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Meeting	PLANNING COMMITTEE
Time/Day/Date	6:00pm on Tuesday, 14 April 2026
Location	Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

	AGENDA	
Item		Pages
1. APOLOGIES FOR ABSENCE		
2. DECLARATION OF INTERESTS		
	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.	
3. MINUTES		
	To confirm and sign the minutes of the meeting held on 10 March 2026.	3 - 8
4. PLANNING APPLICATIONS AND OTHER MATTERS		
	The report of the Head of Planning and Infrastructure.	9 - 12

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	25/01591/PIP: Permission in Principle for the erection of five self-build dwellings Land at the rear of The Brambles, Lower Moor Road, Coleorton	PERMIT	13 - 42
A2	25/01097/FUL: Erection of a single storey detached dwelling Land to the rear of 46 Garfield Road, Hugglescote	PERMIT, subject to conditions	43 - 60
A3	26/00004/FUL: Change of use of a dwellinghouse (C3) to a children's care home (C2) for up to three young people 81 Main Street, Thringstone	PERMIT, subject to conditions	61 - 80

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 10 March 2026

Present: Councillor R Boam (Chair)

Councillors R L Morris, D Bigby, R Canny, D Everitt, J Legrys, P Moulton, C A Sewell, J G Simmons, N Smith, and M Wyatt (substitute for Councillor M Burke for items A1 and A3, and Councillor R Boam for item A2)

Officers: Ms J Davies, Mr B Dooley, Mr C Elston, Mr J Knightley and Mr L Marshall

61. APOLOGIES FOR ABSENCE

Apologies were received from Councillor M Burke for whom Councillor M Wyatt was substituting for item A1 and item A2 of the agenda.

62. DECLARATION OF INTERESTS

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

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 23/00883/FULM

Councillors D Bigby, R Canny, J Legrys

Item A2, application number 25/01411/REMM

Councillor D Bigby

Item A3, application number 25/01392/FUL

Councillors D Bigby, J Legrys

Councillor R Boam declared a registerable interest in item A2 of the agenda, application number 25/01411/REMM, as ward member, and stated that he would be leaving the meeting prior to this item, and Councillor R Morris was to take the Chair in his absence as Deputy.

Councillor R Canny declared an interest in item A1 of the agenda, application number 23/00883/FULM, as she had participated in parish council discussions concerning the matter, but she had come to the meeting with an open mind.

63. MINUTES

Consideration was given to the minutes of the meetings held on 21 January 2026 and 10 February 2026.

A member commented that the following line was inaccurate in the minutes of the meeting that took place on 10 February 2026, and needed to be adjusted:

'Member also commented that there was no requirement to take into account the undersupply of self-build properties at this stage'

It was moved by Councillor J Legrys, seconded by Councillor P Moulton and

RESOLVED THAT:

The minutes of the meetings held on 21 January 2026 and 10 February 2026 be approved and signed by the Chair as an accurate record of proceedings, pending the alteration to the line noted above.

64. 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.

Before moving on to the applications, the Chair stated that, to limit the disruption caused by the need to change the Chair, it had been agreed that the applications would be dealt with in the following order: A1, A3 and then A2.

65. 23/00883/FULM - ERECTION OF 35 B8 UNITS TOGETHER WITH ASSOCIATED ACCESS, PARKING AND SERVICING AREAS

Land North of Hilltop Farm, Hill Top, Castle Donington.

Officer's recommendation: Permit, subject to Section 106 obligations, and subject to conditions.

The Principal Planning Officer presented the report.

Mark Rogers, speaking as a parish councillor on behalf of Castle Donington Parish Council, addressed the Committee. He doubted whether there was an immediate need for the development and stated that there were alternative suitable sites within a reasonable distance of the area. It was also commented that, if approved, the development would have resulted in traffic increasing, as well as the risk to life and anti-social behaviour. He urged the Committee to refuse the application and added that, if it be approved, conditions should be considered which related to storage consent, no full-time working, limited parking, and CCTV monitoring.

Jon Imber, speaking as the agent on behalf of JMI Planning Ltd, addressed the Committee. He commented that, while HGV traffic was a concern, it was more likely that the units would have been visited by vans rather than serviced by HGVs. It was noted that there would have been a barrier at the site entrance to prevent out-of-hours access and anti-social behaviour, and there would have also been a Traffic Regulation Order (TRO) in place which would have advised HGVs to turn around.

Councillor A Morley, speaking as the ward member, addressed the Committee. She stated that the application was outside the limits of development and detracted from the character of the nearby green fields. She commented that it was a speculative development, doubting the immediate demand claimed by the applicant, and declared that the development would have exacerbated issues with congestion and anti-social behaviour if approved.

Members had a discussion during which many questions of clarity were addressed by the planning officers. Members doubted there was an immediate demand for the development, commenting that there were already sufficient warehouses in Castle Donington and that many of the existing units were empty and unused. It was added that it was outside the limits of development, and that the car storage was not appropriate for the small units that were proposed.

Members questioned what the Planning Inspectorate would have thought of the views they expressed during the meeting. The Legal Advisor responded that there had been

occasions where evidence provided by the Highways Authority had been preferred to local knowledge comments made by the Committee.

Concerns were also raised about the impact the use of the units would have had on nearby residents, and members doubted the potential the development had to create new job opportunities.

It was moved by Councillor R Canny, seconded by Councillor R Morris and

RESOLVED THAT:

The application be refused on the grounds that there was no immediate need or demand for the development, that it would have had a negative impact on residential amenity (such as noise and disturbance), and that it conflicted with policies S3, Ec2 and D2 of the Local Plan.

Motion to refuse the application on the grounds that there was no immediate need or demand for the development, that it would have had a negative impact on residential amenity (such as noise and disturbance), and that it conflicted with policies S3, Ec2 and D2 of the Local Plan (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Nigel Smith	For
Councillor Michael Wyatt	For
Carried	

66. 25/01392/FUL - CHANGE OF USE AND CONVERSION OF FORMER RESIDENTIAL CARE HOME TO FORM THREE NO. SEPARATE DWELLING UNITS TO INCLUDE TWO NO. HOUSES IN MULTIPLE OCCUPANCY (HMO) (USE CLASS SUI GENESIS) WITH SINGLE STOREY SIDE EXTENSION AND ASSOCIATED WORKS

Lyndhurst Lodge, 87 Burton Road, Ashby-de-la-Zouch

Officer's recommendation: Permit, subject to conditions.

The Principal Planning Officer presented the report.

Gareth Davies, speaking as an objector, addressed the Committee. He stated that the development would have added to existing congestion issues, and concerns were raised over the use of parking spaces which could have become problematic. He urged the Committee to refuse the application.

The Planning and Development Team Manager read out a statement from the ward member, Councillor E Parle, as part of which it was noted that the number of parking spaces was insufficient and would have added to existing congestion. It was added that there was a lack of efficient storage.

During discussion, the planning officers addressed several questions of clarity from members. Members expressed support for the application but mentioned that there was room for improvement in terms of parking arrangements and bin storage.

The Legal Advisor noted that 24-hour site management from the owner was unrealistic. He also explained that, under Section 215 of the Town and Country Planning Act - Untidy Land Notice - the Council could have served a notice if the site became untidy.

The Principal Planning Officer suggested members could have considered including a management plan as part of their decision which outlined precise details of how the site should have been managed. He added that the plan would have covered the shared communal areas including the vegetation, maintenance and general upkeep that was to be expected of the landlord. The Legal Advisor also noted that a contact number could have been included in the event an agent is offsite.

Members questioned whether the practical solution to the bins was viable and suggested the bin storage issues could have been addressed as part of the management plan.

It was moved by Councillor R Canny, seconded by Councillor J Legrys and

RESOLVED THAT:

The application be approved in accordance with the officer's recommendations with the addition of a condition to secure a management plan for the operation of the dwelling units and site.

As Councillor R Boam had declared an interest in item A3 of the agenda, he left the meeting. Councillor R Morris took the chair as Deputy. Councillor M Wyatt substituted for Councillor R Boam.

The meeting adjourned at 7:47pm.

The meeting reconvened at 7:52pm.

Motion to approve the application in accordance with the officer's recommendations with the addition of a condition to secure a management plan for the operation of the dwelling units and site (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Nigel Smith	For
Councillor Michael Wyatt	For
Carried	

67. **25/01411/REMM - RESERVED MATTERS APPROVAL (INTERNAL ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) (HYBRID PLANNING PERMISSION 19/00652/FULM) FOR THE ERECTION OF A 70,000 SQUARE METRE B8 DISTRIBUTION UNIT WITH ANCILLARY OFFICES (E(G)(I)) (FORMERLY USE CLASS B1 (A)), SERVICE YARDS AND HGV PARKING, FUEL AND WASH FACILITIES, VEHICULAR AND CYCLE PARKING, GATEHOUSE(S) AND SECURITY FACILITIES, PLANT, HARD AND SOFT LANDSCAPING INCLUDING BOUNDARY TREATMENTS AND RETAINING WALLS, PEDESTRIAN AND CYCLING INFRASTRUCTURE, INTERNAL ROADS, AND FOUL AND SURFACE WATER DRAINAGE INFRASTRUCTURE**

Former Lounge Disposal Point, Ashby Road, Coleorton.

Officer's recommendation: Permit, subject to conditions.

The Principal Planning Officer presented the report.

Gwyn Stubbings, speaking as the applicant, addressed the Committee. He mentioned that the development had previously been considered at different stages in 2012 and 2021, and that, since hybrid planning permission had been granted as part of the latter application, they had made several improvements to the site which included diverting a brook and planting over 3,000 trees. He urged the Committee to approve the application.

A discussion was had during which members noted there had been a lack of progress that had taken place on the site since it was last considered by the Committee. It was highlighted that, while the application complied with all the provisions that had been agreed previously, there was a significant need for access improvements. It was asked whether a note could have been included as part of the conditions which ensured that money would be spent on improving the cycling route from Ashby.

Members were advised that this was this was the responsibility of Leicestershire County Council who had confirmed the money was to be spent on improvement plans to get the road network completed. The Head of Planning and Infrastructure advised that Leicestershire County Council would be made aware of the need for cycling improvements.

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

RESOLVED THAT:

The application be approved in accordance with the officer's recommendations.

Motion to approve the application in accordance with the officer's recommendations (Motion)	
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moutt	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Nigel Smith	For
Councillor Michael Wyatt	For
Carried	

Councillor R Boam left the meeting at 7:47pm.

The meeting commenced at 6:00pm.

The Chair closed the meeting at 8:17pm.



**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 the erection of five self-build dwellings

**Report Item No
A1**

**Land At The Rear Of The Brambles, Lower Moor Road,
Coleorton, Coalville, Leicestershire. LE67 8ND**

**Application Reference:
25/01591/PIP**

**Grid Reference (E) 440290
Grid Reference (N) 317424**

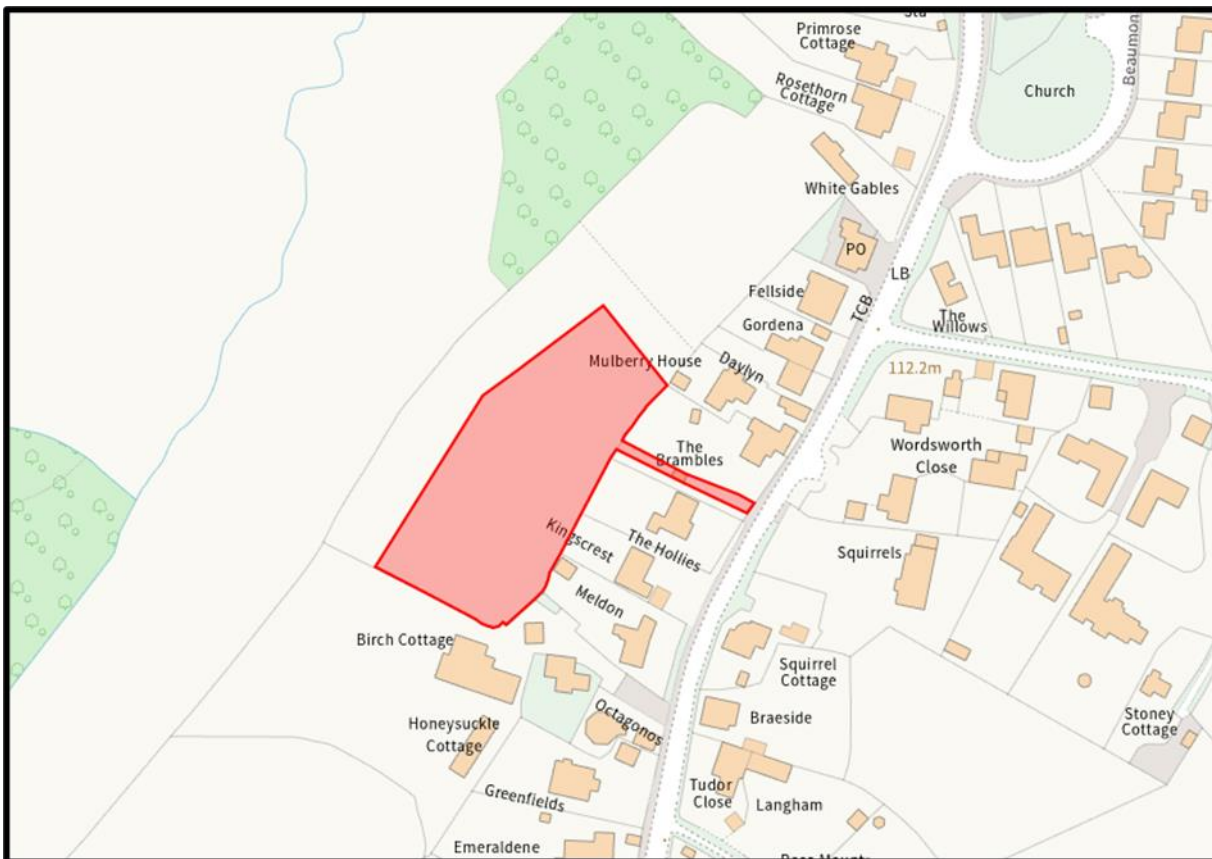
**Date Registered:
27 November 2025
Consultation Expiry:
27 December 2025
Determination Date:
25 December 2025
Extension of Time:
24 April 2026**

**Applicant:
Mr Darren Betteridge**

**Case Officer:
Lewis Marshall**

**Recommendation:
PERMIT**

Site Location – Plan for indicative purposes only



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Reasons the case is called to the Planning Committee

This application is referred to the Planning Committee for determination on the basis that that it is contrary to the provisions of an approved Development Plan policy and is recommended for permission, and in the opinion of the Strategic Director of Place it is potentially controversial and of significant public interest.

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 five residential self-build dwellings on land to the rear of The Brambles, Lower Moor Road, Coleorton.

The application site (save for the indicative access via The Brambles) is located outside of the limits to development as per the adopted Local Plan. The site is within the National Forest. The site is located within the setting of the Grade II* Registered Park and Garden to Coleorton Hall which is located to the north-west.

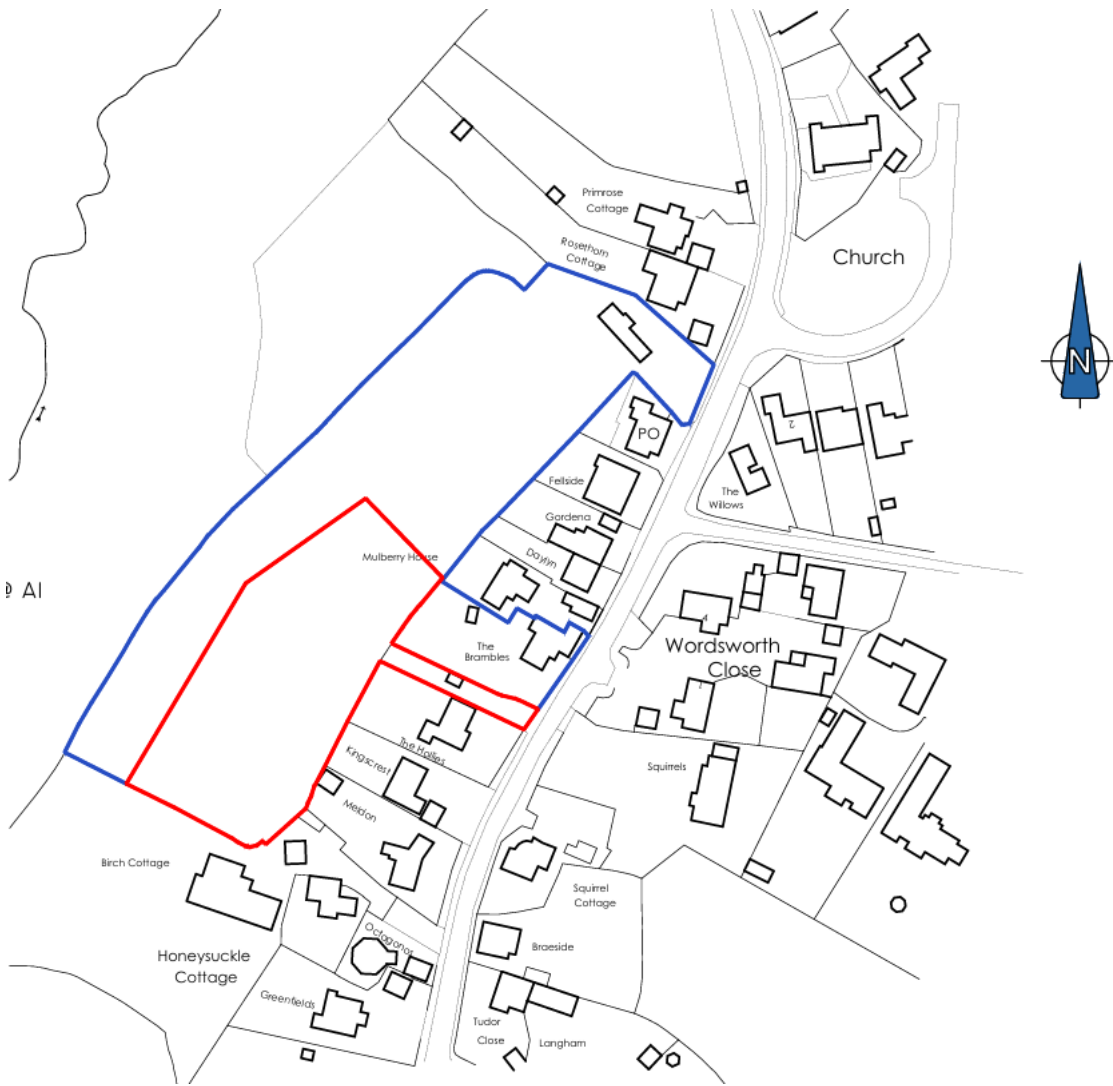
To the north-east, east and south-east of the application site are detached single and two storey dwellings located off Lower Moor Road. To the north-west, north-east, east of the application site is undeveloped land located in the countryside. A group of trees is located beyond the western and northern boundaries of the site. The southern and eastern boundaries are formed by a mixture of hedgerow boundaries and timber fencing.

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 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 indicative plans and this documentation can be viewed on the District Council's website. As set out below, concerns have been raised by consultees on the basis that supporting information in respect of ecological and heritage impacts have not been submitted, however, it is not considered that such information can be required prior to the determination of the application given such matters would be considered at the technical details consent stage should permission in principle be granted.

Site Location Plan



Aerial Image of the Site Location



18/01081/FUL - Erection of detached dwelling and alterations to the existing access - Application Permitted

17/01350/FUL - Two storey and single storey extensions - Application Withdrawn

10/00605/FUL - Erection of two storey extension - Application Permitted

10/00752/FUL - Erection of one no. detached dwelling. Refused and allowed on appeal

2. Publicity

32 neighbouring properties were notified on 27th November 2025.

Site notice displayed 4 December 2025.

3. Summary of Consultations and Representations Received

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

Objections from:

NLWDC Conservation Officer - it is suggested that the proposal overall would result in limited but less than substantial harm to the setting of the Coleorton Hall Registered Parking and Garden.

Historic England - raises some concerns because the application is not supported by a Heritage Impact Assessment and advises that the advice of the Local Conservation Officer be sought.

Gardens Trust - requests that the application be supported by a Historic Impact Assessment

Coleorton Parish Council, for the following reasons:

- The site is located in the countryside outside of the settlement limits and contrary to Policy S3 of the Local Plan
- Support the concerns raised by Historic England
- Environmental impact caused by urbanisation and loss of open space

Leicestershire County Council - Ecology, for the following reasons:

- The application is not supported by a protected species survey

No Objections / No Objection Subject to Conditions from:

Leicestershire County Council - Highways Authority

Leicestershire County Council - Archaeology

Coal Authority

NWLDC Environmental Protection

Third Party Representations

18 third party representations have been received (3 in support and 15 in objection). The comments raised are summarised as follows.

Grounds of Objections	Description of Impact
The Principle of Development and Preliminary Matters	The site is outside of the limits to development and contrary to local policy and the harms outweigh the benefits
	Loss of greenfield/agricultural land
	Development of the site has been refused previously and there are no material changes that would justify a different decision on the application
	Unsustainable Location
Visual/Heritage Impacts	Impact on Coleorton Hall Registered Park and Garden as a designated heritage asset
	Harm to the character of the area due to the amount of development
	Harm to the National Forest
	Poor design and layout
Residential Amenity	Harm to amenity in terms of outlook and noise.
Other Matters	The submitted LVIA is out of date and should be updated to reflect the current proposal
	Harm to ecology and wildlife, including great crested newts

Of the three letters of support received, the reasons provided are summarised below.

- There is a need for self-build units due to ongoing shortfall of plots in the area
- The proposal would not result in harm and would deliver economic and social benefits
- Similar proposals have been granted planning permission elsewhere in the district
- Planning Inspectors have confirmed previously that the location is sustainable

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

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

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 and 58 (Planning conditions and obligations);
Paragraph 105 (Promoting healthy and safe communities);
Paragraphs 109, 110, 112, 113, 115, 116 and 117 (Promoting sustainable transport);
Paragraphs 124, 125 and 129 (Making effective use of land);
Paragraphs 131, 133, 134, 135 and 139 (Achieving well-designed places);
Paragraphs 161, 163, 164, 166, 168, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 187, 193, 196, 197, 198 and 201 (Conserving and enhancing the natural 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 IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En3 – The National Forest;
Policy En6 – Land and Air Quality;
Policy Cc2 – Water – Flood Risk;
Policy Cc3 – Water – Sustainable Drainage Systems; and

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

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

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

Other Policies

National Planning Practice Guidance
Good Design for North West Leicestershire Supplementary Planning Document (April 2017).
National Design Guide
Leicestershire Highways Design Guide (Leicestershire County Council)
Manual For Streets 1 & 2 - March 2007 & September 2010
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)
The Self and Custom Housebuilding Act 2015

5. Assessment

Background to Permissions in Principle (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 five self-build dwellings.

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, is where the detailed development proposals are assessed.

The current 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 technical details consent stage.

The Local Planning Authority can inform applicants what they expect to see at the technical details consent stage but cannot impose planning conditions.

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) and the Leicestershire Minerals and Waste Local Plan (2019).

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are 'up to date' having regard for their consistency with the National Planning Policy Framework (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 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, save for limited exceptions as specified in the policy (e.g. re-use or adaptation of an existing building or the redevelopment of previously developed land). The 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.

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. It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

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

The site is located within an area identified as countryside under Policy S3, with the nearest settlement being the part of Coleorton defined as a "sustainable village", which is located adjacent to the site.

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

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

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

Development on land within the countryside is also required to be assessed against subparagraphs (i) - (vi) of Policy S3. An assessment of these subparagraphs is listed below:

(i) The appearance and character of the landscape, including its historic character and features such

as biodiversity, views, settlement pattern rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.

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

Coleorton is a dispersed settlement with ribbons of sporadic houses separated by 'green gaps' with the occasional cluster of more dense development. It is a characteristic quite unique to the settlement. One of these ribbons is present on the western side of this section of Lower Moor Road, characterised by a section of linear development whilst to the east of this section of Lower Moor Road, development is more dispersed and development at depth is more common.

The site itself comprises of an area of greenfield land, located to the west of Lower Moor Road behind existing properties which form the existing band of linear ribbon development. To the south west of the application site are detached two storey dwellings located off Lower Moor Road which are at depth beyond frontage development. To the north-west, west and north east of the application site is undeveloped land located in the countryside. As such, the plot largely retains its original informal agricultural appearance which positively contributes to the rural character of the countryside location maintaining a sense of openness and separation from the adjacent band of linear development.

In the determination of the previous appeal in relation to the wider site, the Inspector found that the scheme for five dwellings would suburbanise the site and erode its open and rural characteristics resulting in adverse moderate impact on the landscape. The current application proposes a significant reduction in the site area and extent of development, leaving a significant area of the wider site open and undeveloped where it is in closer proximity to public rights of way to the north east.

Notwithstanding that the current application seeks permission in principle, overall, it is considered the proposals in this instance would result in a limited degree of harm to the local landscape and settlement pattern arising from the suburban form of additional back land development at this location. This limited level of harm is to be weighed in the planning balance.

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

The proposals would result in the development of an existing undeveloped site outside of the defined limits to development and would extend beyond the existing sustainable village limits of Coleorton. However, the nearest settlement is Ashby De La Zouch which is located approximately 3 km to the west of the Site. Bearing in mind the limited extent of the development proposed, the proposals would not undermine, the physical and perceived separation and open undeveloped character between nearby settlements.

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

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

The proposals, whilst only illustrative at this stage would result in additional development at depth

which would not directly front onto this section of Lower Moor Road. As such, it is not considered the proposals would create or exacerbate ribbon development.

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

Given that the proposal would be in close proximity to the existing dwellings which front onto Lower Moor Road and is located directly adjacent to the sustainable limits of Coleorton, it is considered that a form of development could be secured at the technical details consent stage that would be well-related to existing development along Lower Moor Road and the wider settlement of Coleorton.

However, as the scale, layout and appearance is not yet known or approved in relation to the plots and the current application seeks only permission in principle whereby the layout and scale is not for consideration at this stage, such matters under policy S3(iv) would be considered at the subsequent technical consent details stage.

Overall and on balance, it is considered that the development could be well integrated with existing development and buildings and therefore no conflict has been identified with criterion iv of Policy S3 at this stage.

(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 draft local plan is still in the early stages with consultation on draft policies having been carried out at the beginning of 2024 and additional proposed housing and employment allocations in early 2025. However, it is noted that no part of Coleorton is proposed to be classified as a sustainable village under the revised version of Policy S2, with Coleorton instead being classified as a Local Housing Needs Village which would be defined as "settlements with very limited services and where development will be restricted to that which meets a local need in accordance with policy S3". This is consistent with the objectives of paragraph 109 of the NPPF which seeks to concentrate significant development on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. On the basis of the above, it is considered that limited weight could be afforded to this draft policy.

Additionally, due consideration has also been given to the assessment of sustainability of Coleorton outlined within the Inspectors report in consideration of the previous appeal scheme for five dwellings. This noted that the area of Coleorton around Lower Moor Road was deemed to be a sustainable location in relation to the provision of sustainable transport options available along Loughborough Road (A512), as such, there would be suitable alternative transport provision and no conflict with policy S3(vi) of the Local Plan.

From a social sustainability perspective, the nearest bus stops are at The Moor, Loughborough Road which is used by Service 29 (Leicester - Swadlincote) which provides a service every one hour (Monday-Sunday). This bus stop is located approximately 360m from the site. Existing footways with street lighting are present between the Site and the bus stop.

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

Therefore, it is concluded that there would be some opportunities for access to a wider array of facilities and services to be accessed via sustainable forms of travel and the development would not conflict with criterion (vi) of Policy S3.

Other Matters

In terms of other services available, there is a public house (The George, Loughborough Road - approximately 650m away), a primary school (Viscount Beaumont's C Of E Primary School, Ashby Road approximately 950m away) and a Methodist Church (Coleorton Methodist Church, Lower Moor Road - approximately 80m away). With the exception of the school, the walk to these services could largely be carried out along maintained footpaths which are well lit.

However, it must be acknowledged that the provision of local services and facilities in the immediate area is limited. Nonetheless, future occupants would have some access to facilities and services in order to meet day to day needs. Overall, it is concluded that future residents of the proposed dwellings would have access to limited services

In addition to the considerations under Policy S3, Policy S2 of the Local Plan contains a Settlement Hierarchy. Policy S2 (Settlement Hierarchy) of the North West Leicestershire Local Plan (2021) defines this part of Coleorton as a Sustainable Village. However the application site is located outside of the Limits to Development of Coleorton and is therefore located in a Countryside location and thus conflicts with Policy S2.

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

Given the above and having regard for the conclusions of the Inspector in the determination of the previous appeal in relation to the site, it is considered that future occupiers of the proposed dwellings would not be solely reliant upon the private car to access basic day to day services/facilities.

It is also noted that there would be some limited economic benefits associated with employment in the construction trade and future residents helping to maintain local services in the area.

Conclusion - Principle of Development

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

Self-Build and Custom Housing

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

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. This is a Permission in Principle application for the erection of five no. self-build dwellings. Occupation by a self-builder could be secured by conditions imposed on the technical details consent permission. Subject to a condition at that stage, 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 11 December 2025 there are 220 individuals on the list. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots.

A	B	C	D	E	F
Base Period	Registrations in base period	Plots required to meet demand by end of base period	Permissions granted in base period (dwellings)	Cumulative permissions at end of base period (dwellings)	Oversupply (+) or shortfall (-) (E minus C)
1 April 2016 to 30 October 2016	6	0	1	1	+1
31 October 2016 to 30th October 2017	10	0	1	2	+2
31 October 2017 to 30 October 2018	8	0	2	4	+4
31 October 2018 to 30 October 2019	14	6	30	34	+28
31 October 2019 to 30 October 2020	20	16	0	34	+18
31 October 2020 to 30 October 2021	14	24	0	34	+10
31 October 2021 to 30 October 2022	20	38	0	34	-4
31 October 2022 to 30 October 2023	34	58	3	37	-21
31 October 2023 to 30 October 2024	37	72	17	54	-18
31 October 2024 to 30 October 2025	33	92	32	86	-6
31 October 2025 to 30 October 2026	TBC	146*	27**	113**	-33**

* 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 20 December 2025

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

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

31 October 2023 to 30 October 2024

There was a cumulative demand for 72 self-build and custom housebuilding plots (Column C) to be provided by the end of the last base period (30 October 2024).

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

31 October 2024 to 30 October 2025

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 27 plots (Column D) has been granted so far during this base period, so cumulative planning permissions have been granted for a total of 113 plots (Column E) (86 cumulative permissions at the end of the previous base period and 27 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 33 plots. This represents a significant unmet need.

To meet its duties under the Act, the Council would need to have granted planning permission for 39 self-build and custom housebuilding plots by 30 October 2026.

Therefore, it is acknowledged that this proposal for five dwellings (subject to a condition at the

technical details consent stage to secure the self-build dwellings) would contribute to addressing the existing and future shortfall and this is a material consideration in the determination of the application to be given significant weight in favour of the proposal. This ensures a consistent approach with recent appeal decisions received by the Local Planning Authority.

In light of recent appeal decisions where the Planning Inspectorate has used a condition to secure dwellings as self or custom build rather than a legal agreement, the Local Planning Authority will also use such a condition for the same purpose, although this would be imposed at the Technical details Consent stage should permission in principle be granted.

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."

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. In this case, while the proposal would impact on the setting of the Coleorton Hall registered park and garden as a designated heritage asset, it is not considered that such impacts result in a "strong reason for refusing the application" therefore Paragraph 11(d)(i) is not engaged in this case. The impact on the heritage asset is considered further within the relevant section of the report below.

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

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

Loss of Agricultural Land

In terms of environmental sustainability, the proposal would result in the loss of agricultural land. Furthermore, consideration has been given to footer 62 of the NPPF which states that the availability of agricultural land used for food production should be considered, alongside the other policies in the Framework, when deciding what sites are most appropriate for development. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3 of the Agricultural Land

Classification (ALC). The ALC maps indicate that the site falls within Grade 4 (poor) and therefore the proposal would not result in the loss of BMV. However, the extent of the site is also very limited for agricultural purposes. Therefore, given the quality of the land and very limited extent of the potential loss of the site, it is considered that this is not sufficient to sustain a reason for refusal.

Impact on the Character of the Area

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must positively perform against Building for Life 12 and that developments will be assessed against the Council's adopted Good Design SPD. Policy S3 of the Local Plan (2021) requires developments to safeguard and enhance the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness (criterion (i)) and for built development to be well integrated with existing development and existing buildings (criterion (vi)). Policy En3 requires development in the National Forest to be appropriate to its Forest setting.

The updated 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.

The application does not seek approval of the detailed design which would therefore be a matter to assess at the technical details consent 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. Photograph images of the site and Lower Moor Road scene are below.



Site Frontage from Lower Moor Road



Lower Moor Road Street Scene – looking south



View across the application site – looking south



View across the application site – looking south-west towards the registered park and garden

The principle of five dwellings on this site would result in a level of harm to the character and appearance of the countryside by virtue of the unjustified development of a greenfield site in the countryside.

The application site is within an established residential area consisting of a mix of dwelling types and ages, although those around the application site are predominantly larger detached dwellings of brick construction. Public Right of Way M72 runs to the north east of the site and despite the distance, it would be prominent in views along the public right of way which provides direct access to the countryside to the west of the settlement.

The site itself comprises of an area of greenfield land, located to the west of Lower Moor Road behind existing properties which form the existing band of linear ribbon development. The site is set at approximately 2-3m lower land level than Lower Moor Road. To the north-east, east and south-east of the application site are detached two storey dwellings located off Lower Moor Road. To the north-west of the application site is undeveloped land located in the countryside. The application site is contained by trees to the north west. The southern and eastern boundaries are formed by a mixture of hedgerow boundaries and timber fencing. As such, the plot largely retains its original agricultural appearance which positively contributes to the rural character of the countryside location maintaining a sense of openness and separation from the adjacent band of linear development. The site levels also slope downhill in a north westerly direction away Lower Moor Road. As set out above, the loss of open greenfield land, although smaller than the previously refused scheme for five dwellings, has largely addressed the concerns of the Inspector in dismissing the previous appeal. However, the current scheme would still result in limited harm to the character and appearance of the countryside.

Notwithstanding this, the indicative size of the proposed plots would be proportionate in size and shape to those permitted elsewhere in the immediate locality and it is not therefore considered that the development would result in harm to the established pattern or density of development nor would it result in the overdevelopment of the site.

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

However, as set out above, the proposal would result in a limited level of harm to the character and appearance of the area due to the presence of built development on a greenfield site in the countryside. The limited level of harm identified is considered within the planning balance below.

Impact on Heritage Assets

Paragraph 195 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance and Paragraph 203 states in determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

The proposed development must be considered against section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a heritage asset special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

The application site is located in close proximity (17.5m) from the boundary of the Grade II* Listed registered park and garden (RGP) to Coleorton Hall. The Coleorton Hall Conservation Area (CA) is located 950m to the west of the site. One of the routes to the Hall and its Pleasure Grounds which form the CA is located 72 to the north east of the site. Therefore, the site forms part of the undeveloped agricultural land in the surrounding landscape and can be considered to be within the setting of the Registered Park and garden and the CA.

The RGP comprises parkland and a range of pleasure grounds, set around a principal house, that were developed in early 19th century. The pleasure grounds and associated listed buildings are some considerable distance from the Site and physically separated by Rempstone Road.

The Conservation Officer has been consulted as part of the application and considers that the proposal is likely to result in less than substantial but limited harm to the setting of the RGP. However, the precise level of harm cannot be determined at this stage given the scale, layout and appearance of the development is not known. While harm would arise from the proposal, it is a significant material consideration that the Inspector in the determination of the previous appeal considered that the part of the RGP closest to the current site "is unmanaged and does not contribute to the special interest given the nature of its vegetation and screening from the main parkland area". It therefore follows that development that is confined to the site as currently proposed, subject to scale and appearance, would not harm the setting of the RGP. Furthermore, the land around the site to the north east and north west is under the control of the applicant and it is possible that additional landscaped buffers could be proposed within the land around the site which could be secured by legal agreement. Such provision of landscaping would eliminate the potential for harm to befall the setting of the RGP.

Historic England and The Gardens trust have also raised concerns with the proposal and the effect on the designated heritage asset due to the absence of detail and supporting information. However, as set out above, the application seeks only permission in principle and therefore cannot be resisted or refused due to the lack of information.

Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. This harm is considered in the planning balance below.

In line with the conclusions made by the Inspector in the previously dismissed appeal, it is not considered that the proposal would harm the setting of the Coleorton Hall CA. This is because of its densely vegetated eastern boundary and the limited visual juxtaposition between the site and the open parkland context which serves its historic core. The proposal would therefore preserve the setting of the CA, as it contributes to its significance.

Taking the above into account, it is considered that the scheme would result in harm to the heritage asset in conflict with Policy He1 of the Local Plan. The less than substantial harm falls to be weighed against the public benefits within the planning and heritage balance below.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) notes that the application lies within a wider area of archaeological interest.

NPPF paragraph 218, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

During the application, the County Archaeologist has been consulted and considers that the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 208).

While the current results are sufficient to support the planning decision, further post-determination programme of archaeological mitigation is required, including an initial phase of exploratory trial trenching, in order to define the full extent and character of the necessary archaeological mitigation programme.

In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching.

As such, LCC Archaeology raises no objections to the application subject to the conditioning of a programme of archaeological work.

The LPA is therefore satisfied that the proposal would be acceptable for the purposes of paragraphs 207 and 208 of the NPPF as well as Policy He1 of the Local Plan.

Impact on Residential Amenities

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

Concerns have been raised by neighbouring residents that the development could result in increased noise and loss of outlook.

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

It is also considered that the future occupiers of the proposed dwelling could be provided with a high standard of amenity in terms of light, outlook, and private amenity space.

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

Overall, the impacts in this respect upon the living conditions of existing and future occupiers are not considered to be significantly harmful to warrant a refusal of planning permission in this case.

On the above basis, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan and the advice set out in paragraphs 135(f) and 191(a) of the NPPF.

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.

The site lies within Flood Zone 1 (which has the lowest risk of fluvial flooding) and is therefore not at risk of fluvial flooding nor is it considered likely that the proposed development would exacerbate any fluvial flood risk. No part of the site falls within an area impacted by surface water flood risk as defined on the Environment Agency's Flood Map for Planning.

Notwithstanding the above, should permission in principle be granted, it is considered that any additional surface water created by the development can be overcome with 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. 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 therefore considered that subject to the technical details consent, sustainable drainage systems can be provided as part of the development and thereafter delivered and maintained on the site, thus, the site could be developed for five dwellings without unacceptable risk of flooding or increase the risk of flooding elsewhere.

Overall, 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 and Biodiversity Net Gain

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

Concerns have been raised that the proposal would result in the loss of habitat, in particular for Great Crested Newt. LCC Ecology has also objected to the application due to the lack of supporting information in the form of an ecological appraisal.

The current application has not been supported by the submission of a Preliminary Ecological Appraisal, BNG assessment and associated metric. However, the site, being a paddock is likely to be of low ecological value. Furthermore, the development is not subject to mandatory Biodiversity Net Gain as self-build dwellings are exempt. Notwithstanding this, it is 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. It should also be noted that harm to biodiversity or protected species did not form part of the reasons for refusal on the wider site in the past, nor were such matters considered in the subsequent appeal.

Furthermore, the design of the dwellings as part of a technical details consent scheme would need to consider any existing site features such as trees and hedgerows or other impact on protected species and their habitats.

As such, subject to the technical details consent application which would need to secure biodiversity enhancements, the application is considered to be acceptable in principle when having regard to trees, ecology and biodiversity and any concerns raised in respect of ecology and impacts on trees would need to be addressed at the technical details stage. 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.

Highway Impacts

Whilst the site access is not to be determined as part of this Permission in Principle application, the Local Highway Authority 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 severe harm to the highway network, contrary to Paragraph 116 of the National Planning Policy Framework (NPPF) (2024).

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.

Access is not sought for approval at this stage. Leicestershire County Council Highways were

consulted during the course of the application and have not raised an objection to the scheme on highway safety grounds and considers that safe and suitable access is likely to be achievable.

Whilst the layout is to be determined as part of any technical details consent application and the level of parking provision will be dependent on the size of the dwellings, the site is considered to be large enough to provide car parking provision for multiple vehicles with turning space provided on site.

Overall, it is considered that safe vehicular access and highway mitigation measures could be addressed through any technical details consent application and therefore the development could be compliant with Policies IF4 and IF7 of the adopted Local Plan as well as the NPPF.

Land Use

The application site comprises agricultural land. Residential properties adjoin the site to the east and west with further residential development sporadically located in the immediate and wider context.

It is considered that the development of five dwellings on the site would relate adequately to the immediate and wider residential uses to the east of the site, and would not result in the creation of isolated properties 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 five dwellings.

The proposed development on the site of 0.42ha would make efficient use of the land, would not result in a cramped form of overdevelopment and may have the potential to preserve the character of the area and the setting of heritage assets, 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. However, the policy conflict arising from the provision of five dwellings as proposed is considered in the planning balance below.

Waste Storage and Collection Arrangements

The application site contains sufficient space within the site for the provision of waste storage which future occupiers would be able to utilise, subject to the layout at the technical details consent stage. Waste would be capable of being dragged from the front garden and along the driveway where waste and recycling receptacles would then be left adjacent to the highway at Lower Moor Road on collection day which is considered to be acceptable. Alternatively, a scheme could be designed that would allow for refuse vehicles to enter and turn within the site. Notwithstanding this, this is a matter for consideration at the Technical Details Consent stage at which time the Waste Services Team would be consulted when detailed proposals are submitted, in the event that Permission in Principle is granted.

Coal Mining Risk

Paragraph 196 of the NPPF states that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Policy En6 of the Local Plan requires that land that is (or is suspected of being) subject to land instability issues or contamination will be supported where a planning application is accompanied by a detailed investigation and mitigation proposals.

Throughout the course of the application, the Mining Remediation Authority were consulted due to the development falling within a Development High Risk Area for coal mining.

The Mining Remediation Authority has no objections to the proposed development at this stage and confirms that such matters would be of primary consideration at the technical details consent stage.

On this basis, the proposal would accord with Policy En6 of the adopted Local Plan and relevant paragraphs of the NPPF.

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 application (being Policies S2 and S3 of the adopted Local Plan as they relate to the provision and distribution of housing) are effective, not out of date, and carry significant weight.

While it is acknowledged that the proposal would result in limited and less than substantial harm to the designated heritage asset and its setting, it is considered that the public benefits of the proposal, as set out below, outweigh the less than substantial harm identified and therefore the heritage harms identified are not considered to constitute a strong reason for refusing the application as set out in paragraph 11d(i) of the NPPF. Therefore, in this case, paragraph 11d(ii) of the NPPF is engaged.

The adopted Local Plan is also silent on the matter of self-build housing and in these this circumstances, as set out earlier in this report, paragraph 11(dii) of the NPPF would apply which states that for decision makers, this means '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 this Framework taken as a whole'.

The proposed development would contribute towards the supply of self-build plots when there is a significant identified shortfall and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. Nevertheless, the scheme would result in residential development on greenfield land located outside of the limits to development.

In this instance, it is contended by the Local Planning Authority that very limited harm would arise from the loss of greenfield land located within the countryside. Any harm may be minimised with appropriate design and landscaping at the technical details consent stage. It is also a significant material consideration in the determination of this application that this location was found to be acceptable previously at appeal in regards to the access to public transport and local services.

Balanced against the harms, limited positive weighting would 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 dependent on the private car. It is considered that these would have moderate weight in favour of the proposal in the balance.

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

Technical concerns with regards to amenity impacts, highway safety, land instability, the impact on ecology and biodiversity are capable of being addressed at the Technical Details Consent stage should Permission in Principle be granted.

Provision of additional housing in an accessible location is afforded positive weight, and the need for self-build plots in the district is considered to be significant, with significant positive weighting being given to the provision of five self-build plots.

In this case it is acknowledged that there would be conflict with the spatial strategy contained within the development plan, however given the contribution of five dwellings to the significant unmet need for self-builds, along with the other benefits of the proposal listed above, the harm arising from this conflict would not significantly and demonstrably outweigh the benefits of the proposal. There are no other material considerations of sufficient weight that indicate that permission should be refused.

Overall, the adverse impacts of allowing this development would not significantly and demonstrably outweigh the identified benefits of the proposal and there are no other material considerations that indicate that permission in principle should be refused.

Erection of a single storey detached dwelling

**Report Item No
A2**

Land to the rear of 46 Garfield Road, Hugglescote

**Application Reference:
25/01097/FUL**

Grid Reference (E) 442433

Grid Reference (N) 313226

Date Registered:

4 August 2025

Applicant:

Mr W Kuchlin

Consultation Expiry:

13 September 2025

Case Officer:

Sara Hullott

Determination Date:

29 September 2025

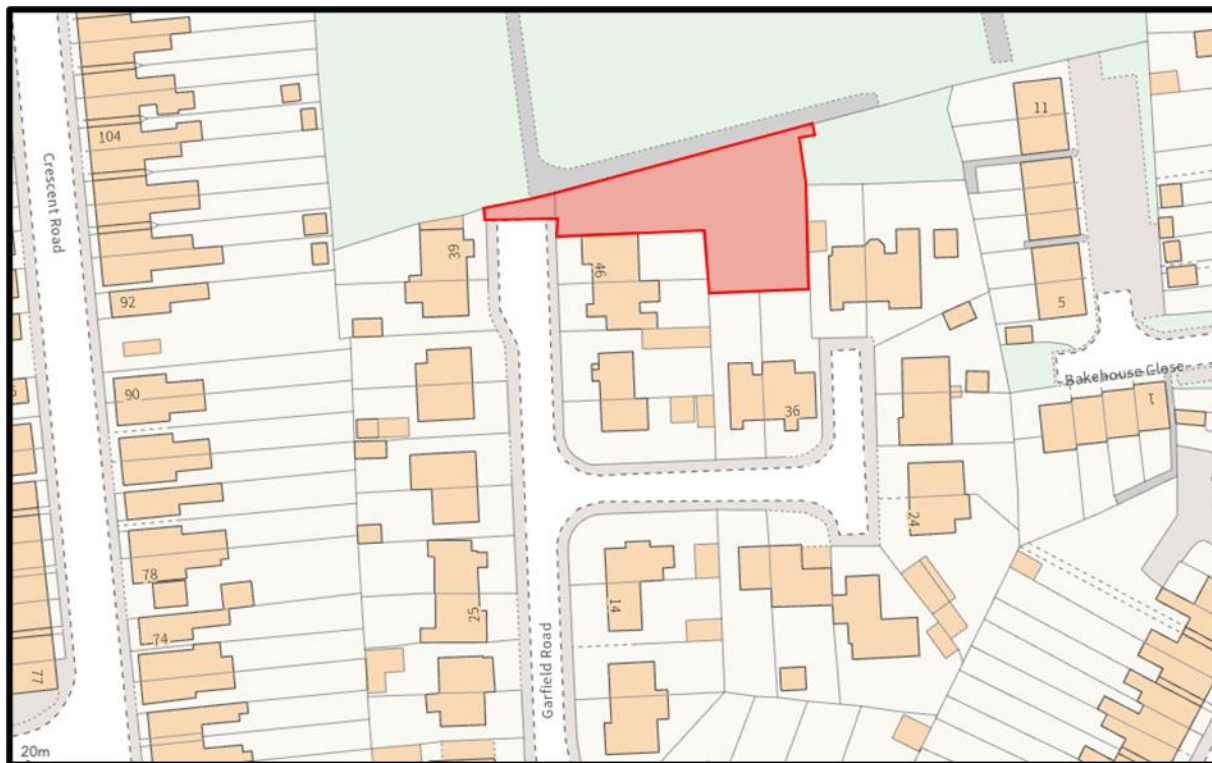
Extension of Time:

None agreed

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

The application is brought to the Planning Committee at the request of Councillor Eynon on the basis that the proposal would impact highways, parking and access for service vehicles including waste vehicles and emergency services and concern over insufficient surface water management.

RECOMMENDATION – PERMIT, subject to the following conditions:

1. Standard time limit (3 years)
2. Approved plans
3. Materials to be submitted and approved before above dpc
4. Construction/Demolition Hours
5. Levels to be submitted and approved before development commences
6. Soft Landscaping to be submitted and approved before occupation
7. Hard Landscaping to be submitted and approved before occupation
8. Boundary Treatments to be submitted and approved before occupation
9. Biodiversity enhancement scheme including bird boxes before development commences
10. Bin collection point to be submitted and approved before occupation
11. Access and driveway in accordance with plans before occupation
12. Parking and turning space in accordance with plans before occupation
13. Hard surfacing to first five metres of access drive before occupation
14. Sustainable drainage system installed before roofs and areas of hardsurfacing installed
15. Removal of permitted development rights
16. BNG Gain Plan

Note to Applicant

Mandatory National BNG condition to submit Biodiversity Gain Plan before development commences

Main Report

1. Proposals and Background

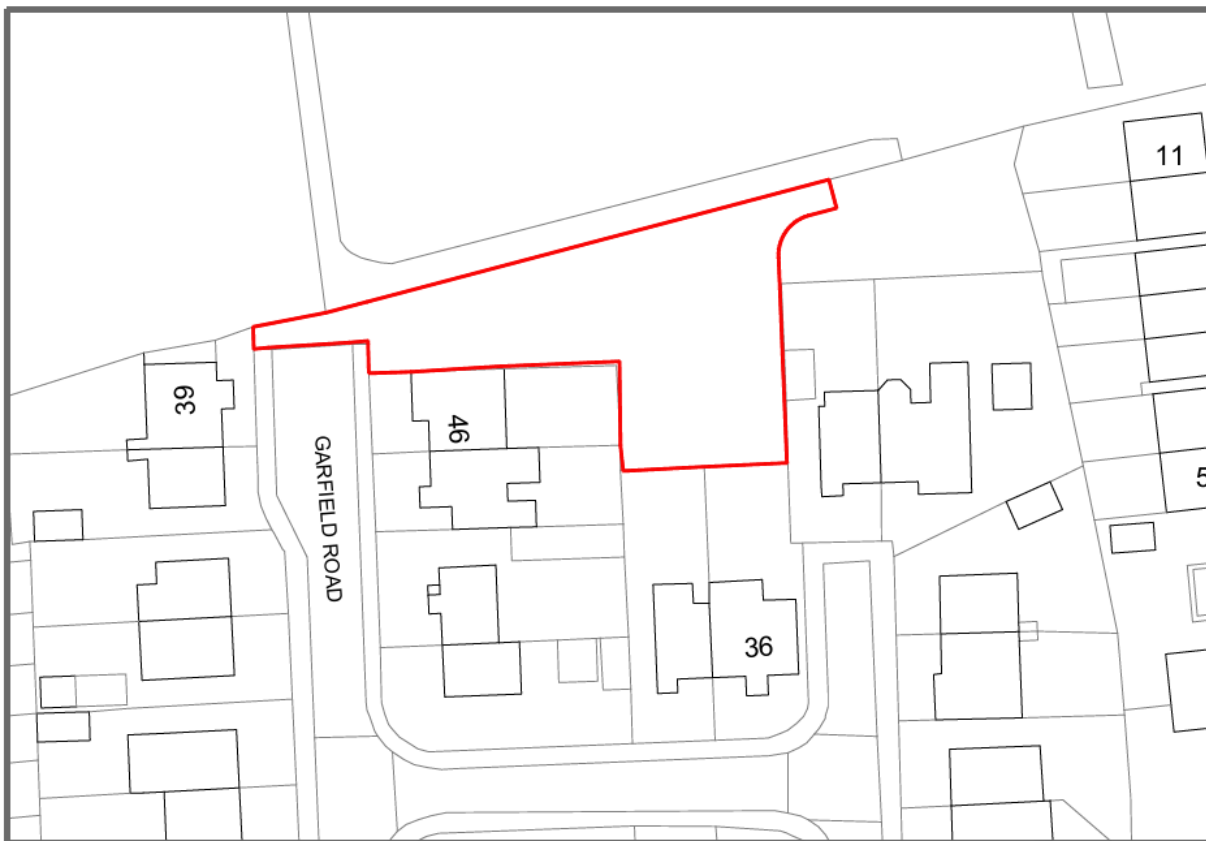
Full planning permission is sought for the erection of a single storey dwelling at land to the rear of 46 Garfield Road, Hugglescote.

The site is located to the northern end of Garfield Road, on land to the rear of No. 46. An allotment site is located to the north with two storey residential dwellings surrounding the site to the south, east and west. The access drive would lead from the northern end of Garfield Road to the north of No. 46 and would serve the single proposed dwelling.

The site is located within the Limits to Development, as defined by the Policy Map to the adopted North West Leicestershire Local Plan (2021).

The site lies within Flood Zone 1 and is not in an area at risk of surface water flooding.

Site Location Plan



Aerial Image of Site Location



Site Photos



The County Highways Authority, County Ecology Team, Environmental Protection, Waste Services and neighbours have been consulted and their responses have been considered in this report.

Precise details of the proposal are available to view on the submitted plans on the Council's website.

Planning History

21/00257/FUL - Erection of three bungalows to include access, parking provision and garaging – Refused 07.05.2021

The above application (21/00257/FUL) was refused for the following two reasons:

1. Policy D1 of the adopted Local Plan (2021) outlines that support will be given to proposed developments which are well designed and as a minimum offer a good standard of design, with this Policy being expanded upon within the Council's adopted Good Design for North West Leicestershire Supplementary Planning Document (2017). Paragraph 127 of the NPPF specifies that local distinctiveness should be promoted and reinforced and that planning decisions should address the integration of new development into the built environment. Paragraph 130 of the NPPF outlines that permission should be refused for development of poor design. The proposal would erode local distinctiveness by virtue of its back land form of development, inappropriate density, scale, design, and overall form, which would result in a dwelling of a discordant and incongruous appearance when having regard to the character of the area and design of surrounding dwellings. The siting of the dwellings and the proposed layout is considered to result in a cramped form of development. The proposal is not considered to propose dwellings of a good design, with the scheme failing to propose a scheme with an adequate level of architectural detailing and failing to accord with section 12 of the Council's Good Design SPD. Overall, the proposal would be at odds with the established pattern of development within the locality and the character and appearance of the streetscape and consequently leads to the development failing to integrate into the environment in which it is set. Therefore, to permit the development would be contrary to Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD, the guidance within the National Design Guide, as well as Paragraphs 124, 127 and 130 of the NPPF.
2. Policy D2 of the adopted Local Plan (2021) 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 through loss of privacy, excessive overshadowing and overbearing impact, with this Policy being expanded upon within the Council's adopted Good Design for North West Leicestershire Supplementary Planning Document (2017) which explicitly refers to separation distances between residential development as well as amenity space requirements. Paragraph 180 of the NPPF 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 living conditions that could arise from the development. The development would result in unacceptable residential amenity impacts to the rear garden area of No.34 Garfield Road by virtue of an unacceptable sense of intrusion and enclosure to the rear garden area of this property when having regard to the proximity of Plots 2 and 3 to the side and rear boundaries of the site. Further, the application would result in unacceptable overbearing, overlooking, perceived overlooking impacts and an unacceptable sense of intrusion to all proposed

dwelling and their private amenity spaces when having regard to the scale of the proposed dwellings and their relationship with surrounding two storey dwellings and their first floor habitable room windows, which cumulatively would result in unacceptable living conditions for future occupants of all proposed dwellings. The amenity space to Plot 3 would fall short of the requirement within the Council's adopted Good Design for North West Leicestershire Supplementary Planning Document (2017) which requires rear amenity spaces to be at least equal to the footprint of the dwelling, further, the proposed off-street parking arrangement to Plot 3 would result in an oppressive outlook for any future occupants on this dwelling. Therefore, to permit the development would be contrary to Policy D2 of the adopted Local Plan, the Council's adopted Good Design SPD, as well as Paragraphs 127 and 180 of the NPPF.

2. Publicity

15 Neighbours have been notified.
Site Notice displayed 20 August 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.

No objections from:

County Highway Authority
NWLDC Waste Services

No objections subject to conditions from:

County Ecology Team
NWLDC Environmental Protection

Third Party Representations

Four neighbour objections have been received which can be summarised as follows:

Grounds of Objections	Description of Impact
Design	The proposed development is of poor design and does not integrate well with existing plots on the road.
Waste Collection	No allocation of space within the site plan for waste placement on bin collection days. Already issues with waste not being collected due to vehicles blocking access.
Access, Traffic and Parking	Narrow access into the site for vehicles, including delivery and emergency vehicles. Concern that development will increase traffic and parking issues in the area. Large HGV vehicles will be used to deliver materials which

	<p>could cause disruption.</p> <p>Site access will require the removal of some of the existing footpath which would cut in front of driveway of No. 46.</p>
Flood Risk and Drainage	<p>Garden is already waterlogged, this development will only make this worse with the removal of trees and hard surfaces being built.</p> <p>New dwelling would intensify existing flooding issues.</p> <p>Since site cleared of trees and scrub in 2020, rainfall runs off the site into nearby gardens and driveways.</p> <p>No information about the proposed soakaway and how this would work.</p>
Biodiversity	<p>Loss of biodiversity on the site which will have a negative impact on local wildlife.</p> <p>BNG metric is inaccurate and does not give an accurate account of the loss on the site.</p> <p>The purchase of off-site credits will do nothing to support local biodiversity.</p> <p>Frogs and bats present within neighbouring gardens which may disappear if the land is built on.</p>
Other Matters	<p>Issues with water pressure in the area.</p> <p>Impact on views.</p>

4. Relevant Planning Policy

National Planning Policy Framework (2024)

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

- Chapter 2. Achieving sustainable development
- Chapter 4. Decision-making
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed places

Chapter 14. Meeting the challenge of climate change, flooding and coastal change
Chapter 15. Conserving and enhancing the natural environment

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:

S1 - Future Housing and Economic Development Needs
S2 - Settlement Hierarchy
D1 - Design of New Development
D2 – Amenity
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En3 - The National Forest
En6 - Land and Air Quality
Cc2 – Water – Flood Risk
Cc3 – Water – Sustainable Drainage Systems

Hugglescote and Donington le Heath Neighbourhood Plan (2021)

The Hugglescote and Donington le Heath 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 G1 – Limits to Development
Policy G3 – Design
Policy H3 – Windfall Sites
Policy ENV6 - Biodiversity and Habitat Connectivity
Policy T1 – Transport Assessment for New Housing Development
Policy T2 – Residential and Public Car Parking

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

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

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

Other Policies and Guidance

National Planning Practice Guidance
Leicestershire Highway Design Guidance
Good Design for North West Leicestershire SPD - April 2017
National Design Guide (2021)

5. Assessment

Principle of Development

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

It is important to address the planning history on the site which relates to the Council's refusal of planning application 21/00257/FUL for the erection of three bungalows to include access, parking provision and garaging. It should be noted that there are fundamental differences between this proposal. This application relates to a smaller site area and is for one bungalow, as opposed to the three bungalows previously proposed.

The site is located within the Limits to Development, as defined by the adopted Local Plan, in the settlement of Hugglescote. Policy S2 of the adopted Local Plan identifies Hugglescote as forming part of the Coalville Urban Area, which is the primary settlement in the district that provides an extensive range of services and facilities including employment, leisure and shopping which are accessible by sustainable transport. Policy S2 also states that the largest amount of new development will be directed here.

The most important policy in the determination of the matter of principle is Policy S2 as it relates to the provision and distribution of new development, including housing. The Council can demonstrate a five-year housing land supply and it is considered that Local Plan Policy S2 is effective, not out of date and carries significant weight.

The Hugglescote and Donington le Heath Neighbourhood Plan, adopted in November 2021, also forms part of the statutory development plan. This plan outlines the community's vision and objectives for guiding development in a sustainable manner. Policy G1 sets out that development proposals within the Limits to Development will be supported, provided they comply with other relevant policies and deliver high-quality design that respects the local context. As this site is located within the Limits to Development, the proposal accords with the principle of development requirements of the Neighbourhood Plan.

The Coalville Urban Area provides an extensive range of services and facilities and the ability to access sustainable transport options. Therefore, it is considered that occupiers of the dwelling would not necessarily be dependent on the private car.

In this case, the site is located within the limits to development therefore, the principle of development is considered acceptable, subject to compliance with all other relevant policies in the Local Plan, the Hugglescote and Donington le Heath Neighbourhood Plan, and the NPPF.

Design, Character and Impact upon Street Scene

Policy D1 of the North West Leicestershire Local Plan (2021) requires that all developments are based on a thorough opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. In addition, new residential developments must also perform positively against the Council's adopted Good Design Supplementary Planning Document (SPD).

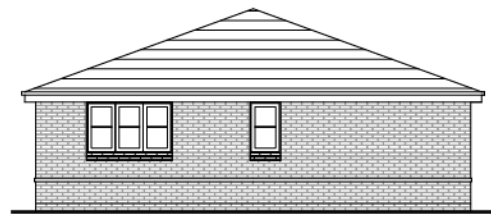
Policy G1 of the Hugglescote and Donington le Heath Neighbourhood Plan (2021) emphasises that development proposals within the Limits to Development must respect the character and appearance of the area, with design that contributes positively to the local distinctiveness and enhances the visual amenity. Policy G3 of the Neighbourhood Plan reinforces this by requiring that all new development reflects the character and context of the surrounding built environment, encourages innovative design, and maintains a high standard of architectural quality. The proposal, therefore, must be assessed against these key design policies to ensure it integrates appropriately with the existing character of Hugglescote and Donington le Heath.

The plans below show the proposed floor plans and elevations of the dwelling.

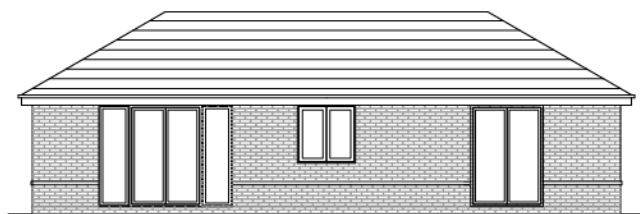
Proposed Elevations



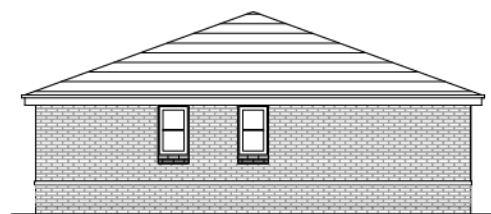
FRONT ELEVATION



SIDE ELEVATION

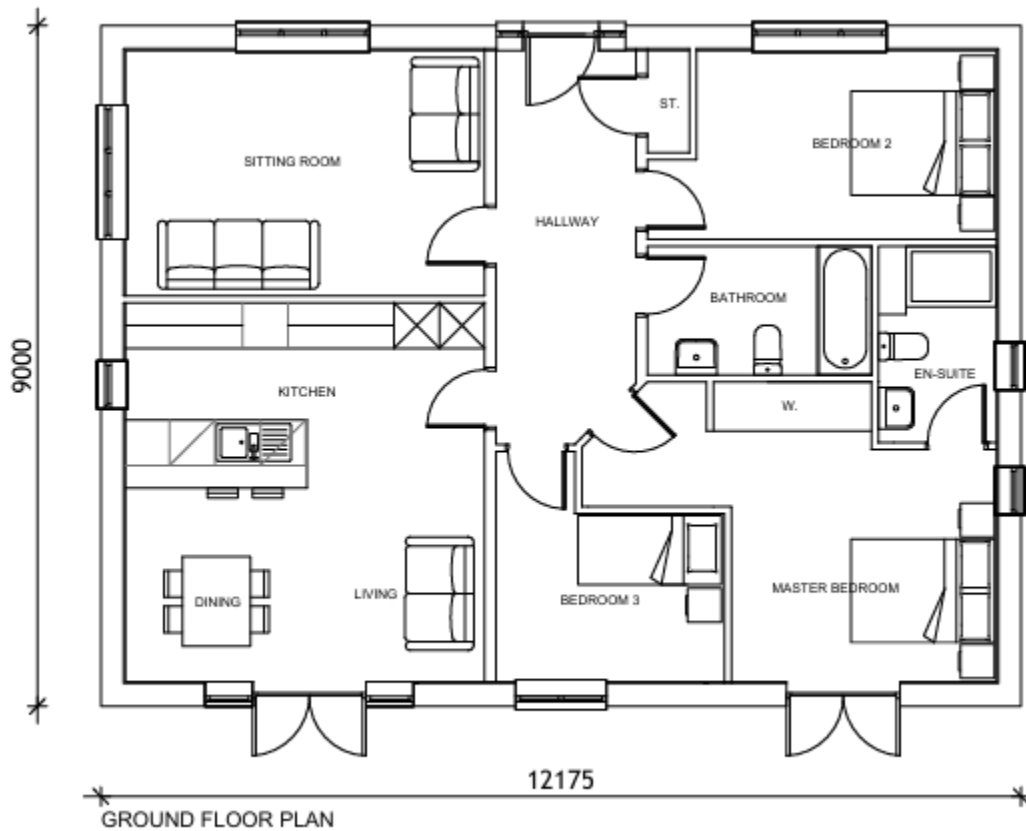


REAR ELEVATION



SIDE ELEVATION

Proposed Floor Plans



The site is located to the end of a cul-de-sac which comprises of two storey semi-detached properties located to the west, east and south of the application site. Although there are exceptions, the majority of surrounding dwellings are orientated towards the highway and are relatively consistent in terms of their scaling, spacing, form and design characteristics, as well as their set-back from the highway. Dwellings are constructed of red brick with some dwellings featuring tile hanging, render and cladding. In terms of the footprint, surrounding dwellings are relatively consistent, and the sizes of the plots in which the dwellings are located are also relatively consistent in size. The land to the north of the site land comprises of allotment land. Further to the east of the application site, and behind the dwellings which front on to Central Road, is a modern development of backland housing.

The site itself comprises of an area of scrub land, irregular in shape and open to the west but is otherwise fenced with the rear boundaries of properties facing outwards on to the adjacent roads, and all vegetation within the site and tree cover to the northern boundary of the site has been cleared and felled. The application seeks permission for the erection of one detached bungalow which would be constructed of facing brick with tiled hipped roof. The dwelling would be orientated to face north, with an access road proposed to run along the northern boundary of the site.

Views of the dwelling from the nearest parts of Garfield Road would be limited however, the dwelling would be visible when viewing from the allotment land to the north.

The dwelling would be located relatively central within the site, with a garden area to the rear (south) and side (west) and an access drive to the north, off Garfield Road. Off-street parking would be located to the east of the proposed dwelling, sitting adjacent to the side boundary of No.34 Garfield Road. Consideration has been given to the overall layout of the scheme, to include the parking layout proposed.

In terms of the proposed layout, whilst the proposed footprint of the dwelling is large and single storey, unlike the other properties along Garfield Road, it is considered that this form of development would be preferable to a two-storey dwelling in this location, which would have more potential to impact neighbour amenity.

Although the dwelling would constitute a backland form of development, extending built form into undeveloped areas of land, the scheme would not extend any further to the north than existing built development to the eastern side of Garfield Road. Additionally, the site is located within a parcel of land which is not highly visible from Garfield Road.

The rear garden of the dwelling would be at least equal to the footprint of the property, which meets the minimum required standard outlined in Paragraph 11.31 of the Council's Good Design for North West Leicestershire SPD. A planning condition is recommended to be imposed to remove permitted development rights to ensure that no further extensions to the dwelling, or the construction of outbuildings, could take place without the express consent from the Local Planning Authority having first been obtained, in order to preserve the amenities of future occupiers

It is considered that the site could accommodate all of the necessary requirements (private gardens, bin storage, parking/turning space) without being too cramped or resulting in over-development. 1.8 metre high close boarded fencing is already in place along the boundaries with the neighbouring properties and conditions are proposed to secure details of landscaping, along with boundary treatments.

Therefore, on balance it is considered that the proposal would not be significantly harmful to the character and visual amenities of Garfield Road, and the wider locality to justify a reason for refusal under Policies D1 and En3 of the Local Plan, Policies G1 and G3 of the Hugglescote and Donington le Heath Neighbourhood Plan and the Council's Good Design SPD.

Residential Amenities

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

The Hugglescote and Donington le Heath Neighbourhood Plan (2021) also supports the safeguarding of residential amenity through Policy G3: Design, which requires new developments to respect the privacy, outlook, and general living conditions of existing and future occupants.

The properties most immediately impacted on as a result of the development would be No. 46 Garfield Road to the west, Nos. 36 and 38 to the south and No. 34 to the east.

The rear wall of No. 46 Garfield Road would be located 13m away from the closest point of the proposed dwelling. There are two windows within the first floor rear elevation of No. 46, one believed to serve a bedroom and one being an obscure glazed bathroom window. Due to the separation distance along with the fact that the proposed dwelling is single storey, it is not considered that the proposal would result in any unacceptable loss of privacy or overlooking towards No. 46 or the proposed new dwelling.

While the proposed access would result in vehicles passing in close proximity to the neighbouring dwelling, the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and their rear gardens, which takes place elsewhere in the locality. . Furthermore, the number of vehicular movements associated with the proposed dwelling would not be significant and is not considered to result in unacceptable noise impacts.

The side wall of No. 34 Garfield Road would be located approximately 7.6m away from the closest point of the proposed dwelling. There is one first floor window within the side elevation which is believed to serve a landing. Due to the proposed siting of the dwelling within the parcel of land and it being single storey, it is not considered that there would be any unacceptable loss of privacy or overlooking towards No. 34 or the proposed new dwelling.

The neighbouring dwellings to the south, Nos. 36 and 38 are situated approximately 20m from the flank wall of the proposed dwelling. Given this separation, it is not considered that there would be any unacceptable impacts on the occupiers in terms of overlooking, overbearing or loss of light.

The Good Design SPD states that rear private garden spaces must be at least equal to the footprint of the property. This is a minimum required standard. It is considered that the proposed dwelling would benefit from an adequate rear garden having regard for the size of the dwelling.

Due to the single storey scale of the proposed development, it is not considered that there would be significant loss of outlook or overbearing impacts as a result of the development. Overall, it is not considered that the proposal would result in harm to the living conditions of the occupiers or future occupiers of any neighbouring dwellings or the proposed new dwelling.

The Environmental Protection team has not raised any objections or concerns in relation to noise or disturbance however, conditions have been recommended for a Construction Environmental Management Plan (CEMP) to be submitted and to restrict the hours of construction/demolition work. However, it is not considered reasonable for a CEMP to be required as most of the requirements of the CEMP are covered by other legislation and the County Highway Authority has not requested a construction traffic management plan.

Overall, it is considered that the proposed development would accord with Policy D2 of the Local Plan, the Council's adopted Good Design SPD, Policy G3 of the Hugglescote and Donington le Heath Neighbourhood Plan and Paragraph 135 of the NPPF.

Highway Considerations

Neighbours have raised concerns with regard to access and parking at the property. These concerns will be considered in the section below.

Policy IF4 of the North West Leicestershire Local Plan (2021) requires that development proposals consider the impact on the highway network and environment, including climate change. It also requires the incorporation of safe and accessible connections to the transport network, enabling travel choices for residents, businesses, and employees, particularly by non-car modes. Policy IF7 stipulates that development must provide adequate parking for vehicles and cycles to avoid highway safety issues and to minimise the impact on the local environment.

The Hugglescote and Donington le Heath Neighbourhood Plan also contains relevant policies, particularly Policy T2 and G3, which supports sustainable travel and encourages the provision of sufficient parking, safe walking routes, and access to public transport. This policy aligns with the Local Plan's emphasis on promoting sustainable transport solutions and reducing reliance on private vehicles.

Access to the site is proposed from Garfield Road, which is an adopted unclassified road, subject to a 30mph speed limit. The access would run to the north of No.46 Garfield Road.

Leicestershire County Council Highway Authority (CHA) has been consulted and raised no objection, stating that parking for the development is adequate and the access width is acceptable. The CHA has noted that access at a 90 degree angle would be preferable but have raised no concerns taking into account the site-specific circumstances.

The application proposes a two-bedroom dwelling. In accordance with Table 28 of the LHDG, two parking spaces should be provided for the proposed dwelling. The proposed parking provision on the site consists of two tandem parking spaces which would be located to the east of the dwelling. Whilst the use of tandem spaces can sometimes result in an overspill of on street parking, it is considered unlikely in this case, due to the driveway and turning space available within the site. This would allow sufficient car parking for the proposed dwelling.

The site layout allows vehicles to enter, turn and exit in a forward gear, which reduces potential safety concerns. Overall, it is therefore considered that sufficient parking would be available for future occupiers, subject to conditions that secure the parking in perpetuity.

In respect of access for waste vehicles, the Council's Waste Services team has advised that residents of the proposed dwelling would be required to present their waste and recycling receptacles at the kerbside to the adopted highway of Garfield Road, and a condition could be imposed to secure this. Therefore, the Council's waste collection vehicles would not be required to drive along the access drive or enter the site.

In respect of emergency vehicles, the CHA has not raised any concerns in respect of this matter. Matters relating to detailed emergency access arrangements are also subject to separate consideration under the Building Regulations.

Taking the above into account the proposal is not considered to result in an unacceptable impact on highway safety or the wider highway network. This would therefore comply with Policies IF4 and IF7 of the North West Leicestershire Local Plan, Policy T2 of the Hugglescote and Donington

le Heath Neighbourhood Plan and the relevant paragraphs of the NPPF as well as the Leicestershire Highway Design Guide.

Ecology and Biodiversity Net Gain

Policy En1 of the Local Plan seeks to protect and enhance biodiversity and ecological networks. The policy requires developments to avoid significant harm to habitats and species, and where this cannot be avoided, to mitigate or compensate for any impacts. Developments should also contribute positively to the enhancement of biodiversity within the District. Paragraph 187 of the National Planning Policy Framework (NPPF) reinforces these principles by requiring developments to minimise biodiversity impacts and provide net gains where possible, ensuring the protection of important habitats and species.

The proposed development involves the loss of bramble scrub which may serve as a habitat for local wildlife.

Leicestershire County Council Ecology has been consulted and has advised that the Biodiversity Net Gain (BNG) Report (ALCA Ecology) has been reviewed. The assessment, which stipulates no further surveys are required, is considered by the Ecology team to be satisfactory.

A Biodiversity Net Gain Report and associated metric have been submitted as part of the application which demonstrates an overall loss of 0.22 habitat units (75.28% loss).

Whilst concerns have been raised by neighbours regarding the validity of the metric, stating that the baseline is inaccurate, Leicestershire County Council Ecology Team have confirmed that the habitat degradation is noted in the BNG report, and the earlier date is stated in the application form has been deemed to be acceptable.

The applicant has informed the Local Planning Authority that they intend to purchase biodiversity units on the market to off set the biodiversity impact from this development. Evidence of those units being purchased would need to be submitted to the Local Planning Authority for approval to discharge the mandatory Biodiversity Gain Plan condition if this application is approved. Consideration has been given to the biodiversity mitigation hierarchy which encourages any losses to be mitigated on the loss site itself. However, in this case, there is very limited scope to provide the required biodiversity net gain requirements within the boundaries of the application site. Therefore, purchasing biodiversity units from the market is considered to be acceptable in this case.

The site is located within a 'Swift Alert' zone as it is within 250m of a number of recorded nest sites. As such, Leicestershire County Council Ecology have requested a condition requiring the submission of a biodiversity enhancement scheme to include at least two woodcrete/integrated bird boxes.

In conclusion, subject to the above mentioned mandatory BNG condition, the proposal is considered to be acceptable in ecological and biodiversity net gain terms and would be in accordance with Policy En1 of the Local Plan, and relevant sections of the NPPF and the statutory provisions of the Environment Act.

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.

A number of objections have been received on grounds of flooding impacts, and that the development would result in the exacerbation of existing surface water flooding issues, including due to the removal of trees and vegetation along the site's northern boundary.

The site lies within Flood Zone 1 which is the lowest risk area for fluvial flooding. The site is also at a 'very low risk' of surface water flooding apart from some very limited areas at low risk of surface water flooding along part of the site's northern boundary. The application would result in an increase of surface water run off from the existing situation on site due to the increase in hard surfacing and area covered by the dwelling. In this case, there are no fluvial or pluvial flood risk concerns in relation to this proposal. The application proposes the use of a soakaway to dispose of surface water which is considered to be acceptable, and a condition is recommended to be imposed requiring that the proposal utilises a sustainable drainage system so that surface water runoff does not exceed the runoff rates for the site in its existing vegetated form and flow rates to the mains sewer system are lowered. The Building Regulations sets out the requirements for the details of surface water drainage schemes.

Overall, subject to the imposition of a planning condition to secure a suitable surface water drainage scheme, it is considered that the proposal would be acceptable in terms of drainage, fluvial and pluvial flood risks and so a reason for refusal on the grounds of flood risk could not be justified under Policies Cc2 and Cc3 of the North West Leicestershire Local Plan (2021), the NPPF and the PPG.

Waste Storage and Collection

Several concerns have been received regarding the collection of waste from the site.

In this case, the bin storage areas for the dwelling could be provided within 25 metres of the public highway, where bins would need to be left for collection as the Council's waste collection vehicles would not be able to enter the site. The Building Regulations requirement for bins to be stored no more than 25 metres from a bin collection point would therefore not be exceeded in this case. However, this is separate legislation and there is no requirement in the Local Plan (2021) or Good Design SPD to meet this requirement.

A bin collection point adjacent or near to the roadside would be required given there is no public footpath to the front of the site for waste receptacles to be placed on collection day. This could be accommodated without adversely impacting on visual and residential amenities, trees or highway safety. A planning condition is recommended to be imposed to secure full details of bin storage and collection arrangements.

Other Matters

Impact on views is not a planning matter and cannot be taken into account in the determination of planning applications. Issues with water pressure is a matter for Severn Trent Water. The site is not in a minerals consultation zone nor close to any existing waste management sites.

Conclusion

The proposed development has been assessed against relevant local and national policies. The principle of development is acceptable under Policy S2 of the Local Plan and Policy G1 of the Neighbourhood Plan and the design would not result in unacceptable harm to the living conditions of neighbours, the street scene, nor would there be adverse highway safety impacts or adverse impacts on ecology, biodiversity or flood risk, subject to conditions.

The proposal would make efficient use of an underutilised site in a sustainable location and would provide an additional dwelling to the Council's housing land supply. These matters weigh in favour of the development and there are no harms identified that would justify a refusal of the application.

Overall and on balance, the proposal is considered to accord with the Local and Neighbourhood Plans and NPPF when taken as a whole. The application is therefore recommended for approval, subject to conditions.

Change of use of a dwellinghouse (C3) to a children's care home (C2) for up to three young people

**Report Item No
A3**

**81 Main Street, Thringstone, Coalville, Leicestershire,
LE67 8ND**

**Application Reference:
26/00004/FUL**

**Grid Reference (E) 442568
Grid Reference (N) 317538**

**Date Registered:
04 January 2026
Consultation Expiry:
27 March 2026**

**Applicant:
RSXAS Ltd**

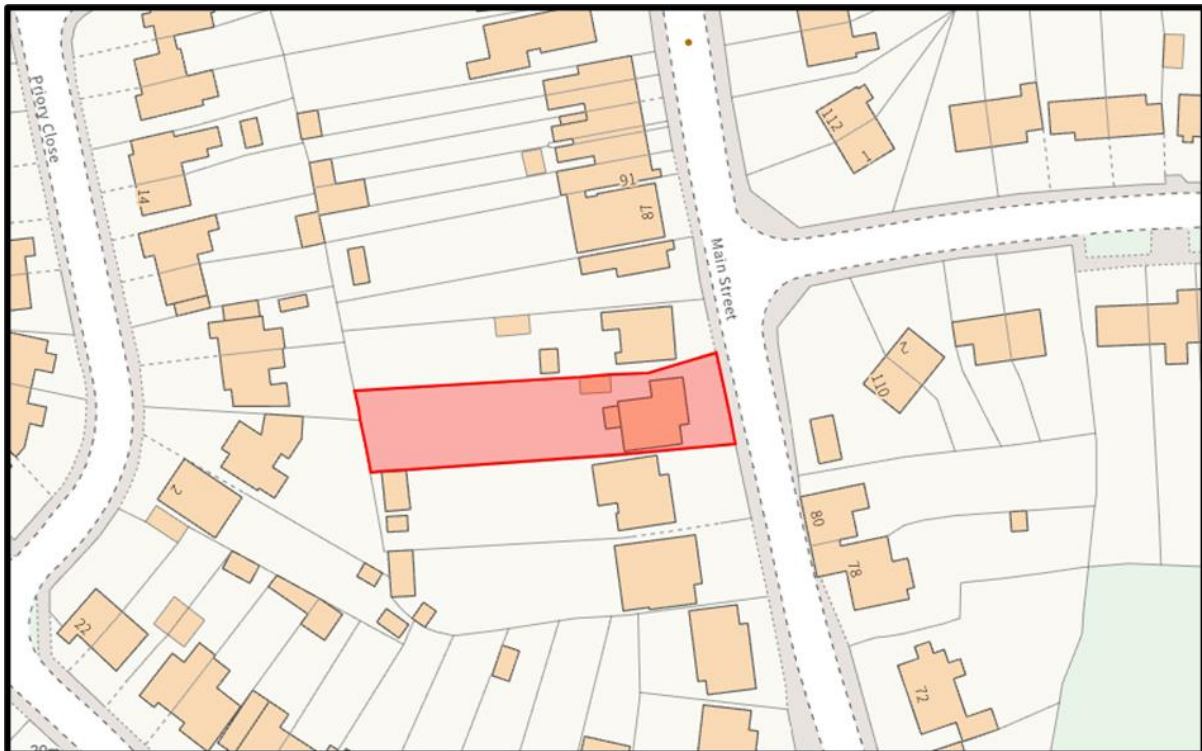
**8 Week Date:
03 March 2026**

**Case Officer:
Louise Forman**

**Extension of Time:
None**

**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 brought to the Planning Committee at the request of Councillor Everitt on the basis that the proposal will lead to the isolation of a residential property between three business properties forming an unnecessary intrusion within the residential area, and the potential overdevelopment of the business use on a residential street.

RECOMMENDATION – PERMIT, subject to the following conditions:

1. Standard time limit (3 years).
2. Approved Plans.
3. Restrict to the proposed use only.
4. Maximum of 3 children living on site at any given time.
5. Limit maximum number of two carers and one management staff being on site at any one time (except at handover periods)
6. Increase on-site parking area before care home brought into use.

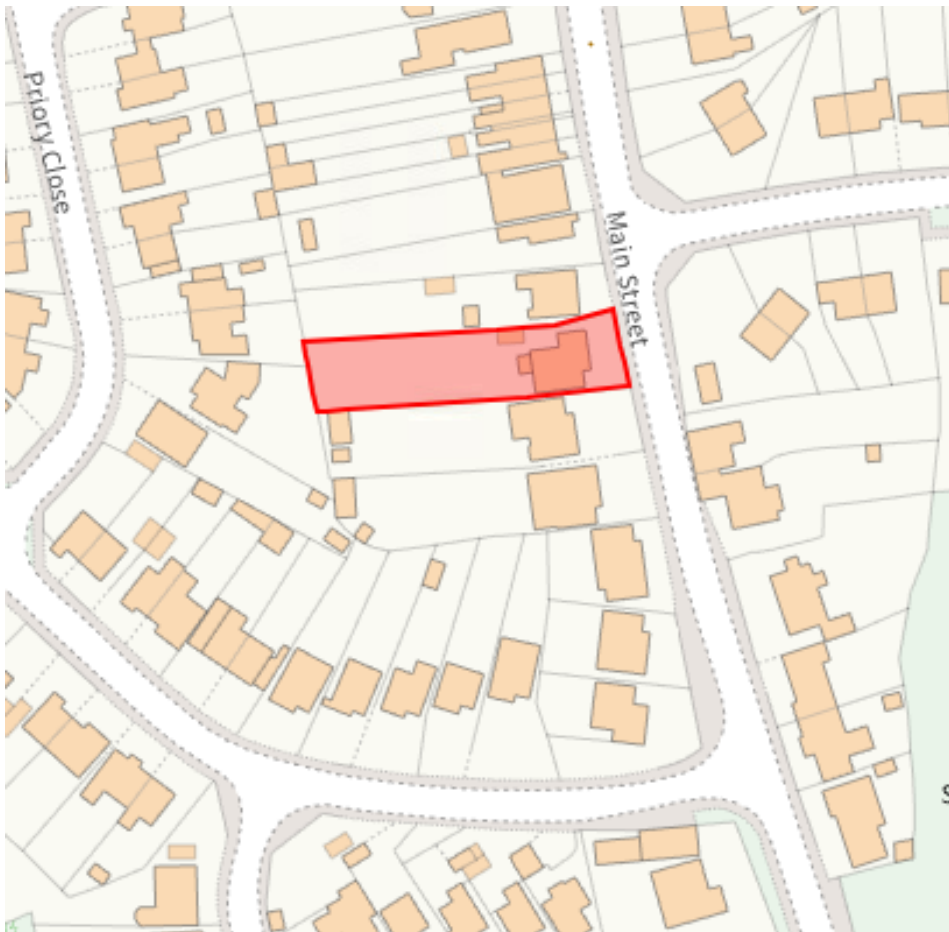
MAIN REPORT

1. Proposals and Background

The application seeks full planning permission for the change of use of an existing dwelling house at 81 Main Street, Thringstone (C3 Use) to a residential children's home (C2 Use) for up to three young people.

Alterations to change the integral double garage to an additional lounge and to increase the available on-site parking area are planned but these works are intended to be carried out under existing permitted development rights for which express planning permission would not be required.

Site Location Plan



Aerial Image of Site Location



Site Photos





Southwards along Main Street

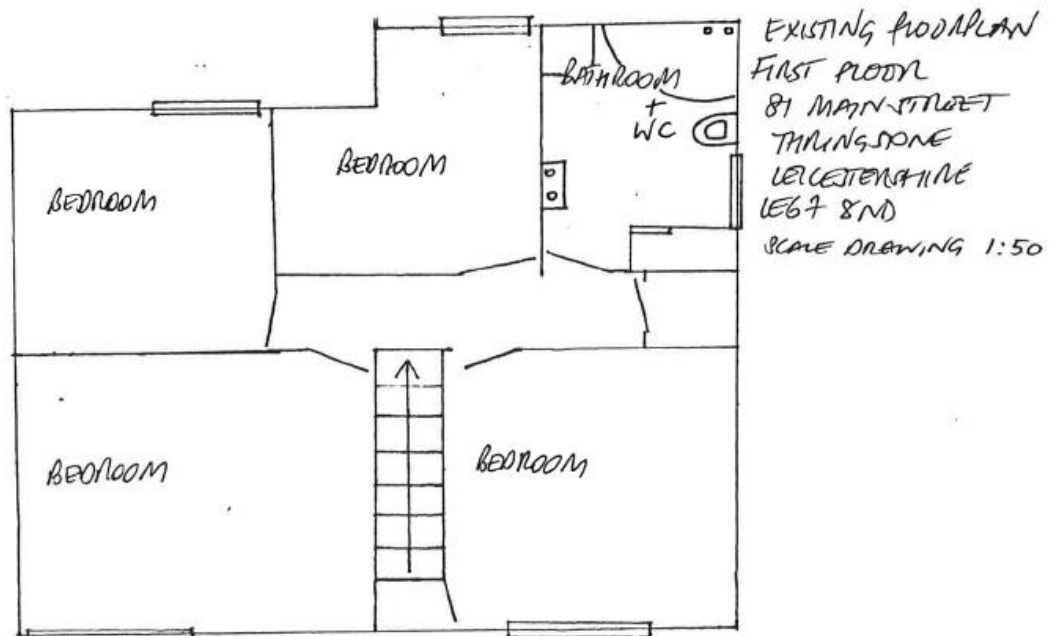
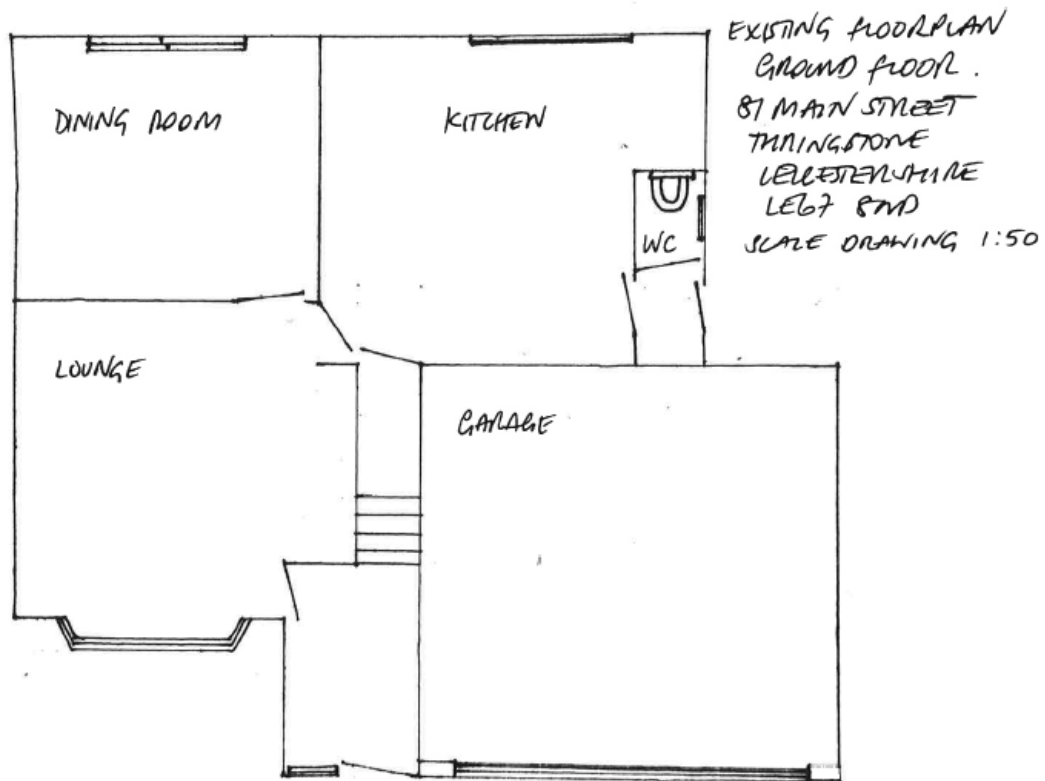


Northwards along Main Street

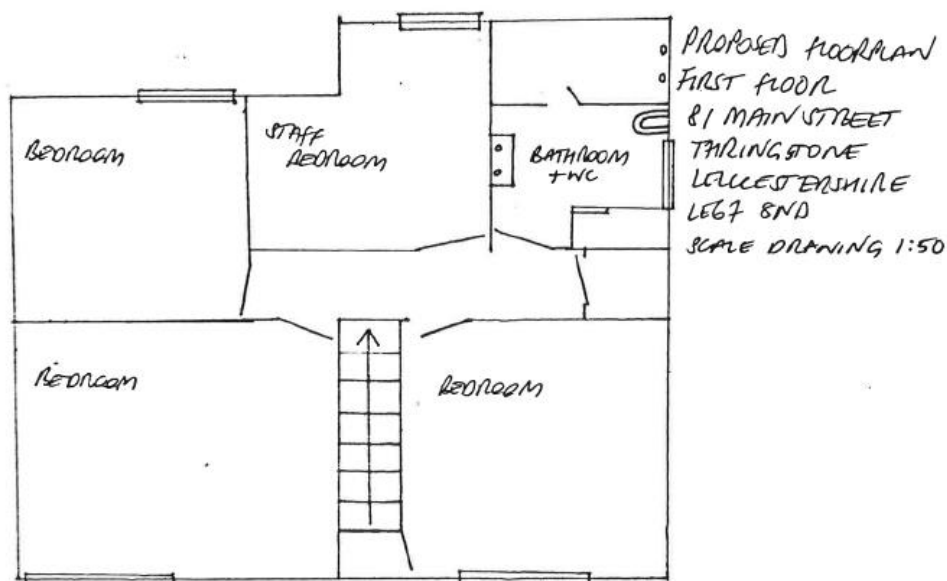
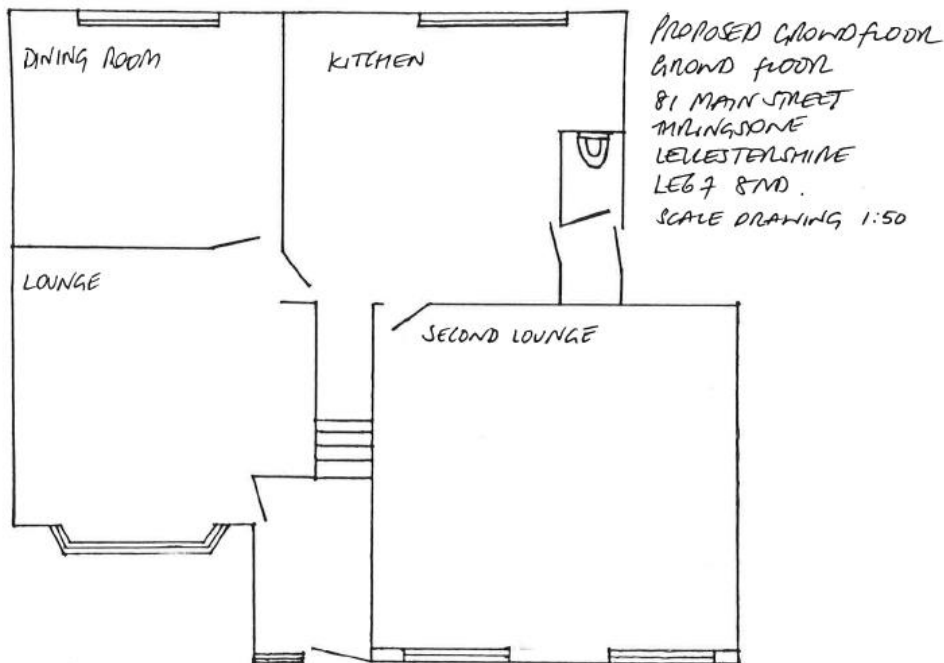
The application site consists of a two storey detached dwelling with an integral double garage.

The existing floor plans show four bedrooms upstairs which would remain unchanged as can be seen on the existing and proposed ground and first floor plans on the following pages.

Existing Floorplans



Proposed Floor Plans



The site is situated within Thringstone and is located within Limits to Development, as defined by the Policy Map to the adopted North West Leicestershire Local Plan (2021).

The application states that the children's care home would be operated for a maximum of three young persons between the ages of four and 17 years and have 24 hour care provided, with a maximum of three full-time members of staff (two carers and one dedicated manager) working shift patterns at any given time. Visitors from Ofsted, social workers and other regulatory agencies would also attend the site. Changeovers of care staff would take place at 10.00am and 10.00pm daily. The dedicated manager would work 9.00am to 5.00pm

The application proposes to increase the number of on-site parking spaces to four located within the front garden area of the site, (amended plans for the proposed spaces have been received during consideration of the application) and these are proposed to be provided under existing permitted development rights. A separate application for works within the highway (to drop the kerbs) would need to be submitted to the County Highway Authority.

The County Highway Authority, Environmental Protection and neighbours have been consulted and their responses have been considered in this report.

Precise details of the proposal are available to view on the submitted plans on the Council's website.

Relevant Planning History

There are no planning history records for the site back to 2001.

Planning permission was granted in August 2024 for the change of use to a children's residential home (Class C2) at No. 73 Main Street (24/00685/FUL)

Planning permission was granted in December 2020 for the change of use from residential dwelling (Use Class C3) to children's care home (Use Class C2) at No. 75 Main Street (20/01401/FUL).

Both permissions were subject to a condition limiting the number of children that can live at each property to four.

2. Publicity

7 Neighbours have been notified.
Site Notice displayed 15 January 2026.

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.

No objections from:

NWLDC Environmental Protection

No objection subject to condition:

County Highway Authority

Third Party Representations

One letter of representation has been received which can be summarised as follows:

Grounds of Objections	Description of Impact
<p>Principle of Development and Sustainability</p>	<p>Two other facilities have been approved in close proximity to the site at Nos. 73 and 75 Main Street</p> <p>Need for facility has not been proven in light of the number of such facilities that have recently been approved</p>

	<p>Misleading information in application regarding use of Nos. 73 and 75, as No. 73 has never been in operation</p>
Highway Impacts	<p>Increased parking issues to already difficult area which is congested with parking on both sides of the road and unsafe and obstructive parking taking place that also obscures visibility</p> <p>Daily highway safety breaches and potential offences under the Traffic Act 1988</p> <p>High levels of parking at No. 75 already and if all three properties operated as care homes then there would be 20 vehicles between all three which would have adverse impacts</p> <p>Will the use of existing and new powers to deal with pavement parking on Main Street be supported if the application is approved.</p> <p>Problems of congestion at change over of staff due to proximity of other similar facilities</p> <p>Four off-street parking spaces on the site won't be sufficient given the parking issues arising from No. 75.</p>
Residential Amenity	<p>Noise and disturbance in particular from staff changeovers being at the same time for Nos. 73, 75 and 81</p> <p>Changeovers being at off-peak times confirms that movements will create disturbances</p> <p>Disagrees with movements being comparable to 'typical family homes'</p> <p>Private life is already disrupted by operations at No. 75</p>
Other Concerns	<p>Inaccurate information within application regarding no trees and hedges on the site – there is a mature hedge and tree to the front.</p> <p>No community integration as suggested by applicant as this doesn't occur at No. 75</p> <p>Not a 'healthy' mix with three residential institutions in close proximity; this is unbalanced and domineering and contributing to rising tensions.</p>

The MP has sent in representations on behalf of a local resident raising parking issues, the number of children's homes in the vicinity and concern regarding the structure of the property.

4. Relevant Planning Policy

National Planning Policy Framework (2024)

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

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

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:

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En3 - The National Forest
Cc2 - Water - Flood Risk
Cc3 - Sustainable Drainage Systems

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

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

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

Other Policies and Guidance

National Planning Practice Guidance
Leicestershire Highway Design Guidance
Good Design for North West Leicestershire SPD - April 2017
National Design Guide (2021)

5. Assessment

Principle of Development

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

The site is located within the Limits to Development, as defined by the adopted Local Plan, in the settlement of Thringstone. Policy S2 of the adopted Local Plan identifies Thringstone as forming part of the Coalville Urban Area, which is the primary settlement in the district that provides an extensive range of services and facilities including employment, leisure and shopping which are accessible by sustainable transport. Policy S2 also states that the largest amount of new development will be directed here.

In addition, the National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development. Paragraph 11 of the NPPF states that development proposals that accord with an up-to-date 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 in the NPPF as a whole or where specific policies indicate development should be restricted.

The NPPF also specifically states that it is important that the needs of different groups in the community with specific housing requirements are addressed (Paragraphs 61 and 63) and the proposal would help to meet the requirements of children identified as needing care, which is afforded positive weight.

In the ministerial statement dated from 23 May 2023 the then Housing and Planning Minister set out the Government's commitment to support for the development of accommodation for looked after children, and its delivery through the planning system. The minister also stated that the planning system should not be a barrier to providing homes for the most vulnerable children in society in the right places with access to schools and community support.

The statement went on to say that "Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country."

In planning terms, the nature of the proposal is such that the property would remain in residential use within a residential area. There are no planning policies which restrict, in principle, such care homes from being provided within existing residential areas, subject to all material planning considerations. Nor is there any planning mechanism to locate care facilities away from existing residents who might be opposed to them or to control the number of care homes within one area. Each planning application is required to be considered on its own merits.

The proposal seeks to change the existing use of the residential dwelling to a children's care home for no more than three young people to be housed in a four bedroomed detached property at 81 Main Street, Thringstone, with three care staff on site at any one time.

In this case, the site is located within limits to development therefore, the principle of development is considered acceptable, subject to compliance with all other relevant policies in the Local Plan, and the NPPF.

Design, Character and Impact upon Street Scene

Policy D1 of the Local Plan (2021) requires that all developments are based on a thorough opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. In addition, new residential developments must also perform positively against the Council's adopted Good Design Supplementary Planning Document (SPD).

The proposed alterations to convert the integral garage to a habitable room (remove the garage doors and replace with flat windows) can be carried out, as suggested, under existing permitted development rights (subject to complying with certain criteria) and if the proposal was to be carried out within these constraints, the design of the dwelling would not be compromised and would accord with Policies D1 and En3 of the adopted Local Plan, the Council's Good Design SPD and advice contained in the NPPF.

Residential Amenities

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

The application does not include any external alterations to the property and as such it is not considered that the development would result in any overbearing, overshadowing or loss of privacy impacts on neighbouring properties.

As a result of the proposed change of use, the number of bedrooms at the property would remain unaltered and it is therefore considered that the number of permanent occupants at the property is unlikely to increase and result in a significantly detrimental impact on the neighbouring properties amenities.

There would be a maximum of three young persons living at the property at any one time. The staff would be supervising the home 24 hours per day with a maximum of three caregivers being present together with a dedicated manager working on a 9am to 5pm basis.

The nearest neighbours to the site are located to either side of the application site and are 79 Main Street (to the south) and 83 Main Street (to the north).

In terms of noise and disturbance from comings and goings, given the inevitable variation in work patterns and social activities of the occupiers, it would not be unusual for neighbouring residents to be aware of the comings and goings of their neighbours throughout the day. Having regard to the small scale of the proposal and the limited staff numbers associated with the proposal, it is considered that the likely movements associated with the use would not be disproportionately large or significantly greater than those which could reasonably be expected of a family carrying out their day-to-day activities. For the avoidance of doubt, these conclusions have been reached on the basis of the proposal for three children living at the property with three carers being present on site with more in attendance for short periods of time for staff changeovers.

While it is accepted that on occasion the proposed use may generate a level of noise and disturbance from car engines, doors and general conversation, it is considered that similar impacts could be achieved from occupants of a residential dwelling that work night shifts and commute early in the morning or late in the evening. It is considered that the general noise

and disturbance would not be above and beyond what could be achieved at a residential dwelling and therefore does not warrant refusal of planning permission.

It is recognised that there could be a scenario where up to three children living at the property could potentially cause noise and disturbance impacts. Whilst neighbouring properties are situated close together, noise and disturbance could be created by children living in a residential dwelling and so could be experienced by residents in any residential area.

Proposals for care homes are not an uncommon occurrence nationally and appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to create levels of noise and disturbance over and above children living in a 'traditional' family unit. Appeal decisions also seem to take note that, in a care home, children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise.

Any permission granted could also be conditioned to ensure the use remained at a small scale as set out within the application including the number of children who would be housed at the site at any one time.

The Council's Environmental Protection Team were consulted on this application who confirmed they had no objections advising "The proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance."

Furthermore, if the proposal did subsequently result in creating an excessive noise nuisance, then separate legislation exists under Environmental Protection Act, which could be investigated separately by the Council's Environmental Protection team if necessary.

It is noted that two other properties nearby have planning permission to be used as children's care homes, at Nos. 73 and 75 Main Street. It is understood that the care home at No. 75 is in operation but that the one at No. 73 is not in operation at this time. No. 81 does not immediately adjoin either of these properties, with there being two other properties (Nos. 77 and 79) in-between. Given the circumstances set out above, it is considered that having three children's care homes in close proximity is unlikely to result in significant noise and disturbance to existing residents. However the Council's Environmental Protection team has been asked to consider this matter and their comments will be reported on the Update Sheet.

As such, it is considered the proposal would not result in unacceptable neighbour amenity impacts in terms of noise and disturbance or impacts on quality of life over this existing C3 use to warrant a refusal of planning permission on such grounds under Policy D2 of the adopted Local Plan.

As part of the planning process there is the need to consider the amenity of future occupiers in addition to existing residents. There would be four bedrooms within the property so that the children would each have a private room and there would be a bedroom for the carers. There would also be living space available on the ground floor including two living rooms along with a private rear garden. As such in this regard the proposal is considered to comply with Policy D2 of the adopted Local Plan.

Highway Safety

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 incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment. Subject to the condition recommended by the County highway authority in that the proposed onsite parking area be provided prior to the proposed use being commenced, it is considered that the proposal will fully comply with the policies IF4 and IF7 and the Design Guidance.

The dwelling is approximately 300m from the closest bus stop that is located on The Green and travels to Coalville Town Centre, Loughborough, Leicester, East Midlands Airport and Nottingham. As such, it is considered that the site is in a location that could be accessed by members of staff via sustainable transport.

The County Highway Authority (CHA) advises that there has been one Personal Injury Collisions that has been recorded within 500m in either direction of the site within the most recent five-year period. This was recorded as 'slight' in severity.

The CHA has studied the collision information available and is satisfied that the development if permitted would not exacerbate the likelihood of further such incidents occurring.

The Council does not have any powers in relation to highway safety breaches and potential offences under the Traffic Act 1988 and these would need to be directed to Leicestershire Police to investigate.

Concerns have been raised in the letter of objection in respect of existing parking issues in the locality including congestion from on-street parking and that four off-street parking spaces won't be sufficient. In addition high levels of parking at No. 75 Main Street already occur (which has planning permission to operate as a care home for a maximum of four children) which if alongside similar parking at No. 73 Main Street (which also has planning permission to operate a care home for a maximum of four children) and at the application site at No. 81 would have adverse impacts.

The current use as a four-bedroom dwelling to be compliant with the Leicestershire Highway Design Guide (LHDG) requires there to be three off-street parking spaces. There are currently two external parking spaces and a double garage. An amended plan of the proposed off-street parking area has been provided during consideration of the application which indicates four parking spaces can be achieved on the frontage and that these works can be carried out under existing permitted development rights (subject to complying with certain criteria).

The proposed development would not result in an increase in the number of bedrooms at the property and the number of permanent occupants would not be different to that of a typical four-bedroom dwelling.

The CHA does not have specific parking standards for children's residential care homes, but advise that in line with the LHDG ordinarily, one off-street parking space should be offered per three bedrooms plus a minimum of one for each member of staff on site. Based on this, the proposals should provide a minimum of four off-street parking spaces. The CHA has confirmed that it is satisfied, based on the proposed parking arrangements that the proposals can accommodate the provision and suggests a condition to secure the necessary four car parking spaces prior to the use commencing on the site.

The Council does not have any powers to deal with pavement parking and this would be a matter for either Leicestershire Police or the CHA.

The proposal is not considered to result in an unacceptable impact on highway safety or the wider highway network.

The CHA concludes that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to a condition to ensure that four off-street car parking spaces are provided in perpetuity.

Therefore, on balance, the proposal is considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the Leicestershire Highway Design Guide and a reason for refusal on highway safety grounds could not be justified.

Equality Implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

The equality implications arising from this application relate to the protected characteristics of age and disability, given that a children's care home is proposed, and a child living there may have a disability.

Any risks to the safety of the children living in the home are unlikely to be different to the risks of children living there in a typical residential dwelling. Children's care homes are also inspected by Ofsted, as well as by the Care Quality Commission (CQC) if any kind of healthcare is delivered that is a CQC-regulated activity.

It is also not appropriate or reasonable to stereotype a child through the planning application process or to judge how they might behave as a result of their background, upbringing or any past trauma, and to do so would be discriminatory.

The proposal also provides a benefit by advancing equality of opportunity by providing residential care for looked-after children in need of care and support.

There would be a maximum of three children living at the property along with carers who would always be at the home, which would not be dissimilar to the number of people that could live at the property as a family home. It is considered above that reason for refusals could not be justified in respect of noise and disturbance in particular as such impacts could result from a similar number of children living in a residential dwelling.

It is also not considered that any neighbouring residents with disabilities or health concerns would be detrimentally affected by this proposal given its minor scale and its use being similar in its function to that of a dwelling.

Trees and Hedgerows

A small tree in the front garden and a stretch of hedgerow on the site's front boundary would be removed to provide the additional parking spaces. Whilst it is preferable that existing soft landscaping is retained and enhanced, particularly when a site is located in the National Forest, it is considered that the limited loss of the soft landscaping in this instance should not act as a constraint on the development, particularly given that its lack of protection could lead to it being removed at any time. As such the proposal would comply with the provisions of Policy En1 of the Local Plan.

Biodiversity Net Gain

Policy En1 of the adopted Local Plan states that proposals for development would be supported which conserve, restore or enhance the biodiversity in the District. This is supported by Paragraph 186 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. However, the application relates to an application for change of use only with no external alterations to the building..

The biodiversity gain requirement does not apply to development subject to the de minimis exemption which is development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows. Based on the information submitted under this application in respect of the proposed parking spaces, the Local Planning Authority considers that biodiversity net gain does not apply in this case and therefore, the proposed development would not be required to demonstrate 10% BNG.

Given the above, the development would accord with Policy En1 of the Local Plan.

Conclusion

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

The application site is situated within the defined Limits to Development, where the principle of development is supported, if it complies with relevant policies of the Local Plan. Policy S2 of the Local Plan supports sustainable development within Limits to Development, and the proposed development is considered to align with the overall spatial strategy for the district.

In addition to the above, no external alterations are proposed as a result of the development. Reasons for refusal could not be justified in respect of impacts on highway safety and residential amenities. There are no other relevant material planning considerations that indicate planning permission should not be granted.

In view of the above, it is considered that the proposed development complies with the relevant policies of the North West Leicestershire Local Plan and the NPPF (2024).

Subject to the imposition of conditions the proposed development represents sustainable development, and approval is therefore recommended.

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