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Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6:00pm on Tuesday, 9 June 2026
Location	Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

## AGENDA

Item		Pages
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2.</b>	<b>DECLARATION OF INTERESTS</b>	
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
<b>3.</b>	<b>MINUTES</b>	
	To confirm and sign the minutes of the meeting held on 6 May 2026.	<b>3 - 6</b>
<b>4.</b>	<b>PLANNING ENFORCEMENT MONITORING UPDATE</b>	
	The report of the Planning and Development Team Manager.	<b>7 - 14</b>
<b>5.</b>	<b>PLANNING APPLICATIONS AND OTHER MATTERS</b>	
	The report of the Head of Planning and Infrastructure.	<b>15 - 18</b>

## Index of Applications to be Considered

<b>Item</b>	<b>Application Number and Details</b>	<b>Recommendation</b>	<b>Page</b>
<b>A1</b>	<b>25/01116/FUL: Change of use from Residential Class C3 to Small House in Multiple Occupation HMO Class C4 including ground floor and first floor extensions.</b>  2 Roberts Close, Kegworth	<b>PERMIT, subject to conditions</b>	<b>19 - 36</b>
<b>A2</b>	<b>26/004422/FUL: Erection of first floor front extension, single storey side and rear extension, single storey link extension, new front porch, conversion of existing garage to ancillary accommodation, new detached garage, new detached outbuilding and replacement gates and piers</b>  38A Main Street, Swannington	<b>PERMIT, subject to conditions</b>	<b>37 - 54</b>

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 6 May 2026

Present: Councillor R Boam (Chair)

Councillors R L Morris, R Canny, D Everitt, J Legrys, P Moulton, C A Sewell, J G Simmons, N Smith, D Cooper (Substitute for Councillor D Bigby) and M B Wyatt (Substitute for Councillor M Burke)

In Attendance: Councillor R Johnson

Officers: Mr B Dooley, Mr D Gill, Mr C Elston and Mr L Marshall

## **75. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Bigby and Councillor Burke.

## **76. 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 26/00349/PIP

Councillor D Cooper.

Councillor N Smith declared a registerable interest in item A1 of the agenda, application number 26/00349/PIP, as ward member. He stated that Councillor A Woodman would join as his substitute, and that he would retire to the public gallery before speaking as the ward member for this item. He would then leave the Chamber and return for item A2 of the agenda, application number 26/00323/PIP.

Councillor R Boam declared a registerable interest in item A2 of the agenda, application number 26/00323/PIP, as ward member. He stated that he would be leaving the meeting before this item, and that Councillor R Morris would take the chair as Deputy in his absence. He added that Councillor A Woodman would act as his substitute for this item.

## **77. MINUTES**

Consideration was given to the minutes of the meeting held on 14 April 2026.

It was moved by Councillor J Legrys, seconded by Councillor J Simmons and

RESOLVED THAT:

The minutes of the meeting held on 14 April 2026 be approved and signed by the Chair as an accurate record of the proceedings.

## **78. 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.

Prior to the next item, Councillor N Smith retired to the public gallery and Councillor A Woodman joined the meeting as his substitute.

**79. 26/00349/PIP: PERMISSION IN PRINCIPLE FOR THE ERECTION OF TWO SELF-BUILD DWELLINGS**

Land Adjacent to 49 Church Lane, Ravenstone.

**Officer's recommendation:** Permit

The Principal Planning Officer presented the report.

Andrew Large, speaking as the agent, addressed the Committee. He mentioned that the site was currently a small paddock and, while he understood the concerns raised by residents, he stated that the land was not designated for public use, and so would have had minimal impact on nearby residents. He urged the Committee to approve the application.

Councillor N Smith, speaking as the ward member, addressed the Committee. He stated that he had no intentions of speaking against the application but raised concerns about the congestion that was present on the A447 and which related to the top of Church Lane and the junction at Wash Lane. He questioned whether traffic lights or a roundabout could have been implemented to have eased these issues and have them raised with Leicestershire County Council's Highways department.

In response to the concerns raised, the Principal Planning Officer expressed uncertainty as to whether the vehicular movements generated by the proposed development would have been greater than those currently caused by an existing use which operated on the site. Members were advised, however, that these issues would be considered at a technical details consent stage of an application.

As part of a discussion, members expressed support for the application and asked several questions of clarity which were addressed by the planning officers. Members commented that they could not see any issues with the application except for those raised by the ward member. It was suggested that the number of dwellings should have been limited to two as applied for.

Members asked whether a note could have been provided to the applicant which involved considering trying to improve the junction at Wash Lane and Church Lane. The Principal Planning Officer advised members that a note could be included but added that the applicant could not have been bound to any expectations at this stage.

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.

As Councillor R Boam had declared a registerable interest in the next item on the agenda as ward member, he left the meeting. Councillor R Morris took the chair as Deputy, and Councillor N Smith returned to the meeting. It was stated that Councillor A Woodman would act as a substitute for Councillor R Boam.

<b>Motion to approve the application in accordance with the officer's recommendations. (Motion)</b>	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Doug Cooper	For
Councillor Michael Wyatt	For
Councillor Andrew Woodman	For
<b>Carried</b>	

**80. 26/00323/PIP: PERMISSION IN PRINCIPLE FOR THE ERECTION OF A SINGLE SELF-BUILD DWELLING**

Land to the East of 56 Loughborough Road, Coleorton.

**Officer's recommendation:** Permit.

The Principal Planning Officer presented the report.

Andrew Large, speaking as the agent, addressed the Committee. He stated that the development would not result in the loss of open, underdeveloped land, and that there was a bus stop within walking distance of the site. He urged the Committee to support the application.

During discussion, a member asked how the application would have been considered had it not been a self-build or a Permission in Principle (PIP) application. The Principal Planning Officer and Head of Planning and Infrastructure replied that applications such as this were weighted differently because there was an unmet need. Furthermore, members were advised that the National Planning Policy Framework (NPPF) promoted sustainable development if the harm did not outweigh the benefits.

Members referenced the importance of maintaining the rural character of Coleorton but also commented on the existing ribbon development along the same road. It was noted how the proposed development was not out of context with this environment.

It was moved by Councillor J Legrys, seconded by Councillor J Simmons and

**RESOLVED THAT:**

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

<b>Motion to approve the application in accordance with the officer's recommendations. (Motion)</b>	
Councillor Ray Morris	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Carol Sewell	Against
Councillor Jenny Simmons	For
Councillor Nigel Smith	Against
Councillor Doug Cooper	For
Councillor Michael Wyatt	For
Councillor Andrew Woodman	For
<b>Carried</b>	

The meeting commenced at 6:00pm

The Chair closed the meeting at 6:56pm

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE – TUESDAY, 9 JUNE 2026



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

**1 Background**

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

**2 Local Enforcement Plan**

- 2.1 At the Council's Cabinet meeting on 22 October 2024 a new Local Enforcement Plan (Planning) was adopted. The new Local Enforcement Plan identifies what tools are available to the Council to enforce planning matters, sets out how planning enforcement cases will be dealt with and also provides a simple priority system for dealing with cases.

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

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

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

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

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

#### 4 Planning Enforcement Case Statistics

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

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

2025/26					
Months/Year	No. of new cases opened	No. of cases closed with breach resolved	No. of cases closed with no breach/ not expedient	Cases closed	Total no. of live cases at the end of each quarter
Q3 – October 25 – December 25	45	7	9	16	161
Q4 – January 26 – March 26	58	12	12	24	181

- 4.3 Table 1 shows that the team are continuing to receive significant numbers of new cases, although the number of new cases during both quarters was lower than in each of the preceding four quarters. The team has investigated and closed off fewer cases than in the previous four quarters. However this reflects that the team were dealing with a very high number of live cases at the end of Q4 2024/25 (244) compared to at the end of Q4 2025/26 (181), and that a significant amount of work has gone into progressing and closing cases (in particular older cases) to bring caseloads down to lower levels, which shows that the team are working hard to actively deal with enquiries and bring their cases to a conclusion.
- 4.4 Table 1 also illustrates that case numbers have increased which correlates with an increase in active highly complex cases which are very time consuming and have a significant impact on the team’s ability to deal with and close other investigations.

#### 5 Examples of Planning Enforcement Cases

- 5.1 Some examples of cases where breaches have been closed, resolved or enforced against are provided below –
- Alleged material change of use - A report was received that a residential dwelling had been converted to a House in Multiple Occupation (HMO). Site inspection confirmed that the property was now a HMO but was occupied by four people with shared facilities. Planning permission is not required to change from a C3 dwelling to a C4 small House in Multiple Occupation occupied by not more than six people.

- Alleged unauthorised built development – It was alleged that domestic fencing had been erected between properties in excess of two metres in height. A site visit confirmed this. Discussion with the homeowner led to the reduction in height of the fence and the resolution of the breach of planning control.
- Breach of condition – A query was raised regarding an alleged breach of a construction management condition at a housing development. The complaint alleged the developer was accessing the site through an unapproved access causing disruption to residents. A site visit confirmed this and discussions with the developer led to the breach being resolved quickly.
- Breach of condition – Reports were received about a pergola erected in the rear garden of a dwelling. The structure measured in excess of permitted development regulations and was therefore a breach of planning control. Following discussions with the site owner a planning application was received and subsequently retrospectively permitted.

## **6 Breakdown of Types of Cases Received for Q3 and Q4 2025/2026**

6.1 A breakdown of the types of cases that were received in Q3 and Q4 2025/2026 is set out below. The means of producing this information is only available for these periods onwards due to information relating to each type of case now being recorded in the ICT system that was not possible in the past.

- Unauthorised development (Non-Domestic) – 17 cases raised – These types of cases are raised where alleged ‘unauthorised development’ has taken place that is non-residential, i.e. commercial or alleged development on land.
- Unauthorised development (Domestic) – 15 cases raised – These types of cases are raised where alleged ‘unauthorised development’ has been carried out at dwellings or flats for example, an unauthorised extension which doesn’t fall within the parameters of permitted development rights.
- Breach of planning conditions – 9 cases raised – These cases are raised where developers/owners are alleged to be in breach of planning conditions on a planning permission.
- Build not in accordance with the approved plans – 22 cases raised – These are cases where a development is allegedly different from the plans that were approved under the planning permission.
- Change of use – 21 cases raised – These cases consist of both domestic and non-domestic properties or land and often relate to the alleged change of use of a shop or someone working/ running a business from home.
- Unauthorised works to listed buildings – 7 cases raised – Complex historic building investigations which remain ongoing.
- Unauthorised adverts – 5 cases raised – These cases relate to situations where adverts have allegedly been installed that do not comply with the Advertisement Regulations or that need advertisement consent.
- Alleged Breach of S106 agreement – 1 case - These cases relate to possible breach of contract for failure to comply with the requirements of legal agreements with the Council under Section 106 of the Town and Country Planning Act.

- Advice cases – 6 cases raised – These types of cases are recorded when officers have spent time answering enquiries, mainly received via the Enforcement email inbox, that may not relate to a planning enforcement matter, but it is not clear when the enquiry is first received or where the enquiry did not warrant a case being raised. Examples of these types of cases can be enquiries relating to boundary disputes, environmental issues, works within the public highway or where a public right way of way is being obstructed, however, due to the time spent on these types of enquiries, the team have begun logging them to calculate the amount of officer time spent.

## 7 Key Cases

- 7.1 **Prosecutions** - There have been no prosecutions during Q3 and Q4 2025/26. Prosecutions can only be undertaken in certain circumstances, e.g. when an Enforcement Notice is breached or unauthorised works are undertaken to listed buildings or protected trees. Prosecution is usually a last resort where all other forms of negotiation to resolve the issue have failed.
- 7.2 **Injunctions** – No injunctions have been made during Q3 or Q4 2025/26. The injunctions that are in place continue to be monitored. Injunctions are reserved for the most serious cases where the breach is causing significant harm. The court will consider if an injunction is a proportionate remedy compared to other potential actions and will look at the specific circumstances, and the Council must demonstrate that it is necessary or expedient to seek the injunction.
- 7.3 **Notices** – One Enforcement Notice was issued during Q4 2025/26, when a Breach of Condition Notice was served. Cases also continue to be monitored where there are extant notices in place. It must be emphasised that the service of an Enforcement Notice is a last resort where all other forms of negotiation to resolve the issue have failed.
- 7.4 **Appeals** - No enforcement appeals were submitted during Q3 or Q4 2025/26.

## 8 Priority Response Targets

- 8.1 The Local Enforcement Plan identifies four different priority response settings for commencing investigations upon receiving complaints. These response times are dependent upon the potential impacts and seriousness of the alleged breach of planning control. These priorities are set out below along with the results for Q3 and Q4.

### Top Priority

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

8.4 In Q3 there were two top priority complaints and the target was hit 50% of the time.

8.5 In Q4 there was six top priority complaints and the target was hit 66% of the time.

### **High Priority**

8.6 These include:

- Breaches of either Listed Building or Conservation Area controls not coming into the Top Priority category;
- Breaches of the requirements of an Enforcement Notice or a Breach of Condition Notice;
- Unauthorised development, which without intervention would be nearing immunity from enforcement action by virtue of the 4 or 10 year rules (see appendix A for changes brought in by the Levelling Up and Regeneration Act);
- Unauthorised advertisements, which constitute a potential highway safety.

8.7 The Council will aim to commence investigations on high priority cases within three working days of the enquiry being received.

8.8 In Q3 there were no high priority complaints.

8.9 In Q4 there was one high priority complaint, and the target was hit 100% of the time.

### **Medium Priority**

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

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

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

8.12 In Q3 there were four medium priority complaints, and the target was hit 100% of the time.

8.13 In Q4 there were six medium priority complaints, and the target was hit 83% of the time.

### **Low Priority**

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

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

- 8.15 The Council will aim to commence investigations on low priority cases within 28 days of the enquiry being received.
- 8.16 In Q3 there were 39 low priority complaints, and the target was hit 92% of the time.
- 8.17 In Q4 there was 45 low priority complaints, and the target was hit 93% of the time.
- 8.18 It is very positive to see response time rates of more than 90% being achieved for High and Low Priority cases, with response times of 100% in Q3 and 83% in Q4 for Medium Priority cases. Further work is needed to ensure that Top Priority cases are responded to within one day.

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

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

**PLANNING & DEVELOPMENT REPORT**

## **PLANNING COMMITTEE FRONT SHEET**

### **1. Background Papers**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **7. Amendments to Motion**

An amendment must be relevant to the motion and may:

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

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

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

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

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

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

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

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

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

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

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

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**Change of use from Residential Class C3 to Small House in Multiple Occupation HMO Class C4 including ground floor and first floor extensions**

**Report Item No  
A1**

**2 Roberts Close, Kegworth, Derby, DE74 2HR**

**Application Reference:  
25/01116/FUL**

**Grid Reference (E) 448573  
Grid Reference (N) 326341**

**Date Registered:  
6 August 2025  
Consultation Expiry:  
13 September 2025  
Determination Date:  
1 October 2025  
Extension of Time:  
None agreed**

**Applicant:  
J Frew**

**Case Officer:  
Sara Hullott**

**Recommendation:  
PERMIT, subject to conditions**

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



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

The application is brought to the Planning Committee at the request of Councillor Sutton on the basis that the proposal would impact highways due to high rates of on-street and pavement parking on narrow streets and the on-site parking layout being neither practical nor accessible, and concern over the concentration of Houses of Multiple Occupancy in the area.

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

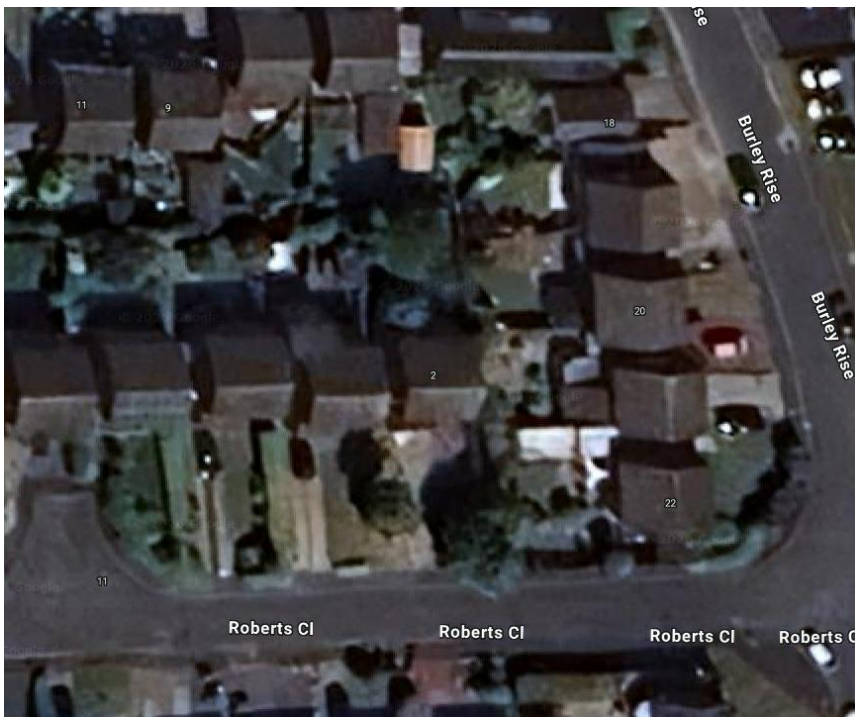
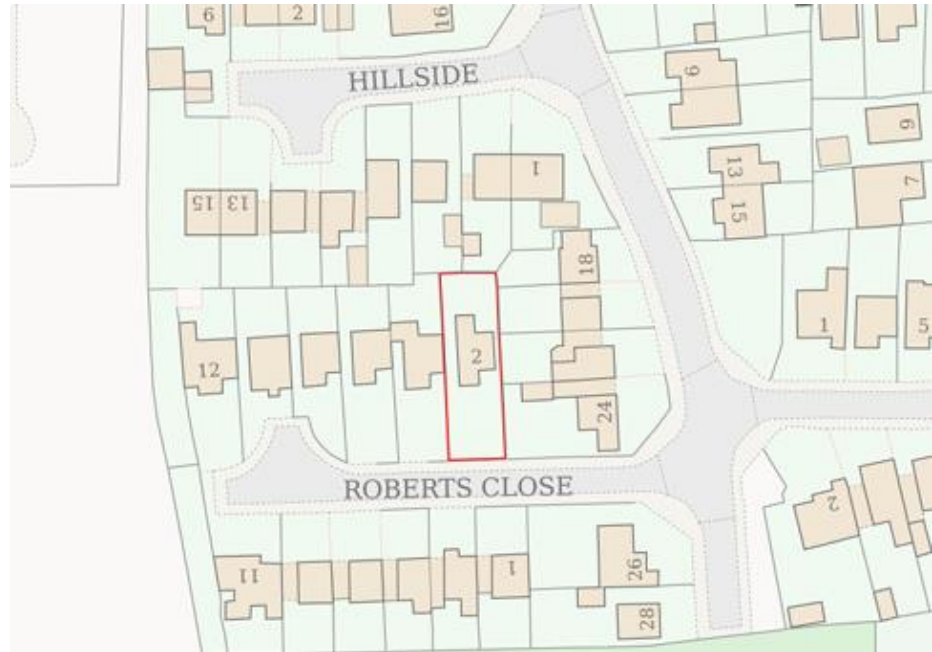
1. Standard time limit (3 years).
2. Approved plans
3. Materials
4. Maximum of 6 residents living on site at any given time.
5. Three parking spaces
6. Cycle parking spaces
7. Surface water drainage

# MAIN REPORT

## 1. Proposals and Background

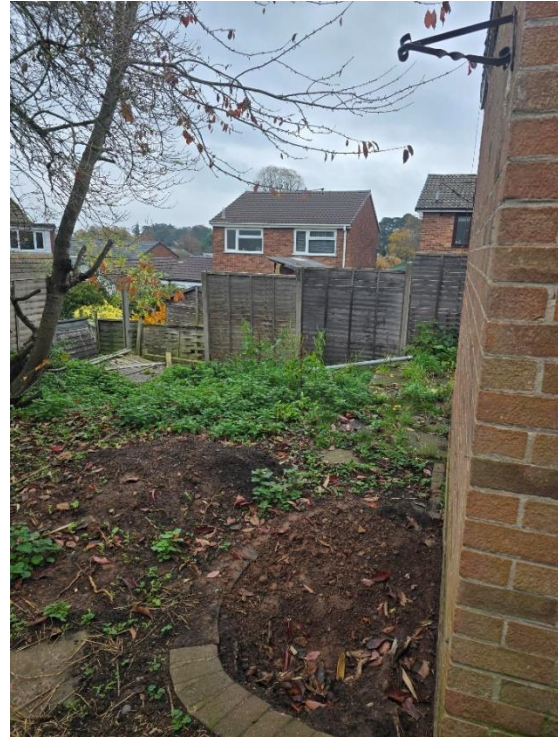
The application seeks full planning permission for the change of use of an existing dwelling house (C3 use) at 2 Roberts Close, Kegworth to a 6-bedroom House of Multiple Occupation (C4 use), with a maximum of 6 residents. The proposal also includes ground floor and first floor extensions to the front and rear of the property.

### Site Location Plan

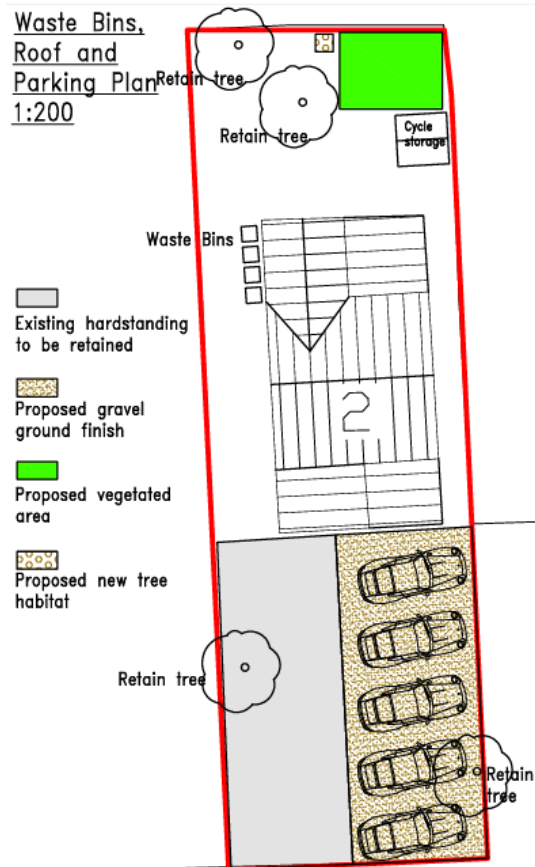


Aerial Image of Site Location

# Site Photos



# Proposed Site Plan



The application site consists of a two-storey detached dwelling. The existing floor plans show three upstairs bedrooms and one bathroom, with downstairs kitchen and living areas and an existing integral garage. The proposed plans show that there would be three upstairs bedrooms, one within the proposed rear extension, and two bathrooms. Downstairs, the existing kitchen and garage would be converted into two bedrooms, with an additional bedroom located within the proposed front extension and a section of the existing living space. The existing living room, along with the rear single storey extension, would be converted into a communal kitchen/living/dining space.

This site is situated within the settlement boundary of Kegworth. The site is located within the Limits to Development, as defined by the Policy Map to the adopted Local Plan (2021).

The proposed House of Multiple Occupation (HMO) would be occupied by a maximum of six residents.

The County Highways Authority, County Ecology Team, Environmental Protection, Parish Council 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 is no relevant planning history at the property.

## **2. Publicity**

14 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.

**Kegworth Parish Council** – Objects to the application on the following grounds:

*We note that the adjacent streets have at least a dozen (and possibly more) existing HMOs.*

*These are:*

*3,11,12 Roberts Close*

*2,13 Hillside*

*2 Gerrard's Close*

*4,12,15,18,20,22 Burley Rise*

*The planning application also refers to the significant number of HMOs close by. This increasingly high density of HMOs in the immediate area is creating an imbalance in the mix of housing, which is detrimental to residents and the community. Therefore we believe this application should be rejected.*

*The experience in Kegworth is that concentrations of HMOs change the character of the community, distort the balance of property availability for diverse demographics and create severe stress on limited parking resources. This has adverse effect and the health and wellbeing of our*

community.

Consideration should be given to the application of Policy H8 of the draft local plan which has already been through stages of consultation and review.

Policy H8 also notes the detrimental effect of 'sandwiching' a single-family dwelling between two HMOs, which would be the case should the application be approved.

We note that The National Policy Planning Framework "requires Local Planning Authorities to plan for a mix of housing to meet the different needs of the community including families with children, older people and people with disabilities." Policy H4 of the draft local plan - House Types and Mix - is also applicable.

Councillors note objections lodged by neighbours as direct evidence of the detrimental impact on residents resulting from over intensification of HMOs, particularly in the area in question.

Finally, the parking arrangements proposed for 5 vehicles is unrealistic and unworkable. In reality this would lead to several more cars parked on the street.

We believe this is a significant planning decision not only for the immediate neighbourhood, but the whole of Kegworth, and we hope it will be considered by the Planning Committee.

**No objections from:**

NWLDC Environmental Protection  
County Highway Authority

**Objection from:**

County Ecology Team

**Third Party Representations**

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

Grounds of Objections	Description of Impact
<b>Principle of Development and Sustainability</b>	Too many HMOs within the area and in Kegworth  This will be the fourth HMO to adjoin a resident's house  Families are being forced out of the village as houses become HMOs and the availability of suitable homes for families is being reduced  Has changed the character of the village and put local infrastructure under strain with no demonstrable benefit to the community  Property better suited as a dwelling as the area is traditionally family-oriented and proliferation of HMOs undermines this

	<p>identity and has a detriment impact on the character of the area and impacts on residents' quality of life</p> <p>Student accommodation should be built on all the land at the university</p>
<b>Neighbour Amenity</b>	<p>Potential noise and overlooking from extensions</p> <p>Overbearing and loss of light from extensions</p> <p>Increase in light pollution from potential external lighting</p>
<b>Traffic and Parking</b>	<p>Significant increase in on street parking associated with existing HMOs which can restrict access for residents</p> <p>No capacity for any on-street parking in particular due to there being at least three other HMOs on Roberts Close, and this will reduce access for cars and emergency vehicles</p> <p>Strictly off-street parking needed</p> <p>Unrealistic to fit five cars on the parking area proposed to the front of the property and the Highway Authority agree that there is not sufficient turning space for this number of cars and so cars will park on the road</p> <p>Concerns regarding how off-street parking for the proposal would be policed</p> <p>Is there sufficient space for cycles to get past the bin store</p>
<b>Character and Visual Impact</b>	<p>Overdevelopment of the site due to the size of the extensions proposed would be out of character with the surrounding area</p> <p>No convenient exit from the kitchen so bins may be moved to the front of the house which would be unsightly</p>
<b>Other Matters</b>	<p>Existing trees not shown on the plans – they will need to be felled to provide the parking spaces</p> <p>Errors on the plans</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 12. Achieving well-designed places  
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  
Ec5 - East Midlands Airport: Safeguarding  
IF4 - Transport Infrastructure and New Development  
IF7 - Parking Provision and New Development  
Cc2 – Water – Flood Risk  
Cc3 – Water – Sustainable Drainage Systems

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

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

Policy M11: Safeguarding of Mineral Resources

### **Other Policies and Guidance**

National Planning Practice Guidance  
Leicestershire Highway Design Guidance  
North West Leicestershire Good Design Guide SPD - April 2026  
National Design Guide (2021)  
Kegworth Article 4 Direction 2020: House in Multiple Occupation (HMO)  
The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017)  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

## **5. Assessment**

### **Principle of Development**

The starting point for the determination of this application is Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises of the adopted North West Leicestershire Local Plan (2021) and the Adopted Leicestershire Minerals and Waste Local Plan (September 2019).

The site is located within the Limits to Development, as defined by the adopted Local Plan, in the settlement of Kegworth. Policy S2 defines Kegworth as a 'Local Service Centre' which provides some services and facilities primarily of a local nature meeting day-to-day needs and is supportive of a reasonable amount of new development.

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 proposal seeks to change the existing use of the residential dwelling to a six-bedroom HMO for no more than six residents, including ground floor and first floor extensions at 2 Roberts Close, Kegworth.

Concerns have been raised by residents, the Parish Council and the ward member regarding the number of HMOs located within the locality and within Kegworth, and that this is reducing the number of family homes available, putting a strain on infrastructure and having a detrimental impact on the character of the locality (which was traditionally family-oriented) and the village. Whilst these concerns are recognised, there are currently no policies within the adopted Plan or NPPF or national Planning Practice Guidance which seek to limit the quantity/grouping of HMOs or control the location of HMOs. In the absence of any adopted policy to this effect or any objection from statutory consultees in respect of the highway/amenity or other significant impacts arising from the concentration of HMOs in this location or in the village, it is not considered that a reason for refusal on this ground could be sustained.

Policy H8 in the draft Local Plan does relate to HMOs in Kegworth. Several comments have been made in respect of the policy as part of the draft Local Plan Regulation 18 consultation (January to March 2024). The policy was presented back to Local Plan Committee in September 2025 with minor changes, which were agreed. A report has been published for Local Plan Committee on 4 June 2026 which seeks the Committee's approval to consult on the Proposed Submission Draft Local Plan (Regulation 19) and seek delegated authority that following consultation, the Local Plan be submitted to the secretary of state for examination. Some minor changes are proposed to the policy. Given that comments have been received, and that it has not yet been through Regulation 19 consultation nor to examination, very limited weight can be attributed to draft Policy H8.

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 and the NPPF.

### **Design, Character and Impact upon Street Scene**

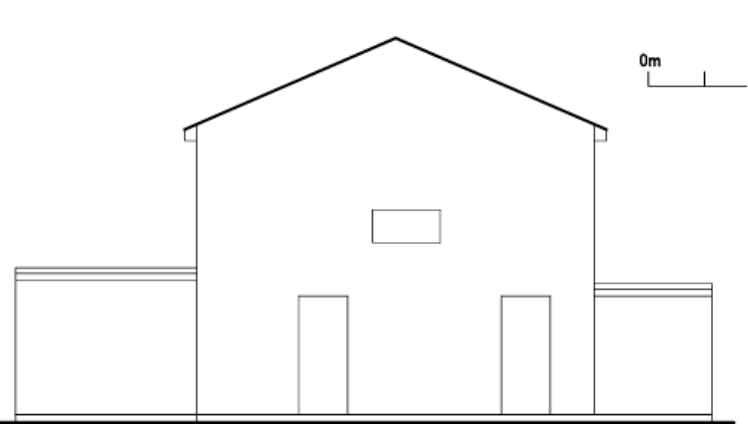
Policy D1 of the North West Leicestershire Local Plan (2021) requires that all developments are based on a thorough opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. In addition, new residential developments must also perform positively against the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

The plans below show the existing and proposed floor plans and elevations of the dwelling, with the details of the proposed extensions and internal layout changes

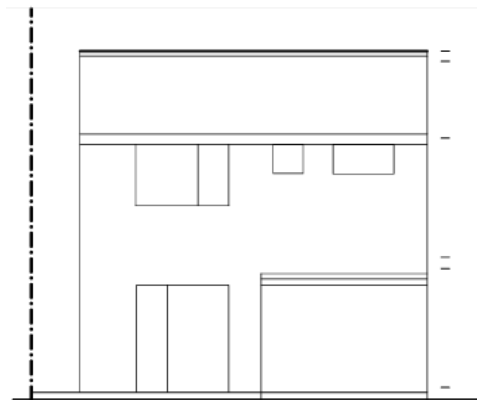
**Existing Elevations**



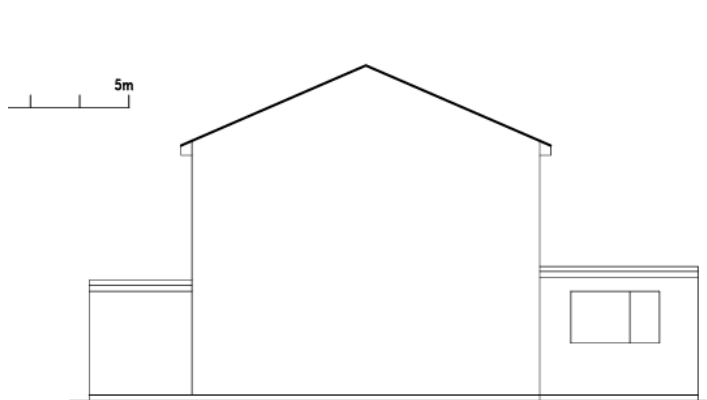
Existing Front Elevation 1:100



Existing Left Side Elevation 1:100



Existing Rear Elevation 1:100

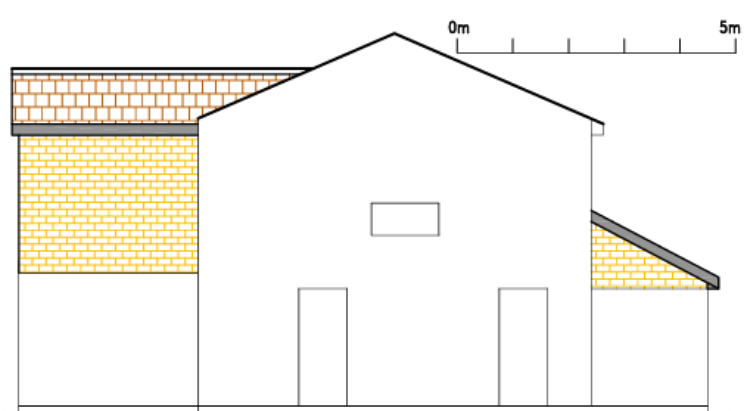


Existing Right Side Elevation 1:100

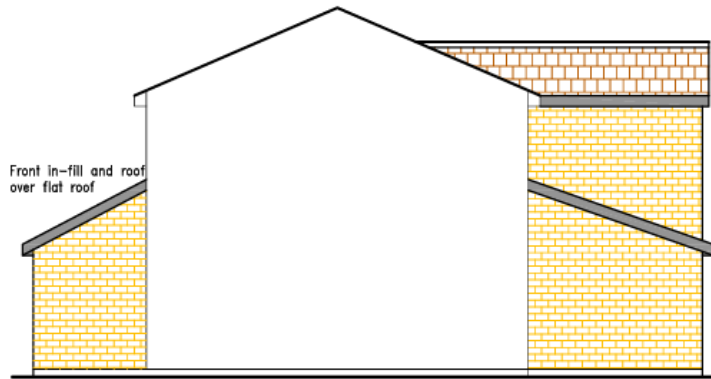
**Proposed Elevations**



Proposed Front Elevation 1:100



Proposed Left Side Elevation 1:100

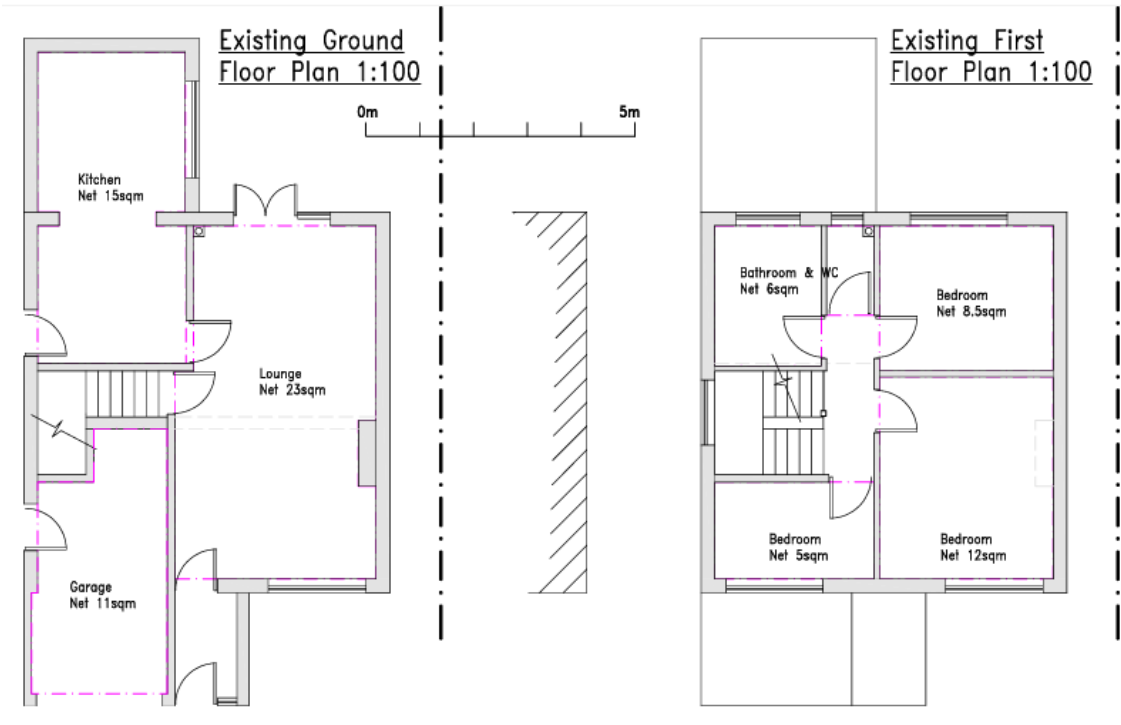


Proposed Right Side Elevation 1:100

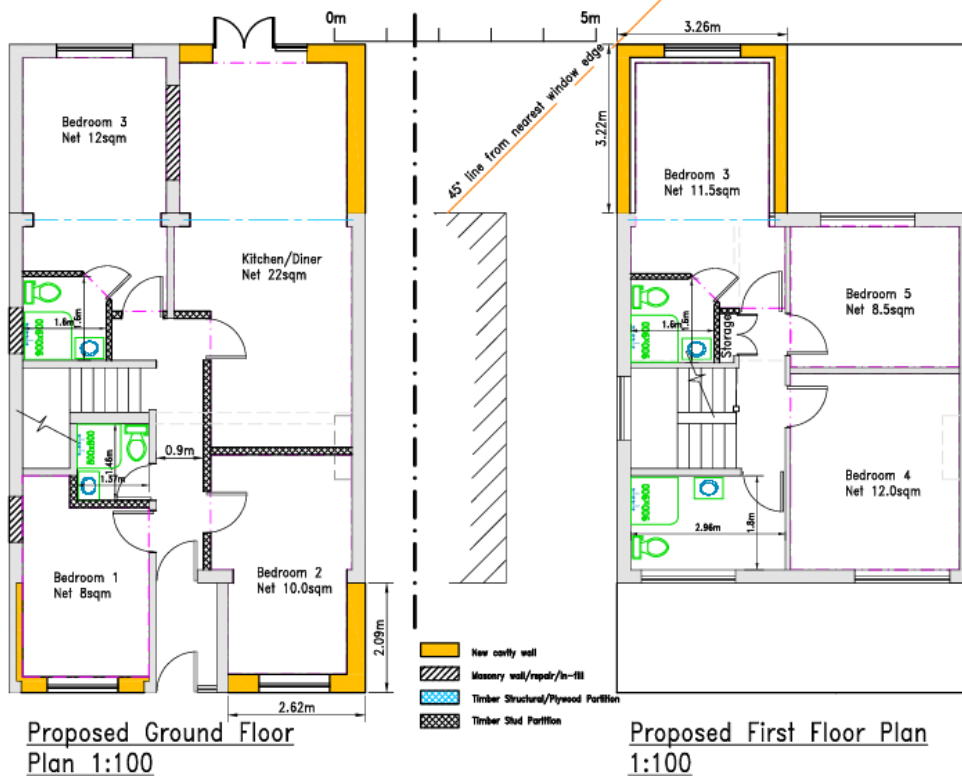


Proposed Rear Elevation 1:100

**Existing Floor Plans**



## Proposed Floor Plans



The front extension to the dwelling is considered to be of an appropriate scale and design, is sympathetic to the character of the host dwelling and the wider setting and streetscene and would not result in harm to the visual amenity of the area.

The two-storey rear element would project approximately 3.2 metres above the existing single storey element, with its ridge line set lower than the ridge of the main dwelling. The single storey extension would project 3.2 metres from the existing rear wall, infilling the existing 'L-shape' footprint. The proposed rear extensions, whilst of a larger scale than the front extension, are considered to be in keeping with the scale of the host dwelling.

The proposed extensions would be located to the rear of the property and would have minimal visibility from the public realm. As such, the impact on the character and appearance of the street scene is considered to be very limited.

The proposed extensions would be finished in brick and tile, with UPVC windows and doors to match the existing dwellinghouse and the materials used in the wider streetscene.

Overall, the design and scale of the proposed extensions are considered acceptable, with the materials and form responding appropriately to both the host dwelling and the wider context.

The whole of the front of the site would be hardsurfaced. Under the Good Design Guide SPD, an equal amount of landscaping is required to balance any surfaced parking area. However in this case it is considered that it would be difficult to require this provision, as under permitted

development rights the whole of the front area could be hardsurfaced, and there are two other properties on the street with hardsurfacing across the whole of their front gardens.

There appears to be sufficient space at the side of the property for waste and recycling bins to be stored and cycles to be taken to the rear of the property. However the bins could be stored elsewhere on the site including at the front (which could also occur if the property remained as a dwelling).

It is considered that the proposal would accord with Policy D1 of the adopted Local Plan, the Council's Good Design Guide 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.

This application seeks permission for a change of use from a dwelling to a small HMO for a maximum of six residents, including single storey and two storey extensions to the dwelling.

The subject property is detached with a rear garden and driveway to the front of the property. The existing floor plans show three upstairs bedrooms and one bathroom, with downstairs kitchen and living areas and an existing integral garage. The proposed plans show that there would be three upstairs bedrooms, one within the proposed rear extension, and two bathrooms. Downstairs, the existing kitchen and garage would be converted into two bedrooms, with an additional bedroom located within the proposed front extension and a section of the existing living space. The existing living room, along with the rear single storey extension, would be converted into a communal kitchen/living/dining space.

Concerns raised by neighbouring residents in respect of noise, overlooking, overbearing and loss of privacy impacts and light pollution have been duly considered.

Consideration has to be given as to whether any additional noise and disturbance and light pollution generated by changing the use from a family home to a small HMO, would give rise to a significant adverse impact upon neighbouring residential amenities to warrant a refusal of permission. The Council's Environmental Protection team has been consulted on the proposal and has raised no objections. It is confirmed that the proposed use would not result in unacceptable levels of noise, light, odour, or other forms of disturbance. Given the size of the property, it could accommodate a family with a similar or greater number of people than proposed under this application, it is not considered that the change of use would give rise to any significant noise and disturbance or comings and goings (and associated waste generation/pollution) or light pollution that would be demonstrably significantly over and above the occupation of the dwelling by a single large family.

In terms of potential overbearing and overshadowing impacts, the two-storey rear extension would project approximately 3.2 metres beyond the rear elevation of No. 2 Roberts Close and would be located above an existing single storey element. It would project approximately 3.2 metres beyond the rear of No. 4 Roberts Close, around 1.8 metres from the boundary with No. 4 Roberts Close.

There are no windows located within the side elevation of No. 4 Roberts Close and no windows in the side elevation of the proposed first floor extension facing No. 4.

While the proposed first floor element of the proposed extension would introduce a substantial built form near the boundary, it would not breach the 45-degree rule as set out in the Council's Good Design Guide SPD. As such, it is considered that the proposal would not result in significant overshadowing or overbearing impacts upon No. 4 Roberts Close.

With regard to neighbouring properties to the east on Burley Rise, the application site is at a higher land level. The elements of the proposal closest to these dwellings are of single-storey scale and are sufficiently distanced away being 9.5 metres from the nearest rear habitable room windows with 1.8 metre high close boarded fencing along the boundary. No windows are proposed in the side elevation of the first floor extension facing towards these dwellings. If any upper-floor windows were installed in the side elevations of the first floor extension in the future, any parts up to 1.7 metres above the floor level of the room would need to be obscure glazed and non-opening. It is therefore considered that the development would not result in any significant overlooking, overshadowing, or overbearing impacts on these properties.

Overall, for the reasons set out above and subject to an appropriately worded condition to ensure the use of the site would operate within the parameters of the submitted application by restricting the number of residents to a maximum of six people, it is not considered that the proposal would result in significant impacts upon surrounding residential amenities and would accord with Policy D2 of the adopted Local Plan and the Council's Good Design Guide SPD.

### **Highway Considerations**

Kegworth Parish Council, neighbours and the ward member have raised concerns with regard to access and parking at the property in particular in relation to significant levels of existing on-street parking which will increase as a result of the proposal as there is not enough space to fit five cars on the front of the site and impact on access for cars and emergency services. 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.

Access to the site is from Roberts Close which is an adopted unclassified road, subject to a 30mph speed limit. No alterations are proposed to the existing site access arrangements which presently serve the existing dwelling.

The County Highway Authority (CHA) has been consulted on this application and states that no Personal Injury Collisions (PICs) have been recorded in close proximity to the site within the most recent five-year period, and the proposed development would not exacerbate any known highway safety concerns.

The existing parking provision on the site consists of three parking spaces which would be retained. The drawings state that there will be an additional two parking spaces on site, giving a total of five, with six cycle spaces being provided. The CHA advises the cycle parking accords with the Leicestershire Highway Design Guide (LHDG)

Based on Table 28 of the LHDG for a HMO containing up to six residents, one parking space should be provided per resident with a minimum of three parking spaces per dwelling with up to six desired.

The CHA has stated that only three of the parking spaces would comply with the Leicestershire Highway Design Guide (LHDG) standards and it does not believe there is sufficient turning space. However, given that three parking spaces are required, sufficient parking can be provided at the site to accord with the LHDG and so the CHA has raised no objections to the parking layout, subject to a condition securing the three parking spaces.

The CHA advice is 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 CHA advises that the development therefore does not conflict with paragraph 116 of the NPPF, subject to its suggested conditions relating to car and cycle parking.

Taking the above into account the proposal is not considered to result in an unacceptable impact on highway safety or the wider highway network that would justify a reason for refusal under Policies IF4 and IF7 of the North West Leicestershire Local Plan, the relevant paragraphs of the NPPF as well as the Leicestershire Highway Design Guide.

### **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. On this basis the proposed development would be required to demonstrate 10% BNG. Notwithstanding this, Paragraphs 187(d) and 193(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity.

Whilst the submitted Biodiversity Metric states that there would be an increase in habitat units of 13.67%, LCC Ecology have noted that the Metric has not been filled in correctly. Notwithstanding this, the LPA have taken into account the fact that the extensions and all external works including the parking spaces could be submitted within a 'Householder' application or undertaken under permitted development rights either prior to or after a separate application for the change of use to a HMO. Householder applications are not subject to the 10% BNG requirement. LCC Ecology also advise that they consider the extensions to be exempt from BNG due to being householder development. As such, in this case, it is considered unreasonable to request further additional information with regards to the BNG increase or to require 10% BNG in this case.

LCC Ecology has requested that a preliminary roost assessment is carried out due to the fact that the property has been derelict for a year however, it is not considered appropriate due to the fact that the building is currently a residential property that could have internal and external works to the roof done without planning permission.

Subject to conditions, it is not considered that the proposal would result in any adverse impacts to protected species and or biodiversity 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**

The site is situated within Flood Zone 1, an area at lowest risk from fluvial flooding, and the site is not in an area at risk of surface water flooding.

Due to the proposed extensions, a surface water drainage condition has been recommended as there would be increased surface water run-off, over and above that of the existing arrangement.

It is therefore considered that the proposal complies with Policy Cc2 and Cc3 of the Local Plan, the NPPF and the PPG.

### **Airport Safeguarding**

The site is within the safeguarded area of East Midlands Airport. The threshold for consultations with the airport is for development above 90m in height and as the proposal is for a change of use only with no proposed external alterations, the proposal would not raise any safeguarding issues and would be compliant with Policy Ec5 of the adopted Local Plan.

### **Other Matters**

Whilst existing trees and vegetation on the front of the site are not shown on the plans, and most would need to be removed to provide the parking and turning space, two trees are shown to be retained. Whilst it is preferable that existing soft landscaping is retained, it may not be realistic for these trees to be retained alongside the parking and turning areas. Their lack of protection could lead to them being removed at any time, and they are not considered to be worthy of protection by a Tree Preservation Order.

Whilst two of the bedrooms are labelled as bedroom 5 on the proposed floor plans, it is clear that six bedrooms are proposed. The two existing side doors would be blocked up as shown on the proposed floor plans.

### **Conclusion**

The adopted Local Plan is silent on the matter of HMOs and in these circumstances, paragraph 11 of the NPPF applies which states that 'plans and decisions should apply a presumption in favour of sustainable development'.

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

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard*

*to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.}*

The application site falls within none of the areas identified within paragraph 11(d)i of the NPPF and therefore the test to be applied in this case is that set out in paragraph 11(d)ii above.

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.

It is considered that reasons for refusal relating to impacts from a concentration of HMOs in this location or in the village and highway safety could not be justified.

The proposal is not considered to result in significantly detrimental impacts on the character of the area, residential amenity, ecology and biodiversity or flood risk. There are no other relevant material planning considerations that indicate planning permission should not be granted.

In view of the above and on balance, 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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Erection of first floor front extension, single storey side and rear extension, single storey link extension, new front porch, conversion of existing garage to ancillary accommodation, new detached garage, new detached outbuilding and replacement gates and piers

Report Item No A2

Application Reference:  
26/00422/FUL

38A Main Street, Swannington, Leicestershire, LE67 8QN

Date Registered:  
25 March 2026

Grid Reference (E) 441554  
Grid Reference (N) 316318

Consultation Expiry:  
29 April 2026

Applicant:  
Ms S Dalby and Miss H Dalby

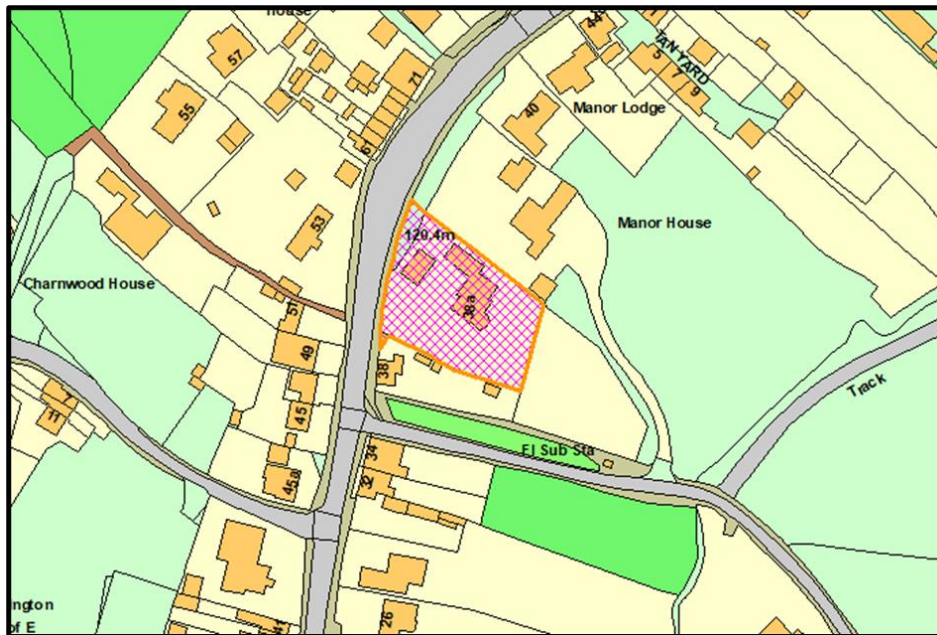
Determination Date:  
20 May 2026

Extension of Time:  
11 June 2026

Case Officer:  
Louise Forman

Recommendation:  
Permit, subject to conditions

Site Location - Plan for indicative purposes only



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

This application is brought to Planning Committee as one of the applicants is an employee of the Council and the other applicant is related to the employee, and contrary representations to the recommendation to permit the application have been received.

It must be emphasised that the applicant who is the employee of the Council has not been involved in any way or form with the consideration of this application.

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

1. Standard time limit (3 years).
2. Approved plans.
3. Materials
4. Incidental use only for outbuilding and new garage
5. Ancillary use as annexe only for converted garage
6. Minimum of three car parking spaces within the site

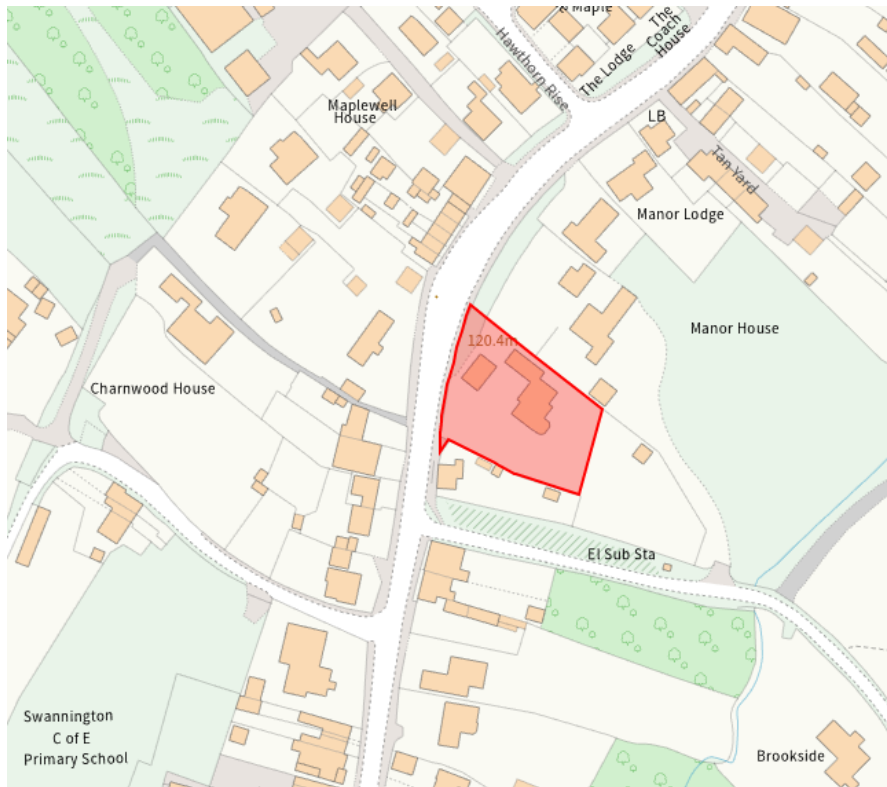
## MAIN REPORT

### 1. Proposals and Background

This application seeks full planning permission for extensions and alterations to this detached dwelling at 38A Main Street, Swannington. The full description of development is *'Erection of first floor front extension, single storey side and rear extension, single storey link extension, new front porch, conversion of existing garage to ancillary accommodation, new detached garage, new detached outbuilding and replacement gates and piers'*. The site is located on the eastern side of Main Street. The site is lower than that of the Main Street carriageway and slopes down into the rear garden. The area is characterised principally by a variety of detached, semi detached and terraced traditional house types of differing styles and designs.

Planning permission was granted last year under officer delegated powers (25/00446/FUL) for a scheme which included the erection of the first floor front extension, single storey side and rear extension and porch which form part of this current application. The current application also includes conversion of the existing detached garage to ancillary annexe accommodation together with a single storey extension to link the converted garage to the host dwelling, a new detached outbuilding, located to the rear of the host dwelling for use as a gym and games room, and new detached garage, located to the side of the host dwelling together with replacement gates and piers.

### Site Location Plan



## Aerial Image of Site Location



The application site consists of a two-storey detached dwelling with an existing detached garage located to the front of the site, as shown on the photos of the site from Main Street below. The proposed layout, existing and proposed elevations and floor plans are set out below the photos.





**Proposed Site Layout**



# Existing Elevations



Existing Front Elevation  
Scale 1/32



Existing Section A-A  
Scale 1/32



Existing Side Elevation  
Scale 1/32

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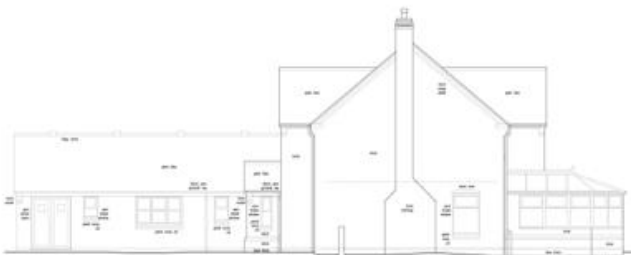
Project Name: [Redacted]  
Project Number: 23-4350-04  
Date: 11/11/2023



Existing Rear Elevation  
Scale 1/32



Existing Section B-B  
Scale 1/32



Existing Side Elevation  
Scale 1/32

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Project Name: [Redacted]  
Project Number: 23-4350-02  
Date: 11/11/2023

# Proposed Elevations



Proposed Front Elevation



Proposed Rear Elevation



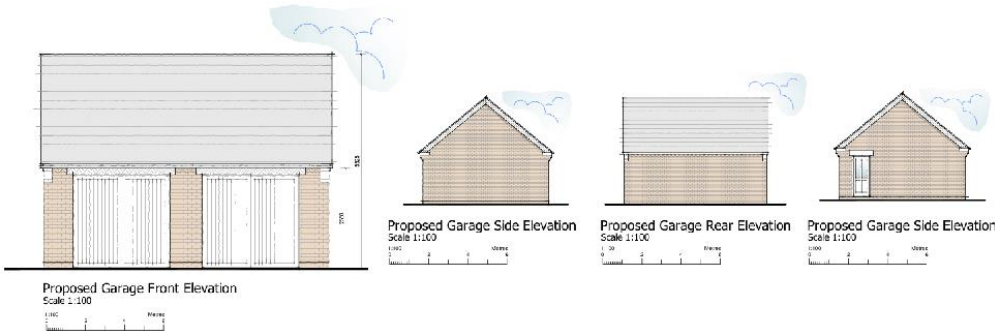
Proposed Side Elevation



Proposed Front Elevation (Link and Garage Omitted for Clarity)



Proposed Side Elevation



Proposed Garage Front Elevation  
Scale 1:100

Proposed Garage Side Elevation  
Scale 1:100

Proposed Garage Rear Elevation  
Scale 1:100

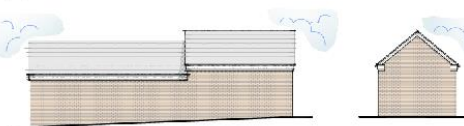
Proposed Garage Side Elevation  
Scale 1:100



Proposed Outbuilding Front Elevation  
Scale 1:50



Proposed Outbuilding Side Elevation  
Scale 1:100



Proposed Outbuilding Rear Elevation  
Scale 1:100



Proposed Outbuilding Side Elevation  
Scale 1:100

Notes

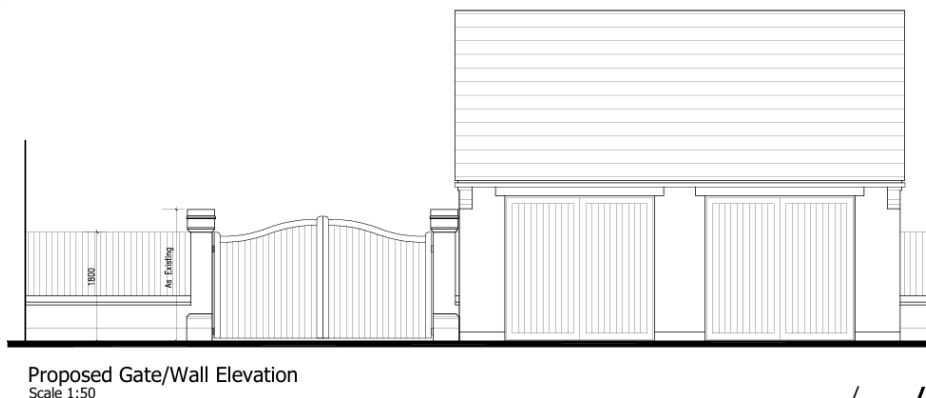
This drawing is to be read in conjunction with Drawing No. 23-496-03 'Typical' of the Newry.

This drawing is to be read in conjunction with Drawing No. 23-496-05, 06 and 06 'Planning Details'.

- Materials Schedule:
- Facing brickwork to match existing
  - Plain slip to match existing
  - UPVC windows
  - Aluminium sliding/folding doors

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The supporting statement accompanying the application provides the following information about the application:

*The extensions to the dwelling include a two storey front extension to be constructed on top of the existing single storey section of the dwelling, the demolition and reconstruction of the front entrance porch to centre this with the gable over. The single storey extensions would be to the rear and side of the property to allow for an open plan kitchen/dining area. This would also include the removal of the existing conservatory.*

*The annexe accommodation would be located within the converted existing garage and include a single storey link to connect this to the main dwelling and using some of the host dwelling for the annexe. The annexe is for genuine use by a family member living in the house currently and this would be used in conjunction with the main home.*

*The proposals also include a new double garage structure to replace the existing garage, which will be located to the side of the house and then also a new outbuilding within the rear garden that will be on split levels to follow that of the garden. This will be used for a gym and games room.*

This site is situated within the settlement boundary of Swannington, and within the Limits to Development, as defined by the Policy Map to the adopted Local Plan (2021).

The Parish Council and neighbours have been consulted and the responses received 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**

25/00446/FUL - Erection of first floor front extension, single storey side extension, new front porch and replacement gates and piers - Approved 12 May 2025.

01/00899/FUL - Erection of two storey dwelling and triple garage - Approved 18 January 2002.

## 2. Publicity

6 Neighbours have been notified.  
Site Notice displayed 30 March 2026  
Press Notice published 8 April 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.

**Conservation Officer** - No objections.

**Swannington Parish Council** – Objects to the application on the following grounds:

- Over intensive extending of this property
- This property is opposite to a Grade II Listed Building, the building of a new garage and outbuilding would be detrimental to the surrounding areas and views.

### Third Party Representations

One neighbour objection has been received which can be summarised as follows:

Grounds of Objections	Description of Impact
Design/Amenity Issues	<ul style="list-style-type: none"><li>- Over development of site</li><li>- Location of the proposed new garage will be in full view of neighbour's property</li></ul>
Impacts on Heritage Asset	<ul style="list-style-type: none"><li>- The Stone House is a Grade II Listed Building located opposite the application site, currently it has unhindered views of the countryside beyond 38A</li><li>- The new garage will significantly adversely affect these views</li><li>- Information submitted within the Heritage Statement as part of the previous application referred to the view from The Stone House and acknowledged the potential impact upon it</li></ul>
Other Matters	<ul style="list-style-type: none"><li>- Owners of 38A have not advised the neighbours of the new application or shown their plans in advance</li><li>- Concern regarding Potential Future Proposals for the Site</li></ul> <p>The Parish Council is opposed to the scale of the proposal</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 12. Achieving well-designed places  
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  
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment  
En1 – Nature Conservation  
En3 - The National Forest  
Cc2 – Water – Flood Risk  
Cc3 – Water – Sustainable Drainage Systems

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

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

Policy M11: Safeguarding of Mineral Resources

### **Swannington Neighbourhood Plan (2023)**

The Swannington Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of this application.

H2 – Settlement Boundary  
H4 - Design Quality  
ENV 4 – Protecting and Enhancing Biodiversity  
ENV 6 – Non-Designated Heritage Assets  
T1 – Traffic Management

### **Other Policies and Guidance**

Planning Practice Guidance  
Leicestershire Highways Design Guide  
North West Leicestershire Good Design Guide SPD – April 2026  
National Design Guide - Oct 2019  
The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017)  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

## **5. Assessment**

### **Principle of Development**

The starting point for the determination of this application is Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises of the adopted North West Leicestershire Local Plan (2021), the Swannington Neighbourhood Plan (2023) and the adopted Leicestershire Minerals and Waste Local Plan (2019).

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan and at Figure 3 of the Neighbourhood Plan, where the principle of development associated with an existing dwelling is considered acceptable subject to design, amenity and highway considerations and other material considerations.

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 proposal seeks to extend the current property by converting an existing detached garage to ancillary accommodation for a family member and adding a single storey link extension, erection of a detached outbuilding and a detached garage together with new railing and gates. Other proposals included within this application have already been granted planning permission under 25/00446/FUL; a recent site visit revealed that this development has now been commenced.

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 and Neighbourhood Plans and the NPPF.

### **Design, Character and Impact upon Street Scene**

The need for good design in new development is outlined in Policy D1 of the Local Plan, Policy H4 of the Neighbourhood Plan, the Council's Good Design Guide SPD, the National Design Guide and the NPPF.

The design and appearance of the elements previously approved under reference 25/00446/FUL were considered to be acceptable in terms of design and appearance as they were subservient to and mirrored the characteristics of the host dwelling. Furthermore, they were not considered to be overly prominent within the streetscene.

Within the current application, is proposed an outbuilding to be located close to the shared boundary with Manor Farm. The outbuilding would be located within the existing curtilage to the dwelling on site and provide a home gym and games room for the private use of the resident family. The games room has a footprint of 4m x 13.4m. The outbuilding would have an overall height of 4.45m that is stepped down to reflect the existing ground levels and would be positioned so as to not be significantly visible from public viewpoints.

The proposed detached garage has a footprint of 7.3 m x 6.45m and a ridge height of 5.525m, is of a traditional design which incorporates traditional garage doors. It is proposed to be located to the side of the host dwelling, set back very slightly from the dwelling's front elevation, with a length of wall, railings and gates between the dwelling and the new garage to secure the rear garden.

The conversion of the existing garage and the proposed link would provide annexe accommodation for a family member, the design of the proposal is such that the appearance of the former garage from beyond the site would remain unaltered with windows located on the internal elevation to the existing parking area, and the link to facilitate its conversion, is minor in scale and, due to its design and location between the two existing buildings, is considered to be acceptable in terms of its effect within the streetscene.

The additional elements, together with those previously approved under reference 25/00446/FUL, are considered to be acceptable in terms of their scale, design and appearance, subject to a condition to require that they are completed in materials to match those in the existing dwelling.

Notwithstanding the objections from the Parish Council and third party, for the reasons set out above, it is not considered that there are reasonable grounds to resist the proposals in relation to over development of the site, it is considered to be an acceptable form of development to a dwelling on a large plot which would not be significantly detrimental to the character and visual amenities of the existing dwelling and streetscene.

For the reasons set out in the report, it is considered that the proposal accords with Policy D1 of the Local Plan, Policy H4 of the Neighbourhood Plan, the Good Design Guide SPD and the NPPF.

## **Heritage**

The Stone House is a Grade II Listed Building located on the western side of Main Street, on the opposite side to the application site, which is shown on the photo below. As such, 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 listed building or its setting the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess".



Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance and Paragraph 192 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. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy He1 of Local Plan is concerned with the conservation and enhancement of the historic environment. Policy H4 of the Neighbourhood Plan states that contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context.

The Conservation Officer has been consulted and has confirmed that he has no objections to the current application, and has identified no harm to the setting and significance of the Stone House or other heritage assets locally.

An objection from the Parish Council together with a third party representation have been received with particular reference to the interruption of the view from The Stone House, if the proposed new detached garage is permitted. The third party objection also refers to the Heritage Statement that was submitted with the previous planning application that makes reference to the views from The Stone House not being affected by the previous proposal. The view towards the site from the footway to the front of The Stone House is shown on the photo below; the garage would be located to the right hand side of the gate pillar. The proposed front elevation of the garage (along with the proposed gate and piers) are shown on the following page.





Proposed Gate/Wall Elevation  
Scale 1:50

/ /

In relation to the particular points raised, there was no restriction imposed within the original planning permission granted for the existing dwelling (01/00899/FUL) such that outbuildings of up to 4 metres in height (the garage would be 5.525 metres to the ridge) could be built in similar locations to those now proposed for the garage and outbuilding, without the need for planning permission to be obtained in each case.

The adopted Swannington Neighbourhood Plan refers to important views within the parish but the view from The Stone House is not one that is mentioned within the Plan.

Whilst there would be some impact on the uninterrupted vista from the listed building, the distance of the proposed garage from The Stone House is over 46 metres and it would be of a traditional design, in keeping with and subservient to the host dwelling and the streetscene. In conclusion, it is not considered that the proposals would have a significant impact resulting in harm to the setting of the Listed Building to warrant refusal of the application.

The site is identified as a non-designated heritage asset under Policy Env 6 of the Neighbourhood Plan. However this principally relates to Manor Farm, which adjoins the site to the north, which is considered to be important for its contribution to the layout and characteristic mix of architectural styles in the village, and their features and settings will be protected wherever possible. The proposals would not be visible in views of Manor Farm from Main Street due to the mature evergreen trees on the boundary between the properties, or from the rear garden to No. 38 due to vegetation on the boundary. Therefore the proposals would not adversely impact on the setting of the non-designated heritage asset.

### **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. Policy H4 of the Neighbourhood Plan requires that proposals should minimise the impact on general amenity.

The neighbouring dwellings most immediately likely to be impacted upon as a result of the proposal would be the adjacent neighbours at the Manor House, which lies to the north of the site, and 38 Main Street which lies to the south of the site.

In terms of The Manor House and the previous application, it was considered that the relationship between the two dwellings and the proposed extensions was acceptable given the distance between the two dwellings and the presence of a brick wall along the common boundary. Some existing tree planting within the adjacent property also helped to screen the first floor development. Whilst roof lights were proposed at first floor level these would be located at high level at sufficient height above the internal floor level to prevent overlooking of the neighbouring property.

In terms of the further development proposed within the current application, the two proposals sited closest to the neighbour at The Manor House would be the proposed single storey link between the converted garage and the existing dwelling, and the proposed outbuilding.

The proposed link building is of minor scale and set away from the shared boundary. It is not considered that this element would have any significant effect on the amenities of the neighbouring dwelling.

The outbuilding is proposed to be located in the rear garden, close to the shared boundary with Manor Farm, but partially behind an existing outbuilding in the adjoining neighbouring garden. A view northwards towards the site of the outbuilding is shown on the photo below.



Given that the proposal would be single storey, there is existing boundary treatment between the two properties (wall and semi mature trees) and that The Manor House is set away from the shared boundary and has a large private garden, it is considered that the outbuilding would not result in any significant effects on the neighbours' amenity..

The nearest neighbour to the southern is side of the application site is No. 38 Main Street. The part of the proposal nearest to this shared boundary is the new detached garage which would be located adjacent to the side of the neighbours' garage at No. 38 as shown on the photo below. As such it is not considered that the proposed garage would have any significant effect on this neighbours' amenities.



Overall, for the reasons set out above, it is not considered that the proposal would result in significant impacts upon surrounding residential amenities in terms of overshadowing, oppressive or an overbearing nature and would accord with Policy D2 of the Local Plan, Policy H4 of the Neighbourhood Plan and the Council's Good Design Guide SPD.

### **Highway Considerations**

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 in order to avoid highway safety problems and to minimise the impact upon the local environment. Policy H4 of the Neighbourhood Plan requires adequate off-road parking to be provided and Policy T1 sets out the criteria for all development to minimise any increase in vehicular traffic.

The County Highway Authority (CHA) has not been consulted on this application as there is existing parking provision on the front of the property sufficient for the required three parking spaces which would be retained, in line with the current parking standards, (without taking into account the spaces provided within the proposed new detached garage). The proposal would therefore, accord with the Leicestershire Highway Design Guidance (LHDG).

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, Policies H4 and T1 of the Neighbourhood Plan, the relevant paragraphs of the NPPF as well as the Leicestershire Highway Design Guide.

### **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. Policies H4 and Env 4 of the Neighbourhood Plan require development to protect and enhance biodiversity.

Almost all of the proposals would be located on areas that are hardsurfaced, other than the garage which would be on an area of grass within the garden, and as such it is considered unlikely that any protected species would be adversely affected.

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.

The biodiversity gain requirement does not apply to householder development 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, Policies H4 and Env 4 of the Neighbourhood Plan and the NPPF and Planning Practice Guidance.

### **Flood Risk**

The site is situated within Flood Zone 1, an area at lowest risk from fluvial flooding, and is not identified as an area at risk of surface water flooding, as defined by the Environment Agency's Flood Map for Planning.

It is considered that the proposal would not result in flooding or surface water drainage issues and consequently would accord with the aims of Policy Cc2 and Cc3 of the adopted Local Plan and Policy H4 of the Neighbourhood Plan.

### **Other Matters**

Potential future plans to further develop the site and impact on views are not material planning considerations and so are not matters that can be considered as part of this planning application.

### **Conclusion**

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental impacts in terms of character of the area, residential amenity, the nearby heritage assets, flooding or highway impacts. There are no other relevant material planning considerations that indicate that planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the policies within the Swannington Neighbourhood Plan and the advice in the NPPF. Accordingly, the application is recommended for planning permission, subject to the suggested planning conditions.

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