Council Ecologist has no objections and agrees with the conclusions of the BNGR and BNGMC.

Any permission granted would be subject to the mandatory BNG condition which is imposed as an informative rather than a condition.

An informative would also be imposed on any permission granted to advise the applicant that a Habitat Management & Monitoring Plan (HMMP) would be required to discharge the mandatory BNG condition.

The mandatory BNG condition and HMMP would secure the monitoring of the on-site BNG delivery for the 30-year period as specified in the Environment Act.

#### Ecology Conclusion

Overall, and subject to the imposition of relevant conditions, the proposed development would be compliant with Policy En1 of the adopted Local Plan, Policy BotH5 of the made BotHNP, Paragraphs 187 and 193 of the NPPF and Circular 06/05.

## Trees and Landscaping

Part (3) of Policy En1 of the adopted Local Plan outlines that new development will be expected to maintain landscape features (such as trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses.

Policy BotH6 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) identifies that existing trees and hedgerows should be retained where possible and integrated into new developments, and that development which damages or results in the loss or deterioration of ancient trees, hedgerows or trees of good arboricultural and amenity value will not be supported. Applications where trees are impacted on should be accompanied by a tree survey (TS).

### *Impact to Existing Trees*

The application is accompanied by an Arboricultural Survey (ArS) (compliant with BS 5837:2012 *'Trees in Relation to Design, Demolition and Construction – Recommendations'*) which identifies that a group of trees (comprising Birch, Fir and Ash) is located to the south-western site boundary which is rated Category B (*'Trees of Moderate Quality'*). Additionally, an Ash tree (also rated Category B) is located to the immediate north-west of the group of trees.

As part of the consideration of the application comments have been provided by both the Council's Tree Officer and the County Tree Officer.

The County Tree Officer has commented that any arboricultural constraints on the site would be limited to the impact which may arise to the linear group of trees. Based on the projected root protection area (RPA) of this tree group, the proposed bungalow and its associated infrastructure would be positioned outside of the RPA of the tree group and therefore they have no objections subject to any permission granted being conditioned so that a tree protection plan (TPP) is secured and put in place during the construction phase of the development.

In terms of the Council's Tree Officer they have responded specifically in relation to comments provided by the Council's Conservation Officer who identified that a former Ash tree comprised an existing landscape feature that should have been retained in line with Section 8 of the Council's adopted Good Design SPD (*'responsive to context'*) and therefore, in their view, compensatory tree planting should be provided on the site rather than the proposed bungalow.

As is identified in the *'Ecology'* section of this report above, the Ash tree is recognised as a Local Wildlife Site (LWS) (ref: 91421) on Map 8 associated with Policy BotH5 of the made BotHNP, however the Ash tree has been removed, and it is unclear when this removal took place. In reviewing Google Earth images, the Council's Tree Officer has commented that such images suggest that the Ash tree had significant crown dieback and therefore an assumption is made that either it died from Ash dieback disease, or became moribund, and was subsequently removed.

The Ash tree which has been removed was not protected by a Tree Preservation Order (TPO), nor did it lie within a Conservation Area. In addition, the officer reports associated with application references 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) and 20/01920/FUL specify that the Ash tree lay outside the site boundaries associated with these applications and consequently was not protected by any conditions imposed on the permissions granted.

On the basis that the Ash tree did not exist at the time the application was submitted, it is considered that it has no material consideration in the application to be determined given that there is no mechanism which requires the Ash tree to be replaced. It is also probable, based on the comments of the Council's Tree Officer, that the Ash tree died due to Ash dieback disease.

Additional comments from the Council's Tree Officer have outlined that the proposed bungalow and driveway would be outside of the RPA of the tree group and therefore a direct impact would be avoided. Whilst the removal of existing hard surfacing to provide the rear garden to the bungalow may cause some disturbance to the tree group, this could be mitigated by care being taken during the construction phase. The provision of natural turf would also result in an improvement to the rooting environment of the tree group and local green infrastructure overall.

In terms of the third party representations received in relation to the group of trees impacting adversely on the amenities of any occupants of the proposed bungalow, the Council's Tree Officer has commented that any impacts would not be to a degree where an objection would be warranted given that such trees would be protected from any unnecessary pressure for removal (as they are situated outside of the application site boundary), the impact would only be experienced within the rear amenity area, and that the impact would be limited to the afternoon period onward. In addition, any future occupants of the bungalow would be aware of the relationship with the tree group prior to their purchase.

Overall, the Council's Tree Officer has no objections to the application.

Based on the recommendations of the ArS, as well as the Council and County Tree Officers' comments, conditions imposed on any permission granted would secure an Arboricultural Method Statement (ArMS) and TPP.

The group of trees which lie to the south-west of the site fell within the red line of the site boundary associated with application reference 20/01920/FUL, with the approved boundary treatments to what are now nos. 7 and 8 St Hardulphs Close comprising a 1.2 metre high post and rail timber fence (with wire mesh infill) which was supplemented with a hedge. Boundary treatments associated with the proposed bungalow are to be agreed via condition, but even if a 1.8 metre high timber close boarded fence was provided along the south-western boundary any management of the group of trees would still be possible from within the gardens of nos. 7 and 8, or from the north-west given that the garden associated with the proposed bungalow would not cover the entire length of the group of trees. Additionally, the ArMS to be secured via condition as part of any permission granted could seek to undertake appropriate management of the trees which 'overhang' the boundary of the application site. This would ensure that their condition was approved prior to the bungalow being occupied.

#### *Soft Landscaping*

The application is not accompanied by a soft landscaping scheme and consequently a condition imposed on any permission granted would seek to secure an appropriate scheme including the delivery of a natural turf garden, hedgerow planting to the north-western site boundary and appropriate tree planting within the rear garden which is considered to be of a sufficient size to accommodate such tree planting. This approach would be consistent with the soft landscaping infrastructure delivered as part of application references 18/02198/FULM (22/01308/VCIM) and 20/01920/FUL, as well as that to be delivered as part of application reference 24/00197/FUL.

#### *Hard Landscaping*

In terms of hard landscaping, a plan has been provided to specify that the proposed driveway and off-street parking spaces would comprise block paving but no further details are provided in relation to other hard surfaces around the bungalow. On this basis a condition would be imposed on any permission granted to secure a precise hard landscaping scheme which would be consistent with that consented under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL.

## Landscaping Conclusion

Overall, the proposed development would be considered compliant with Part (3) of Policy En1 of the adopted Local Plan and Policy BotH6 of the made BotHNP.

## **Flood Risk and Drainage**

Policy Cc2 of the adopted Local Plan requires the risk and impact of flooding from development to be minimised, with Policy Cc3 requiring surface water drainage to be managed by Sustainable Drainage Systems (SuDS) (where feasible).

Policy BotH7 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) outlines that development sites should be designed to manage surface water sustainably. It also specifies that new dwellings in Breedon on the Hill should incorporate Sustainable Drainage Systems (SuDS), should avoid connections into the public sewer, should incorporate water efficient design and technology and protect existing drainage systems.

### *Flood Risk*

On the basis of the Environment Agency (EA) '*Flood Map for Planning*' detailed on the Government website, the application site is wholly within Flood Zone 1, which is at the lowest risk of fluvial flooding.

In terms of surface water (pluvial) flooding, the application site is at a very low risk of surface water flooding, although areas to the immediate north-east are at a low, medium and high risk of surface water flooding. The Council's Strategic Flood Risk Assessment (SFRA) also evidences that the application site would be at a very low risk of flooding from groundwater and sewers. Given the site's location, it is also reasonable to conclude that it would not be at risk from tidal / coastal flooding and flooding from artificial sources (i.e. reservoirs and canals).

Paragraph 173 of the NPPF outlines that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. Paragraph 174 of the NPPF subsequently outlines that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. It is, however, outlined at Paragraph 175 of the NPPF that the sequential test would not be applicable where a site specific FRA demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding from any source.

The '*Flood Risk and Coastal Change*' section of the NPPG specifies, at Paragraph 023 (Reference ID: 7-023-20220825), that the aim of the sequential test is to ensure areas at little or no risk of flooding from any source are developed in preference to areas at higher risk and this therefore means avoiding, as far as possible, development in current and future medium and high flood risk areas. Paragraph 024 (Reference ID: 7-024-20220825) further states that reasonably available sites in medium to high flood risk areas should only be considered where it is demonstrated that it is not possible to locate development in low flood risk areas.

Notwithstanding the above, Paragraph 027 (Reference ID: 7-027-20220825) specifies that in applying Paragraph 175 of the NPPF a proportionate approach should be taken and where a site-specific FRA demonstrates clearly that the proposed development (when accounting for its layout, design and mitigation measures) would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test would not need to be applied.

In this instance the proposed bungalow would be located wholly within an area at very low risk of flooding from surface water and is not at risk of flooding from any other source, on this basis the sequential test would not need to be applied.

### Flood Risk Conclusion

Overall, and when accounting for the development being sequentially located to avoid areas at medium to high risk of flooding from any source, it is considered that compliance with Policy Cc2 of the adopted Local Plan and Paragraphs 173, 174, 175 and 181 of the NPPF is demonstrated.

### *Surface Water Drainage*

As part of the consideration of the application the Lead Local Flood Authority (LLFA) have been consulted, and they have outlined that their standing advice should be considered.

The application is supported by a Drainage Technical Note (DTN) which outlines that the impermeable area of the proposed development is 0.26 hectares which results in a proposed Qbar discharge rate of 0.1 litres per second (l/s). On the basis that such a discharge rate is not feasible, the DTN outlines that the discharge rate would be limited to 1 l/s with such surface water being discharged to the existing surface water sewers associated with the development permitted under application reference 20/01920/FUL. To ensure the discharge rate meets the 1 in 100 year storm event plus 40% for climate change, surface water would be stored within attenuation crates for a maximum volume of 18 cubic metres (m<sup>3</sup>).

It is considered that the proposed surface water drainage scheme, when combined with the delivery of permeable block paving and other permeable hard surfacing within the application site (where required), would deliver a SuDS scheme and conditions would be imposed on any permission granted to secure the surface water drainage scheme.

In any event the application site comprises previously developed land, and in addition to the securing of the surface water drainage scheme the introduction of soft landscaping would also assist in suitably managing surface water. On this basis the proposed development would not create or exacerbate any localised flooding issue.

### Surface Water Drainage Conclusion

Overall, the proposal would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan, as well as Policy BotH7 of the made BotHNP and Paragraphs 181 and 182 of the NPPF.

### *Foul Drainage*

Insofar as foul drainage is concerned, the submitted DTN specifies that this would be discharged to the foul sewers constructed as part of the development consented under application reference 20/01920/FUL which are connected to the mains sewer. Any connection into the mains sewer would need to be agreed with Severn Trent Water (STW) under separate legislation, and no representation has been received from STW advising that capacity does not exist within the existing foul drainage network to accommodate the additional loads associated with one dwelling.

### Foul Drainage Conclusion

It is considered that foul drainage can be met by the existing sewerage system in place and on this basis the proposed development would accord with Paragraph 198 of the NPPF.

## Developer Contributions and Infrastructure

No requests have been made for Section 106 contributions.

Paragraphs 56 and 58 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- a) necessary to make the proposed development acceptable in planning terms;
- b) directly related to the proposed development; and
- c) fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

For the avoidance of doubt the Local Planning Authority is not dealing with this development as a stand-alone application for one dwelling but instead are treating it as an extension to the development consented under application references 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM), 20/01920/FUL and 24/00197/FUL and consequently a combined development of 59 dwellings, should permission be granted for the development as proposed.

A Section 106 agreement was secured against the permission granted under application reference 18/02198/FULM (22/01308/VCIM) which provided the following:

- Affordable Housing – 4 x 2 bed rented and 1 x 3 bed shared ownership dwellings.
- Health Contribution – a contribution of £21,549.66 for improvements to the Castle Donington Surgery on Borough Street.
- Travel Packs – to be supplied by Leicestershire County Council as the Highways Authority at a price of £52.85 per pack.
- 6 Month Bus Passes – to be supplied by Leicestershire County Council as the Highways Authority at a price of £360.00 per pass.

A Section 106 agreement was also secured against the permission granted under application reference 20/01920/FUL which provided the following:

- Recreation Contribution – a contribution of £10,000.00 for repairs, improvements and maintenance of play equipment at the existing facility to the rear of St Hardulphs Church of England Primary School at Main Street.

A further Section 106 agreement was also secured against the permission granted under application reference 24/00197/FUL which provided the following:

- Education Contribution – a contribution of £17,911.75 for the improvement, remodelling or enhancement of existing facilities at Castle Donington College, Castle Donington.
- Library Contribution – a contribution of £181.19 for improved stock provision, or to enable the reconfiguration of the internal space within the library to enable additional uses of the building, at Castle Donington Library, 101 Bondgate, Castle Donington.
- Further Health Contribution – a contribution of £4,646.40 for an increase and improvement to primary care services at either the Castle Donington Surgery on Borough Street, Castle Donington or the Belton Surgery at 1 Mill Lane, Belton.

In terms of this application, the consultation responses received from the Council's Affordable Housing Enabler (AHE), County Planning Obligations Team, County Highways Authority, and NHS Leicester, Leicestershire and Rutland Integrated Care Board (ICB) have outlined that no further contribution requests will be sought.

## *Affordable Housing*

On the basis that the application site constitutes previously developed land no further affordable housing would be required given the terms of Policy H4 of the adopted Local Plan would not trigger a further contribution even when combined with the development permitted under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL.

The permission granted under application reference 18/02198/FULM (22/01308/VCIM) secured 43 dwellings, 8 number of units on greenfield land at 30% (2.4 units) and 35 number of units on brownfield land at 5% (1.75 units), which equated to 5 affordable units ( $2.4 + 1.75 = 4.15$  units rounded up to 5).

The additional 9 dwellings consented under application reference 20/01920/FUL resulted in 52 dwellings, 8 number of units on greenfield land (2.4 units) and 44 number of units on brownfield land at 5% (2.2 units), this still equated to 5 affordable units ( $2.4 + 2.2 = 4.6$  units rounded up to 5).

The further 6 dwellings consented under application reference 24/00197/FUL resulted in 58 dwellings, 8 number of units on greenfield land at 30% (2.4 units) and 50 units on brownfield land at 5% (2.5 units), this also still equated to 5 affordable units ( $2.4 + 2.5 = 4.9$  rounded up to 5).

An additional dwelling, as proposed, would result in 59 dwellings, 8 number of units on greenfield land at 30% (2.4 units) and 51 units on brownfield land at 5% (2.55 units), this would still equate to 5 affordable units ( $2.4 + 2.55 = 4.95$  rounded up to 5).

This position has been accepted by the Council's AHE who has raised no objections.

The terms of Policy BotH20 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) would not be considered applicable to the development on the basis that the scheme does not comprise 10 dwellings or more and is on a site which is less than 0.5 hectares in size. Additionally, this policy could not be applied retrospectively to the previously consented developments.

## *Open Space, Sport and Recreation Facilities*

Policy IF3 of the adopted Local Plan outlines that open space, sport and recreation facilities should be sought on development proposals of 50 dwellings or more. Given that the combination of the schemes consented under 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL, along with that now proposed, would result in a development of more than 50 dwellings (59 total) the terms of Policy IF3 would be applicable.

Policy BotH10 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) outlines that new development will be supported by the provision of new or improved infrastructure, together with financial contributions for off-site infrastructure requirements where appropriate. This can include, amongst other things, community infrastructure improvements which may include the provision of children's play equipment (criterion (c)).

When considering an application against Policy IF3 due regard is to be given to four criteria, (a) to (d), which are as follows:

- (a) *The scale of the proposed development and the mix and type of dwellings to be provided;*
- (b) *The nature and scale of existing open space, sport and recreation provision within the locality of the proposed site;*
- (c) *The likely population characteristics resulting from the proposed development as well as that of the existing population in the locality; and*
- (d) *Local evidence of need, including (but not limited to) a Playing Pitch Strategy, open space assessment of need or equivalent sources.*

In terms of criterion (a) of Part (1) of Policy IF3 it is proposed that the combined development (being that permitted under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL as well as that proposed as part of this application) would result in a mix of predominantly 3 and 4+ bedroom dwellings with a minor percentage of 2 bed dwellings which would largely comprise the affordable dwellings (this being as outlined in the '*Housing Mix*' sub-section of the '*Design, Housing Mix and Impact on the Character and Appearance of the Streetscape*' section of this report above). Given such a mix it is considered that the dwellings would be predominantly aimed at families.

With regards to criterion (b) of Part (1) of Policy IF3 it is considered that the existing open space, sport and recreation provision within Breedon on the Hill is limited to a recreational facility to the rear of St Hardulphs Church of England Primary School on Main Street (the recreational facility is accessed by pedestrians off The Dovecote). It is, however, the case that the planning permission granted under application reference 18/02198/FULM (22/01308/VCIM) resulted in the provision of a village hall (now constructed) which can be utilised for indoor sport and recreational activities. Breedon Priory Health Club situated off Green Lane, Wilson, also provides leisure facilities (such as a gym and swimming pool) although membership of the health club is required in order to utilise such facilities.

In terms of criterion (c) of Part (1) of Policy IF3 the population characteristics associated with the development would likely involve the movement of small to medium sized families into the settlement along with younger couples. The existing population characteristics of Breedon on the Hill are defined by families along with mid-aged to elderly couples / singles.

Currently there is no playing pitch strategy or open space assessment (criterion (d) of Part (1) of Policy IF3) which deals specifically with Breedon on the Hill with the relevant strategies being applicable at a District Level.

Part (2) of Policy IF3 outlines that any open space, sport and recreation provision should be designed as an integral part of the proposed development in accordance with Policy D1 of the adopted Local Plan. Part (3) of Policy IF3 indicates that the provision of open space, sports and recreation facilities should be located on-site unless an off-site or partial off-site contribution would result in an equally beneficial enhancement to an existing open space, sports and / or recreation facility which is of benefit to the local community. The latter part of Policy IF3 indicates that further guidance will be set out in a supplementary planning document (SPD) but to date no such SPD has been produced.

The development proposed under the current application relates to the provision of one dwelling on a brownfield site of 0.05 hectares and taking into account the size of the site it would not be possible to accommodate on-site open space, sport and recreation provision. Such a conclusion was also reached in the assessment of application references 20/01920/FUL, whereby nine dwellings were constructed on a brownfield site of 0.51 hectares, and 24/00197/FUL, where six dwellings were constructed on a brownfield site of 0.45 hectares.

It is also the case that in the consideration of application reference 18/02198/FULM (22/01308/VCIM) it was not necessary to demonstrate compliance with Policy IF3 of the adopted Local Plan given that the scheme only related to 43 dwellings with it not being possible to 'retrospectively' introduce sport and recreational facilities on this site, or that associated with application references 20/01920/FUL and 24/00197/FUL.

In terms of open space this was 'informally' provided within the confines of the application site associated with application reference 18/02198/FULM (22/01308/VCIM) around the balancing ponds in the north-western and south-eastern parts of the site, as well as the land between the access road to the proposed dwellings and the south-western boundaries of nos. 27 and 29 Priory Close.

Whilst Policy IF3 was not applicable in the consideration of application reference 18/02198/FULM (22/01308/VCIM) it was the case that a village hall was permitted (and which is now constructed) as part of the development which was designed as an integral part of the scheme given its prominent location along the south-eastern site boundary in views from Ashby Road, Melbourne Road and The Green. The village hall was designed with a main hall which is capable of being used for indoor sport and recreation purposes.

In the consideration of application reference 20/01920/FUL a financial contribution of £10,000.00 was secured, payable to Breedon on the Hill Parish Council, which is to be utilised for repairs and improvements, as well as the future maintenance of, the existing recreational facility to the rear of St Hardulphs Church of England Primary School on Main Street. Whilst such a contribution was not strictly compliant with the CIL Regulations, given that the financial figure was not subject to any calculations to determine the level of contribution, the applicant advised they were willing to pay such a contribution.

Whilst no further contribution is proposed as part of this application, nor was one secured as part of the permission granted under application reference 24/00197/FUL, it is considered that the schemes previously consented have delivered a village hall, which could be utilised for sport and recreational purposes, as well as a financial contribution towards maintenance and improvements to an existing recreational facility. The level of contribution previously sought is therefore considered reasonable and would not justify any further requests as part of this application given that the overall number of dwellings to be created is not significantly above the threshold where Policy IF3 becomes applicable.

On the above basis it is considered that the terms of Part (3) of Policy IF3 are met in that the provision of the village hall, and the payment of the off-site financial contribution, result in the provision of a new facility, as well as an equally beneficial enhancement to an existing facility, both of which will be of benefit to the local community.

Whilst any open space on the site associated with planning permission 18/02198/FULM (22/01308/VCIM) may not be 'formally' provided, it is considered that the lack of 'formal' open space would not justify a refusal of the application particularly when taking into account the overall level of development proposed in relation to the threshold when Policy IF3 becomes applicable.

In terms of Policy BotH10 of the made BotHNP, it is considered that the financial contribution secured as part of the planning permission granted under application reference 20/01920/FUL would meet the terms of this policy with no further contribution being justified as part of this application for the reasons as outlined above.

#### Developer Contributions and Infrastructure

Overall, the proposed development would not conflict with Policies IF1 and IF3 of the adopted Local Plan or Policy BotH10 of the made BotHNP.

## **Land Contamination**

Policy En6 of the adopted Local Plan outlines that proposals for development on land that is (or is suspected of being) subject to contamination, will be supported where a detailed investigation and assessment of the issues is undertaken and that appropriate mitigation measures are identified, where required, which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

The Council's Land Contamination Officer has been consulted, and they have advised that they have no objections to the application subject to the imposition of conditions which would require the submission of a Risk Based Land Contamination Assessment and a Verification Investigation, this is due to the historic use of the site as a plant nursery.

It is considered that the imposition of such conditions is reasonable in the circumstances that the land would be utilised for a residential purpose and therefore necessary to ensure the health and safety of any future occupants. Subject to the imposition of these conditions, the scheme would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 196 and 197 of the NPPF.

## **Waste Collection**

The Council's Waste Services Development Officer (WSDO) has been consulted on the application and has raised no objections.

A Section 106 agreement secured against the planning permission granted under application reference 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) indemnified the Council so that the Council's waste vehicles could transverse upon what is now Priory Close (an unadopted highway). A further Section 106 agreement associated with the planning permission granted under application reference 20/01920/FUL secured additional indemnification so that the Council's waste vehicles could also serve the properties which comprise St Hardulphs Close.

The proposed bungalow would be served off the internal access road leading to St Hardulphs Close, with the extent of the indemnification identified onto the plans associated with the Section 106 agreement being around 9 metres from the application site boundary. On the basis that the bin collection point (BCP) serving the dwellings on St Hardulphs Close is around 10 metres from the junction of the vehicular access to St Hardulphs Close and the internal highway, it is considered that future occupants of the dwelling would be in a position to present their waste receptacles at the boundary of the application site so that they are collected in a manner which would be consistent with that of the waste collection for the properties on St Hardulphs Close. In this circumstance it is therefore considered that no further indemnification would be necessary.

An informative imposed on any permission granted would advise future occupants of the proposed bungalow of the need for their waste receptacles to be presented at the site boundary on the day of collection.

## **Other Matters**

### *Policy BotH9 of the made Breedon on the Hill Neighbourhood Plan*

Policy BotH9 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) outlines that “*new development should incorporate open access ducting to industry standards, to enable all new premises and homes to be directly served by fibre optic broadband technology (Fibre to the Premise). Exceptions will only be considered where it can be demonstrated that making such provision would render the development unviable.*”

It is considered that the responsibility of ensuring that suitable broadband speeds are delivered would be a matter to be addressed by the service provider outside of the planning process with it also being the case that Approved Document R (Infrastructure for Electronic Communications) of the Building Regulations 2010 (as amended) requires physical infrastructure and network connections for new dwelling which are Gigabit-ready. On the basis that separate legislation would secure the requirements of Policy BotH9 of the made BotHNP, there is no conflict with this policy.

#### *Loss of Open / Recreational Space*

Representations received from third parties have objected to the application on the basis that it results in the loss of open / recreational space.

For the purposes of the NPPF, and in particular Paragraph 103 and 104, open space is defined as *“all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as visual amenity.”*

The area of open space identified by the third parties relates to a turfed area of around 0.02 hectares which includes two inspection chambers associated with the drainage infrastructure installed on site. This is as shown in the images on the following page.

#### ***Area of Open Space Identified by Residents***





As is discussed in the '*Open Space, Sport and Recreation Facilities*' sub-section of the '*Developer Contributions and Infrastructure*' section of this report above, the original planning permission granted under application reference 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) was not required to provide open space, sport or recreation facilities in accordance with the requirements of Policy IF3 of the adopted Local Plan as the total number of dwellings was below 50 (being 43). Notwithstanding this, open space was informally provided within the confines of the application site associated with 18/02198/FULM (22/01308/VCIM) around the balancing ponds in the north-western and south-eastern parts of the site, as well as the land between the access road to the proposed dwellings and the south-western boundaries of nos. 27 and 29 Priory Close.

For the avoidance of doubt the land identified by third parties to comprise open space fell outside of the red line of the application site boundary associated with application reference 18/02198/FULM (22/01308/VCIM), as well as that associated with application reference 20/01920/FUL, given that such land comprised the retained access to the golf club implements store which was demolished as part of the planning permission granted under application reference 24/00197/FUL. Consequently, such open space has never been designed or deemed to be necessary nor formally required as part of the previous planning permissions granted. On this basis there is no evidence that previous permissions have sought for the open space to be retained, nor is it required to be maintained by virtue of conditions imposed on the previous consents.

It is unclear when the open space was turfed but based on the observations of the site visit its size is not sufficient enough to offer important opportunities for sport and recreation and there is no formal planting, no seating or evidence of frequent activity. It is also considered that it does not provide significant visual amenity given its positioning to the rear of properties on Priory Close and adjacent to the side elevation and boundary of no. 8 St Hardulphs Close. In these circumstances whilst the site is of value to residents it is not considered to meet the definition of open space within the NPPF.

Whilst the proposed development would result in the loss of a piece of land perceived by residents to be an area of open space which is of value to them, given the above circumstances, and that its loss would be compensated for by the 'informal' open spaces delivered elsewhere on the estate and the immediate landscape to the northern and western areas of the estate being open and devoid of development, it is considered that the proposed development does not conflict with the aims and intentions of Policy IF3 of the adopted Local Plan or Paragraphs 103 and 104 of the NPPF and a reason for refusal could not be justified on this basis.

In respect of Policy IF3 in the emerging Local Plan, as are a number of adverse comments have been received as part of the Regulation 18 consultation on the new Local Plan, and the new Local Plan has to go through the Regulation 19 consultation and then be submitted for Examination, the Council's Planning Policy team has advised that only limited weight can be attached to the emerging policy.

### **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 (adopted Local Plan) (2021) and the made Breedon on the Hill Neighbourhood Plan (made BotHNP) (2025). The site is located outside the defined Limits to Development as defined in the adopted Local Plan but is within the defined Limits for the purposes of the made BotHNP. Although outside the defined Limits for the purposes of the adopted Local Plan, the proposed development would be undertaken on previously developed land (PDL) in a settlement which is a 'Sustainable Village', consequently the proposal would be acceptable in principle in the context of Policy S3 of the adopted Local Plan. Furthermore, Policy BotH15 of the BotHNP supports residential development within the defined Limits.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirement of other policies, such as those set out within the NPPF (2024)). As set out above, the NPPF contains a presumption in favour of sustainable development. Having regard to the three objectives of sustainable development, it is concluded as follows:

#### *Economic Objective:*

This objective seeks to ensure that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and that the provision of infrastructure is identified and coordinated. It is accepted that, as per most forms of development, the scheme would have some economic benefits albeit these would be limited given the proposal only relates to one dwelling.

#### *Social Objective:*

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the construction of the development, also be expected to provide some limited social benefits. The NPPF identifies in particular, in respect of the social objective, the need to ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by the fostering of a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being.

Subject to the imposition of conditions to secure suitable design detailing and landscaping, the proposed development would be of an appropriate design which would successfully integrate into

the environment in which it is set thereby fostering a well-designed and safe environment. The proposed development would also not remove designated open space in the context of the definition within the NPPF.

*Environmental Objective:*

The development would be undertaken on PDL which would be the most appropriate land for new development as outlined by Paragraphs 124 and 125 of the NPPF. Given the location of the development in Breedon on the Hill, the ability to access services would be achievable via means other than the private car which would enable the development to contribute positively towards the movement to a low carbon economy. It is also considered that the proposed development would not have unacceptable impacts in terms of the natural and historic environment with the imposition of conditions ensuring the scheme's design would protect and enhance the built environment.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues as outlined above, the proposed development would comply with the provisions of the development plan as a whole and would benefit from the presumption in favour of sustainable development. Overall, there are no material considerations which indicate the determination of this application other than in accordance with the development plan and approval is therefore recommended.

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