

Erection of detached dwelling (outline access and layout included).

Report Item No
A3

Land Opposite Lower Farm House Netherseal Road Chilcote Derby

Application Reference
18/00095/OUT

Applicant:
Mr & Mrs Hancocks

Date Registered:
23 January 2018

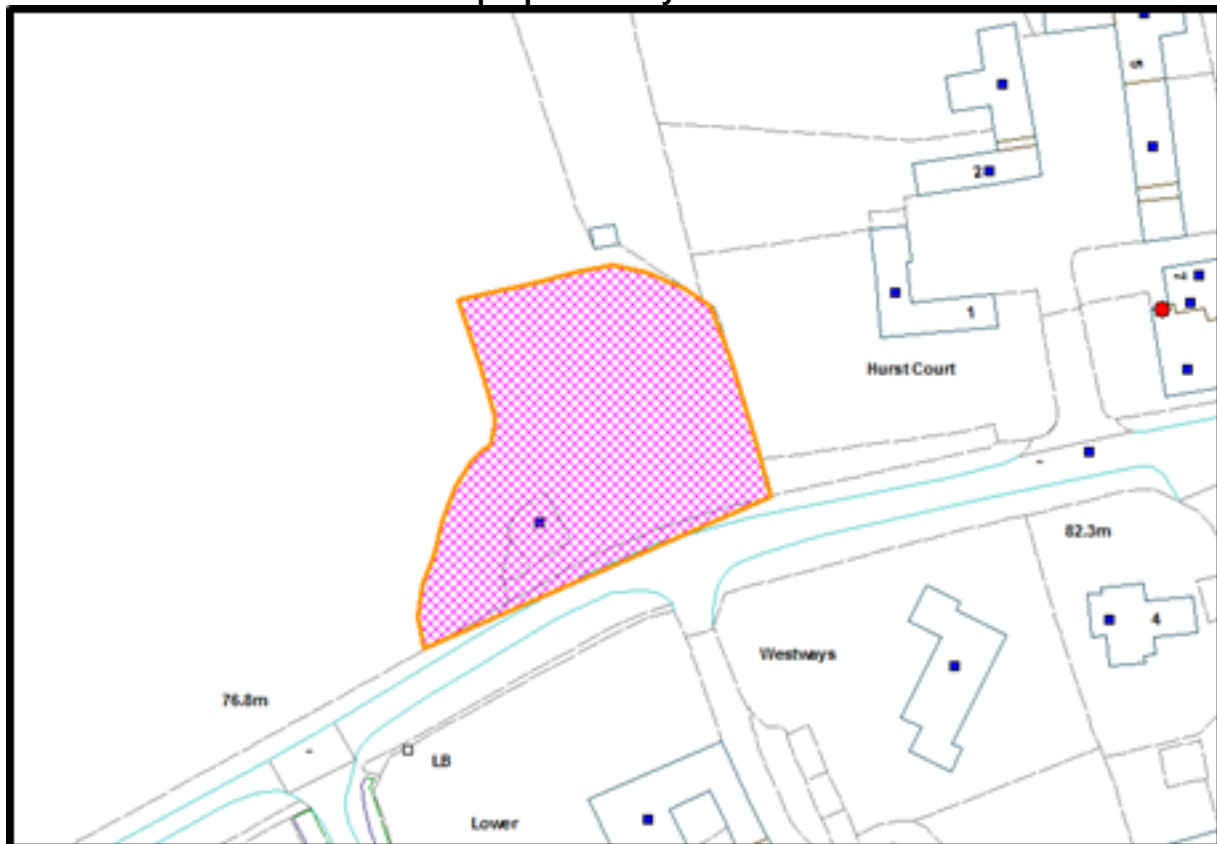
Case Officer:
Jenny Davies

Consultation Expiry:
3 May 2018

Recommendation:
REFUSE

8 Week Date:
20 March 2018
Extension of Time:
10 May 2018

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the planning agent is married to a former councillor who has served in the last five years.

Proposal

Outline planning permission is sought for the erection of a detached dwelling (with scale, appearance and landscaping reserved for future determination) on land opposite Lower Farm House, Netherseal Road, Chilcote. The site is currently part of a grassed field. Some ground works would be undertaken on parts of the front and central areas of the site to lower the land levels to a similar height to the road. The dwelling would be served by an existing altered field access off Netherseal Road.

Consultations

Members will see from the main report below that a total of 32 letters of representation have been received, four of which are supportive of the proposals and 28 (with six being duplicates) of which raise objections. Chilcote Parish Meeting does not wish to comment on the proposal. The County Archaeologist recommends that the application be refused due to insufficient information to assess impact on archaeological remains. All other statutory consultees have raised no objections.

Planning Policy

The application site is located outside the Limits to Development as defined in the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- The principle of the erection of a dwelling on the site
- Impact on the character and visual amenities of the area
- Impact on the setting of listed buildings and archaeological remains
- Impact on residential amenities
- Impact on highway safety
- Impact on the River Mease SAC

The report looks into the key planning issues in detail. The applicants' need for the dwelling so that they can reside close to Mrs Hancocks' parents and provide their care, is not, on balance, considered to outweigh the site's location outside the Limits to Development in the adopted Local Plan in a location where occupiers of the dwelling would be reliant upon the private car to access basic day to day services/facilities, the harm to the character and visual amenities of the countryside, the harm to the setting of listed buildings and the lack of information to assess impact on archaeological remains. The application is not considered to result in significant impacts on the other key planning issues set out above.

RECOMMENDATION - THAT PLANNING PERMISSION BE REFUSED

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for the erection of a detached dwelling (with scale, appearance and landscaping reserved for future determination) on land opposite Lower Farm House, Netherseal Road, Chilcote. The site lies on the northern side of Netherseal Road and is currently part of a grassed field, with dwellings adjoining the site to the east and across the road, with the remainder of the field to the west, north west and north.

The dwelling would be L-shaped, and the indicative plans show a three bedroom dwelling. Due to the land levels increasing in height from the road in a northerly and easterly direction by up to five metres, ground works would be undertaken on parts of the front and central areas of the site to lower the land levels to a similar height to the road. The indicative plans show that most of the dwelling would be two storeys in height, with part of its rear element being single storey but set at first floor level.

The dwelling would be served by an existing altered field access off Netherseal Road, and parking and turning space would be within the site, which would be located in the cut away area. The layout plan also originally showed the site access to serve the remainder of the field. However amended plans have been received, which have removed this access to the field, as well as showing visibility splays and amendments to the access and driveway. The field would be served by an existing access located further to the west off Church Lane.

The existing hedgerow to the site frontage is shown to be retained, save for some cutting back on either side of the amended access to provide visibility splays. The hedgerow/planting on the eastern boundary with No. 1 Hurst Court is also shown to be retained. An area of small trees/vegetation at the site's south eastern corner appears to be retained. The precise dimensions of the proposal are available to view on the planning file.

The site is located outside the defined Limits to Development, as identified on the Policy Map to the adopted North West Leicestershire Local Plan (2017). The site also lies within the catchment area of the River Mease Area of Conservation. Hurst Farmhouse and Hurst Lodge lie around 63 metres to the east, Rock Farmhouse lies around 83 metres to the south east and St Matthew's Church lies around 63 metres to the south west, all of which are Grade 2 listed buildings. Public right of way P93 crosses the field within which the site is located, to the west and north of the site, running from Church Lane in a north easterly direction to join Netherseal Road at the northern end of the village. There are no planning history records for the site.

A design and access statement (DAS) accompanied the application submission, which states that the dwelling is proposed to meet a local need and:

- the intended occupants are Mr and Mrs Hancocks who presently reside in Measham and who were forced to set up home outside Chilcote due to high house prices;
- an assessment of all properties for sale in Chilcote over the last four years (to January 2018) shows that the cheapest property marketed for sale was £449,950 for a two-bed dwelling, with the cheapest four-bed property marketed for £580,000;
- it is considered based on these comparables that the subject dwelling would have an unrestricted value of £450,000 which is considered unachievable for a young couple with a connection to the village;
- a detailed financial assessment of the applicants' personal financial circumstances has been undertaken;
- whilst the applicants' household income is marginally higher than the threshold to be

- accepted onto the Council's housing list, this threshold is based on the District as a whole;
- Mrs Hancock's parents reside in Chilcote and are both retired, with her father having significant health problems following treatment;
 - the intention is that Mrs Hancocks would care for her parents;
 - the applicants would be able to support the current services in the village, and there would be a reduction in vehicle movements due to the applicants caring for elderly relatives in the village;
 - an up to date housing needs survey for Chilcote concluded 'there was a need of up to two small affordable or open market homes for local people enabling them to be suitably housed within the community';
 - the dwelling would meet a local need, providing a form of intermediate affordable housing, with occupation secured by a legal agreement and a restriction on market value at 50%, although this figure is not fixed at this stage. The intention is that this percentage is set at a level which results in the scheme being not for profit;
 - the applicants and agent attended a parish meeting on 5 December 2017 which was well attended with approximately 40 residents present, with residents in support and against the proposal.

2. Publicity

5 neighbours notified.

Site Notice displayed 9 February 2018.

Press Notice published Burton Mail 14 February 2018.

3. Summary of Consultations and Representations Received

Statutory Consultees

Chilcote Parish Meeting do not wish to comment on the application.

NWLDC Environmental Protection has no environmental observations.

NWLDC Housing advises that the proposal would not qualify as a rural exception site for affordable housing.

Leicestershire County Council - Ecology has no objections.

Leicestershire County Council - Archaeology advises that as buried archaeological remains, indicative of the establishment, settlement and probable clearance of the settlement to make way for a post-medieval park, may well survive in the development area and will be affected by the proposals, an archaeological desk-based assessment and a field evaluation need to be undertaken and submitted to the Council before the application is determined. The lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.

Leicestershire County Council - Lead Local Flood Authority has no comments.

No comments have been received from Severn Trent Water by the date of this report. Any comments received will be reported on the Update Sheet.

Third Party Representations

A total of 32 letters of representation have been received.

28 letters have been received (including six duplicates) raising objection on the following grounds:

Principle

- the proposal is outside Limits to Development and is contrary to Policy S3;
- greenfield site normally used for livestock;
- development of agricultural land should not be allowed;
- first time a non-agricultural building is proposed on agricultural land within the village;
- no place for a 'non-agricultural' dwelling to be built on agricultural land';
- setting of precedent for further development on agricultural land in the village which would be more difficult to resist;
- proposed covenant to prevent development went some way to easing concerns regarding similar future proposals but understands that the applicants cannot make this covenant and that the site owner is unwilling to give such a guarantee against possible future development;
- site owner owns other land in the village that would have a lesser impact on the village;
- applications for redevelopment of existing buildings and infill plots can be supported;
- development at Hurst Court was only allowed if no changes to building footprints and surrounding area;
- no bus services and limited facilities in the village (church, village hall and play area) and occupiers of the dwelling would be totally reliant on the car;
- Chilcote is classified as a hamlet, within the lowest level of the settlement hierarchy under Policy S2;

Need for Dwelling

- a house of this size is likely to attract a value of £450,000-£600,000, which even with a 50% discount on its open market value, would not be an affordable dwelling;
- the site would have a market value of £250,000;
- average incomes in the area are £22,000;
- an open market discount of 70-75% would be required to make the dwelling affordable;
- cost and final value don't appear to meet understood criteria of affordable housing;
- dwelling does not satisfy 2015 housing need survey which identified a need for one-two bedroom properties for people wanting to stay in the village after downsizing;
- housing need survey therefore cannot be relied upon as evidence to support the application;
- proposal does not put forward a dwelling that is affordable due to its size or suitable for young people trying to get onto the property ladder or someone seeking a smaller property;
- dwelling proposed for daughter of the site owner and therefore not proposed for benefit of people within the village;
- applicants live four miles away in Measham and are able to support parents from there;
- as site was gifted to the applicants, even if sold with a 50% discount, applicants could potentially cover build costs and still have substantial profit;
- dwelling would not be carried out by a housing association and so would not remain reserved for local people, at initial sale/rent and in the future;
- proposal would not meet the national definition of affordable housing;
- none of the criteria are met under Policy H5 of the adopted Local Plan for the proposal to be a rural exception for affordable housing;

- site owner sold another house in the village, which would have been more 'affordable' and met the family's current need;
- currently a house up for sale in the village which has been empty for some time;
- affordable properties available to buy in Netherseal and Measham;

Character and Visual Amenities

- harmful to rural character and landscape setting;
- harm to open undeveloped character of the field and its relationship with the village;
- encroachments into the countryside;
- inconsistent with settlement pattern;
- creates ribbon development and would not integrate with existing buildings or be well-related to the settlement;
- scale of the site and its potential impact are understated;
- does not follow building line along Netherseal Road;
- the indicative design are incongruous in style and material to surrounding properties;

Setting of Listed Buildings

- detrimental impact on the setting of Hurst Farmhouse which is a Grade 2 listed building, and Hurst Court which was the historic farmstead, including in views from the nearby public footpath;
- Hurst Farmhouse's connection with the surrounding countryside would be significantly impaired;
- Hurst Farmhouse's connection with the countryside has not been weakened by extension to No. 1 Hurst Court;
- application attempts to downplay the value Hurst Court makes to retaining the setting of Hurst Farmhouse and Hurst Lodge, which retain the integrity of the farm cluster at Hurst Farm;
- importance of the open setting of Hurst Farmhouse in the landscape are central to its listing and historic value;
- significant impact on views from the listed Hurst Farmhouse of the open countryside;
- impact on setting of St Matthew's Church;
- as the proposal would not be a rural exception for affordable housing, this cannot be justified as a public benefit when considering the harm to the setting of the listed buildings;
- limited public benefits to the proposal which would not outweigh the great weight given to the heritage asset's conservation;
- proposal for solar panels at No. 1 Hurst Court was not taken forward due to planning officer's advice regarding impact on setting of listed buildings and visibility from public footpath;

Highway Safety

- hazard to other road users due to proximity to blind bend on a narrow lane which is frequently used by heavy farm vehicles and cyclists;
- access not used for some time as field is accessed by another access off Church Lane;

Residential Amenities

- impact on outlook from nearby dwellings, especially No. 1 Hurst Court;
- impact on privacy;
- residents of No. 1 have spent considerable amount of time developing and nurturing their garden into a quite beautiful space, which this year will be opened up for charity;
- smoke from flue would discharge direct into No. 1's garden;

Other Matters

- impact on hedgehogs which are in serious decline in rural areas due to loss of scrubland on site;
- impact on views;
- impact on property values;
- overall effect of the proposal will have a greater negative impact on the immediate surroundings than any positive benefits;
- information submitted in support of the proposal is biased, flawed and factually incorrect, and not a true reflection of the current situation;
- selective consultation and ignored those who would be most affected, with wider consultation only taking place after a request by very concerned residents;

Four letters have been received in support on the following grounds:

- application is for our daughter and her husband who we would like to provide us with on-site care and assistance due to ill-health and old age, but they are unable to move back to Chilcote due to very high house prices;
- applicants have a strong connection with the village;
- proposal would provide a form of affordable intermediate housing and would exist in perpetuity, with a restriction on market value of 50%;
- not for profit scheme, with the applicants intending to live in the village and join in with village activities, and contributing to the viability and sustainability of existing services;
- village needs younger residents but they are priced out of the housing market;
- main concerns from the meeting appeared to be the setting of a precedent within the village and impact on neighbouring properties;
- applicants would like the field that the site sits in and the adjacent field to be passed to them and to retain them as grassland, and would be open to adding a covenant to prevent building on these fields;
- land is of no agricultural use due to topography;
- dwelling designed to be sympathetic to neighbouring properties and to maintain their views;
- dwelling would assimilate into surroundings and utilise an existing access;
- the applicants have engaged with residents and attended a village meeting.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

4. Relevant Planning Policy

National Planning Policy Framework (NPPF)

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

Paragraph 10 (Achieving sustainable development)

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraphs 32 and 35 (Promoting sustainable transport)

Paragraphs 47, 49, 50, 54 and 55 (Delivering a wide choice of high quality homes)

Paragraphs 57, 58, 60, 61 and 64 (Requiring good design)

Paragraph 69 (Promoting healthy communities)

Paragraphs 96, 99 and 100 (Meeting the challenge of climate change, flooding and coastal change)

Paragraph 109, 112, 118 and 119 (Conserving and enhancing the natural environment)

Paragraphs 129, 131, 132, 133, 134, 135, 139 and 141 (Conserving and enhancing the historic environment)

Paragraphs 203, 204 and 206 (Planning conditions and obligations)

Draft National Planning Policy Framework (2018)

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version.

Adopted North West Leicestershire Local Plan (2017):

The North West Leicestershire Local Plan forms 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 H5 - Rural Exceptions Sites for Affordable Housing

Policy IF4 - Transport Infrastructure and New Development

Policy IF7 - Parking Provision and New Development

Policy En1 - Nature Conservation

Policy En2 - River Mease Special Area of Conservation

Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Policy Cc2 - Water - Flood Risk

Policy Cc3 - Water - Sustainable Drainage Systems

Other Guidance

Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Self-Build and Custom Housebuilding Act 2015 (as amended)

Housing and Planning Act 2016

The Community Infrastructure Levy Regulations 2010

The Conservation of Habitats and Species Regulations 2017

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

National Planning Practice Guidance - March 2014

River Mease Water Quality Management Plan - August 2011

The River Mease Developer Contributions Scheme (DCS) - September 2016

Leicestershire Highways Design Guide (Leicestershire County Council)

Good Design for North West Leicestershire SPD - April 2017

5. Assessment

Principle of the Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2017).

The application site lies outside the defined Limits to Development with residential dwellings not

being a form of development permitted by Policy S3 of the adopted Local Plan save for limited exceptions as specified in the policy. Under Policy S2 Chilcote is considered to be a hamlet, which is defined as a small group of dwellings with no services and facilities, where development will be considered in the context of the countryside policy (i.e. Policy S3). Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside.

Assessment Against Policy H5 (Rural Exception Site for Affordable Housing)

It is noted that the dwelling is proposed to be provided to meet a 'local need', with the need in this circumstance being outlined in the Proposals and Background section of this report. Policy H5 deals with rural exceptions sites for affordable housing which are located outside the Limits to Development. Affordable housing is defined at Annex 2 of the NPPF as "*social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision*". Policy S3 also supports affordable housing in accordance with Policy H5, subject to other detailed matters which are considered later in this report.

Consideration must therefore be given as to whether the proposal would constitute affordable housing, having regard to the above definition and the provisions of Policy H5, in particular sections 1 (a) and 2 (a) and (b) of the policy. Whilst section 3 of Policy H5 relates to the provision of market housing on exception sites, this part refers specifically to schemes for affordable housing that need to include an element of market housing to ensure delivery. The other matters set out under Policy H5 are considered in more detail later in this report.

Policy H5 - section 1 (a) - the housing is demonstrated to meet an identified local need for affordable housing

Whilst it is recognised that the dwelling is proposed to meet the applicants' need to reside close to Mrs Hancocks' parents and provide their care, Policy H5 specifically relates to a local need for affordable housing.

Whilst the conclusion of a Rural Housing Need Survey for Chilcote (2015) does refer to a need for two small open market or affordable homes, this reference to affordable homes is erroneous, as the survey itself identified a need for:

- 1 x 2 bed house or bungalow for open market purchase;
- 1 x 1 bed house or bungalow for open market purchase.

Therefore this survey did not identify an affordable housing need within Chilcote. The use of the survey is the accepted methodology within the Local Plan to identify housing needs to justify affordable housing in rural settlements under Policy H5.

The Housing Needs Survey identified a requirement for open market housing in Chilcote but such housing cannot be considered under Policy H5, and the principle of the proposal should therefore be assessed against the criteria set out under Policies S2 and S3. As such it is considered that the proposal would not comply with this part of Policy H5.

Policy H5: - section 2 (a) - all initial and subsequent occupiers of the affordable dwelling will be local people in housing need

The Council's Strategic Housing team advises that all initial and subsequent residents of the dwelling would need to meet the Council's local connection criteria, which is considered to be

met initially given that Mrs Hancocks' parents have lived in the village for over three years.

As noted above, whilst it is recognised that the dwelling is proposed to meet the applicants' personal need, the Council needs to be satisfied that initial and subsequent occupiers are unable to meet their own housing needs on the open market.

The Council's Strategic Housing team advises that the Council administers a district wide Housing Register, and district wide average income levels have been used to determine affordability eligibility for the Housing Register. Those people either on the register or eligible for the register are considered to be in housing need. The current Housing Register thresholds are:

- a) Household income of less than £57,085
- b) Savings of less than £20,100
- c) Equity in property of less than £33,000

It is therefore reasonable to use these figures to determine eligibility for this proposal, as if any are exceeded the household would not be eligible for the Housing Register. The financial information submitted by the applicants shows their income and equity is in excess of the limits above, and demonstrates that they are able to fund the building of the proposed dwelling themselves. No information relating to household savings has been submitted. The applicants would therefore not qualify for inclusion on the Housing Register and therefore cannot be regarded as an eligible household, as it is considered they can meet their own housing needs in the housing market.

The Council's Strategic Housing team also considers that individual self-build or bespoke market housing (as is proposed here) are not appropriate under Policy H5 as these homes, by their very nature, will be provided for specific households who have a) the means to meet their own housing needs and therefore are not in need of an affordable home; b) are not affordable under the NPPF definition outlined above and c) will not be occupied initially by eligible households.

As the applicants would also initially occupy the dwelling themselves, and given they are not considered to be in housing need as outlined above, the proposal would not comply with this part of Policy H5.

Policy H5: - section 2 (b) - all initial and subsequent occupiers of the affordable dwelling will benefit from the status of the dwelling as affordable housing in perpetuity.

The agent proposes that the local need element of the property would be secured by way of a legal agreement that would restrict occupation and the market value of the property at 50%, which the agent considers makes the proposal a form of intermediate affordable housing.

However irrespective of future sales of the property (i.e. at a reduced market rate), as the dwelling would not initially be sold at a discount of 50% but would be occupied as a self-build market home, it is considered that the proposal could not be regarded as affordable initially. Only at some unknown point in the future, when the applicants or their successors sell the property, would the property be available as intermediate affordable housing. Securing the property as an acceptable form of affordable tenure for subsequent occupiers is not sufficient to meet the definition of affordable housing in the NPPF.

The Council's Strategic Housing Team also has significant concerns that the proposed dwelling would demand too high a value even with a 50% discount on its market value to secure it in perpetuity as an affordable dwelling. The submitted information advises that the cheapest two-

bed dwelling in Chilcote over the last four years was marketed at £449,950, and the cheapest four-bed dwelling was marketed at £580,000. The agent advises he has conservatively estimated the value of the proposed dwelling to be £450,000, giving a 50% discounted market value of £225,000.

It is considered that a property of this value would not be affordable, as to buy a property of this value is likely to require an income of £64,286 based on a mortgage of 3½ times household income. Anyone with a household income above £57,085 would not qualify for inclusion on the Council's Housing Register as they would exceed the Council's Housing Register thresholds (outlined earlier in this section of the report) and would not therefore be an eligible household for affordable housing, as it is considered they can meet their own housing needs in the housing market. The Council's Strategic Housing Team also advises that completion of the Council's Discounted Open Market Eligibility Form (which sets out that occupiers would need to meet the Housing Register thresholds set out above) would be required as part of any legal agreement and returned to the Council to confirm eligibility. The Strategic Housing Team are therefore also concerned that anyone who was eligible to occupy the dwelling on the basis of being eligible for inclusion on the Housing Register would not be able to purchase the discounted dwelling.

Due to the unavailability of income data for specific settlements and the distortions caused by using such small numbers, the average household income levels for the District are based on district wide figures of £36,448 (mid 2015 figures provided for the draft Leicestershire HEDNA report). Given the above, it appears that this average income would be insufficient to purchase the proposed dwelling on completion or in future years.

Given that the dwelling would not be initially occupied as an intermediate affordable dwelling, and that even with a 50% discount on market value the dwelling would also be unlikely to be affordable for eligible households, it is considered that the proposal does not comply with this part of Policy H5.

It should be noted that if the application is approved at Planning Committee, that there would be a need for a Section 106 Agreement to restrict the occupation of the dwelling to those with a local connection (based on the Council's local connection criteria) and as an intermediate dwelling with a discount on its market value, either initially and in the future, or just in the future. The application has been considered on the basis of a 50% discount on market value as set out in the submitted DAS. However the DAS advises the 50% discount figure is not fixed at this stage, and that the intention is that this percentage is set at a level which results in the scheme being not for profit. It is not clear therefore how such an agreement would be worded to achieve this aim. However it is recommended that a legal agreement would need to fix the discounted market level at no lower than 50% in order to ensure the greatest chance of the property remaining affordable in the future.

Conclusion in Respect of Policy H5

The dwelling is proposed to meet the applicants' personal local housing need. However it is considered that it would not meet an identified local need for affordable housing, would not be initially occupied by people with a housing need, would not initially be occupied as an affordable dwelling and would not be a dwelling which is affordable for eligible persons in the future. Therefore it is considered that the proposal would not qualify as a rural exceptions site for affordable housing and would therefore be contrary to Policy H5.

Other Matters relating to the Principle of the Proposal

Consideration is also be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) as set out in the NPPF.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the adopted Local Plan.

In terms of social sustainability, Chilcote has a very limited range of services/facilities, namely a church, village hall and play area, and there is no bus service. The closest settlements with a shop, school and other facilities/services and small-scale employment sites (Netherseal, Clifton Campville and Appleby Magna) are in excess of the 800 metre-1km distance that is considered would deter trips by walking. The road to Netherseal has no streetlighting or footway. Whilst these settlements are within the average cycling trip distance, the routes include mostly 50-60mph roads, which are narrow in places, with no streetlighting. Therefore residents of the dwelling would be reliant upon the private car to access basic day to day services/facilities, which weighs heavily against the site being socially and environmentally sustainable.

Whilst it is considered that occupiers of the dwelling could support the facilities within the village, the likely contribution of the development to the vitality of the local community as a whole would be very limited given that only one dwelling is proposed, and that Chilcote has limited facilities. Furthermore the proposal would provide very limited construction jobs.

It is also noted that Policies S2 and S3 do provide some opportunities for appropriate residential development in rural areas and that this is informed by a settlement hierarchy which has been developed having regard to the role, functions and sustainability of different settlements. Given the site's location in the least sequentially preferable of the settlements set out under Policy S2 the proposal would conflict with the settlement hierarchy and strategic housing aims of adopted Policy S2.

Whilst there is no reference in the adopted Local Plan to self-build dwellings, there is policy support for such dwellings in the NPPF, and also in the Self-Build and Custom Housebuilding Act 2015 and the Housing and Planning Act 2016. There are currently 38 entries on the Council's self build register, including the applicants. No self-build dwellings have been granted in the Chilcote area. Given the above it is recognised that a self-build dwelling would provide social and economic benefits, although given that only one such dwelling is proposed, these benefits would be limited in this case.

The proposal would result in the loss of agricultural land. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). It is not clear what class of agricultural land the site falls within. Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Therefore given the relatively limited extent of the potential loss of the site it is considered that this is not sufficient to sustain a reason for refusal in this case.

As outlined above, the dwelling is proposed for the applicants' personal need to reside close to Mrs Hancocks' parents and provide their care. However it is considered that as this is a personal need, for which there is no policy support in the Local Plan or in the NPPF, and that it is not an unusual for family members to want to live close to other family members who are older and/or with ill-health, it is considered that this need should be given very limited weight.

Conclusion in respect of the Principle of the Proposal

It is considered that the proposal would not result in an 'isolated' dwelling given it is close to

existing development. There would also be limited social and economic benefits. However there would be harm to the historic environment, and insufficient information has been submitted to assess the impact on potential buried archaeological remains, as set out in more detail below.

As the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2, and is in a location where future residents of the dwelling are likely to be reliant upon the private car to access basic day to day services/facilities. The proposal would not constitute a rural exception site for affordable housing and would not comply with Policy H5, and is not a form of development permitted in the countryside by Policy S3. Furthermore as set out below, significant harm would arise from impact on the rural character and visual amenities of the countryside which would conflict with Policy S3 and the NPPF. The resulting harm would significantly and demonstrably outweigh the limited social and economic benefits, including the provision of a self-build dwelling, and would not be outweighed by the material consideration of the applicants' need for the dwelling so that they can reside close to Mrs Hancocks' parents and provide their care. Therefore it is considered, overall, that the proposal does not constitute sustainable development.

Setting of Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess. Reference should also be made to paragraphs 131 and 132 of the NPPF.

In terms of heritage assets, Hurst Farmhouse and Hurst Lodge lie around 63 metres to the east, Rock Farmhouse lies around 83 metres to the south east and St Matthew's Church lies around 63 metres to the south west, all of which are Grade 2 listed buildings.

Part of Hurst Farmhouse's and Hurst Lodge's significance are their age, dating from the mid-19th century, their original appearance is largely still apparent, the farmhouse's prominent setting within the village and that it still retains its historic relationship with the village as one of its main five farmhouses, and its visual, historic and functional relationship with the surrounding rural landscape. The listing description states that it is '*...The finest of several buildings in identical style in this village.*' Part of the significance of St Matthew's Church are its medieval origins, even if the building itself was re-built or altered in the 19th century, its appearance and setting and its historic and functional relationship with the village, in particular being the only place of worship. Part of Rock Farmhouse's significance is its age, dating from the 18th century and that some of its original features are retained.

Significant weight is given to preserving the setting of the Grade 2 listed buildings. Rock Farmhouse is separated from the site by modern development and the proposal would not be seen in the immediate setting of the farmhouse. As such it is considered that the proposal would not result in harm to the setting of this designated heritage asset.

The dwelling would be seen in the setting of St Matthew's Church, albeit on the periphery, in views towards the church from the public footpath that runs through the field within which the site is located. In addition the dwelling would be partly visible in views of the site from the churchyard, and the church would be in full view from the site itself. However views of the proposal alongside the church would be fairly limited and would not significantly intrude into the open setting of the church. As such, it is considered that the proposal would result in less than

significant harm to the setting of the church.

The field within which the site is located forms an important part of the setting of Hurst Farmhouse, as it forms part of the largely undeveloped foreground to the farmhouse. The undulating nature of the site itself also draws attention to the farmhouse, which is a prominent feature in the streetscene and in views from the public footpath. The site also forms part of land which abuts the Hurst Farm farmstead.

It is acknowledged that Hurst Court, in particular No. 1, also forms part of the foreground to the farmhouse. However No. 1 is one of the original farm outbuildings to Hurst Farm and therefore has always formed part of this setting. Whilst No. 1 has been extended to the front, this extension is modest and single storey and does not completely obscure views of the farmhouse from the public footpath. The garden to No. 1 does provide an element of domesticity to the view of the farmhouse from the public footpath but one that is considered to be limited as it does not extend beyond the western edge of the former farm complex. As such the Conservation Officer is of the view that development of Hurst Court has not significantly compromised the setting of the farmhouse. In addition whilst there may be limited inter-visibility between the farmhouse and the countryside, the Conservation Officer advises that it is possible to walk from the farmhouse, passing the traditional farmstead buildings, to find oneself addressing agricultural land, including the application site.

The proposal would be seen in the setting to Hurst Farmhouse, in views from Netherseal Road to the immediate west of the site and in front of the site, but most clearly in views from the public footpath. Whilst the proposed dwelling is unlikely to completely obscure the view of the farmhouse from the public footpath, the rural character of the setting of the farmhouse would be significantly altered, with the loss of this part of the field, the extensive ground works required to lower the land levels and the associated retaining walls, and the introduction of a domestic character to the site, including the large area of hardstanding forming the driveway and parking/turning area, the front garden area and soft landscaping.

Whilst the view of the site from Hurst Farmhouse would change, with the site having a more domestic appearance in comparison to the existing situation, it is considered that this would have a limited impact given that most of the dwelling would be screened by No. 1 Hurst Court and that the longer view of the rural landscape would be retained.

The site, and the wider rural landscape within which it is set, contributes positively to the setting of the farmhouse, as it contributes to the understanding of the functional relationship between the farmstead and the agricultural land. The proposal would sever the farmstead from the abutting agricultural land, to which the Conservation Officer objects, resulting in the loss of part of the rural setting of the farmhouse and fragmentation of the surrounding agricultural land from the farmhouse. It is considered that the local context of the setting of the farmhouse and the relationship of the site with the farmhouse can be experienced when crossing the public footpath, as well as when viewed from Netherseal Road, and therefore the site's present and past relationships with the heritage asset can be experienced. As such it is considered that the proposal would fail to preserve the setting of Hurst Farmhouse contrary to the expectations of the Act. However, this harm would be less than substantial in the NPPF's terms.

Considerable weight and importance is attached to this harm to the setting of the heritage assets. In this case greater weight is attached to the harm to the setting of Hurst Farmhouse given the circumstances set out above, with the harm to the setting of the church carrying lesser weight. Regardless of the level of weight that is attached to the harm to the setting of the heritage assets, paragraph 134 of the NPPF requires less than substantial harm to designated

heritage assets to be weighed against the public benefits of the proposal.

In this case the dwelling would make a very limited contribution to the Council's housing land supply, and in any case the Council has a five year housing land supply. The provision of one self-build dwelling is of limited benefit. The dwelling is not considered to constitute affordable housing, as it would be contrary to Policy H5 of the adopted Local Plan, and very limited weight is given to the personal need for the dwelling put forward by the applicants, which is considered to be a private benefit. As such the public benefits of the proposal are limited, and would not outweigh the harm to the setting of the listed buildings. Therefore the proposal would be contrary to Policy HE1 of the adopted Local Plan and paragraphs 132 and 134 of the NPPF.

Archaeology

The County Archaeologist advises that:

Consideration of the Leicestershire and Rutland Historic Environment Record (HER) and the developer's Heritage Statement (HS) indicates that the development area, in addition to its above ground heritage concern - the listed and unlisted historic buildings discussed in the HS - has a buried archaeological interest. The site lies within the former historic medieval and post-medieval historic settlement core of Chilcote (HER ref.: MLE16709), in an area of earthwork remains associated with the former village and the post-medieval park (illustrated on the 1776 plan). Buried archaeological remains indicative of the establishment, settlement and probable clearance of the settlement to make way for the park, may well survive in the development area and will be affected by the proposals... no assessment of the form or character of the earthwork remains is offered, nor their relationship to the wider parkland setting considered.

The County Archaeologist goes on to advise that the proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, it is recommended that the Council defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals, to include:

- an Archaeological Desk-based Assessment, including an earthwork survey using available topographic data such as the Environment Agency's LiDAR data;
- a field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

The agent has advised that the applicant does not wish to undertake the requested archaeological work. Conditions requiring the required archaeological work to take place after determination would not be sufficient to prevent any potential harm. It is therefore concluded that insufficient information has been submitted to ensure that the development would not harm important archaeological remains, and therefore the proposal would not comply with Policy He1 of the adopted North West Leicestershire Local Plan and paragraphs 135 and 141 of the NPPF.

Visual Impact

The site is outside the Limits to Development under the adopted Local Plan. On this basis the proposal would be assessed against the context of Policy S3 of the adopted Local Plan and paragraph 17 of the NPPF which requires the planning system to recognise the intrinsic

character and beauty of the countryside.

The site is part of an undeveloped grass field bordered on one side by residential development at Hurst Court, with a hedgerow forming the boundary, with the remainder of the field surrounding the site to the west and north. The site fronts onto Netherseal Road and is fronted by a mature hedgerow, with dwellings on the opposite side of the road set back and screened from the site by mature trees/vegetation. The roadside hedgerow provides some screening, although given the changes in the land levels on the site, increasing in a northerly and easterly direction by up to five metres, the site is also prominent within the streetscene. A public footpath runs through the surrounding field to the north and west of the site, from which there are open views of the site. The site is rural in character and provides the rural setting for development on Netherseal Road, appearing as an undeveloped site separate from existing development and closely associated with the rural landscape to the west and north on the northern side of Netherseal Road. As a consequence the site contributes positively to this part of the village, both in the approach from Netherseal Road and Church Lane, and from the public footpath.

Whilst the indicative plans show a two storey dwelling it is noted that a single storey dwelling could be proposed at reserved matters. It is also noted that extensive ground works would be undertaken on parts of the front and central areas of the site to lower the land levels to a similar height to the road. However it is considered that regardless of the scale of the dwelling and the groundworks, some parts of the dwelling would be visible above the frontage hedgerow, in particular the element that would be sited at the same level as existing land levels, and in particular during the winter months. The existing access would be widened, which would open up views into the site not just of the dwelling but of the parking/turning area. Given the depth of the hedgerow, some trimming back would be required to provide the visibility splays, rather than its removal.

The dwelling would be close to existing housing at Hurst Court, which would provide a backdrop in some views of the site from the road and public footpath. However in views from the footway to Netherseal Road and Church Lane, in longer and more immediate views, the dwelling would be seen against a backdrop of the gardens to these existing dwellings, rather than the dwellings themselves. Hedgerows/vegetation provide a clear demarcation between the built up part of the village and the site and the field within which it is located; the edge of the village here follows the extent of the former farm complex at Hurst Farm. In views south from the footpath, the site and its environs appear more rural, due to the more limited views of Hurst Court and the mature trees/vegetation to the front garden to Lower House Farm. The proposal would therefore not respect the established settlement form/field pattern in this location and would appear incongruous in these southerly views. The proposal would be clearly separate from existing development and would extend development into the open countryside, in an open and prominent location both when viewed from the road and from the public footpath.

A new dwelling, and its associated ancillary development such as the extent of hardsurfacing, as well as the extensive groundworks proposed, would result in the urbanisation of the site which would diminish its present rural character and contribution to the character and visual amenities of the area, and would be an incongruous encroachment into the rural environment.

Therefore it is considered that the proposal would result in significant harm to the character and rural appearance of the locality and the proposal would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would be contrary to the environmental strand of sustainability set out within the NPPF. As such the development would be contrary to

Paragraph 17 of the NPPF and Policy S3 of the adopted Local Plan

Siting and Design

The need for good design in new residential development is outlined in adopted D1 and Paragraphs 57, 60 and 61 of the NPPF.

The proposal would result in a density of around six dwellings per hectare. The NPPF states that authorities should set their own approach to housing density to reflect local circumstances. This density is considered appropriate in this location.

There is variety in the scale and design of the dwellings in this part of the village and the footprint of the dwelling would give an opportunity to reflect local character and distinctiveness. Whilst extensive groundworks are proposed, the proposal attempts to reduce the scale of the dwelling by setting it at a lower level. The site could accommodate all of the necessary requirements (private garden, parking/turning space) without being too cramped or resulting in over-development.

As such it is considered that the proposal would not be significantly contrary to the provisions of Policy D1 of the adopted Local Plan and the Council's Good Design SPD.

Residential Amenities

The property that would be most immediately affected by the proposals would be No. 1 Hurst Court which is a single-storey dwelling located to the east of the site. Other dwellings are sited at sufficient distance away in order to prevent any loss of residential amenities. No. 1 contains windows in its rear elevation facing the site which serve habitable rooms, and its rear garden lies immediately adjacent to the site's eastern boundary. The dwelling would be 28 metres from these rear windows and five metres from the garden. The two storey element of the dwelling would be cut in, so that it is at a similar height to the road, and the element proposed at existing land levels would be single storey. No. 1 is positioned around one metre higher than the site, with its garden also being slightly higher. A dwelling could be accommodated on the site that has any habitable room windows facing away from No. 1. Whilst concerns have been raised regarding the potential for smoke from use of a flue impacting on No. 1, appearance of the dwelling is reserved for future determination and therefore this matter cannot be considered at this stage, and it is considered that a flue could be accommodated on the dwelling without resulting in significant impact on No. 1. As such it is considered that the proposal would not adversely affect the amenities of occupiers of nearby dwellings from overlooking, loss of light or creation of an oppressive outlook, and as such would comply with the provisions of Policy D2 of the adopted Local Plan.

Highway Safety

Given the scale and nature of the proposal the application is dealt with under the County Highway's Standing Advice. Therefore the application has to be considered having regard to the provisions of the Leicestershire Highways Design Guide and Highways Standing Advice. Amended plans have been received, which show that visibility splays of 43 metres can be provided in both directions, and that an access and driveway of adequate width can be provided. Sufficient parking and turning space would be available within the site, and the driveway and parking/turning areas would be located within the cut away ground, so their gradient would not be too steep. Pedestrian visibility splays are also proposed at the junction of the access with the verge. Whilst the sharp bend on Netherseal Road, at its junction with Church Lane, is located to the west of the access, it is considered that vehicle speeds are likely to be low on the approach to the site from the west, given this bend and junction. Whilst the access does not appear to have been in significant use for some time, it could still be used by

vehicles accessing the existing field. Access to the remaining field is now proposed to be via an existing access located further to the west off Church Lane, and not via the site access. It is therefore considered that a reason for refusal on the basis of severe impact on highway safety against Policies IF4 and IF7 of the adopted Local Plan and paragraph 32 of the NPPF could not be justified in this case.

Trees and Ecology

The hedgerow on the boundary with No. 1 Hurst Court is shown to be retained, and the majority of the frontage hedgerow would also be retained, save for some trimming back for visibility splays. An area of small trees/vegetation at the site's south eastern corner appears to be retained, which are not in any case considered to be of significance. As such the proposal would comply with the provisions of Policy En1 of the adopted Local Plan.

There are mature trees/hedgerows on and close to the site and the site is part of and adjoined by open fields and large gardens. All of these are features that could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions. Small sections of vegetation and hedgerows would be removed but the majority would remain, and there is other similar habitat in the vicinity. The County Ecologist advises that whilst the grassland may be species-rich, it is a small part of a much larger pasture and any loss of habitat would be not significant. The County Ecologist also advises that there is no requirement for ecology surveys, and has not made any specific comments in respect of concerns regarding hedgehogs. There would still be opportunities for the site to be used by hedgehogs and pass from the site to adjacent land. On this basis it is considered that protected species and other wildlife would not be adversely affected by the proposal and the proposal complies with the Habitats Regulations 2017 and Policy EN1 of the adopted Local Plan.

River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

The proposal would increase the foul drainage discharge from the site into the mains sewer. The applicant has indicated they are willing to pay the required DCS contribution and the Council's solicitors have been instructed. The Environment Agency and Natural England have both issued Standing Advice relating to the River Mease SAC under which they do not need to be consulted if the proposal connects to the mains sewer and the applicant is agreeable to payment of the DCS contribution.

As the new dwelling would be sited on a grassed field, a condition could be imposed requiring surface water to discharge to soakaway or a sustainable drainage system.

The flows from the dwelling needs to be taken into account against the existing headroom at

Chilcote Treatment Works. At March 2016 Severn Trent Water (STW) was unable to provide specific information regarding capacity but estimated that capacity was available for less than five dwellings. Only one dwelling has been approved in the village since 2009 and no other development has been given consent or is under construction that would further reduce this capacity. As such it is considered that there is likely to be capacity available at the relevant treatment works for the foul drainage from the site.

Notwithstanding the above, STW has previously advised that it will not object to proposals where there is no capacity available but that a phasing condition should be imposed. However a recent appeal decision for a site at Talbot Place in Donisthorpe considered that a condition could be imposed relating to drainage details, and no comments have been received from STW in respect of this application. In addition, STW has the opportunity to consider whether capacity is available within its sewer network when issuing permits to connect to the sewer system.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations, the NPPF and Policies EN1 and EN2 of the adopted Local Plan.

Drainage and Flood Risk

The site is within Flood Zone 1 and is not within an area of low, medium or high risk of surface, although an area of low risk surface water flooding runs along Netherseal Road to the front of the site. The Lead Local Flood Authority has no comments to make. No comments have been received from Severn Trent Water. Matters relating to drainage are discussed in more detail above in the section of the report relating to the River Mease SAC. As such the proposal is unlikely to result in a significant impact on flood risk or drainage and would comply with Policies CC2 and CC3 of the adopted Local Plan.

Other Matters

Concerns have been raised in relation to the level of consultation undertaken by the applicants. It is understood that the applicants and agent attended a parish meeting in December 2017. There are no statutory requirements in place in relation to pre-application consultation for a proposal for a single dwelling. The Council has also sent consultation letters to occupiers of all adjacent properties, as well as displaying a site notice, publishing a press notice in the Burton Mail and consulting the Parish Meeting.

It is a fundamental tenet of the planning system that every planning application is considered on its own merits and a decision made in relation to the proposal do not set a precedent for other forms of development.

Concerns have also been raised in respect of the accuracy of some of the submitted information. The application submission, together with information gathered during the site visit and consideration of the application, have allowed for the application to be fully and adequately assessed.

In respect of matters raised in the letters of representation that have not been addressed above, impacts on views and property values, and the use of covenants, are not material planning considerations and therefore cannot be given weight in the determination of the application.

Conclusion

The proposal would have limited social and economic benefits and would not adversely impact on residential amenities, highway safety, trees, ecology/protected species, the River Mease SAC and drainage/flood risk. However there would be harm to the setting of listed buildings, which would not be outweighed by the limited public benefits of the proposal, and insufficient information has been submitted to assess the impact on potential buried archaeological remains, contrary to Policy He1 and the NPPF.

As the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2, and is in a location where future residents of the dwelling are would be reliant upon the private car to access basic day to day services/facilities. The proposal would not constitute a rural exception site for affordable housing and would therefore not comply with Policy H5, and is not a form of development permitted in the countryside by Policy S3. Furthermore as set out below, significant harm would arise from impact on the rural character and visual amenities of the countryside which would conflict with Policy S3 and the NPPF. The resulting harm would significantly and demonstrably outweigh the limited social and economic benefits, including the provision of a self-build dwelling, and would not be outweighed by the material consideration of the applicants' need for the dwelling so that they can reside close to Mrs Hancocks' parents and provide their care. Therefore it is considered, overall, that the proposal does not constitute sustainable development.

RECOMMENDATION - REFUSE, for the following reason(s):

- 1 Under Policy S2 of the adopted North West Leicestershire Local Plan Chilcote is considered to be a hamlet, which is defined as a small group of dwellings with no services and facilities, where development will be considered in the context of the countryside policy (i.e. Policy S3). Policy S3 of the adopted Local Plan sets out the types of development that will be supported outside the Limits to Development and also requires the appearance and the character of the landscape to be safeguarded and enhanced. Policy H5 of the adopted Local Plan sets out the criteria for rural exception sites for affordable housing. As the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2, and is in a location where future residents of the dwelling would be reliant upon the private car to access basic day to day services/facilities. The proposal is not a form of development permitted in the countryside under Policy S3, and would not qualify as a rural exceptions site for affordable housing and would therefore be contrary to Policy H5. The proposal would also result in significant harm to the character and rural appearance of the locality and would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment, and would be contrary to Paragraphs 7 and 17 of the NPPF and Policy S3 of the adopted Local Plan. The resulting harm from these impacts would significantly and demonstrably outweigh the limited social and economic benefits, including the provision of a self-build dwelling, and would not be outweighed by the material consideration of the applicants' need for a dwelling on the site so they can reside close to parents and provide their care. Therefore it is considered, overall, that the proposal does not constitute sustainable development.
- 2 Under Policy He1 of the adopted North West Leicestershire Local Plan, where a development 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. The proposal would fail to preserve the setting of Hurst Farmhouse and the Church of St

Matthew's, which are Grade 2 listed buildings. This harm would be less than substantial. It is considered that clear and convincing justification for the development has not been put forward nor would the limited public benefits of the proposal outweigh this harm to the setting of designated heritage assets. As such the proposal would not comply with Policy HE1 of the adopted Local Plan and paragraphs 132 and 134 of the NPPF.

- 3 Under Policy He1 of the adopted North West Leicestershire Local Plan, the Council will support development that conserves the significance of non-designated heritage assets, including archaeological remains. The site is likely to have a buried archaeological interest, as it lies within in an area of earthwork remains associated with the former village and the post-medieval park. As such the proposal may destroy any buried archaeological remains that are present. The archaeological implications cannot be adequately assessed on the basis of the submitted information. Conditions requiring the required archaeological work to take place after determination would not be sufficient to prevent any potential harm. It is therefore concluded that insufficient information has been submitted to ensure that the development would not harm the archaeological remains. There are no public benefits that would outweigh the potential harm to buried archaeological remains and therefore the proposal would not comply with Policy He1 of the adopted North West Leicestershire Local Plan and Plan and paragraphs 135 and 141 of the NPPF.