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|                    |   |
|--------------------|---|
| Meeting            | <b>PLANNING COMMITTEE</b>                       |
| Time/Day/Date      | 6.00 pm on Wednesday, 21 January 2026           |
| Location           | Stenson House, London Road, Coalville, LE67 3FN |
| Officer to contact | Democratic Services (01530 454512)              |

| <b>AGENDA</b>                                     |   |              |
|---|---|--------------|
| <b>Item</b>                                       |   | <b>Pages</b> |
| <b>1. APOLOGIES FOR ABSENCE</b>                   |   |              |
| <b>2. DECLARATION OF INTERESTS</b>                |   |              |
|   | Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest. |              |
| <b>3. MINUTES</b>                                 |   |              |
|   | To confirm and sign the minutes of the meeting held on 26 November 2025.  | <b>3 - 4</b> |
| <b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b> |   |              |
|   | The report of the Head of Planning and Infrastructure.  | <b>5 - 8</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>23/00883/FULM - Erection of 35 B8 units together with associated access, parking and servicing areas</b><br><br>Land North of Hilltop Farm, Hill Top, Castle Donington. | <b>PERMIT, subject to Section 106 obligations, and subject to conditions</b> | <b>9 - 42</b>  |
| <b>A2</b>   | <b>25/01523/PIP - Permission in principle for the erection of two self-build dwellings</b><br><br>67 Loughborough Road, Coleorton  | <b>PERMIT</b>  | <b>43 - 68</b> |
| <b>A3</b>   | <b>25/00916/PIP - Permission in principle for 1 self-build dwelling</b><br><br>Land Rear of 71 Main Street, Osgathorpe.  | <b>PERMIT</b>  | <b>69 - 92</b> |

MINUTES of a meeting of the PLANNING Committee held in the Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 26 November 2025

Present: Councillors D Bigby, R Canny, D Everitt, J Legrys, P Moulton, N Smith, C A Sewell and J G Simmons

In Attendance: Councillor D Cooper

Officers: Mr J Arnold, Ms J Davies, Mr B Dooley, Mr D Waller, Mrs R Wallace and Ms D Wood

### **36. ELECTION OF CHAIR**

The Legal Advisor introduced the meeting and stated that, in the absence of the Chair and Deputy Chair, a new chair would be elected for the meeting.

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

RESOLVED THAT:

Councillor J Simmons be appointed as Chair for the remainder of the meeting.

### **37. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Boam, R Morris and M Burke.

### **38. DECLARATION OF INTERESTS**

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

Councillor R Canny declared a non-pecuniary interest in item A1, application number 25/01135/PIP, as the area was adjacent to her ward. She also declared that she had participated in other council meetings to discuss this matter and would therefore not be voting on this item.

### **39. PLANNING CONSIDER THE CONFIRMING OF A TREE PRESERVATION ORDER (TPO) AT LAND TO THE SOUTH OF 28 BONDGATE, CASTLE DONINGTON**

The Tree Officer presented the report.

Ms D Bexton, speaking as objector, addressed the Committee. She did not express support for the TPO and outlined an alternative vision for the space. Several comments were made about the unsuitable situation of the trees.

During discussion, members expressed support for the TPO and commented that voting for the proposal would not mean the trees had to remain there forever. Instead, it would encourage more effective management of the trees and give them the opportunity to thrive.

It was moved by Councillor P Moulton, seconded by Councillor D Bigby and

RESOLVED THAT:

The Tree Preservation Order (TPO) be confirmed without modification.

#### 40. 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.

#### 41. 25/01135/PIP: PERMISSION IN PRINCIPLE FOR 1 SELF-BUILD DWELLING WITH ASSOCIATED GARAGING

Land off Chapel Lane, Osgathorpe, Leicestershire

##### **Officer's Recommendation:** Permit

The Senior Planning Officer presented the report.

The Planning and Development Team Manager read out a statement from Osgathorpe Parish Council requesting that the application be refused as the proposal is contrary to Local Plan Policies S2 and S3, the benefits were overstated and the Planning Inspectorate has recently refused a similar application on the site.

Several questions of clarity from members were addressed by the planning officers.

Due to the location of the area, members raised concerns about the lack of access to services such as transport links which would result in a failure to comply with Policies S2 and S3 in the Local Plan which promoted sustainable development.

Members noted the significance of repeated refusals and the risk of setting a precedent by approving the application based on self-build status.

Members debated the merits of the application; however, they continued to raise concerns and went on to discuss possible reasons for refusal. After seeking advice from officers, Councillor D Bigby moved that the application be refused on the grounds that it conflicts with Policies S2 and S3 in the adopted Local Plan. It was seconded by Councillor R Canny.

The motion was put to the vote.

##### **RESOLVED THAT:**

The application be refused on the grounds that it conflicts with Policies S2 and S3 of the adopted Local Plan.

| <b>Motion to refuse the application on the grounds that it conflicts with Policies S2 and S3 of the adopted Local Plan.</b> |         |
|---|---------|
| Councillor Dave Bigby   | For     |
| Councillor Rachel Canny   | Abstain |
| Councillor David Everitt  | For     |
| Councillor John Legrys  | For     |
| Councillor Peter Moul   | For     |
| Councillor Nigel Smith  | For     |
| Councillor Carol Sewell   | For     |
| Councillor Jenny Simmons  | For     |
| <b>Carried</b>  |         |

The meeting commenced at 6:00pm

The Chair closed the meeting at 6:50pm



**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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**Erection of 35 B8 units together with associated access,  
parking and servicing areas**

**Report Item No  
A1**

**Land North of Hilltop Farm, Hill Top, Castle Donington,  
Leicestershire**

**Application Reference  
23/00883/FULM**

**Grid Reference (E) 443929  
Grid Reference (N) 326517**

**Date Registered:  
4 December 2023  
Consultation Expiry:  
12 January 2026  
13 Week Date:  
4 March 2024  
Extension of Time:  
To be agreed**

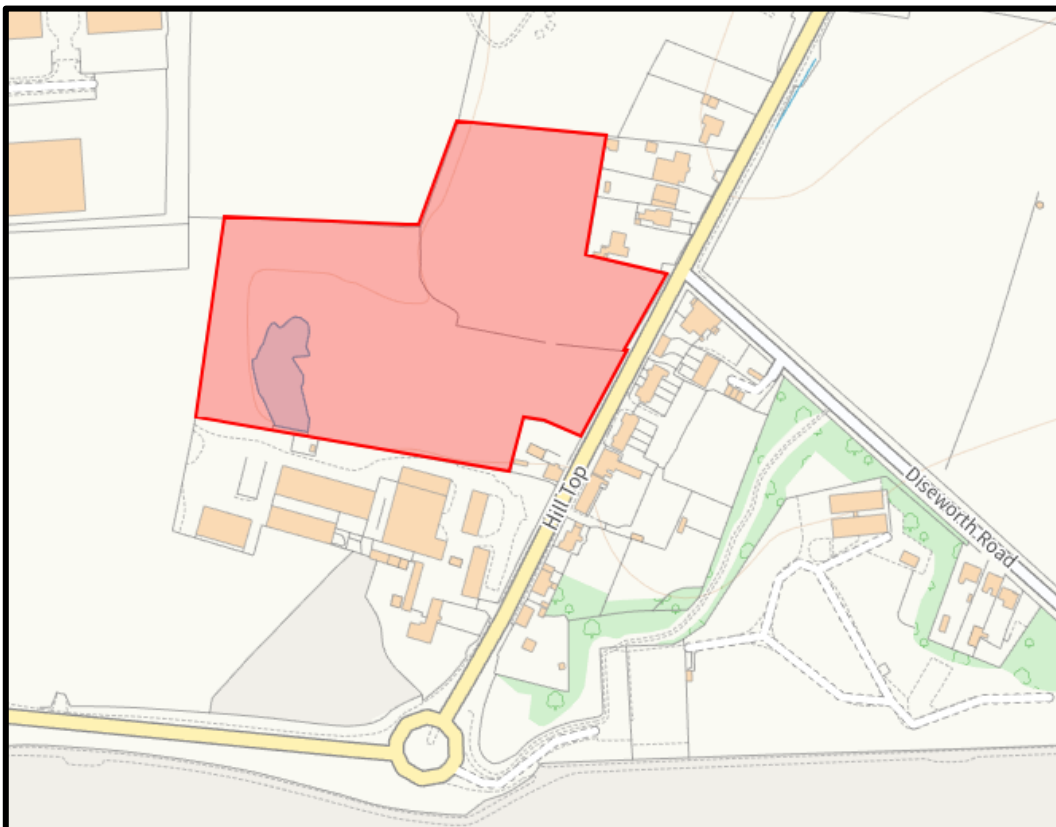
**Applicant:  
Brickyard Storage Ltd**

**Case Officer:  
James Knightley**

**Recommendation: Permit, subject to Section 106  
obligations, and subject to conditions**

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



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

The application is referred to Planning Committee for determination at the request of Councillor Morley on the basis of the level of concern raised by residents living within Castle Donington Park Ward.

### **RECOMMENDATION - PERMIT, subject to the following conditions and the securing of a Section 106 Agreement to deliver the following:**

- 1 Payment of Traffic Regulation Order (TRO) fee of £7,500 to Leicestershire County Council in respect of proposed relocation of weight limit

### **Conditions**

- 1 Time limit (commencement within 3 years)
- 2 Approved plans
- 3 Definition of approved use (Class B8)
- 4 Hours of Use (0730 to 2100 Mondays to Sundays)
- 5 Materials (submission / approval and compliance with details prior to any construction above damp proof course)
- 6 Levels as shown
- 7 Removal of permitted development rights for extensions / alterations to proposed units
- 8 Retaining walls (details of any proposed to be submitted / agreed prior to their construction)
- 9 Landscaping / BNG (submission / approval and compliance with a scheme (including a timetable for implementation) prior to occupation, and maintenance / replanting)
- 10 Hard surfacing (submission / approval and compliance with details prior to occupation)
- 11 Boundary treatment (submission / approval and compliance with details prior to occupation)
- 12 Tree / hedgerow protection (submission / approval and compliance with details prior to commencement)
- 13 External lighting (submission / approval and compliance with details prior to installation) (including assessment of any impacts on residential amenity, highway safety, aviation and bats)
- 14 Foul drainage (submission / approval and compliance with details prior to occupation)
- 15 Submission / approval and compliance with a scheme of surface water drainage prior to occupation
- 16 Submission / approval and compliance with a scheme for the treatment of surface water during construction prior to commencement
- 17 Submission / approval and compliance with a scheme for the long term maintenance of surface water drainage prior to occupation
- 18 Hours of construction work (0700 to 1800 Mondays to Fridays and 0700 to 1300 Saturdays)
- 19 Provision of off-site highways works as shown prior to occupation
- 20 Provision of site access (including visibility splays) as shown prior to occupation
- 21 Provision of parking, cycle parking and turning facilities as shown prior to occupation
- 22 Routing of construction traffic (submission and approval of details prior to commencement)
- 23 Submission / approval and compliance with a scheme of any proposed outside storage prior to installation
- 24 Submission / approval and compliance with an archaeological Written Scheme of Investigation (WSI) prior to commencement (if required by Leicestershire County Council Archaeology)
- 25 Compliance with proposed construction phase air quality mitigation measures
- 26 Submission / approval (together with compliance with any recommended mitigation measures) of an updated badger survey prior to commencement

- 27 Ecological Construction Environmental Management Plan (submission / approval and compliance with details prior to commencement)
- 28 Landscape and Ecology Management Plan (submission / approval and compliance with details prior to commencement)
- 29 Instrument Flight Procedure Assessment of the proposed buildings and any associated tall equipment to be used during construction (submission and approval of details prior to commencement)
- 30 Aviation Bird Hazard Management Plan (submission and approval of details prior to commencement)
- 31 Aviation Construction Management Plan (submission and approval of details prior to commencement)

## Main Report

### 1. Proposals and Background

This is a full application for the erection of 35 units of a range of sizes with associated access, parking and servicing. The units would be used for uses falling within Class B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The site comprises agricultural land located to the western side of Hill Top, and to the north of Hill Top Farm (although it is not currently used in association with that farm, or any other agricultural unit). The site is also adjacent to existing residential properties fronting onto Hill Top and High Street, and to the proposed Village Park, a new area of public open space to be delivered in association with the Park Lane mixed use development.



Vehicular access to the site would be provided from Hill Top via a new access road, located in a similar position to a smaller existing field access and with footways tied into the existing facilities on Hill Top.

The proposed units would provide a total approximate gross internal floorspace of 3,511sqm, and would be arranged in blocks of between two and four units, with the units' internal dimensions being typically around 11.8m by 8.4m. The units would be 4.2m high to ridge (3.0m to eaves).

The site currently comprises two distinct parcels (north and south), separated by hedgerows / vegetation, and the scheme is proposed to be arranged in two principal groups, with 17 units located within the northern parcel and 18 within the southern one. The majority of the existing area of vegetation separating the parcels would be retained (with the sections proposed to be removed principally relating to those required to accommodate the route of the access road serving the northern parcel).

### Site Plan





## Site Photos

*Agricultural buildings on adjacent farm complex*



*View of site from adjacent farm complex*



*Rear of existing properties on Hill Top (to the southern side of the proposed site access)*



*View towards Hill Top (including location of site access)*





*Rear of existing properties on Hill Top (to the northern side of the proposed site access)*



*Hill Top (Site of Proposed Access)*





## Relevant Planning History

| Application Ref. | Description   | Decision / Date                  |
|------------------|---|----------------------------------|
| 93/0480          | Residential development including the provision of part of a perimeter for distribution road (36.5ha) (Outline) | No Decision (submitted 17/05/93) |

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major applications as required by the Environment Act came into force on 12 February 2024. However, this requirement would only be applicable to those applications received on or after 12 February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis, the proposed development would not be required to demonstrate 10% BNG.

## 2. Publicity

39 Neighbours have been notified

Site Notice displayed 5 January 2024 and 19 January 2024

Press Notice published Derby Telegraph 10 January 2024 and 24 January 2024

## 3. Summary of Consultations and Representations Received

**Castle Donington Parish Council** strongly objects on the following grounds

- Need is not demonstrated especially considering there are other similar units available in the vicinity
- Site access via Hill Top inappropriate as the entrance is within a weight restricted area and which was implemented to deter HGVs from going through the conservation area
- Site should be accessed via the relief road
- Outside Limits to Development and contrary to Policy S3 of the Local Plan
- Drainage proposals should provide for betterment
- Type of units proposed will attract an increase of traffic movements as the majority of employees are likely to be from outside the village
- Any access should only be via a non-weight restricted road (i.e. the relief road)
- If approved, the units should be shielded from Hill Top by planting of mature trees
- If approved, the Parish Council would insist on being a party to any associated Section 106 agreement
- Strong local public opinion opposing the development on the grounds of loss of amenity, increased noise, increased traffic etc. - it is not satisfactory to suggest that, because there is already a high level of noise, more noise would be acceptable

**East Midlands Airport** has no objections subject to conditions

**Leicestershire County Council Archaeology** has no objections

**Leicestershire County Council Ecology** has no objections

**Leicestershire County Council Lead Local Flood Authority** has no objections subject to conditions

**Leicestershire County Council Local Highway Authority** has no objections subject to conditions and planning obligations

**Leicestershire Police** makes several recommendations in respect of reducing the opportunities for crime

**Natural England** has no objections

**North West Leicestershire District Council Environmental Protection** has no objections subject to conditions

### Third Party representations

82 representations have been received, objecting on the following grounds:

| Subject                         | Reason for Objection   |
|---------------------------------|--|
| <b>Principle of Development</b> | No need for development  |
|                                 | Existing vacant / unbuilt units in the area  |
|                                 | Low unemployment rate in Castle Donington  |
|                                 | Reduces separation between the historic part of the village and employment sites               |
|                                 | Loss of green space  |
|                                 | Loss of countryside  |
|                                 | Loss of agricultural land  |
|                                 |  |
| <b>Access Issues</b>            | Access via Hill Top unsuitable due to width  |
|                                 | Unsafe access  |
|                                 | Access needs to address existing bus stop  |
|                                 | Site is within a weight limit  |
|                                 | Site should be accessed via the relief road  |
|                                 | Danger to pedestrians and cyclists from site access  |
|                                 | Increased traffic on residential roads   |
|                                 | Increased congestion / insufficient capacity on existing roads                                 |
|                                 | Access would be difficult during the Download Festival   |
|                                 | Additional traffic calming required  |
|                                 | HGVs will access via the village centre  |
|                                 | Insufficient measures proposed for sustainable travel to / from the site                       |
|                                 | Insufficient parking space proposed  |
|                                 |  |
| <b>Amenity Issues</b>           | Noise and fumes from passing vehicles  |
|                                 | Noise from use of the site   |
|                                 | Existing background noise issues do not justify additional noise from the proposed development |
|                                 | Pollution / air quality concerns   |
|                                 | Light pollution  |
|                                 | Proposals out of keeping with existing landscape   |
|                                 | Overlooking of adjacent properties   |
|                                 | Not appropriate adjacent to a new housing development  |

|                   |  |
|-------------------|--|
|                   | Proposed hours of operation too late   |
| <b>Flood Risk</b> | Flood risk assessment out of date as it refers to the 2016 North West Leicestershire Strategic Flood Risk Assessment |
|                   | Existing flooding issues in the area would be exacerbated  |
| <b>Other</b>      | Use of the site outside of working hours / anti-social behaviour   |
|                   | Loss of property value   |
|                   | Loss of habitat  |
|                   | Adverse impact on wildlife   |
|                   | Ecology report insufficiently detailed   |
|                   | Concerns over the types of items stored  |
|                   | Adverse impact on health   |
|                   | Insufficient local facilities (including in respect of leisure and healthcare)                                       |
|                   | No local or community benefit  |
|                   | Proposals out of keeping with existing landscape   |
|                   | Previous refusals of planning permission in the area   |
|                   | Loss of village character  |
|                   | Litter   |
|                   | Impact on existing trees   |
|                   | An existing tree on the site is unsafe   |
|                   | Employees likely to be from outside of the local area  |
|                   | Existing employees on industrial estates on minimum wage   |
|                   | Unsafe to have more people visiting the area during the evening  |
|                   | Toilet facilities would need to be provided for drivers etc.   |
|                   | Too many units proposed for the site   |
|                   | Adverse impact on the Conservation Area  |

In addition, **Councillor Morley** (ward member) objects on the following grounds:

- Suggested access route via Hill Top is wholly inappropriate for traffic and especially HGVs as this is a weight restricted area
- Outside the limits of development
- The proposed units' employees would be likely to come from outside of Castle Donington meaning an increase in traffic and pollution to the village
- No evidence of need for these types of units are needed, particularly given existing empty units in Castle Donington
- Drainage figures on the proposal are out of date and there has been an increase in flooding in the area
- Adverse impact on habitats, green space and biodiversity

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

## **4. Relevant Planning Policy**

### **National Policies**

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

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)  
Paragraphs 48, 56, 57 and 58 (Decision-making)  
Paragraphs 85, 87, 88 and 89 (Building a strong, competitive economy)  
Paragraphs 109, 110, 113, 114, 115, 116, 117 and 118 (Promoting sustainable transport)  
Paragraphs 124 and 125 (Making effective use of land)  
Paragraphs 131, 135, 136, 137 and 139 (Achieving well-designed places)  
Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 177, 178, 179, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraphs 187 and 193 (Conserving and enhancing the natural environment)  
Paragraphs 207, 208, 210, 212, 213, 215, 216 and 218 (Conserving and enhancing the historic environment)

Further advice is provided within the MHCLG's Planning Practice Guidance.

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

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 – Future housing and economic development needs  
Policy S2 – Settlement Hierarchy  
Policy S3 - Countryside  
Policy D1 - Design of new development  
Policy D2 – Amenity  
Policy Ec2 – New employment sites  
Policy Ec5 – East Midlands Airport: Safeguarding  
Policy IF1 – Development and Infrastructure  
Policy IF4 – Transport Infrastructure and new development  
Policy IF7 – Parking provision and new development  
Policy En1 – Nature Conservation  
Policy En6 - Land and Air Quality  
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment  
Policy Cc2 – Flood Risk  
Policy Cc3 – Sustainable Drainage Systems

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

The Leicestershire Minerals and Waste Local Plan forms part of the development plan. There are, however, no policies within the plan considered directly relevant to the determination of this application.

#### **Other Policies / Guidance**

Community Infrastructure Levy Regulations 2010  
Conservation of Habitats and Species Regulations 2017  
ODPM Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System)  
Good Design for North West Leicestershire Supplementary Planning Document (SPD)

## 5. Assessment

### Approach to Determination and Principle of Development

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

Paragraph 11 of the NPPF provides that plans and decisions should apply a presumption in favour of sustainable development and that, for decision-taking, this means:

*“... c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) 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”.*

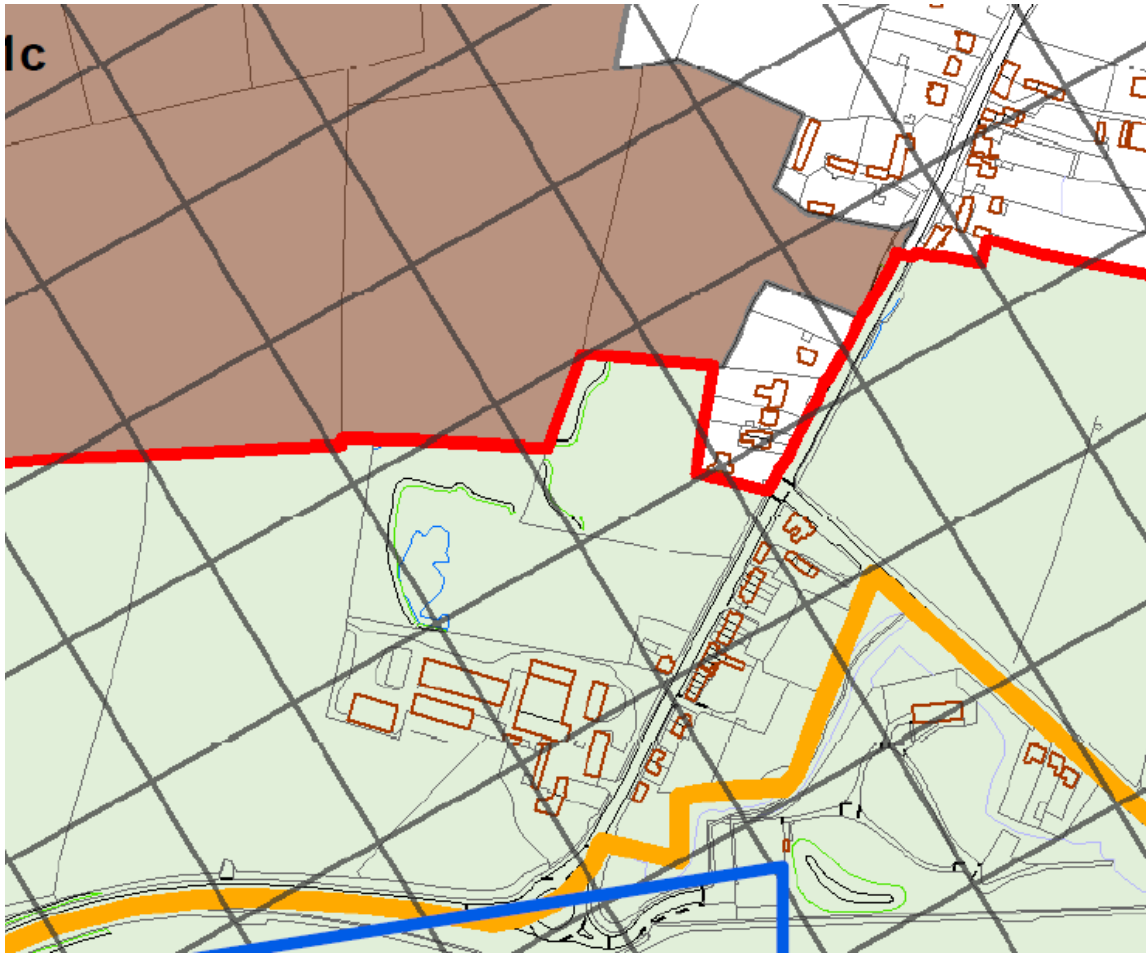
The areas or assets referred to under Paragraph 11 (d) (i) include Sites of Special Scientific Interest (SSSIs).

Paragraph 12 of the NPPF provides that *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

In effect, therefore, it is necessary to consider whether the development complies with the policies of the adopted Local Plan (when considered as a whole) and, if not, whether (in accordance with NPPF Paragraph 12), other material considerations indicate that planning permission ought to be granted (and whether Paragraph 11 subsections (c) or (d) are applicable). For the purposes of applying the tests in the NPPF, the view is taken that the adopted North West Leicestershire Local Plan is up-to-date.

In terms of the site's status within the adopted North West Leicestershire Local Plan, it is noted that the site lies outside Limits to Development, and is not identified for any particular purposes or any other specific use within the Local Plan. The relevant extract of the Local Plan Proposals Map is shown on the following page.

### Local Plan Proposals Map Extract



The application site is located outside (albeit adjacent to) Limits to Development and is, accordingly, subject to Policy S3 of the adopted Local Plan. Policy S3 allows for a range of development types outside Limits to Development, including (under category (s)) employment land in accordance with the provisions of Policy Ec2. Whilst outside the Limits to Development of the village, it is noted that Castle Donington itself is identified as a “Key Service Centre” in the adopted Local Plan (i.e. the second highest order settlement type defined in the Local Plan following the “Principal Town” of the Coalville Urban Area).

Insofar as development under category (s) is concerned, it is noted that this cross-references to Policy Ec2; Policy Ec2 (subsection (2)) provides that *“Where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations subject to the proposal:*

- (a) *Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and*
- (b) *Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and*
- (c) *Not being detrimental to the amenities of any nearby residential properties or the wider environment.”*

As such, in order to comply with the *principle* of development requirements of Policy S3, it would be necessary to demonstrate that there was an immediate need or demand for additional employment land within the District that could not otherwise be met by allocated sites (and, if that could be shown, that the criteria in (a), (b) and (c) above would also be met).

In terms of the interpretation of “immediate”, “need” and “demand” the Council’s Planning Policy and Land Charges Team has stated these to be as follows:

- “Immediate” – in this context can be interpreted as meaning “arising now”.
- “Need” – correlates to a policy requirement identified through the plan-making process to ensure that the future needs of an area are adequately addressed.
- “Demand” – could be in the form of a request from potential future users or could be to address a gap in the supply of premises in the District. In other words, it relates to “market demand”.

The policy requires need or demand to be demonstrated (officer emphasis); it is not necessary to demonstrate both.

In this instance, evidence has been submitted on behalf of the applicant to demonstrate interest from 26 existing businesses (including both sole traders and companies) in a total of 32 units. Of these, all but one are currently based in North West Leicestershire, and 14 are based within 5 miles of the site; each enquiry indicates that premises are required immediately / as soon as possible, and that they have been unable to find suitable units in the local area. Reasons provided for seeking units include expansion of existing business, changes in direction such that storage is required, the need for additional storage close to customers, and because existing premises are no longer available / suitable. The level of interest identified would appear to be of an extent such that the quantum of development proposed would be required (assuming all the enquiries were to come to fruition).

Policy Ec1 identifies two sites for B8 use; the Former Lounge Disposal Point (now called G-Park) at Ashby and Land at Sawley Crossroads. Both these sites now have planning permission for strategic scale warehousing. The form of development on both sites is significantly different from the application proposal. It is accepted that the application proposal cannot reasonably be accommodated on either of these sites.

Whilst it would seem unlikely that everyone who has shown interest to date would go ahead and rent unit(s) in the proposed development (due to changing circumstances etc.), having regard to the above, it is nevertheless considered that the evidence demonstrates the immediacy, location and scale of demand as required by Policy Ec2(2) for an immediate demand for employment land in North West Leicestershire which cannot be met on sites allocated in the Local Plan.

Paragraph 85 of the NPPF indicates that planning decisions should “help create the conditions in which businesses can invest, expand and adapt” and that “significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

Criterion (e) of Paragraph 86 of the NPPF indicates that planning policies should “be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.” This stance is also reflected in Policy Ec2(2) of the adopted Local Plan.

In respect of the adopted Local Plan, as set out above, an immediate demand for additional floorspace has been demonstrated that cannot be met at other allocated sites. The proposal is therefore considered to meet this element of Policy Ec2(2).

In terms of the additional criteria applicable under Policy Ec2(2) (and as identified as (a) to (c) above), it is considered as follows:

- (a) See Means of Access, Highways and Transportation Issues below.
- (b) The site is considered to be well related to the strategic network, given its proximity to the A453 and the Castle Donington Relief Road which, in turn, provide for good access to the M1 (Junctions 23A and 24), the A42 (Junction 14) and the A50 (Junction 1).
- (c) As set out in more detail in later sections of this report.

Under the provisions of Policy S3, where a development is considered to meet the requirements (and, hence, be acceptable in principle), compliance with a number of additional criteria must be met; the scheme's performance in respect of these criteria is considered to be as follows:

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

Whilst located outside Limits to Development, it is accepted that the northern part of the site is, at present, relatively well screened by virtue of existing development along Hill Top and High Street, and the topography of the area. The southern part of the site is more visible in views from the site's eastern boundary with Hill Top due to the height of the frontage hedgerow and the existing field access. It is also acknowledged that the site is immediately adjacent to land within Limits to Development. The proposed buildings would be of limited scale in terms of height (4.2m high to ridge), and would be set back from the road frontage and partly located behind existing development, with soft landscaping proposed to the front of the site. and it is not considered that the scale of the proposed new units would be likely to lead to unacceptable impacts on the wider landscape. It therefore could be argued that the appearance and character of the landscape would be safeguarded. However, (and notwithstanding the proposed landscaping) it would seem difficult to conclude that the appearance and character of the landscape would also be enhanced.

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

Whilst outside Limits to Development, the existing farm buildings to the south (and existing houses to their east, to the opposite side of the road) would, in effect, be the "last" elements of built development at this southern end of Castle Donington, and no conflict would therefore be considered to arise in terms of undermining the physical or perceived separation between nearby settlements.

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

Whilst some of the proposed development would be "behind" the existing frontage housing to Hill Top / High Street, the site includes a section of its frontage to this route so, in this sense, could be considered to contribute to the existing dwellings' ribbon development effects. However, it is acknowledged that the area of frontage to the road would be between the existing dwellings to the north and south. The actual frontage section would also, it is noted, not include any proposed buildings (being limited to use as the site access and areas of landscaping and SuDS). As such, the proposed development would not be considered to materially create or exacerbate ribbon development.

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



Given the site's proximity to Limits to Development and nearby buildings, it is considered that the proposed development would be reasonably well related to existing development within the immediate vicinity.

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

Given the nature of the proposal, it is not considered the proposal would impact on the vitality and viability of existing town and local centres. The uses proposed are not those in respect of which the town centre / retail type uses' sequential or impact tests would be considered applicable.

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

See section of the report relating to Means of Access, Highways and Transportation Issues below.

On the basis of the above, the principle of the development is considered acceptable (and subject to other matters as considered under Detailed Issues below).

### Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application is set out in more detail below. The proposed site layout plan is shown on the following page.

### Proposed Site Layout



## **Means of Access, Highways and Transportation Issues**

As set out above, the site is intended to be accessed via a new access road to Hill Top, located in a similar position to a smaller existing field access.

The application is accompanied by a Transport Assessment and supplementary Transport Assessment Addendum (submitted during the course of the application's consideration in response to issues raised by the County Highway Authority). Whilst concerns had been identified with respect to the implementability of a previously submitted Workplace Travel Plan, this document was withdrawn following advice from the County Highway Authority that, under the provisions of the Leicestershire Highway Design Guide applicable at that time, a Travel Plan would not normally be required for a scheme of this scale. In terms of other issues, the County Highway Authority had initially raised concerns with respect to access geometry and visibility, traffic generation calculations, junction capacity assessment and over-provision of car parking space.

Following the submission of the supplementary documents / data, the County Highway Authority advises as follows:

### *Site Access and Highway Safety*

The setting out of the proposed site access has, as a result of alterations required to address the concerns of the County Highway Authority, been amended during the course of the application. Following these changes, the County Highway Authority notes that the scheme would now comply with the relevant access geometry standards set out in the Leicestershire Highway Design Guide.

In terms of access visibility, the County Highway Authority advises that, based on recorded traffic speeds in the vicinity of the site access, visibility splays of 2.4m by 54m are required to the north of the access and of 2.4m by 63m to the south. The relevant splays have been demonstrated on the updated drawings within the Transport Assessment Addendum and are therefore considered acceptable by the County Highway Authority.

In terms of access safety, the County Highway Authority had previously requested the submission of a Stage 1 Road Safety Audit (RSA). Following submission of the Transport Assessment Addendum, however, the County Highway Authority agrees to the applicant's transport consultants' suggestion that this be undertaken once the principles of the site access arrangement have been established. In particular, whilst it no longer requires the submission of an acceptable Stage 1 RSA prior to determination of the planning application, the County Highway Authority nevertheless advises that a combined Stage 1 and 2 RSA would be required at the detailed design stage, and that choosing to combine RSAs at a later stage is at the applicant's own risk should there be obstacles to delivery of the scheme which otherwise may have been noted during a Stage 1 RSA. The County Highway Authority also comments that, should the RSAs identify any fundamental matters that would require amendment of the scheme, this may result in the requirement for a subsequent Section 73 application to accommodate any changes in terms of the planning process. As such, whilst the County Highway Authority still considers that a Stage 1 RSA is required, it acknowledges that this can be addressed at a later stage (and in combination with the Stage 2 RSA), but that it is at the applicant's risk, given the potential for the RSAs to highlight the need to make changes to the access's design before it could be installed.

In terms of other highway safety considerations, the County Highway Authority had previously advised that the applicant's Personal Injury Collision (PIC) data should include data for a minimum distance of 500m in either direction of the site access and any junctions that are subject to junction capacity assessments. In terms of the data assessed, the submissions noted the occurrence of two PICs at the roundabout to the south of the site (both from 2022, one identified as "slight" and one as "serious" in terms of severity). Whilst some requested more recent data (March 2023 onwards) remained unsubmitted, based on its own records of PICs, the County Highway Authority confirms that (as of the date of its final observations), no further PICs had taken place within 500m of the site

access. As such, the County Highway Authority considers that the proposed development would not exacerbate any known highway safety concerns.

#### *Weight Restriction*

The site access is located within an existing 7.5 tonne weight restriction (albeit this would not prevent the site being accessed by HGVs (as above-weight vehicles can travel within a weight restricted area if their destination is also within that restricted area)). However, having regard to the site's location towards the southern end of the existing restricted area, it is considered that, given the ability for larger vehicles to enter a restricted area to reach a destination within it, the development could result in HGVs etc. entering / exiting the restricted area at its northern end (on Station Road, in the vicinity of its junction with Carnival Way) and, hence, travelling through the village centre (i.e. along Bondgate / High Street etc.) to and from the site entrance.

Whereas the scheme proposes signage / access road markings advising drivers to turn right when exiting the site (and which are welcomed by the County Highway Authority), such measures would not be the subject of a Traffic Regulation Order and, therefore, not enforceable by the Police. (Also, such signage would only be observed by drivers when exiting the site, and by which time they would have already accessed the site).

Given the location of the site access within the weight restriction, therefore, the logical solution would, it is considered, be to effectively take the site access outside of the restricted area such that HGV drivers would have no option but to remain outside of the weight restricted area (i.e. by relocating the southern "start" of the weight limit to a point to the north of the site access), and all HGV access / egress would then need to be via the A453 / Castle Donington Relief Road etc.

As such, the County Highway Authority confirms that it would expect the existing weight limit signage to be removed and new weight limit signage (including illumination) installed. The County Council confirms that these works would need to be completed by the applicant and be approved by the County Council as part of the Section 278 process. A Traffic Regulation Order (TRO) fee (£7,500) would also be required to advertise the TRO, and is requested to be secured by way of a Section 106 contribution; the applicant is agreeable to making this contribution.

#### *Wider Highway Network*

In response to the County Highway Authority's request, updated TRICS (Trip Rate Information Computer System) trip generation data has been produced in respect of the application. The revised trip generation figures are set out below; the figures shown include total person-based trip generation (i.e. including all modes of travel to and from the site) and, specifically, those arriving / leaving by HGV. The County Highway Authority considers that these figures are now robust.

|                     | <b>Weekday AM Peak</b><br>(0800 – 0900) |               |              | <b>Weekday PM Peak</b><br>(1700 – 1800) |               |              | <b>Weekday 12 Hour</b><br>(0700 – 1900) |               |              |
|---------------------|---|---------------|--------------|---|---------------|--------------|---|---------------|--------------|
|                     | <i>Arrive</i>                           | <i>Depart</i> | <i>Total</i> | <i>Arrive</i>                           | <i>Depart</i> | <i>Total</i> | <i>Arrive</i>                           | <i>Depart</i> | <i>Total</i> |
| <i>Person Trips</i> | 11                                      | 9             | 20           | 12                                      | 20            | 32           | 180                                     | 189           | 369          |
| <i>HGV</i>          | 3                                       | 2             | 5            | 3                                       | 5             | 8            | 45                                      | 47            | 92           |

The revised data has been incorporated into an updated junction capacity assessment for the site access and which demonstrates, the County Highway Authority confirms, that the junction would operate well within capacity in the future year scenario (2028).

### *Internal Layout and Parking*

The proposed layout indicates provision of 2 car parking spaces per unit (i.e. a total of 70 spaces); whilst the County Highway Authority had initially commented that the amount of car parking space was in excess of its requirements, but noted that no HGV parking was shown. In response, the applicant has reconfigured the site to show some HGV parking provision (albeit whilst retaining the original number of car parking spaces). The County Highway Authority confirms it is content with the revised configuration / parking arrangements, together with the applicant's intention to provide 8 cycle parking spaces.

### *Site Accessibility*

As set out under *Approach to Determination and Principle of Development* above, criteria under Local Plan Policies S3 and Ec2 include the requirements that any such development is accessible (or has the potential to be made accessible as a consequence of any planning permission granted for the development) by a choice of means of sustainable transport, and has good access to the strategic highway network.

The site's relationship to the strategic highway network is addressed under *Approach to Determination and Principle of Development* above. In terms of the accessibility of the site generally, it is noted that, whilst within the countryside, the site would be located adjacent to the Limits to Development for Castle Donington, with the site access located approximately 850m from the edge of Castle Donington Town Centre (*sic*) as defined in the adopted Local Plan. The site is adjacent to bus stops served by frequent Skylink services connecting to a range of destinations, including Derby, Nottingham, Leicester and Coalville. There are footways and street lighting on both sides of Hill Top and High Street in both directions in the vicinity of the site, and the footway on the western side of Hill Top continues southwards to link into the footway along the road that follows the north western perimeter of East Midlands Airport and on to the Castle Donington Relief Road. A cycle path also runs along part of the airport perimeter road. On this basis, and given that the site is located adjacent to the defined Limits to Development of Castle Donington (identified, as set out above, as a "Key Service Centre" in the Local Plan), it is considered that the development would be acceptable in terms of the accessibility of the site.

Overall in respect of means of access, highways and transportation issues, therefore, the scheme is considered acceptable, and would comply with the relevant national and local policies in this regard.

### **Residential Amenity and Noise**

Policy D2 of the North West Leicestershire Local Plan provides 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, and provides that proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact, nor generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard. The policy also requires that external lighting schemes should be designed to minimise potential pollution from glare or spillage of light.

The application is accompanied by an Acoustic Assessment. This indicates that, whilst the exact nature of future occupiers' operations are not known at this stage, operations within the yard are likely to be the most significant acoustically, and would be expected to include loading and unloading of vehicles with the use of an electric pedestrian pallet truck (assumed to take place for around 50% of an hourly period). Other potential sources of noise identified in the Assessment include the use of motor operated roller shutter doors. The Assessment states that the sound generated by movement of vehicles in the service yard would be similar to that on the local road network and would be "masked" by local activity.

Based on the calculations set out in the Assessment (and having regard to an assumption that there would be no night time (between 2300 and 0700) activity on the site), the specific sound levels calculated for the nearest receptors (i.e. the residential properties to the northern and southern sides of the site access) would be in the area of 16 to 18dB below the existing residual level and, as such, would result in no increase to the existing residual sound level, indicating a “low” impact on nearby receptors.

The Acoustic Assessment also addresses the impacts of increased traffic noise. In this regard, the Assessment considers the increased noise associated with the development (and when taking into account both the new development and other predicted increases in traffic generally) to result in an increased noise level of 0.1dB which, it indicates, would be “negligible”.

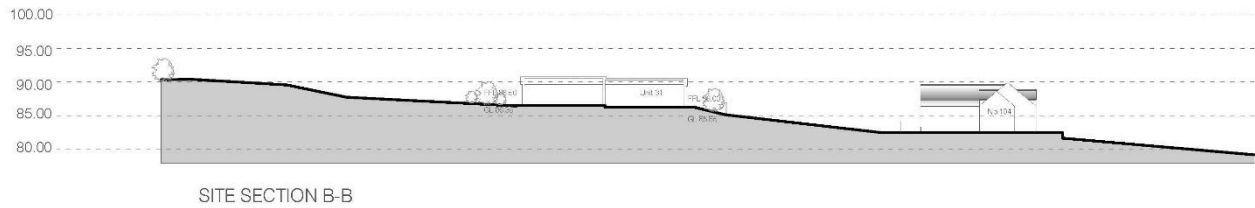
The application and accompanying Acoustic Assessment have been reviewed by the District Council’s Environmental Protection team, and no objections are raised. The Environmental Protection team had initially requested the installation of an acoustic fence to the site boundary so as to provide for additional noise protection but, having reconsidered the findings of the Acoustic Assessment, the Environmental Protection team acknowledges that this would not be necessary in order to achieve the noise levels identified. However, the Environmental Protection team considers that slightly more restrictive hours of operation than those assumed in the Acoustic Assessment (limited to between 0730 and 2100 Mondays to Sundays) would be appropriate; the applicant is agreeable to the imposition of a condition to secure these more restrictive hours of operation.

The closest residential properties to the proposed development are those fronting onto Hill Top and High Street, located to both the north and the south of the site access, and with gardens (and including outbuildings etc.) backing onto the site. Based on the submitted plans, the closest sections of the neighbouring properties’ “main” houses would be in the order of 22 to 23 metres away from the closest proposed building, although access / manoeuvring / parking areas would be closer than this. The relationship can be seen on the site layout plan reproduced earlier in this report, as well as on the various extracts from the submitted sections drawing provided below.

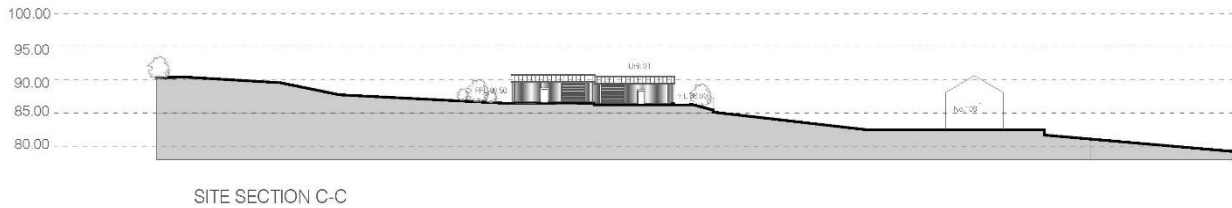
#### *Sections Key Plan*



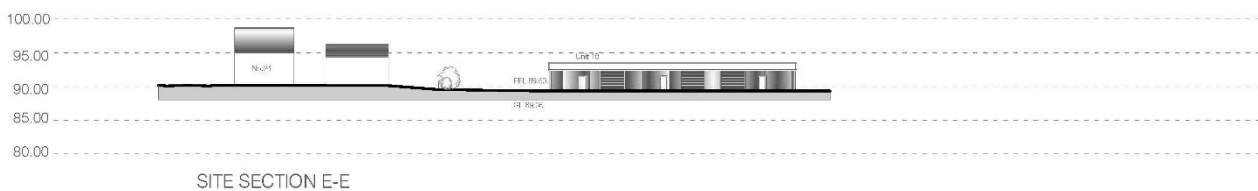
### Section B-B



### Section C-C



### Section E-E



As demonstrated on the proposed sections, whilst the units in some areas of the site (including those areas to the west of High Street) would be sited at a higher finished floor level (FFL) (in AOD (i.e. Above Ordnance Datum) terms) than those of nearby residential properties, the overall height of the buildings would be lower, with the result being maximum roof heights of a similar overall AOD. The buildings would all be single storey.

Having regard to this, and having regard to the separation between existing and proposed buildings generally, it is accepted that adverse residential amenity impacts would be unlikely to result in terms of overlooking, overdominance, overshadowing or loss of light.

It is noted nevertheless that there would be areas of “activity” associated with the proposed use (including access roads and manoeuvring / parking areas) in closer proximity to neighbouring property, and there would, it is considered, be likely to be some impacts on adjacent properties arising from that relationship. Whereas (as set out above) the noise impacts are not predicted to be unacceptable on neighbouring properties, there could, it is considered, nevertheless be other effects arising as a result of the different uses’ proximity to one another, and the various types of ancillary activities / movements etc. likely to take place in association with business premises. However, it is not considered that these would, in themselves, be sufficient to warrant a refusal of the application. Furthermore, the applicant’s proposed landscaping adjacent to neighbouring boundaries would serve to provide an additional visual “buffer” in this regard.

In terms of lighting impacts, no proposals have been made at this stage, albeit uses of this nature would normally be expected to require some element of illumination (and which, potentially, could have some residential amenity impacts (as well as in respect of other matters such as ecology and aviation)). It is recommended that a condition be attached so as to ensure that any illumination proposed is able to be assessed separately in due course prior to installation.

On balance, therefore, and on the basis of the above, it is considered that the requirements of Local Plan Policy D2 would be met (insofar as it is applicable in respect of noise and other residential amenity issues).

### **Design, Visual Impact and Heritage Issues**

The need for good design is set out within Policy D1 of the North West Leicestershire Local Plan, together with the Good Design for North West Leicestershire SPD and relevant sections of the NPPF and Planning Practice Guidance. Policy He1 of the North West Leicestershire Local Plan sets out the approach to assessing the impact of development on heritage assets; similar principles are set out in Chapter 16 (Conserving and enhancing the historic environment) of the NPPF.

#### *Designated Heritage Assets*

The closest listed building to the site is the Long Well, sited on High Street, approximately 170m to the north of the application site frontage, and is not considered to be materially affected by the proposals (nor would any other listed building). The site is, however, located close to the Castle Donington High Street Conservation Area, the High Street frontage edge of which is located approximately 100m to the north east of the site frontage; behind the High Street frontages, the site is approximately 41m away from the Conservation Area at its closest point. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of any functions under the planning acts with respect to any buildings or other land in a Conservation Area, special attention be paid to the desirability of preserving or enhancing its character or appearance.

In response to the application, the District Council's Conservation Officer noted that, based on historic Ordnance Survey maps, the site was formerly a brickyard and an old clay pit (such uses having ceased prior to the Ordnance Survey map's publication in 1923). He commented that views south out of the conservation area are limited by natural topography and by a belt of trees although he (so as to avoid the potential for any risk) nevertheless suggested the omission of the two units (30 and 31) located closest to the northern boundary.

In response, the applicant's agent has confirmed that the applicant does not propose to delete these units, and wishes the application to be determined as proposed; further to this confirmation, no further comments / objections were raised by the District Council's Conservation Officer. Whereas no specific objections have been raised, nor any harm has been identified by the Conservation Officer, it is considered that, if there was to be harm to the setting of the Conservation Area, it would be less than substantial in NPPF terms.

Paragraph 215 of the NPPF provides that, *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."*. In this instance, therefore, any harm considered to arise in respect of the heritage assets would need to be weighed against the public benefits as outlined in this report. It is accepted that, given the limited impacts on designated heritage assets, those public benefits (and including the proposed development's contributions to the economic and social strands of sustainable development as set out elsewhere within this report) would more than outweigh any less than substantial harm that would occur to the significance of the Conservation Area.

In accordance with the requirements of NPPF Paragraph 212, "great weight" should be given to the asset's conservation and, notwithstanding the approach set out in Paragraph 215, regard nevertheless still needs to be had to the statutory duties under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this case, and when applying the duty under Section 72 of the Act together with the tests set out in the Planning Practice Guidance, the view is taken that,



whilst there *could* be a degree of harm to the setting of the Conservation Area, the overall impact would be acceptable.

#### *Non-Designated Heritage Assets:*

Insofar as non-designated heritage assets are concerned, the application is accompanied by an Archaeological Desk Based Assessment (DBA). Further to the comments set out above relating to the site's former use, the DBA identifies "medium" potential for archaeological remains within the central and western parts of the site relating to a brickyard operated from the mid 19th century until the early 20th century. The DBA suggests that, if any archaeological remains associated with the brickyard were discovered, they would be of "evidential and historical illustrative value" and, as such, would be of local significance (depending on their condition and the nature of the remains recovered). Insofar as earlier archaeological remains are concerned, the DBA suggests that these are likely to have been either truncated or destroyed by the former clay extraction on the site.

Some of the proposed units and parking areas would be in the location of the former brickyard, and the works associated with the construction of the development would, the DBA suggests, be likely to remove or truncate archaeological remains related to the brickyard, should they exist. Therefore, the groundworks associated with the proposed development should be deemed to have a moderate adverse physical impact on the potential remains of the post-medieval brickyard in some locations; elsewhere, the impacts would be expected to be "negligible to low" given the previous clay extraction.

Due to the potential for remains within the site, therefore, the DBA recommends that archaeological monitoring in the form of a watching brief be undertaken during the groundworks of the proposed development, in accordance with a Written Scheme of Investigation (WSI). Notwithstanding the recommendations of the DBA, the County Archaeologist does not consider that any further mitigation would be necessary, given the likely effects of the former clay pit use of the site, and has not requested any conditions be attached to secure a WSI. The County Archaeologist has, however, been asked to re-confirm this position, given the findings of the DBA; any further comments received will be provided on the Update Sheet.

In terms of other non-designated heritage assets, the District Council's Conservation Officer noted that Hill Top Farm is a non-designated asset, advising that it is a late Georgian gentleman's farmhouse, but that there would be no harm to the setting of Hill Top Farm from the development due to the presence of intervening modern farm buildings.

The proposals are therefore considered to be acceptable in terms of the impacts on heritage assets, and, overall, would perform well in respect of the principles set out in Local Plan Policy He1.

#### *Design and Visual Impact*

Insofar as other design issues are concerned, the application has been assessed by the District Council's Urban Designer. In response to the submissions, concern has been raised regarding the configuration of the proposed site layout; whilst the existing hedgerow has been maintained through the centre of the site (and effectively splitting the site into two sections), the Urban Designer is concerned that the site's proposed configuration means that the units would not relate particularly well to it. Of particular concern is the effect the layout could have in terms of the rear of units, and how they would be secured in the event that the layout proposed resulted in a requirement for additional fencing etc. In response to this point, the agent confirms that the applicant's preference would be not to have any rear fencing to the units. Whilst this would, in itself, appear to resolve this particular concern, it is considered that this position could change if future occupiers were to have a different view from the applicant. Having regard to this, the agent has provided details of potential fencing type (a dark green mesh / paladin style fencing), should this be required. In principle, this form of fencing would appear appropriate in this location (potentially subject to the provision of appropriate additional landscaping so as to assist in assimilating it into its surroundings). On this basis, it is considered that the remaining concerns relating to the scheme's layout could be



addressed to a satisfactory degree. Similarly, whilst concerns raised by the District Council's Urban Designer relating to the provision of limited landscaping to the units' frontages remain unresolved, it is considered that this could be addressed by way of condition.

In terms of the units themselves, the scheme as originally submitted proposed buildings that, it is considered, were somewhat "utilitarian" in terms of elevational approach (and as shown in the example elevation below). Examples of the original elevation drawings are on the following page.

*Typical elevations as per original submission:*



However, in response to officer requests to enhance the elevations, the units are now proposed to be clad in timber to their front and side elevations (and with the units closest to the northern boundary, backing onto the new Village Park, clad with timber to their rear also).

*Typical elevations as per amended submission:*



Whereas officers had also sought to encourage inclusion of additional glazed panels to the units, this suggestion has not been incorporated within the amendments but, overall, the revised scheme is considered to represent a significant improvement beyond the original proposals. A CGI of one of the proposed units is provided below, so as to help demonstrate the visual effects / appearance following addition of the timber cladding.



Overall in terms of the design of the scheme, therefore, whilst not all of the amendments sought by the District Council's Urban Designer have been incorporated, the changes made are considered to represent significant improvements and, overall, a good standard of design would be considered to have been achieved. The scheme as a whole is, therefore, considered to perform well against the requirements of local and national policies in respect of design, and including Policy D1 of the North West Leicestershire Local Plan and the Good Design for North West Leicestershire SPD.

### **Ecology and Biodiversity**

Local Plan Policy En1 presumes in favour of development that would conserve, restore or enhance biodiversity, and that proposals that would result in significant harm to a number of protected sites or areas will be refused unless that harm is unavoidable, and can be mitigated or compensated for; similar principles are set out in Chapter 15 (Conserving and enhancing the natural environment) of the NPPF. The application is accompanied by an Ecological Assessment (which includes a detailed appraisal of the ecological and biodiversity implications of the proposed development on various receptors of ecological value, and which has been assessed by the County Ecologist).

The Ecological Assessment provides that the closest statutorily designated site of nature conservation interest to the application site is approximately 1.9km from the site (being the Donington Park Site of Special Scientific Interest (SSSI)); no other statutory sites are located within 2km of the site. Insofar as non-statutory designations are concerned, the Ecological Assessment identifies a total of 35 Local Wildlife Sites within the 2km radius (the closest being Castle Donington, Gothic House Lime, located 200 metres from the site). The Ecological Assessment identifies no impacts on the Donington Park SSSI and, subject to the implementation of a Construction and Environmental Management Plan (CEMP) securing precautionary measures, no impacts on any non-statutory sites.

In terms of habitats within the site, these are noted as including:

- Dense scrub (identified as of “negligible” ecological importance)
- Neutral grassland (“negligible” ecological importance)
- Species poor hedgerow with and without trees (“local” ecological importance)
- Broadleaved woodland – semi-natural (“local” ecological importance)
- Waterbodies (“negligible” ecological importance)

Having regard to the respective importance of the various habitats on site, the mitigation proposed is, in part, dependent on their status in this regard. Mitigation includes:

- Protection of broadleaved woodland during construction
- Planting of wildflower and scrub species within remaining habitat to mitigate for the loss of neutral grassland (notwithstanding its identified importance)
- Provision of replacement (species-rich) hedgerow planting (including within existing gaps)

Insofar as the impacts on fauna are concerned, the Ecological Assessment concludes as follows:

#### Amphibians:

Whilst the majority of the habitats that would be affected by the proposed development are considered to be of low importance and would provide only terrestrial habitats away from breeding sites, the retention and creation of habitats would provide positive opportunities for amphibians.

#### Badgers:

Evidence of badgers was recorded during survey work. Whereas the proposals have been designed so as to accommodate identified badger habitat, the Ecological Assessment states that an updated survey would be required in advance of construction (and a licence obtained from Natural England, if applicable).

#### Bats:

The Ecological Assessment comments that the majority of bat activity recorded on site was centred around the hedgerows located in the centre of the site and around the northern site boundary (and which are proposed to be retained). The Ecological Assessment states that, in order to ensure no harm to bats using these areas around the hedgerows for foraging and commuting, they should be subject to a bat sensitive lighting strategy, with lighting around the hedgerows and broadleaved woodland avoided where possible and, where it is required, designed to minimise disturbance of bats and to maintain dark corridors.

Insofar as the Ecological Assessment’s conclusions in respect of habitat and fauna are concerned, the County Ecologist had initially raised some queries in respect of the methodology used for eDNA surveys for great crested newts. Following further clarification provided by the applicant’s ecological consultants, however, the County Ecologist has confirmed that no objections are raised to the application.

#### *Biodiversity Net Gain*

As noted in the introduction above, the proposed development would not be subject to the statutory requirement to demonstrate 10% BNG. Nevertheless, the more general requirements for development to provide net gains for biodiversity as set out in Paragraph 187 of the NPPF would still apply and, to this end, information has been provided with the application setting out the overall impacts on existing biodiversity (in terms of units), together with details of proposed measures to address / mitigate for the loss.

The submitted metric indicates that, in terms of the on-site baseline, there are currently 12.62 habitat units and 5.46 hedgerow units. Having regard to the proposed on-site mitigation measures (including landscaping), the site would (post mitigation) provide for 14.61 habitat units and 5.80 hedgerow units. This equates to the following:

Habitat Units: Increase of 1.99 units (+15.76%)

Hedgerow Units: Increase of 0.34 units (+6.30%)

As such, whilst no statutory BNG is applicable in this instance (and which would require a minimum of 10% net gain in terms of both habitat and hedgerow units), the scheme would nevertheless result in a net gain in the biodiversity of the site overall and, as such, would be considered to accord with the provisions of Paragraph 187 of the NPPF.

On this basis, therefore, the submitted scheme is considered acceptable in terms of ecology and biodiversity, meeting the requirements of Local Plan Policy En1.

### **Impacts on Existing Trees**

The application is accompanied by an Arboricultural Impact Assessment (AIA). This identifies the trees / hedgerows required to be removed or pruned in order to accommodate the development.

In terms of those that would be lost in order to accommodate the development, these include: a single common elder (Tree T2) falling within Retention Category U (unsuitable for retention); a group comprising a multi-stem hawthorn and surrounding scrub within Retention Category C (low quality); various sections of a wider group (described as outgrown hedgerow bisecting the site) (G4), also within Retention Category C; and a 10m (approx.) section of hedgerow (H7) along the site frontage, required to accommodate the proposed access alterations, again falling within Retention Category C.

In response to the application, and having reviewed the submitted AIA, the District Council's Tree Officer notes that the existing vegetation on site consists of mainly lower quality tree groups and hedgerows, with only one individual tree and one group (neither of which would be removed to accommodate the development) considered to be of Category B (moderate quality) or above.

Regardless of the generally low quality of the existing trees, however, the Tree Officer notes that the proposed site layout has been designed to retain the majority of the vegetation, with only very limited pruning and removals from the tree groups required to facilitate the new internal access and units. As such, he takes the view that the development would not be likely to result in any significant loss to the local tree cover and raises no arboricultural objections, subject to the imposition of conditions in respect of the submission / approval of a detailed tree protection plan.

In terms of other issues relating to trees, the County Highway Authority has drawn the applicant's attention to the presence of two highway trees located to the southern side of the site access. One of these ash trees is identified in the AIA as being within Retention Category B (with the other within Category C): both are proposed to be retained as part of the scheme. In response to queries raised by the County Highway Authority, the applicant's transport consultants have provided further information to demonstrate that the existing trees' trunks would not conflict with the required access visibility. The County Highway Authority therefore raises no objections in this regard, but nevertheless reminds the applicant that (notwithstanding the above) if any works to highway trees were to be necessary, this would require a separate consent and the potential cost implications of any such removal of highway trees (given their "Capital Asset Value for Amenity Trees" (CAVAT) values) would be taken into consideration.

Comments have also been received from residents living to the opposite side of Hill Top regarding potential impacts on the stability of trees on the site (and, it is understood, with specific reference to

the larger of the highway trees referred to above). In response to these concerns, the District Council's Tree Officer notes that there are no proposed development works in the tree's Root Protection Area (RPA) and, as long as a suitable protection plan is secured by condition, there would be no reason to expect that the development would cause any significant impacts to the tree. He also notes that the submitted AIA rates its physiological condition as good and its structural condition as fair. The AIA doesn't highlight any significant defects (only some dead branches within the canopy which, the Tree Officer advises, would be expected for an ash of this size / age, even in good health). Given the absence of any indication to suggest that the tree would become unstable as a direct result of the development, it is not considered that this is a matter that would be material to the determination of the planning application, and any separate concerns residents may have regarding the health of the tree would need to be raised with the relevant owner(s).

### **Flood Risk and Drainage**

Policy Cc2 of the North West Leicestershire Local Plan sets out a number of criteria in terms of flood risk against which proposals will be considered. Policy Cc3 sets out the requirements for the implementation (and management / maintenance) of Sustainable Drainage Systems (SuDS). The application is accompanied by a Flood Risk Assessment and Detailed Drainage report (FRA), and which has been updated during the course of the application. Additional Addendum Notes have also been provided in response to specific issues that had been raised in earlier responses by the Lead Local Flood Authority (LLFA).

#### **Fluvial:**

Insofar as fluvial flood risk is concerned, the application site lies within Flood Zone 1 (i.e. low probability of flooding) as defined on the Environment Agency's flood risk mapping and the District Council's Strategic Flood Risk Assessment (SFRA). As such, there is no requirement to apply the sequential test in this case insofar as this source of flooding is concerned.

#### **Surface Water:**

The FRA notes that, based on the Environment Agency's flood risk mapping, the site is located predominantly within an area of very low surface water flood risk. Following the Environment Agency's updating of surface water flood risk mapping in 2025, however, the FRA has been updated, and now notes the presence of some areas of low, medium and high surface water risk (including the existing pond at the south western part of the site, and other smaller topographic depressions where surface water can naturally collect).

Insofar as the sequential approach is concerned (in respect of the surface water element), it is noted that the proposed units would, for the most part, be sited outside of the areas of surface water flooding. Whilst some of the proposed buildings would appear to encroach into (limited) areas of higher risk, it is accepted that the layout proposed would represent a reasonable approach to the disposition of built development within the site, given the extent and location of areas identified as being at risk from surface water flooding; the majority of the areas of surface water flood risk are shown as being within the areas proposed to be occupied by the existing (retained) pond and landscaping. Furthermore, however, it is noted that, based on the updated approach set out in the MHCLG's Planning Practice Guidance (Paragraph Ref. ID 7-027-20220825), the sequential test need not be applied where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development. Having regard to the advice of the LLFA (and the absence of any identified harm to the risk of surface water flooding as a result of the development, either within the site or beyond), it is considered that this position would apply in this instance and, as such, the sequential test would no longer be applicable in respect of surface water in relation to this scheme.

#### Groundwater:

The submitted FRA notes that there is no indication of the site or surrounding area being affected by groundwater flooding in the SFRA. It refers to the site's previous brickyard and clay pit uses and comments that the pond in the south west part of the site lies within the area that was worked and excavated, and is unlikely to be representative of groundwater level in the area. As such, the FRA indicates that further assessment of groundwater flooding would not be appropriate.

#### Sewer Flooding:

The FRA notes that there is no indication of the site being affected by sewer flooding in the SFRA.

#### Mitigation and Proposed Surface Water Measures:

The FRA sets out a range of proposed mitigation measures. In terms of measures in respect of protecting the site / proposed units themselves, the FRA recommends setting finished FFLs 0.6m above the modelled 1% Annual Exceedance Probability (AEP) (plus climate change) level (identifying a FFL of at least 150mm above the level of adjoining ground). In addition, exceedance flow routing is proposed to form part of the surface water drainage strategy, utilising the access road through the site to convey on-surface flows safely. Given the limited level of risk, no additional measures are proposed in respect of reducing the amount of flood water that could enter the proposed buildings.

Insofar as the risk to other land / property is concerned, the FRA draws attention to Environment Agency guidance which provides that there must be no loss of flood storage capacity for flooding up to the 1% AEP plus climate change event. The FRA confirms that the scheme would include SuDS measures to meet this requirement (whilst also providing water quality improvements and other benefits).

In terms of the proposed surface water drainage system, the FRA includes a drainage strategy which proposes incorporation of SuDS within the on-site drainage design. In particular, the FRA proposes a peak surface water discharge rate of 5.2 l/s in the 1 in 100 year (+40% climate change) event. To achieve this, the proposed development includes SuDS features (including an attenuation basin) intended to manage surface water through attenuation on-site prior to off-site discharge via a culverted watercourse further north along High Street. Subject to the use of appropriate planting, the attenuation basin would, the FRA indicates, also provide for a good level of filtration, assisting in terms of water quality of the site run-off (and as referred to above).

In response to the application, the LLFA had initially raised a number of queries in respect of the submissions, and including in terms of the ability to discharge surface water to a combined sewer on Hill Top (as had originally been proposed by the applicant), and details of the proposed hydrobrake and spillway. The issues raised have all however been addressed to the LLFA's satisfaction, and no objections are raised subject to the imposition of conditions requiring precise details of the surface water drainage scheme to be agreed (including the undertaking of additional investigation so as to ascertain whether or not the site may be suitable for the use of infiltration as a drainage element), together with details of a scheme setting out measures for the surface water drainage scheme's long-term maintenance.

#### Foul Drainage:

Insofar as foul drainage is concerned, the developer proposes discharging to the existing combined sewer (as referred to above), and the FRA comments that "Severn Trent Water have stated that a gravity connection from the site for the disposal of domestic foul flows is acceptable at a new or existing manhole subject to formal S106 approval". It is recommended that a condition be attached so as to ensure that an appropriate scheme of foul drainage is implemented; no comments have been received from Severn Trent Water in response to the application.

Having regard to the above, the proposed development is considered acceptable in flood risk and drainage terms, and would meet the relevant requirements of Local Plan Policies Cc2 and Cc3.

### **Air Quality**

Policy D2 of the adopted North West Leicestershire Local Plan seeks to (amongst others) ensure that adverse effects of development on residents' amenities are minimised (and including in respect of pollution); Policy En6 provides that development close to an Air Quality Management Area (AQMA) will be supported where an application is accompanied by a detailed assessment of the issues, and where appropriate mitigation is identified. Additional provisions are set out in the District Council's Air Quality SPD. Paragraph 199 of the NPPF outlines that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants (including cumulative impacts) and that opportunities to improve air quality or mitigate impacts should be identified and secured.

The application is accompanied by an Air Quality Assessment; this provides that, whilst the site does not lie within an AQMA, it is located approximately 780m away from the Castle Donington AQMA.

### **Construction Impacts**

Insofar as the construction phase is concerned, the Air Quality Assessment indicates that, in terms of the risk to ecological receptors, the risk of construction dust impacts would be negligible. Insofar as residential receptors are concerned, the Assessment identifies a "medium" risk of dust soiling in respect of earthworks and construction activities (but "low" in respect of human health impacts). As such, a range of construction phase mitigation measures are proposed within the Assessment. Subject to these measures being implemented, the Assessment identifies the impacts from the construction phase as "not significant".

### **Operational Impacts**

In terms of the operational impacts, the Assessment considers in particular the effects of nitrogen dioxide (NO<sub>2</sub>) and particles (PM<sub>10</sub> and PM<sub>2.5</sub>) associated with the development, including impacts arising from the additional traffic associated with the development once it is in use. (It is noted that the Castle Donington AQMA is designated having regard to the effects of NO<sub>2</sub>).

The Assessment concludes that the annual mean and one hour mean NO<sub>2</sub> objectives are forecast to be met at all modelled receptors (which are within the AQMA area), and also that the PM<sub>10</sub> and PM<sub>2.5</sub> concentrations would meet their respective long and short term Air Quality Objectives at all modelled receptors. Overall, therefore, the Assessment identifies that the impact on local air quality from the proposed development would not be significant.

On the basis of the above, however, it is considered that the proposals would be acceptable in terms of their impacts on air quality, and the relevant Local Plan policies relating to this issue are considered to be satisfied; no objections are raised by the District Council's Environmental Protection team in this regard.

### **Agricultural Land Quality**

Policy En6 of the adopted North West Leicestershire Local Plan provides that development should avoid any unacceptably adverse impact upon soils of high environmental value, and explanatory paragraph 5.26 of the Local Plan provides that *"Whilst policy seeks to facilitate the diversification of the rural economy, there are also benefits to the protection of the best and most versatile agricultural land. Where appropriate we shall seek the use of areas of poorer quality land in preference to that of agricultural land of a higher quality"*. Paragraph 187 of the NPPF provides that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst others, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the Best and Most Versatile (BMV) agricultural land. Footnote 65 to Paragraph 188 suggests that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality

land should be used in preference to those of a higher quality. BMV agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification.

In terms of the agricultural land quality of the site (and based on Natural England's Post 1988 Agricultural Land Classification), other than some small areas of Grade 3a land adjacent to the northern and north western edges of the site, the site would predominantly fall within Grade 3b and so would, for the most part, not constitute BMV agricultural land. Whilst the irreversible loss of higher quality agricultural land would weigh against the proposals in terms of the environmental objective of sustainable development, given the very limited quantum of BMV involved, the scheme would not be considered to conflict with the relevant Local Plan and NPPF provisions in this regard.

Insofar as the impact on the existing agricultural business at Hill Top Farm is concerned, the applicant advises that the previous owners confirm that, whilst they had previously owned the site since the early 1900s, they were not themselves farmers. He also advises that, whilst the adjacent farm had an informal agreement to graze on the land many years ago via an annual licence, the farmer has (the applicant states) described the land as being of poor quality and "not safe for animals".

Whilst the agricultural quality of the land would, it is considered, be more properly determined by way of the Agricultural Land Classification (and with the conclusions reached above), the apparent absence of any agricultural use of the site for some considerable time by the operators of Hill Top Farm would, it is considered, suggest that there would be no evidence that the loss of the site to non-agricultural use would have any material impacts on the ongoing viability of the adjacent agricultural operations.

### **Aerodrome Safeguarding**

Policy Ec5 of the adopted North West Leicestershire Local Plan presumes against development that would adversely affect the operation, safety or planned growth of East Midlands Airport. The application is accompanied by a Technical Safeguarding Assessment in respect of aviation (together with a subsequently submitted Addendum), submitted in response to requests by East Midlands Airport.

The scheme has been the subject of extensive dialogue with East Midlands Airport regarding a wide range of safeguarding concerns, including cumulative impacts with other developments on navigation systems (namely at the recently constructed Studbrook Business Park), proposed building materials (in terms of their potential for glint and glare), bird hazard management (and including in respect of the potential for the proposed attenuation pond to attract additional birdlife when containing water) and landscaping.

Following the submission of the additional technical assessment documents, East Midlands Airport is content with the proposals and raises no objections subject to the imposition of conditions. The scheme would therefore be considered to meet the relevant requirements of Local Plan Policy Ec5.



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

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan. The site is located outside Limits to Development as defined in the adopted Local Plan and is not allocated for new employment development; Policies S3 and Ec2 set out the approach to considering applications for employment development in these circumstances.

As set out in the *Approach to Determination and Principle of Development* section of this report above, it is considered that the proposals can be shown to be in accordance with the requirement for such development to have an immediate demand and, as such, the in-principle elements of these policies can be shown to be satisfied.

However, there are a number of other criteria against which such proposals need to be assessed in the event that an immediate need or demand can be demonstrated (and including, for example, the need to safeguard and enhance landscape appearance and character, and for the development to be accessible by a range of sustainable transport). Whereas the site is located outside Limits to Development as defined in the Local Plan, having regard to the close relationship between the site and areas within Limits to Development (and other land / buildings that are also outside Limits to Development), and the good accessibility of the site, it is considered that the scheme would perform relatively well in terms of these criteria, and the view is taken that, overall, the proposals can be considered to comply with the development plan as a whole.

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

#### **Economic Objective:**

This objective seeks to ensure that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and that the provision of infrastructure is identified and coordinated.

As per most employment-related development, the scheme would be expected to generate a range of direct and indirect jobs both during the construction and operational phases. Furthermore, given the relationship of the site to the village itself and its good accessibility on foot and by cycling and from further afield by public transport, the employment available on the site would be accessible by those without access to a private car.

#### **Social Objective:**

The economic benefits associated with the proposed development would, by virtue of the jobs created (both for those employed in association with the construction and operation of the development, and by way of indirect job creation), also be expected to provide some social benefits. The NPPF refers to the need to foster well-designed, beautiful and safe places; following the improvements secured in respect of the appearance of the proposed units, the scheme is considered to be acceptable in terms of these issues.

#### **Environmental Objective:**

The site is identified as countryside in the adopted Local Plan. However, as referred to above, the applicant has demonstrated that there would be an immediate need or demand for the development, and the scheme's siting outside of Limits to Development would not therefore necessarily conflict with Policies S3 and Ec2, or the policies of the Local Plan as a whole.

As above, given the site's relationship to the existing village, and the presence of other development in its vicinity, together with the limited scale of the proposed buildings themselves, it is not considered that the development would have a significantly adverse landscape or visual impact on the surrounding countryside. For the reasons set out within the relevant sections above, the scheme would also be considered acceptable in terms of its impact on the built and historic environment.

The scheme would also, it is considered, perform relatively well in terms of other aspects of the environmental objective, and including in respect of its associated biodiversity enhancements and mitigating and adapting to climate change; in terms of the need to make effective use of land, it is considered that the scheme would represent an effective use in terms of it helping meet a need for sites for this type of use, but it is also noted that the site is greenfield, whereas use of previously-developed land is the preferred approach as set out in NPPF Paragraph 124. As set out in the relevant section above, the site would predominantly fall within Grade 3b of the Agricultural Land Classification, so the development would not result in a significant loss of Best and Most Versatile (BMV) agricultural land. As set out under the comments relating to the Economic Objective above, the site also benefits from good accessibility by public transport.

Having regard to the three dimensions of sustainable development, therefore, and whilst the scheme would represent development outside of the existing Limits to Development, the development would nevertheless be considered to perform well in respect of these objectives.

It is therefore concluded that the proposed development would comply with the provisions of the development plan as a whole, and would benefit from the presumption in favour of sustainable development. Approval is therefore recommended.

**Permission in Principle for the erection of two self-build dwellings**

**Report Item No  
A2**

**67 Loughborough Road, Coleorton, Coalville, Leicestershire.**

**Application Reference:  
25/01523/PIP**

**Grid Reference (E) 441580**

**Grid Reference (N) 317512**

**Date Registered:**

**29 October 2025**

**Applicant:**

**Mr Specht**

**Consultation Expiry:**

**2 December 2025**

**Case Officer:**

**Lewis Marshall**

**Determination Date:**

**24 December 2025**

**Extension of Time:**

**24 December 2025**

**Recommendation:**

**PERMIT**

## Site Location



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

This application is referred to the Planning Committee for determination on the basis that that it is contrary to the provisions of an approved Development Plan policy and is recommended for permission, and in the opinion of the Strategic Director of Place it is likely to raise matters which should be referred to the Planning Committee as a previous application for self-build dwellings on the site was determined by the Planning Committee.

### **RECOMMENDATION – PERMIT**

## Main Report

### 1. Proposals and Background

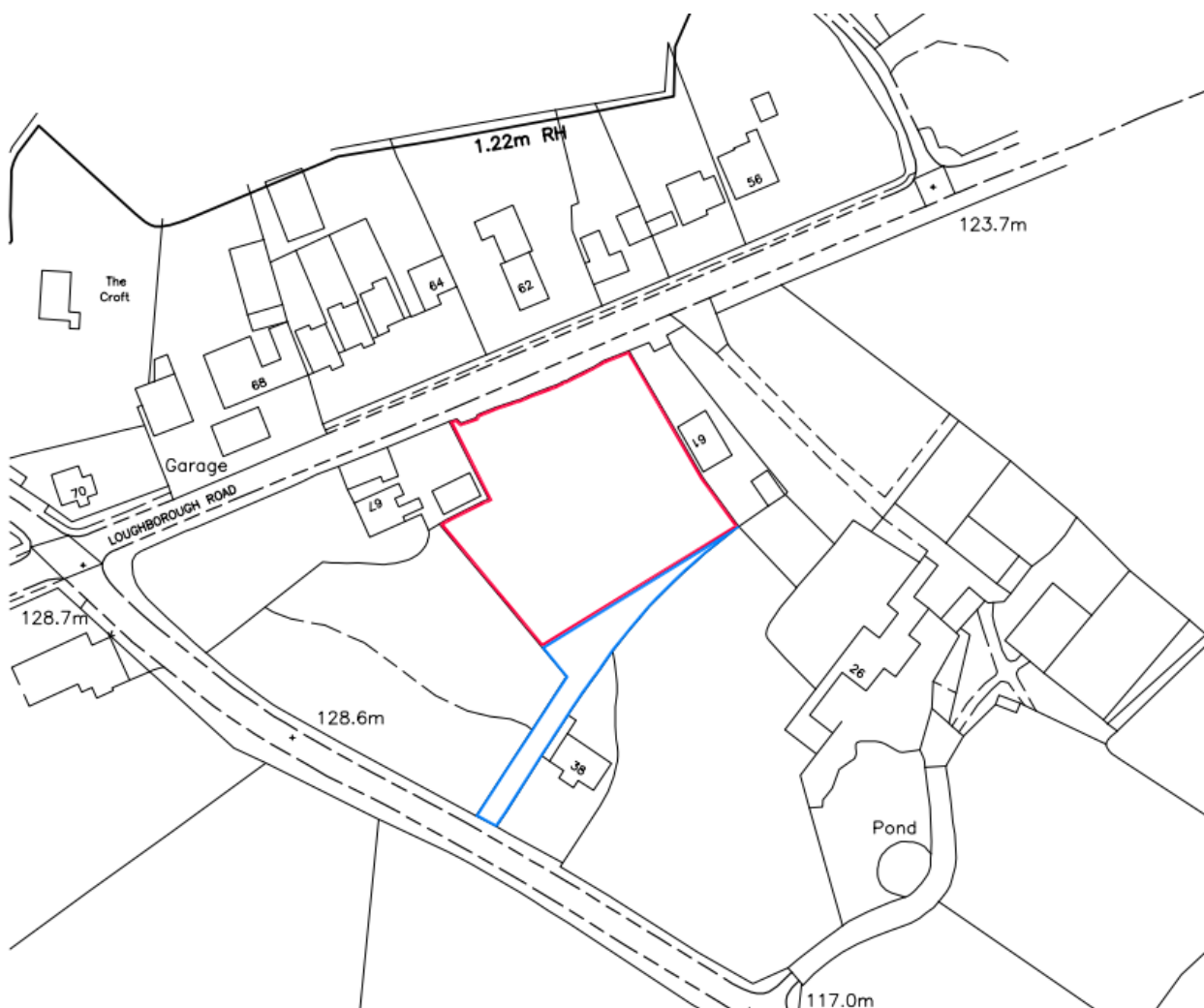
This application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (as amended). The proposal seeks permission in principle (PIP) for two residential self-build dwellings at land at 67 Loughborough Road, Coleorton. The site is located outside the defined Limits to Development. The surrounding area is predominantly rural with residential properties interspersed across the wider area. The application site is currently vegetated and overgrown with land levels dropping down away from the road.

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

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

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

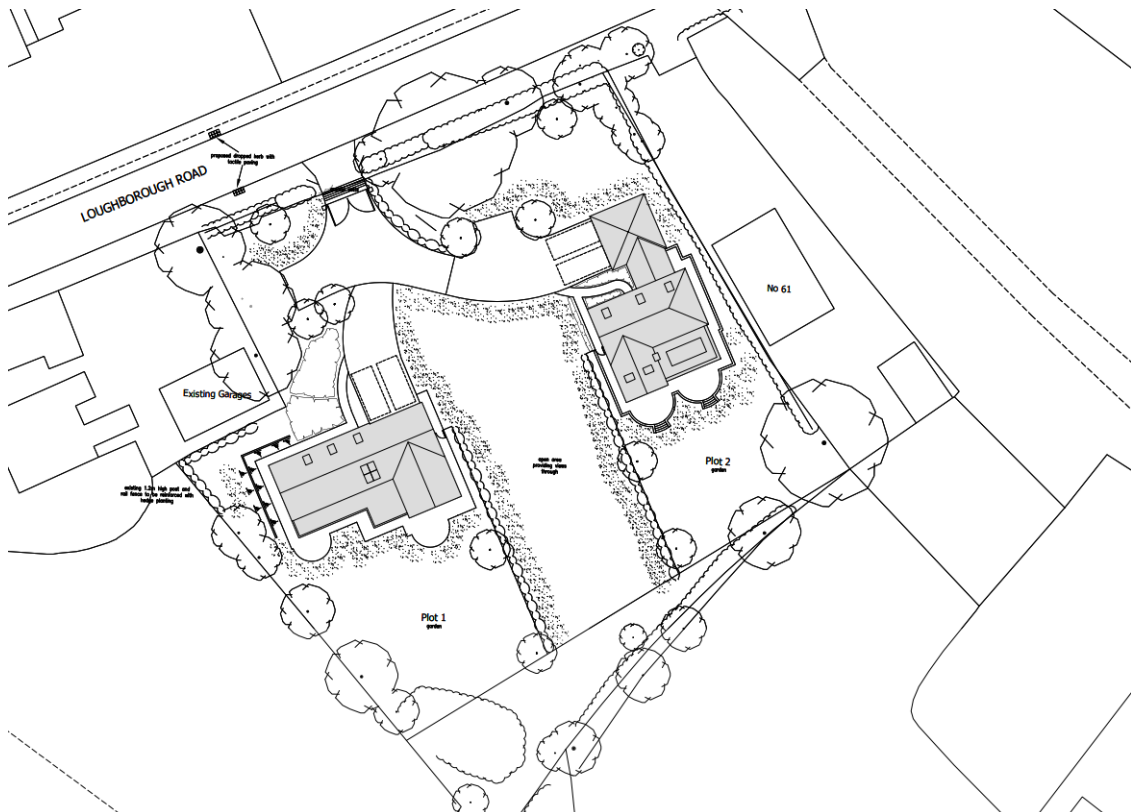
#### *Site Location Plan*



*Aerial Image of the Site Location*



*Proposed Indicative Site Layout*



## Relevant Planning History

12/00153/OUT - Erection of five dwellings (outline - all matters reserved) - Withdrawn 04.04.12.

12/00347/OUT - Erection of five dwellings (outline - all matters reserved) - Refused 30.5.12 and dismissed at appeal on 05.03.13.

16/00198/OUT - Erection of three detached dwellings with garages (Outline - Part access for approval) - Application Permitted 13.5.16.

17/00427/REM - Reserved matters application for the erection of 3 no. dwellings following outline planning permission 16/00198/FUL (Matters for approval: access, appearance, landscaping, layout and scale) - Permitted 02.08.17.

20/00676/FUL - Erection of three detached dwellings with garages - Application refused 07.07.20.

23/01048/OUT - Erection of three self-build detached dwellings (outline application with all matters reserved except for access) - refused 07.12.2023 and appeal dismissed 05.07.2024

To provide context to the application history of the site, in 2012, an outline application was refused because of the previous local plan (prior to the adoption of the current local plan) due to a lack of compliance with historic green wedge and housing land release policies. An appeal was subsequently lodged which was dismissed.

In 2016, outline planning permission (with details of access only) was granted for the erection of three detached dwellings with garages under application reference 16/00198/OUT. A subsequent reserved matters application was permitted including approval of details of access, appearance, landscaping, layout and scale under application reference 17/00427/REM. This outline/reserved matters planning permission has lapsed and therefore, is no longer extant.

A later full application was also submitted in 2020 which was subsequently refused at committee, given the material change in circumstances between the assessment of the 2020 application and 2016/17 applications where the Council was previously unable to demonstrate a 5-year supply of housing whilst under the 2020 application this was not the case. Concerns were also raised within the 2020 application regarding a reduction in the sustainability of the site given the closure of the local shop at the nearby garage. It is also noted that under the 2020 application, self-build dwellings were also proposed, although at this time the District Council was meeting its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). Further, concerns were raised regarding whether the scheme (which was a full application) would meet the self and custom build definition, given that this previous application included all design details, therefore, not allowing for an input from the prospective occupiers.

The 2023 outline application was recommended for approval by officers and refused at Planning Committee on the following grounds:

*The proposed development would be located on land outside the Limits to Development, as defined on the Proposals Map to the adopted North West Leicestershire Local Plan (2021) and Policy H2 of the Adopted Swannington Neighbourhood Plan (2023). Policy H2 of the Swannington Neighbourhood Plan (2023) supports development within the limits to development and restricts development in the countryside in line with local and national strategic planning policies. Policy S2 of the adopted Local Plan sets out the settlement hierarchy for development and confirms that development should take place within the limits to development. Policy S3 of the adopted Local Plan sets out the types of development that can be supported in the countryside.*

*In the opinion of the Local Planning Authority the proposal would conflict with the settlement hierarchy and strategic housing aims of Policy H2 of the Swannington Neighbourhood Plan and Policy S2 of*



*the adopted Local Plan and would also be contrary to Policy S3 of the adopted Local Plan, as it is not a form of development supported in the countryside under Policy S3.*

*Notwithstanding the above, the development would result in a suburban form of development that would fail to respond to or enhance the built and natural character of the settlement, resulting in harm to its immediate and wider landscape setting. Therefore, the proposals would also conflict with subparagraphs (i) of Policy S3.*

*Having regard for paragraph 14 of the National Planning Policy Framework, the harm arising from conflict with Policy H2 of the adopted Neighbourhood Plan and Policies S2 and S3 of the Local Plan is considered to significantly and demonstrably outweigh the benefits of the proposal, and there are no other material considerations that would outweigh this harm.*

The subsequent appeal was dismissed, with the Inspector raising the following concerns:

*The site is defined as being within the village of Peggs Green. This is identified as a ‘small village,’ towards the bottom of the settlement hierarchy, with very limited services and where development is restricted to conversions of existing buildings, redevelopment of previously developed land or affordable housing in accordance with Policy H5 of the Local Plan (LP). As the appeal site is undeveloped and the proposal is not for affordable housing, the proposal would be contrary to Policy S2 of the LP.*

*The site is located on land that falls outside the defined limits to development, such land is designated as countryside within the LP. In the countryside, development is strictly controlled by Policy S3 of the LP, bar a number of exceptions. As the proposal does not fall within these exceptions, the scheme would be contrary to Policy S3 of the LP.*

*Additionally, Policy H2 of the Neighbourhood Plan (NP) states that land outside the settlement boundary will be treated as open countryside, where development will be carefully controlled, or supported as appropriate, in line with local and national strategic planning policies. The aim being to ensure development is focussed in areas where it is most needed and least intrusive.*

*Given that the site falls outside of the settlement boundary identified in the NP, it would fall into conflict with Policy H2 of the NP.*

*...the introduction of new residential development in this location would inevitably erode a largely open and undeveloped area of land, in a countryside location, and would appear at odds with the prevailing pattern of the surrounding sporadic development. This would be harmful to the landscape character and appearance. For this reason, I conclude that the proposal would not accord with part (i) of Policy S3 as I am not persuaded that the landscape would be safeguarded or enhanced.*

*The Inspector went on to conclude that: Given the conflict with the spatial strategy of which the NP now forms part, and given the harm that would arise to the character and appearance of the area, the adverse impact of allowing this development would significantly and demonstrably outweigh the benefits of the proposal.*

## **2. Publicity**

7 neighbouring properties were notified on 4<sup>th</sup> November 2025.

A site notice was displayed on 6<sup>th</sup> November 2025.



### 3. Summary of Consultations and Representations Received

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

#### Objection from:

Swannington Parish Council object on the following basis:

- this application is outside the Limits of Development (S2 of the Local Plan). Policy S2 of the adopted Local Plan sets out the settlement hierarchy for development and confirms that development should take place within the limits to development. Policy S3 of the adopted Local Plan sets out the types of development that can be supported in the countryside.
- this application is contrary to Policy H2 of the Swannington Neighbourhood Plan (2023) which supports development within the limits to development and restricts development in the countryside in line with local and national strategic planning policies.
- this application in regard for paragraph 14 of the National Planning Policy Framework, the harm arising from conflict with Policy H2 of the adopted Neighbourhood Plan and Policies S2 and S3 of the Local Plan is considered to significantly and demonstrably outweigh the benefits of the proposal, and there are no other material considerations that would outweigh this harm.
- raises concerns in relation to the highways, speed and access to and from site.
- supports the recent finding of the highways (23/01048/OUT) in relation to the impacts of the development on highway safety that would not be acceptable, and when considered cumulatively with other developments, the impacts on the road network would be severe.

#### No Objections from:

Leicestershire County Council - Ecology  
NWLDC Environmental Protection  
Leicestershire County Council - Highways Authority  
Leicestershire County Council - Tree Officer

#### Third Party Representations

Four third party representations have been received (three objections and one neutral). The comments raised are summarised as follows.

| Grounds of Objections                                | Description of Impact  |
|--|--|
| The Principle of Development and Preliminary Matters | Unsustainable location and contrary to local policy due to the location outside of the limits to development |
|  | Conflict with the Neighbourhood Plan which carries full weight   |
|  | The application should be refused in line with paragraphs 11 and 14 of the NPPF                              |

|                               |  |
|-------------------------------|--|
| <b>Visual Impacts</b>         | Impact on countryside views of open and undeveloped land from the A511   |
|                               | Harm to local and rural character  |
|                               | The proposal would retain open land between the proposed dwellings   |
| <b>Residential Amenity</b>    | Concerns about the proximity to neighbouring dwellings and the impact on amenity                                   |
| <b>Highway Safety Impacts</b> | Unsafe access and highway safety concerns  |
| <b>Other Matters</b>          | The Self and Custom Housebuilding Act 2015 is being used to exploit the planning system and subvert usual policies |
|                               | The site has been refused planning permission previously   |
|                               | The retention of trees and hedgerows for biodiversity would be supported   |

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

##### **National Policies**

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

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

Paragraphs 8 and 10 (Achieving sustainable development);  
 Paragraphs 11 and 12 (Presumption in favour of sustainable development);  
 Paragraph 35 (Development contributions);  
 Paragraphs 39, 40, 41, 42, 43, 45, 48 and 55 (Decision-making);  
 Paragraphs 56, 57 and 58 (Planning conditions and obligations);  
 Paragraph 105 (Promoting healthy and safe communities);  
 Paragraphs 109, 110, 112, 113, 115, 116 and 117 (Promoting sustainable transport);  
 Paragraphs 124, 125 and 129 (Making effective use of land);  
 Paragraphs 131, 133, 134, 135 and 139 (Achieving well-designed places);  
 Paragraphs 161, 163, 164, 166, 168, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraphs 187, 193, 196, 197, 198 and 201 (Conserving and enhancing the natural environment);

## **Local Policies**

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

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

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 – Settlement Hierarchy;  
Policy S3 – Countryside;  
Policy D1 – Design of New Development;  
Policy D2 – Amenity;  
Policy IF4 – Transport Infrastructure and New Development;  
Policy IF7 – Parking Provision and New Development;  
Policy En1 – Nature Conservation;  
Policy En3 – The National Forest;  
Policy En6 – Land and Air Quality;  
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;  
Policy Cc2 – Water – Flood Risk;  
Policy Cc3 – Water – Sustainable Drainage Systems.

### **Made 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 the application:

Policy H2 - Settlement Boundary;  
Policy H3 - Housing Mix;  
Policy H4 - Design Quality;  
Policy ENV 3 - Sites and Features of Natural Environment Significance;  
Policy ENV 4 - Protecting and Enhancing Biodiversity;  
Policy ENV 5 - Sites and Features of Historic Environment Significance;  
Policy ENV 9 - Flood Risk Resilience and Climate Change;  
Policy T1 - Traffic Management; and  
Policy E6 - Broadband Infrastructure.

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

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

Policy M11: Safeguarding of Mineral Resources

## **Other Policies**

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

## 5. Assessment

### Background to Permission in Principles (PIPs)

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

This consent route has two stages. The first stage establishes whether a site is suitable in principle. The second stage, also known as technical details consent, is where the detailed development proposals are assessed.

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

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

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

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

These are assessed in turn below.

### LOCATION

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

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for determination of the application is the Development Plan, which, in this instance, comprises the adopted North West Leicestershire Local Plan (2021), the made Swannington Neighbourhood Plan (2023) and the adopted Leicestershire Minerals and Waste Local Plan (2019).

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are 'up to date' having regard for their consistency with the National Planning Policy Framework (NPPF) (2024). The most important policies in the determination of the matter of 'principle' are Policies S2 and S3 as they relate to the provision and distribution of housing. The Council can demonstrate a five-year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that adopted Local Plan Policies S2 and S3 are effective, not out of date, and carry significant weight.

The application site is located within land falling outside the defined Limits to Development, designated as countryside, within the Local Plan and the Swannington Neighbourhood Plan.

Policy S2 of the Local Plan contains a Settlement Hierarchy. Policy S2 of the Local Plan defines Swannington as a 'Sustainable Village' which are settlements which have a limited range of services and facilities. The policy specifically states that 'Sustainable Villages' can take a limited amount of

growth within the defined Limits to Development. The application site is located outside of the Limits to Development of Swannington and is therefore located in a Countryside location thus conflicts with Policy S2. The site is also located close to Peggs Green which Policy S2 defines as a "small village" where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land.

On sites falling outside the defined Limits to Development, residential development is not a form of development that is permissible by Policy S3, save for limited exceptions as specified in the policy, e.g. re-use or adaptation of an existing building (criterion (a)), the redevelopment of previously developed land (criterion (b)) or affordable housing in line with Policy H5 (Rural Exception Site) of the adopted Local Plan (criterion (g)).

The NPPF defines 'Previously Developed land' (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. However, this excludes land in built-up areas such as residential gardens. In this instance, as the application site is a greenfield site, it would not fall under the NPPF's definition of PDL.

The proposal therefore does not fall within any of the exceptions for residential development under Policy S3.

Policy H2 of the Swannington Neighbourhood Plan states that "Land outside the settlement boundary will be treated as open countryside, where development will be carefully controlled, or supported as appropriate, in line with local and national strategic planning policies." As such, this links back to the requirements of Local Plan Policy S3 which lists the acceptable uses (a) - (s) where development would be supported in principle subject to considerations set out in criteria (i) - (vi) and Policy S2 which states that 'Sustainable Villages' can take a limited amount of growth within the defined Limits to Development.

As set out above, the proposal is not considered to accord with Policy S3 and it is not within the Limits to Development so therefore conflicts with Policy S2. It therefore follows that the application fails to accord with Policy H2 of the Neighbourhood Plan by virtue of its conflict with other local and national planning policies. A similar conclusion was reached by the Inspector in the appeal decision for the 2023 application for three self-build dwellings.

Whilst in this case the proposal is not supported by criteria (a) to (s) of Policy S3, the Policy goes on to state that development in accordance with criteria (a) to (s) would be supported, subject to satisfying criteria i-vi as set out below:

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

In respect of the 2023 application, officers considered that it would result in a suburban form of development that would fail to respond to or enhance the built and natural character of the settlement thus would harm its immediate and wider landscape setting. The Inspector in the related appeal decision concluded that *'...the introduction of new residential development in this location would inevitably erode a largely open and undeveloped area of land, in a countryside location, and would appear at odds with the prevailing pattern of the surrounding sporadic development. This would be harmful to the landscape character and appearance. For this reason, I conclude that the proposal would not accord with part (i) of Policy S3 as I am not persuaded that the landscape would be safeguarded or enhanced.'*

For the reasons expanded upon in the 'Impact on Character' section of this report, it is considered that the appearance and character of the landscape would not be adversely impacted on by this

application for two dwellings, subject to the submission of an acceptable proposal to be considered at technical details consent stage.

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

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

The proposal would be located in the countryside but it would not undermine the physical or perceived separation between nearby settlements given the location adjacent to existing development, the sporadic nature of development and the lack of any defined built-up area within the site locality. A similar conclusion was reached by officers in respect of the 2023 application and that application was not refused in respect of this criterion of Policy S3 nor were concerns raised by the appeal Inspector.

In respect of the 2023 application officers considered that a development could be designed within the site which would not result in unacceptable ribbon development impacts across this section of Loughborough Road, and that application was not refused in respect of this criterion of Policy S3 nor were concerns raised by the appeal Inspector.

It is also considered that under the current application ribbon development may not be exacerbated, as the indicative layout shows that a scheme for two dwellings could be accommodated on the site and an undeveloped parcel of land could be positioned centrally on the plot. This is a matter that would be considered in detail at technical details consent stage.

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

The application seeks Permission in Principle with technical details, such as the design and layout, subject to later technical details consent. Under the previous 2023 outline application which included layout, it was considered by officers that three dwellings could be secured at reserved matters stage that would be well-related to existing development along Loughborough Road and the wider settlement of Peggs Green, and the same conclusion is reached in respect of this proposal for two dwellings. The 2023 application was not refused in respect of this criterion of Policy S3 and concerns were not raised by the appeal Inspector. As layout is not included for detailed consideration at the permission in principle stage and the submitted layout is indicative only, it is considered that the technical details stage could provide appropriate layout, scale and landscaping to assist the development in integrating with existing development.

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

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

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

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

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

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

### *Assessment*

This application site is located approximately 0.65km from the defined Limits to Development of Swannington as well as being sited approximately 1.3km from the part of Coleorton within the defined Limits to Development.

Nevertheless, future occupants of the application site would also have access to public transport including being able to access a bus service from Zion Hill (approximately 500m distance) which would connect the occupants of the dwellings to Ashby De La Zouch, Belton, Shepshed and Loughborough on a two hourly basis. Notwithstanding this, there would also be the hourly bus service which is located on Loughborough Road (approximately 0.5km distance) which would connect the occupants of the dwellings to Ashby De La Zouch, Coalville and Whitwick. As such, a wider provision of facilities and services would be able to be accessed via sustainable forms of travel.

Given the above, there would be limited opportunities for accessing an array of services and facilities via public footpaths or cycling to meet the needs of day-to-day requirements other than the services outlined below. However, given the variety of public transport links in close proximity of the site, and notwithstanding the overarching conflict with Policy S3 which does not support housing in the countryside, it is concluded that the development would be accessible by a range of sustainable transport and therefore, the development would accord with criterion (vi) of Policy S3.

A similar conclusion was reached by officers in respect of the 2023 application for three self-build dwellings. The 2023 application was also not refused in respect of this criterion of Policy S3. In the appeal decision for the 2023 application, the Inspector stated: *The appeal site is close to Peggs Green, which only has limited facilities. However, the site is near a bus stop which provides frequent bus services to larger surrounding centres which have a greater variety of services and facilities to meet day-to-day needs. Thus, future occupants would not be wholly reliant on the use of a private car.*

### **Other Matters**

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

Within the locality of the site, there are some limited facilities within walking distance of the application

site including public houses (the New Inn and The George), a local church (St George) and Peggs Green village hall (Beaumont Centre). These services/facilities are within 1000m (preferred maximum walking distance) of the site. The nearest convenience retail facility would be at Thringstone nearly 1.5km from the application site.

Services available in Swannington include a public house, primary school, and village hall. However, it is noted that the walking distance to these facilities would exceed the preferred 1km maximum walking distance.

The provision of these dwellings would also assist in sustaining these services, as set out in Paragraph 83 of the NPPF.

As such, on balance, whilst the development would be located approximately 0.65km to the nearest defined limits to development, given there would be some access to services in the immediate area and the application site would be well-sited in terms of access to public transport links, it is considered that future occupants of the properties would not necessarily be dependent on the private car to access the most basic of services and would support the approach to a low carbon economy. This matter did not form part of the reason for refusal on the 2023 application for three self-build dwellings, and as set out above, the related appeal decision stated that ‘...future occupants would not be wholly reliant on the use of a private car.’

#### *Conclusion - Principle of Development*

The proposal is fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 of the Local Plan and would also be contrary to Policy S3 of the Local Plan and Policy H2 of the Neighbourhood Plan. On this basis, the proposal is not in accordance with the adopted Local Plan or the adopted Neighbourhood Plan. The proposal would therefore conflict with the broad objective of containing new residential development within the settlement limits.

There would be some access to services in the immediate area and the development would be accessible by a range of sustainable transport so occupiers would not be dependent on the private car.

There would also be some limited economic benefits associated with the construction of the dwellings. However it is considered that these positives are significantly and demonstratively outweighed by the conflict with the spatial strategy set out in the Local and Neighbourhood Plans.

The harm derived from the conflict with Policies S2 and S3 of the Local Plan and Policy H2 of the Neighbourhood Plan is considered within the planning balance below.

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

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

Self and custom build is defined as the building or completion by individuals, an association of individuals or persons working with or for individuals, of houses to be occupied as homes by those individuals. This is a permission in principle application for the erection of 2 no. self-build dwellings. Occupation by a self-builder could be secured by conditions imposed on the technical details consent permission. Subject to a condition at that stage, the proposal would meet this 'definition' and would contribute towards the delivery of self-build and custom housebuilding in the District.

The District Council has a duty under Section 2A of the Self-Build and Custom Housebuilding Act



2015 (as amended), to give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the area of North West Leicestershire arising in each base period. This District Council's Self-Build Register was established in April 2016. As of 9 January 2026 there are 224 individuals on the register. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots.

| A                                    | B                            | C   | D  | E  | F   |
|--------------------------------------|------------------------------|---|--|--|---|
| Base Period                          | Registrations in base period | Plots required to meet demand by end of base period | Permissions granted in base period (dwellings) | Cumulative permissions at end of base period (dwellings) | Oversupply (+) or shortfall (-) (E minus C) |
| 1 April 2016 to 30 October 2016      | 6                            | 0   | 1  | 1  | +1  |
| 31 October 2016 to 30th October 2017 | 10                           | 0   | 1  | 2  | +2  |
| 31 October 2017 to 30 October 2018   | 8                            | 0   | 2  | 4  | +4  |
| 31 October 2018 to 30 October 2019   | 14                           | 6   | 30   | 34   | +28   |
| 31 October 2019 to 30 October 2020   | 20                           | 16  | 0  | 34   | +18   |
| 31 October 2020 to 30 October 2021   | 14                           | 24  | 0  | 34   | +10   |
| 31 October 2021 to 30 October 2022   | 20                           | 38  | 0  | 34   | -4  |
| 31 October 2022 to 30 October 2023   | 34                           | 58  | 3  | 37   | -21   |
| 31 October 2023 to 30 October 2024   | 37                           | 72  | 17   | 54   | -18   |
| 31 October 2024 to 30 October 2025   | 33                           | 92  | 32   | 86   | -6  |
| 31 October 2025 to 30 October 2026   | TBC                          | 146*  | 21**   | 107**  | -39**                                       |

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

\*\* As of 9 January 2026

The demand is split into different base periods running from 31 October to 30 October (Column A above). At the end of each base period, local planning authorities have three years in which to grant

planning permission for an equivalent number of plots of land. This is known as the 'duty to grant planning permission' under the Self-build and Custom Housebuilding Act (the Act).

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

#### *31 October 2023 to 30 October 2024*

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

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

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

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

At that same date, cumulative planning permissions had been granted for a total of 86 plots (54 permissions from the previous base period and 32 from this base period) (Column E) meaning there was an unmet demand, or shortfall, of 6 plots at the end of the last base period. (A further 3 plots had resolutions to permit but as the permissions have not yet been issued, they were not added to the supply).

To meet its duties under the Act, the Council needed to have granted planning permission for 6 self-build and custom housebuilding plots by 30 October 2025. This unmet demand is to be carried over into the latest base period.

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

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

Planning permission or permission in principle for 21 plots (Column D) has been granted so far during this base period, so cumulative planning permissions have been granted for a total of 107 plots (Column E) (86 cumulative permissions at the end of the previous base period and 21 from this base period). (A further 1 plot has a resolution to permit but as the permission has not yet been issued, it cannot be added to the supply at present). Therefore, at the current time there is an unmet demand, or shortfall, of 39 plots. This represents a significant unmet need.

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

Therefore, it is acknowledged that this proposal for two dwellings (subject to a condition at the technical details consent stage to secure the self-build dwellings) would contribute to addressing the existing and future shortfall and this is a material consideration in the determination of the application to be given moderate weight in favour of the proposal. This ensures a consistent approach with recent appeal decisions received by the Local Planning Authority.

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

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

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

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

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

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

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

In addition, as set out in paragraph 14 of the NPPF, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the Swannington Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits.

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

### **Loss of Agricultural Land**

In terms of environmental sustainability, the proposal would result in the loss of agricultural land. Furthermore, consideration has been given to footer 62 of the NPPF which states that the availability of agricultural land used for food production should be considered, alongside the other policies in the Framework, when deciding what sites are most appropriate for development. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3 of the Agricultural Land Classification (ALC). The ALC maps indicate that the site falls within Grade 4 (poor) and therefore the proposal would not result in the loss of BMV. However, the extent of the site is also very limited for agricultural purposes and is not easily worked or accessed due to the change in levels. Therefore, given the quality of the land and very limited extent of the potential loss of the site, it is considered that this is not sufficient to sustain a reason for refusal on this ground.

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

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

Policy S3 of the Local Plan (2021) requires developments to safeguard and enhance the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness (criterion (i)).

Policy En3 of the Local Plan states that new development within the National Forest should ensure that the siting and scale of the proposed development is appropriately related to its setting within the Forest and respects and does not adversely affect the character and appearance of the National Forest or the wider area.

Policy H4 of the Swannington Neighbourhood Plan states that proposals must be in line with the NWL Good Design Guide SPD (2017) and demonstrate a high quality of design, layout and materials in order to make a positive contribution to the special character of Swannington Parish.

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

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

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

The detailed design would be a matter to assess at technical details consent stage. However, consideration of whether the location of the site is suitable, having regard to whether the proposal would result in significant detriment to the character and appearance of the locality, can be considered at permission in principle stage.

The application site has a relatively open appearance with open fields to the rear with far reaching views of the countryside to the south. Hedgerows along the site frontage provide limited screening. The site levels also drop away from the road. Built development on the south side of Loughborough Road is sporadic and interspersed amongst pockets of undeveloped land. As an open pocket of land, the site currently contributes positively to the semi-rural character of the area. Images of the site frontage and street scene are set out on the following pages.



*View South West of the site frontage from the north side of Loughborough Road*



*Loughborough Road Street Scene – West*





*Loughborough Road Street Scene – East*



*View South East of the site frontage*

As set out earlier in this report, in respect of the 2023 application, officers considered that it would result in a suburban form of development that would fail to respond to or enhance the built and natural character of the settlement thus would harm its immediate and wider landscape setting. The Inspector in the related appeal decision concluded that *'...the introduction of new residential development in this location would inevitably erode a largely open and undeveloped area of land, in a countryside location, and would appear at odds with the prevailing pattern of the surrounding sporadic development. This would be harmful to the landscape character and appearance. For this reason, I conclude that the proposal would not accord with part (i) of Policy S3 as I am not persuaded that the landscape would be safeguarded or enhanced.'*

Although the site is located between built development either side, the existing built form on this side of the road is sporadic, surrounded by open fields which is a significant defining feature of the surrounding rural landscape. The existing undeveloped nature of the site positively contributes to the character of this rural landscape.

The introduction of new residential development in this location would inevitably erode parts of a largely open and undeveloped area of land, in a countryside location. Harm would therefore arise from the loss of greenfield land located within the countryside. However, the number of dwellings has been reduced from the previous application, and the indicative layout shows a development with sufficient space around the dwellings for an undeveloped parcel of land to remain on the site to reflect local character and spacing of dwellings. Furthermore, the indicative layout demonstrates that the site could be developed for two dwellings that would integrate with nearby development and which would not exacerbate ribbon development. Therefore, it is considered that an acceptable proposal for two dwellings on the site could be brought forward at the technical details consent stage that would not be harmful to the character of the area and so would not conflict with Policies S3 (i), D1 and En3 of the Local Plan and H4 of the Neighbourhood Plan.

Irrespective of this, it is accepted that the detailed design and layout of the proposed dwellings is not a matter for this permission in principle application and would be addressed as part of any technical details consent(s).

## **Heritage Assets**

The nearest corner of the application site would be located approximately 85m to the east of the Church of St George, which is a Grade II listed building. There is intervening land with buildings and vegetation between the site and this heritage asset and as such the proposed development would not harm the setting of the church. It is noted that this was the same conclusion also reached in the consideration of the most recent application on the site for three self-build dwellings. The related appeal Inspector was also satisfied that the setting of the listed Church and thereby its significance, would be preserved.

As a result, no further consideration of the impact of the development on heritage impacts is required and the proposal would not conflict with Policies He1 of the Local Plan and ENV 5 of the Neighbourhood Plan or the relevant provisions of the NPPF.

As per the responses to earlier applications on the site, no archaeological mitigation would be required in connection with the development and in these circumstances, archaeology would not act as a constraint on the development. As such, the Local Planning Authority is satisfied that the proposal would be acceptable for the purposes of the NPPF.

## **Impact on Residential Amenities**

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to



minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

Given that the application seeks permission in principle at this stage, it is not possible to assess the full extent of impacts upon the residential amenity of surrounding dwellings in detail. It is however considered that a proposal for two dwellings could be accommodated on the site without any unacceptable overlooking, overshadowing or overbearing impacts. However, such impacts would be a consideration at the technical details stage, when details of the access, layout, scale and appearance would be submitted.

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

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

Overall, it is considered that two dwellings could be accommodated on the site that would not result in significant impacts on the residential amenities of existing and future occupiers and so the proposal complies with Policies D2 of the Local Plan and H4 of the Neighbourhood Plan.

## **Flood Risk**

Policy Cc2 of the Local Plan (2021) seeks to minimise the risk and impact of flooding through: (a) Directing new development to areas with the lowest probability of flooding; and (b) Ensuring that all new development addresses the effective management of all sources of flood risk; and (c) Ensuring that development does not increase the risk of flooding elsewhere; and (d) Ensuring wider environmental benefits of development in relation to flood risk. Policy H4 of the Neighbourhood Plan states that development should minimise surface run-off and risk of flooding and incorporate sustainable drainage systems. Policy ENV 5 of the Neighbourhood Plan requires proposals in specific locations identified in figure 14 of the Plan to meet the sequential test set out in the 2021 version of the NPPF (which has since been revised).

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

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

It is therefore considered that subject to the technical details consent, sustainable drainage systems can be provided as part of the development and thereafter delivered and maintained on the site, thus, the site could be developed for two dwellings without unacceptable risk of flooding or increase the risk of flooding elsewhere.

Overall, it is considered that the proposal would be acceptable in terms of fluvial and pluvial flood

risks and would accord with the aims of Policies Cc2 and Cc3 of the adopted Local Plan, Policies H4 and ENV 9 of the Neighbourhood Plan and the NPPF.

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

Policy En1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district. Paragraphs 187(d) and 192(b) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity. Policy H4 of the Neighbourhood Plan states that development should enhance biodiversity, with existing trees and hedges preserved whenever possible. Policy ENV 3 identifies the application site as a historic wildlife site, although it should be noted that the site itself is not designated as a Local Wildlife Site in the plan. Policy ENV 4 sets out that all new development proposals will be expected to safeguard habitats and species, including those of local significance.

The County Ecologist has been consulted on the application and raises no objection. The current application has not been supported by the submission of a Preliminary Ecological Appraisal, BNG assessment and associated metric. However, the site is not subject to any local or statutory designations for its biodiversity value and in respect of the 2023 application, the County Ecologist advised that *'the grassland has declined in terms of botanical value over many years due to a lack of management.'* As such the ecological value of the site would not preclude development of the site, subject to the required mitigation to be considered and secured at the technical details consent stage. Furthermore, the development is not subject to mandatory Biodiversity Net Gain as it is for self-build dwellings and therefore exempt. Notwithstanding this, it is considered possible for a measurable biodiversity net gain to be achieved on the site which would weigh in favour of any future technical details consent application.

The application has not been supported by a Tree Survey or an Arboricultural Impact Assessment (AIA) to demonstrate that the scheme would not impact the trees and hedgerows to the boundaries of the site. A group of trees is located in close proximity to the site. A technical details consent application could be subject to the submission of an Tree Survey and AIA, as recommended by Leicestershire County Council's Tree Officer. Therefore, officers are satisfied that impacts on the trees and hedgerows could be addressed at technical details consent stage. Furthermore, the design of any dwellings as part of the technical details consent would need to consider other existing site features such as trees and hedgerows.

As such, subject to the technical details consent application which could secure biodiversity enhancements and the submission of an AIA and method statement, the application is considered to be acceptable when having regard to trees, ecology and biodiversity. It is considered that the proposals would comply with the provisions of Paragraph 187(d) of the NPPF and Policy En1 of the Local Plan and Policies H3 and ENV4 of the Swannington Neighbourhood Plan.

### **Highway Impacts**

As the application seeks only permission in principle, the precise access arrangements are not known at this stage. However, in order to grant permission in principle, the Local Planning Authority must be satisfied that safe and suitable access can be achieved at this location.

It is considered likely that the applicant would seek to create a new vehicular access onto A512 Loughborough Road which is a classified 'A' road that is subject to a 40mph speed limit. The County Highways Authority (CHA) has outlined that safe and suitable access from the public highway could be achievable as part of a future Technical Details Consent stage, should permission in principle be granted.

Given the conclusions of the CHA, it is considered that any creation of the vehicular access and highway mitigation measures could be addressed through any technical details consent application(s) and therefore the development could be compliant with Policies IF4 and IF7 of the adopted Local Plan, Policy T1 of the Swannington Neighbourhood Plan, as well as the NPPF.

In their comments, Swannington Parish Council states that it supports the recent finding of the highways (23/01048/OUT) in relation to the impacts of the development on highway safety that would not be acceptable, and when considered cumulatively with other developments, the impacts on the road network would be severe.

23/01048/OUT is the reference number for the 2023 outline planning application for three self-build dwellings on the site. In respect of the 2023 application, the CHA initially advised that additional information was needed to allow for a full assessment of the application, and following submission of that information, the CHA advised that 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. The 2023 application was not refused on highway safety grounds.

In the related appeal decision, the Inspector noted that the CHA was satisfied that the proposal would not lead to highway safety concerns, and the reasons for dismissal of the appeal did not relate to highway safety impacts.

## **LAND USE**

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

It is considered that the development of two dwellings on the site would relate adequately to the immediate and wider residential uses to the east and west of the site, and would not result in the creation of isolated properties in the countryside. As set out above in the section of the report relating to location, the use of the land for residential development of the nature proposed is contrary to Policies S2 and S3 of the adopted Local Plan which relate to the provision and distribution of housing and therefore also conflicts with Policy H2 of the Neighbourhood Plan. However, the planning balance below considers if the land use proposed is acceptable.

## **AMOUNT OF DEVELOPMENT**

The application proposes a residential development of two dwellings.

The proposed development on the site of 0.29ha would make efficient use of the land, would not result in a cramped form of overdevelopment and may have the potential to preserve the character of the area, as set out above in the section of the report relating to location.

However, it must also be acknowledged that Policies S2 and S3 of the adopted Local Plan (relating to the provision and distribution of housing) indicate that residential development of any amount on a greenfield site as proposed is unacceptable in principle in this location and so the proposal would also conflict with Policy H2 of the Neighbourhood Plan. However, the policy conflict arising from the provision of two dwellings as proposed is considered in the planning balance below.

## **Other Matters**

Concerns have been raised that the Self and Custom Housebuilding Act 2015 is being used to exploit

the planning system and subvert usual policies. The application proposes self-build dwellings and therefore in the absence of a specific self-build policy and the shortfall in self-build plots, the application must be determined under a different planning balance having regard to paragraphs 11d and 14 of the NPPF. This is considered further within the planning balance below. Notwithstanding this, conditions can be imposed on approval of Technical Details Consent to secure the dwellings as genuine self-build units.

## **Conclusion and Planning Balance**

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the made Swannington Neighbourhood Plan (2023).

It is outlined above that the most important policies in the determination of the matter of principle (being Policies S2 and S3 of the adopted Local Plan and H2 of the Swannington Neighbourhood Plan as they relate to the provision and distribution of housing) are effective, not out of date, and carry significant weight.

The adopted Local Plan is silent on the matter of self-build housing and in this circumstance, as set out earlier in this report, paragraph 11(dii) of the NPPF (as set out at the time of decision) would apply which states that 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

However, Paragraph 14 of the NPPF also states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing

It is considered that paragraph 14 applies to this application as the Neighbourhood Plan was adopted in March 2023 so is less than five years old and it contains policies and allocations to meet its identified housing requirement. This is consistent with the conclusions made by the Inspector in the appeal decision for three dwellings on the site within the Swannington Neighbourhood Plan area in July 2024 (23/01048/OUT).

Paragraph 14 of the NPPF (as set out at the time of decision) is therefore engaged which states that any conflict arising with the Neighbourhood Plan, where criteria (a) and (b)) are met, would "likely" constitute significant and demonstrable harm. Policy H2 of the Neighbourhood Plan restricts development in the countryside in line with national and local planning policies and as such does not support residential development outside of the settlement limits. Therefore, any harm arising from conflict with Policy H2, and by association Policies S2 and S3 of the Local Plan, needs to be weighed up to determine if this would be considered to be significant and demonstrable and whether or not this is outweighed by the benefits of two self-build units as proposed.

The proposed development would contribute towards the supply of self-build plots where there is an identified shortfall and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. There is a shortfall of 39 self-build plots in the District for the current base period, which is a greater number of plots than the shortfall (31 plots) at the time

the appeal decision for three self-build dwellings on the site was issued in July 2024. It should also be acknowledged that, in terms of technical matters, the scheme would be satisfactory, subject to the details submitted as part of the technical details stage. Nevertheless, the scheme would result in residential development on greenfield land located outside of the limits to development.

In this instance it is contended by the Local Authority that moderate harm would arise from the loss of greenfield land located within the countryside. Any harm may be minimised with appropriate design and landscaping at the technical details consent stage. With regard to the conclusions of the appeal Inspector which considered three dwellings on the site to result in harm to the sporadic character of development in the local area, it is considered that this has been addressed with a reduction in the number of dwellings proposed.

Significant harm would additionally arise from the granting of a permission that is in conflict with Policies S2 and S3 of the Local Plan and Policy H2 of the Swannington Neighbourhood Plan, which therefore conflicts with the spatial strategy of which the Neighbourhood Plan forms part.

Balanced against the harms, the provision of additional housing in an accessible location is afforded positive weight, and the need for self-build plots in the district is considered to be significant, and as noted above at a higher level than when the appeal decision for three dwellings was issued, with moderate weighting being given to the provision of two self-build plots and the provision of a multi-plot scheme. Limited positive weighting would also be attached to economic expenditure both during construction and through additional expenditure by future occupants within the local area which is of benefit to the local economy and assists in sustaining local services. Occupiers would also not be dependent on the private car. It is considered that these would have moderate weight in the balance.

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

Government policy sets out how neighbourhood plans can shape, direct and help to deliver development. The local community has made the Neighbourhood Plan in 2023 in order to develop a shared vision for their area, proactively allocating land for housing growth. In this case it is acknowledged that there would be conflict with the spatial strategy, including the Swannington Neighbourhood Plan. However, given the contribution to the significant unmet need for self-builds, along with the other benefits of the proposal, it is considered that the adverse impact of allowing this development would not significantly and demonstrably outweigh the benefits of the proposal and there are no other material considerations that indicate that permission in principle should be refused.

## **RECOMMENDATION - PERMIT**

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

**Report Item No  
A3**

**Land Rear Of 71 Main Street  
Osgathorpe  
Leicestershire**

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

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

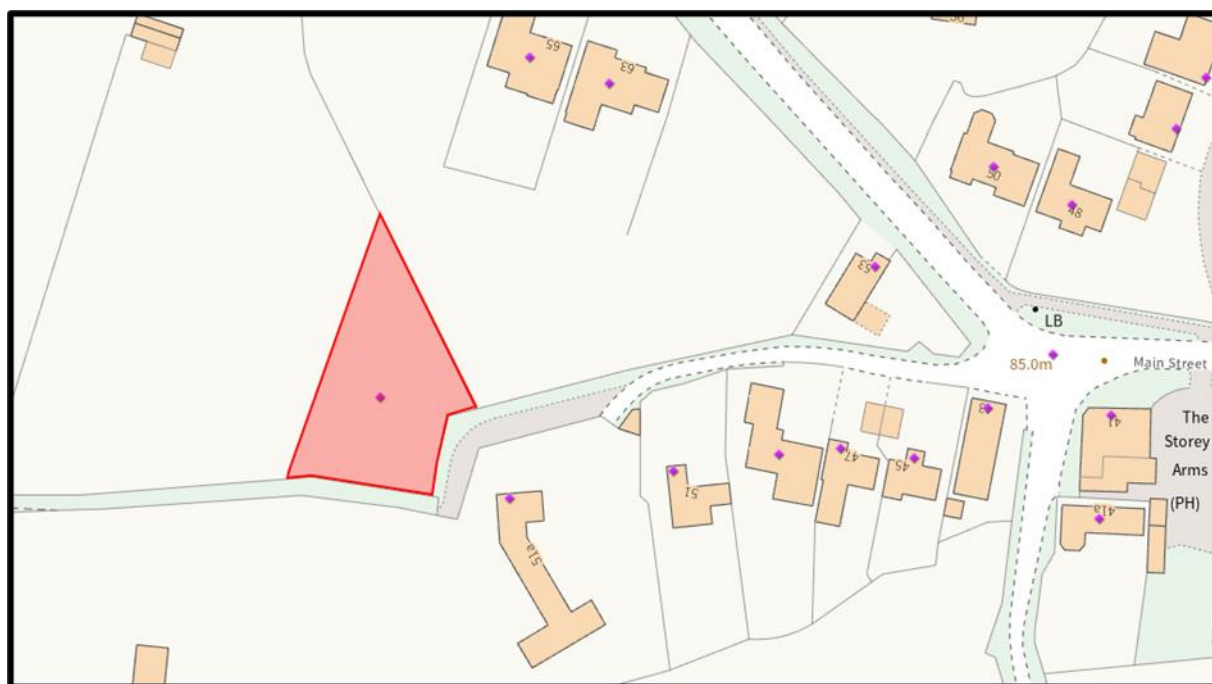
**Date Registered:  
01 July 2025  
Consultation Expiry:  
13 August 2025  
8 Week Date:  
5 August 2025  
Extension of Time:  
TBC**

**Applicants:  
Mr Tilbrook**

**Case Officer:  
Dee Wood**

**Recommendation:  
PERMIT**

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



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

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

**RECOMMENDATION – PERMIT**



## MAIN REPORT

### 1. Proposals and Background

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

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

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

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

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

#### *Planning History*

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

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

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

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

## Site Location Plan



### Aerial Image of Site Location



## Site Photos







## **2. Publicity**

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

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

A press notice was published in the Leicester Mercury on 23<sup>rd</sup> July 2025.

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

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

### **Objection from:**

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

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

**No Objections from:**

Leicestershire County Council – Ecology Team.  
 Leicestershire County Council - Highway Authority.  
 Leicestershire County Council – Lead Local Flood Authority  
 NWLDC Environmental Protection Team.

**No representation received from:**

Leicestershire County Council – Tree Officer.  
 Severn Trent Water.

**Third Party Representations**

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

| Grounds of Objections                                | Description of Impact   |
|--|---|
| <b>Principle of development and Sustainability</b>   | Failure to accord with Policies S2 and S3 of the North West Leicestershire Local Plan.  |
|  | Concerns over the use of self-build as a way to circumvent the planning system and if the applicant meets that definition   |
|  | Concerns over precedent if granted  |
|  | Lack of services and facilities in the village.   |
|  | Concerns over the use of self-build as a way to circumvent the planning system and if the applicant meets that definition   |
|  | The need and value of the proposal  |
| <b>Ecology, Biodiversity and Tree Impacts</b>        | Ecological impacts as the site has been 'rewilded' and now attracts badgers, foxes, deer, pheasants, newts, partridge, owls, birds, lizards, bats etc.  |
|  | Impact of the proposal on TPO trees and the hedgerows   |
| <b>Highway Safety and Access Impacts</b>             | Concerns over the increased use of the track due to surfacing and poor visibility and impacts on the public footpath users  |
| <b>Visual Impacts and Impacts on the Countryside</b> | Precedent of application and concerns over the design, location and pattern of development if permitted   |
|  | The proposal is comparable to the Coleorton / Loughborough Road 'self build' refusal (application ref 24/00048/OUT) where harm to character and appearance outweighed the self-build benefit. |
| <b>Flooding and Drainage Impacts</b>                 | Surface water runoff impacts and increased flooding risk  |
|  | The proposed site sits directly on hard clay and so soakaways cannot be implemented.  |
| <b>Amenity Impacts</b>                               | Overlooking concerns  |
|  | Private matters in relation to access rights to the track and private drains  |

## **4. Relevant Planning Policy**

### **National Policies**

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

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

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

### **Local Policies**

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

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

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
Policy S3 - Countryside;  
Policy D1 - Design of New Development;  
Policy D2 - Amenity;  
Policy IF4 - Transport Infrastructure and New Development;  
Policy IF7 - Parking Provision and New Development;  
Policy En1 - Nature Conservation;  
Policy En6 - Land and Air Quality;  
Policy Cc2 - Water - Flood Risk;  
Policy Cc3 - Water - Sustainable Drainage Systems.

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

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

Policy M11: Safeguarding of Mineral Resources

### **Other Policies and Guidance**

National Planning Practice Guidance  
Good Design for North West Leicestershire Supplementary Planning Document (April 2017).  
National Design Guide  
Leicestershire Highways Design Guide (Leicestershire County Council)  
The Conservation of Habitats and Species Regulations 2017  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

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

## **5. Assessment**

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

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

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

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

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

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

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

These are assessed in turn below.

### **LOCATION**

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

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

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are 'up to date' having regard for their consistency with the National Planning Policy Framework (NPPF) (2024). The most important policies in the determination of the matter of 'principle' are Policies S2 and S3 as they relate to the provision and distribution of housing. The Council can demonstrate a five-year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that adopted Local Plan Policies S2 and S3 are effective, not out of date, and carry significant weight.

The application site is located within land falling outside the defined Limits to Development, designated as countryside, within the adopted Local Plan. On sites falling outside the defined Limits to Development, residential development is not a form of development that is permissible by Policy S3 of the North West Leicestershire Local Plan (2021), save for limited exceptions as specified in the policy.

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

The NPPF defines 'Previously Developed Land' (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. However, this excludes land in built-up areas such as residential gardens. In this instance, the application site is a greenfield site previously forming part of the residential garden associated with No.71 and it would not fall under the NPPF's definition of PDL.

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

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

Whilst in this case the proposal is not supported by criteria (a) to (s) of Policy S3, the policy goes on to state that development in accordance with criteria (a) to (s) would be supported, subject to satisfying criteria i-vi as set out below. An assessment of the application against the second set of criteria set out in Policy S3 has been carried out below for completeness.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

### **Assessment**

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

In terms of services and facilities within the village itself, there is only the St Mary the Virgin Church and a public house, the 'The Storey Arms' Free House, which is understood to have recently resumed

trading in early May 2025. Osgathorpe therefore contains very little in the way of everyday services. There is no local shop selling groceries, nor is there any education facilities or employment opportunities. Future residents of the dwelling would therefore be reliant on travelling to other places for shopping and other services.

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

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

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

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

### **Other Matters**

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

Policy S2 is consistent with the core principle of the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

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

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

However, given the Inspector's conclusions in respect of the allowed appeal decision for the dwelling on the nearby site to the north, and the Local Planning Authority's position taken on another recent

planning application for a dwelling on another nearby site on Main Street (Land At 72-82 Main Street), in addition to the lack of material changes to the bus services referred to and the services and facilities provided in the village, it is considered that in this case a reason for refusal on the basis of access to services/facilities could not be justified.

#### *Conclusion - Principle of Development*

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

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

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

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

It should be noted that the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act provides that self-build and Custom Housebuilding are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. It does not require the *applicant* of this application to meet the definition, instead it relates to the future initial *occupant* of the dwelling.

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

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

Self and custom build is defined as the building or completion by individuals, an association of individuals or persons working with or for individuals, of houses to be occupied as homes by those individuals. The application seeks Permission in Principle for the erection of one self-build dwelling. When considering to grant TDC, evidence can be submitted which demonstrates that the applicant has had primary input into the design and procurement of the dwelling. The occupation by the self-builder could also be secured by condition at the technical details stage. Accordingly, the proposal would meet this 'definition' and would contribute towards the delivery of self-build and custom housebuilding in the district.

The District Council has a duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), to give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the area of North West Leicestershire arising in each base period. This District Council's Self-Build Register was established in April 2016. As of 9 January 2026 there are 224 individuals on the register. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots.

| <b>A</b>                             | <b>B</b>                     | <b>C</b>  | <b>D</b>                                       | <b>E</b>   | <b>F</b>                                    |
|--------------------------------------|------------------------------|---|--|--|---|
| Base Period                          | Registrations in base period | Plots required to meet demand by end of base period | Permissions granted in base period (dwellings) | Cumulative permissions at end of base period (dwellings) | Oversupply (+) or shortfall (-) (E minus C) |
| 1 April 2016 to 30 October 2016      | 6                            | 0   | 1  | 1  | +1  |
| 31 October 2016 to 30th October 2017 | 10                           | 0   | 1  | 2  | +2  |
| 31 October 2017 to 30 October 2018   | 8                            | 0   | 2  | 4  | +4  |
| 31 October 2018 to 30 October 2019   | 14                           | 6   | 30   | 34   | +28   |
| 31 October 2019 to 30 October 2020   | 20                           | 16  | 0  | 34   | +18   |
| 31 October 2020 to 30 October 2021   | 14                           | 24  | 0  | 34   | +10   |
| 31 October 2021 to 30 October 2022   | 20                           | 38  | 0  | 34   | -4  |
| 31 October 2022 to 30 October 2023   | 34                           | 58  | 3  | 37   | -21   |
| 31 October 2023 to 30 October 2024   | 37                           | 72  | 17   | 54   | -18   |
| 31 October 2024 to 30 October 2025   | 33                           | 92  | 32   | 86   | -6  |
| 31 October 2025 to 30 October 2026   | TBC                          | 146*  | 21**   | 107**  | -39**                                       |

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

\*\* As of 9 January 2026

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

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

#### *31 October 2023 to 30 October 2024*

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

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

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

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

At that same date, cumulative planning permissions had been granted for a total of 86 plots (54 permissions from the previous base period and 32 from this base period) (column E), meaning there was an unmet demand, or shortfall, of 6 plots at the end of the last base period. (A further 3 plots had resolutions to permit but as the permissions have not yet been issued, they were not added to the supply).

To meet its duties under the Act, the Council needed to have granted planning permission for 6 self-build and custom housebuilding plots by 30 October 2025. This unmet demand is to be carried over into the latest base period.

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

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

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

Therefore, it is acknowledged that this proposal for 1 dwelling (subject to a condition securing it as a self-build dwelling at the TDC stage) would make a contribution to addressing this shortfall and this is a material consideration in the determination of the application to be given moderate weight. This ensures a consistent approach with recent appeal decisions received by the Local Authority.

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

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key*

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

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

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

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

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

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

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

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

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

### **Assessment**

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

The character of the area is defined by its rural location on the edge of the village. The immediate area to the north and south east of the site features a mix of dwelling styles and sizes with no uniform pattern or density of development. The site is an undeveloped parcel of land predominantly comprising grassland with hedgerows to the south and mature trees to the north. In the wider context there are pockets of woodland, agricultural land, ponds and streams and neighbouring properties are mainly

positioned to the north and east of the site. The undeveloped nature of the site, together with its tree specimens and hedgerows, contributes positively to the rural character of this part of Osgathorpe, particularly when approaching the central core of the village on foot along the Public Footpath to the south of the site. It is however considered to be closely associated with other residential development, particularly those dwellings positioned to the south east and east along the lane.

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

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

The proposal to develop the site would erode the undeveloped character of the site which contributes towards the openness of this edge of the village. As such, the scheme would result in a level of visual and landscape harm to the rural character of the area. However, it is considered on balance that this harm would be limited owing to the fact that a single dwelling is proposed and the site has a good level of screening from existing vegetation. Subject to appropriate landscaping being secured, and subject to a dwelling of a suitable scale and design being secured at the TDC stage, it is not considered that the proposal would result in significant visual or landscape harm in conflict with Policy D1 or S3 to warrant a refusal of this application on this basis.

### **Neighbour Amenity**

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

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

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

An objection to the application has been received on grounds that the proposal would result in overlooking to an existing bungalow to the south of the site given the land levels at the application site. It is considered possible to design a scheme for one dwelling whilst ensuring that no unacceptable overlooking, overshadowing and overbearing impacts would arise between the development itself and upon existing properties and garden areas. Therefore, the impact on adjacent



occupiers would be a consideration at the TDC stage(s) when the scale, layout, landscaping and appearance, as well as the finished floor levels of the dwelling, are submitted.

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

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

### **Flood Risk**

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

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

The site lies within Flood Zone 1 (which has the lowest risk of fluvial flooding). It is therefore not considered likely that the proposed development would exacerbate any fluvial flood risk. The site is also not identified by the Environment Agency Flood Map for Planning to be at a high, medium or low risk of surface water flooding. The development would not be at unacceptable risk of flooding or increase the risk of flooding elsewhere. There are therefore no in-principle reasons associated with fluvial or pluvial flood risks to resist this application.

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

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

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

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

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

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

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

#### *Ecology*

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

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

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

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

#### *Biodiversity Net Gain*

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for minor development as required by the Environmental Bill was enacted on the 2nd April 2024. However, certain self build proposals are exempt from mandatory net gain. Whilst Biodiversity Net Gain would be a matter to address under any future TDC application, a proposal for the erection of one self-build dwelling on a site under 5 ha in size would benefit from the self build exemption and the proposal is not required to demonstrate mandatory BNG in this case. Notwithstanding this, it is considered possible for a measurable biodiversity net gain to be achieved on the site which would weigh in favour of any future technical details consent application.

### *Impact upon Trees*

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

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

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

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

### **Highway Safety Impacts**

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

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

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

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

### **Assessment**

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

The submitted Location Plan does not provide a red line boundary which extends to abut the adopted highway. The CHA and the Local Planning Authority have therefore assumed that any future vehicular and pedestrian access to the site proposed under a TDC application would be via the existing private drive to the south east of the application site which accommodates Public Footpath N6/2 as the land to the north of the site that would provide direct access onto Main Street, is not included within the

red line boundary. Although the Planning Practice Guidance indicates that an application site should be edged in red to include all land necessary to carry out the proposal, e.g. land required for access to the site from the public highway, there is no statutory requirement for the application site to have a common boundary with the public highway. The exclusion of the lane from the red line boundary does not affect the Council's ability to consider the adequacy of the access onto the lane, the lane itself and the lane's junction with the public highway. No works are proposed to the lane as part of the application.

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

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

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

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

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

## **LAND USE**

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

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

## AMOUNT OF DEVELOPMENT

The application proposes a residential development of one dwelling.

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

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

### Other Matters

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

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

### Conclusion and Planning Balance

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

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

The adopted Local Plan is silent on the matter of self-build housing and in these circumstances, as set out earlier in this report, paragraph 11(dii) of the NPPF would apply which states that *'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

The proposed development would contribute towards the supply of self-build plots when there is an identified shortfall, and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. There is a shortfall of 39 self-build plots in the District for the current base period. It should also be acknowledged that, in terms of technical matters, there is nothing to suggest that a scheme on this site could not be designed to be satisfactory, subject to the details submitted as part of the technical details stage. Nevertheless, the scheme would result in residential development on greenfield land located outside of the Limits to Development

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

additionally arise from the granting of a permission that is in conflict with Policies S2 and S3 of the Local Plan (2021).

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

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

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

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

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

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

## **RECOMMENDATION - PERMIT**

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