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**Erection of detached dwelling, alterations to existing access  
and highway works**

**Report Item No  
A10**

**Land Adjoining Recreation Ground Measham Road Moira  
Derby**

**Application Reference  
14/00752/FUL**

**Applicant:  
Mr J COTTON**

**Date Registered  
13 August 2014**

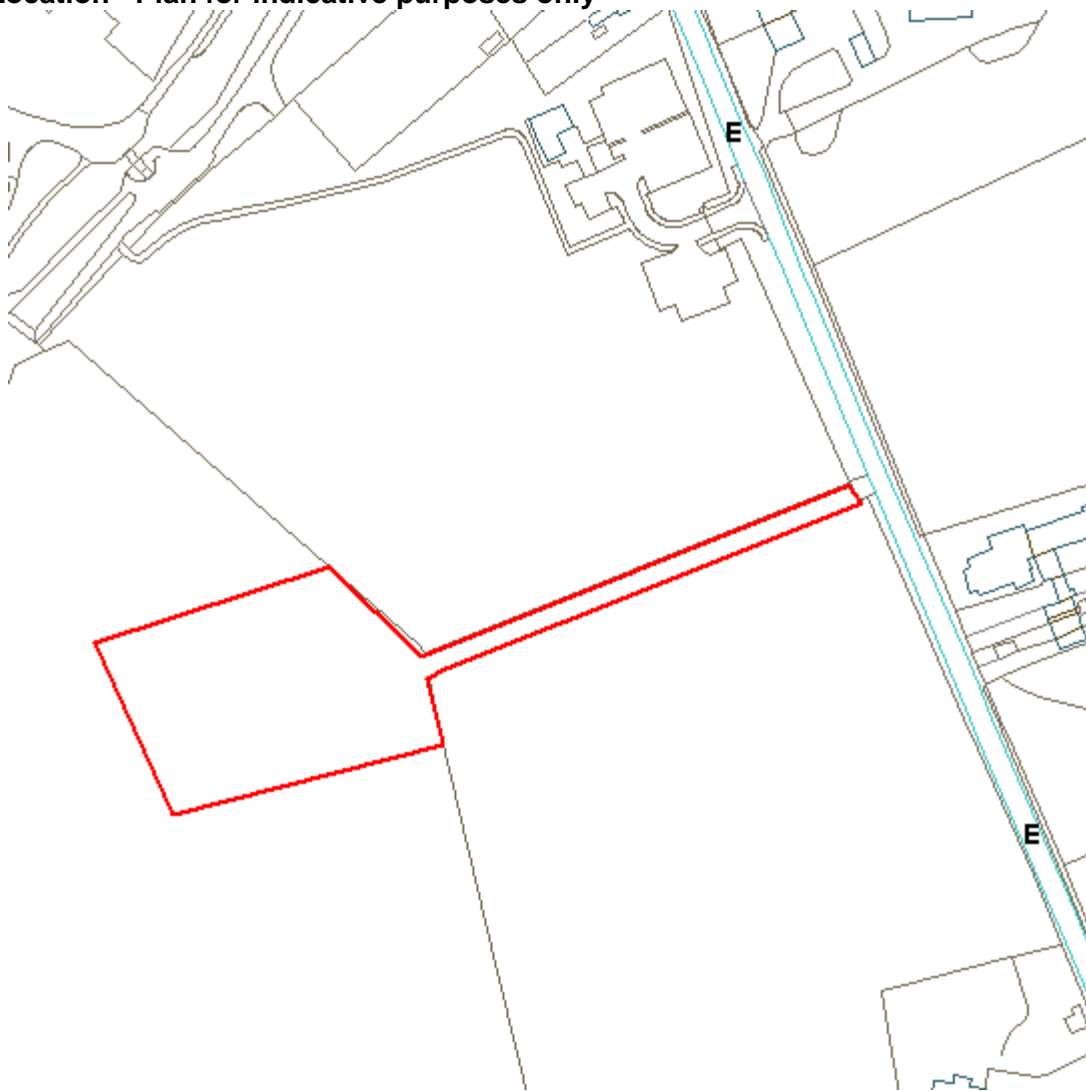
**Case Officer:  
Ebony Mattley**

**Target Decision Date  
8 October 2014**

**Recommendation:  
REFUSE**

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



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## **Executive Summary of Proposals and Reasons for Approval**

### **Reason for Call In**

The application is reported to the Planning Committee at the request of Councillor Annette Bridges in the interest of the general public by way of sustainable living for families that need assistance due to ill health and remaining within the community.

### **Proposal**

This application seeks full planning permission for the erection of a two storey detached dwelling at land adjacent to Moira Recreation Ground, Measham Road, Moira.

### **Consultations**

Members will see from the main report below that there are four letters of support and a petition containing 68 signatures, in support of the scheme. With the exception of Ashby Woulds Town Council there are no other objections raised from statutory consultees.

### **Planning Policy**

The site is located outside Limits to Development, and within an area designated as an area of separation, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

### **Conclusion**

The scheme would be sited outside the defined Limits to Development and within the countryside, disconnected from the settlements of Moira and Donisthorpe. The scheme is considered to result in new residential development, without special overriding justification and would not represent a sustainable form of development. In addition, the proposed scheme by reason of its positioning, scale and design, would not be sympathetic to the character and appearance of this countryside setting.

The development would not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, highway safety, ecology/protected species, drainage and flood risk, or the River Mease SAC/SSSI.

It is considered, however, on balance, that any potential benefits of the scheme as proposed would be insufficient to outweigh the conflict with the development plan and the Framework resulting from the harm as identified in the main report, below.

### **RECOMMENDATION:- REFUSE PLANNING PERMISSION**

**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, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **Main Report**

### **1. Proposals and Background**

Planning permission is sought for the erection of a two storey detached dwelling of four bed configuration at land adjacent to Moira Recreation Ground, Measham Road, Moira. Access is proposed via a gravel driveway, from Measham Road, and a triple detached garage would adjoin the proposed dwelling. The scheme proposes a 1.8 metre high brick wall around the entire garden, with a gravel/porous surface finish to the front of the dwelling and garden area to the rear.

The dwelling spans some 25 metres in length by 15 metres in width, with the garage measuring an additional 15 metres in length by 9 metres in width. The height of the dwelling to the ridge would be 11.6 metres.

During the course of the application, officers have expressed concerns over the principle of new residential development in the countryside and have recommended the application be withdrawn. The applicant has subsequently provided additional information in respect of the need for the dwelling on the grounds of ill health to family members and the need to live in close proximity.

The site is located outside Limits to Development, and within an area designated as an area of separation, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

The application is accompanied by a Design and Access Statement, Biodiversity Report and a Coal Mining Risk Assessment.

### **2. Publicity**

10 no. Neighbours have been notified (Date of last notification 28 August 2014)

Site Notice displayed 6 September 2014

### **3. Consultations**

Ashby Woulds Town Council consulted 28 August 2014

LCC/Footpaths

County Highway Authority

Environment Agency

Severn Trent Water Limited

Head of Environmental Protection

County Archaeologist

LCC ecology

### **4. Summary of Representations Received**

The following summary of representations is provided.

**Ashby Woulds Town Council** objects to the application on the following grounds:-

- 1) Highway safety and traffic capacity of the road network as planning permission already

- obtained for 80 houses off Measham Road
- 2) Siting, design and appearance of the proposed dwelling

**Environment Agency** does not wish to make any formal comment.

**Leicestershire County Council - Highways** raise no objection, subject to conditions.

**Leicestershire County Council - Ecology** raise no objections, subject to boundary hedgerows being planted with native species.

**Leicestershire County Council - Footpaths Officer** has no objection, subject to a note to applicant.

**NWLDC Environmental Protection** has no environmental observations.

### **Third Party Representations**

A petition containing 68 signatures in support of the application has been received.

Four additional letters of support have also been received stating that:-

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Four additional letters of support have also been received stating that:-

- 1) The dwelling is required for the son to assist his mother at the running of the farm, as she is in ill health.
- 2) Position and design of the house is lovely
- 3) The applicant will plough the roads when it snows for the locals
- 4) The dwelling will provide natural security for the canal and playing field
- 5) Raise the profile of this part of Moira
- 6) A value to the residents of the village
- 7) The applicant gives care for a number of family members
- 8) Does not stand out from the roadside
- 9) The house has been designed to allow the in-laws room to retire in their own space.

## **5. Relevant Planning Policy**

### **National Planning Policy Framework (NPPF) - March 2012**

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document.

The NPPF (paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage effective use of land by reusing land that is previously developed;
- conserve heritage assets in a manner appropriate to their significance;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
- take account of and support local strategies to improve health, social and cultural wellbeing.

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

" 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies 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; or
- specific policies in this Framework indicate development should be restricted."

"32. ...Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"47. To boost significantly the supply of housing, local planning authorities should:

...- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"55. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances."

"57. It is important to plan positively for the achievement of high quality and inclusive design for

all development, including individual buildings, public and private spaces and wider area development schemes."

"59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

"100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...
- ...- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

"123. Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

### **North West Leicestershire Local Plan**

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E21 states development will not be permitted which result in the reduction in the physical separation between the built up areas of Donisthorpe and Moira.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

### **Emerging Core Strategy**

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

### **Other Guidance**

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations');

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

River Mease Water Quality Management Plan - August 2011.

National Planning Practice Guidance - March 2014 supplements the policies in the NPPF. The Guidance does not change national planning policy but offers practical guidance as to how such policies should be applied.

## **6. Assessment**

The main issues for consideration in the determination of this application relate to the principle of development, layout and design, impact upon residential amenity, highway considerations, ecology, drainage and flood risk and impact upon the River Mease Special Area of Conservation/SSSI.

### **Principle of Development**

#### *New Dwelling within the Countryside*

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 (2002 (as amended)).

The application site lies outside the Limits to Development of both Moira and Donisthorpe, and falls within an area of separation, as defined by the proposals map of the adopted Local Plan.

Schemes outside Limits to Development fall to be considered against Saved Policy S3 of the Local Plan. The applicant is proposing to build a new dwelling and as such the scheme fails to meet the criteria for development in this policy. Accordingly as the development proposed would not meet the criteria for development in the countryside and the scheme would therefore be contrary to the provisions of S3.

Paragraph 55 of the NPPF states that Local Planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:-

- o The essential need for a rural worker to live permanently at or near their place of work in the countryside or;
- o Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- o Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- o The exceptional quality or innovative nature of the design of the dwelling.

During the course of the application, the applicant has submitted letters regarding the ill health of family members in the locality which requires the need for this future occupier to live in close proximity to assist in the employment of his mother's farm, in addition to living close by in walking distance to elderly grandparents, who the applicant cares for. Furthermore the applicant is expecting their own child and lives with their in-laws.

It is considered that this application has not sought consent for an agricultural workers dwelling and no information has been provided to demonstrate that other accommodation is not available in the vicinity. It is considered that the scheme does not provide any justification or demonstrate special circumstances, as set out in Paragraph 55 of the NPPF and no other overriding need, justification or special circumstances have been presented to outweigh this fundamental policy objection.

Policy E21 states development will not be permitted which result in the reduction in the physical separation between the built up areas of Donisthorpe and Moira. Given that the scheme relates to one dwelling then this would not result in a direct link or lead to the reduction in the physical separation between the two settlements and therefore a reason for refusal could not be sustained on this basis. It is however, considered that any future applications proposed within this area would be considered on their own merits.

Notwithstanding the site's countryside location, in determining the application regard must be had to other material considerations, including other Development Plan policies and whether the proposal constitutes sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

Policy H4/1 of the Local Plan relates to the release of land for housing and states that a sequential approach should be adopted, which reflects the urban concentration and sustainability objectives underpinning national policies. These are outlined as criteria (a) to (f) and the application site would fall within criterion (f) i.e. other locations where appropriate in the



context of other policies. The second section of the policy goes on to outline criteria relating to the sustainability of the location.

Whether or not this site would be considered "appropriate" is a matter of judgement. Insofar as the site's location is concerned it does not adjoin existing residential development or the settlement boundaries of the nearest two settlements. It is therefore considered to result in new residential development in the open countryside that is not well related to existing development.

The site is located to the south of Moira and to the north of Donisthorpe. The settlements of Moira and Donisthorpe benefit from a range of local services,

The site does not adjoin the settlement boundary and notwithstanding the position of the Methodist Church opposite the sites entrance, the site is located some distance from the services and facilities to these settlements.

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable.

Below are the approximate distances from the proposed dwelling to local facilities and services via the existing footway network along the eastern side of Measham Road.

- o Methodist Church (opposite the side on Measham Road)
- o Leisure/Community - (adjacent to the site - Recreation Ground, Measham Road)
- o Bus Stop - 280 metres (opposite entrance to the Recreation Ground)
- o Public House - 710 metres (Rawdon Arms, Moira)
- o Shop/Post Office - 950 metres (Ashby Road, Moira, opposite Station Drive)
- o School - 1,480 metres (Ashby Road, Donisthorpe)

Accordingly only the Methodist Church and Recreation Ground would be within the 'desirable' walking distance, with the Bus Stop being within the 'acceptable' walking distance. The closest Public House, would be within the preferred 'maximum' walking distance and the Shop/Post Office and Primary School would exceed the 'maximum' walking distance.

It is considered that whilst Moira and Donisthorpe are sustainable settlements, the site is located outside the defined Limits to Development and would result in an inappropriate form of development disconnected from the main built up area of Moira and Donisthorpe, and would not, therefore represent a sustainable form of development.

#### *National Planning Policy Framework*

The NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

In March 2012 the National Planning Policy Framework (NPPF) was published and introduces the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a

whole or if specific policies in the NPPF indicate development should be restricted.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. So long as a development is consistent with these criteria, in principle the development should be considered acceptable.

**Economic** - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by coordinating development requirements, including the provision of infrastructure. It is considered that the development would benefit the local economy through both the creation of jobs for the construction of the development itself, although this is considered to be limited given the scheme is for one unit.

**Social** - in this respect, developments should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. The scheme proposes one dwelling, and does not include affordable units that would appeal to a wider spectrum with the local market.

**Environmental** - to fulfil this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The development would result in the loss of greenfield land which is identified in the adopted Local Plan as being countryside and for the reasons discussed later in this report is not considered to protect or enhance the natural environment.

In summary, based on the above, the development proposed is not considered to constitute sustainable development, and thus in principle, the development is not considered to be acceptable.

### **Principle of Development: Summary**

In summary, the applicant has not presented any evidence to justify the proposal on any of the above special circumstances as set out in paragraph 55 of the NPPF. As the site is outside of a settlement boundary and in the open countryside as defined by Policy S3 of the Local Plan, it is therefore considered to be in an isolated location removed from services and transport choices. The principle of development would therefore be contrary to Policy S3 and H4/1 of the Local Plan and the NPPF.

For the reasons discussed above it is not considered that the proposed development would be carried out in accordance with any of the relevant development plan policies or central government guidance contained within the NPPF. There is no presented compelling case that demonstrates that the proposal is acceptable in light of the development plan or the NPPF, and it therefore results in an un-justified harm to the intrinsic character and beauty of the countryside, contrary to the requirements of the NPPF.

### **Layout and Design**

Paragraph 55 of the NPPF states that Local Planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances such as the exceptional

quality or innovate nature of the design of the dwelling. In addition, paragraph 64 within the NPPF stated that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Local Plan Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

There is the existence of residential properties opposite the site entrance, to the east of Measham Road, which are set back from the road frontage, but front Measham Road. To the south of the site are three residential properties in the vicinity of the corner between Measham Road and School Street. Within the exception of No. 6 School Road, No's 4 and 19 are sited close to the road frontage. It is therefore considered that the two clusters of existing residential development nearby, are closely related to the roads in which they are accessed from, and that this is the established pattern of existing residential development in the immediate vicinity of the site.

There are no other examples in this area of dwellings in set back, backland locations, as the dominant character of this area are dwellings which form frontage development. The siting of the dwelling in this set back, isolated position has no relationship with the existing, established residential properties in the wider vicinity.

In respect of design, the scheme introduces a substantial footprint, over 500 square metres square metres with a large roof mass and dwelling spanning 11.6 metres in height. The four bedroomed dwelling is adjoined by a large triple garage, spanning over half the length of the proposed dwelling. The design and fenestration are not considered to be characteristic or reflective of a traditional farm house/barn type style and the overall design approach results in an incongruous form of development in this countryside setting.

The scheme by virtue of its scale and mass, and design would not be sympathetic to the character and appearance of this countryside setting

In summary, the proposed dwelling by virtue of its backland location will result in a pattern of development that fails to respect the established frontage character of the surrounding area and will therefore be harmful to the character of the locality and the countryside to which it bounds and the dwelling by virtue of its scale and mass, and design would not be sympathetic to the character and appearance of this countryside setting.

The scheme is not therefore considered to be of such an exceptional quality or innovative nature of design that would meet the requirements of Paragraph 55 of the NPPF and is considered to be contrary to Saved Local Plan Policy E4 and Paragraph 64 of the National Planning Policy Framework.

### **Impact upon Residential Amenity**

Given the isolated nature of the site, there are no immediate residential dwellings. Accordingly there is no further consideration in respect of this matter.

## Highway Considerations

The scheme has been considered by the County Highway Authority (CHA) who raise no objection subject to the imposition of planning conditions.

Leicestershire County Council Footpaths Officer has indicated that if it is intended to re-locate the stile and fingerpost at the entrance of the footpath to improve visibility, the applicant should make contact with the County Team.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the Local Plan.

## Protected Species/Ecology

The application has been accompanied by a Biodiversity Report, which has been considered by the County Ecologist who has no objections to the application. The site lies within the catchment of the River Mease Special Area of Conservation (SAC) and consideration of the potential impacts of the development on this designated site will be covered later in this report.

## Drainage and Flood Risk

As the site does not exceed 1 hectare in size, there is no formal requirement to provide a Flood Risk Assessment (FRA).

Severn Trent Water has been consulted on the application but no comments have been received at time of writing. A chasing request has been made and should any comments be received, they will be reported to Members via the update sheet.

The submitted details confirmation that surface water would be disposed of via a soakaway and whilst no formal details have been submitted a suitably worded condition could be imposed.

## Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. 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 will have a significant effect on the SAC is required.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community

Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

A contribution under the River Mease DCS is required but an exact figure for the contribution cannot be determined at this stage, as the code levels of the dwellings has not been finalised. The contribution would be based on the provision of a four bedroomed dwelling and dependent upon the code level would cost between £236 and £354. A Unilateral Undertaking would be worded as such to allow flexibility based on the construction code levels.

The flows from the proposed dwellings need to be taken into account against the existing headroom at Donisthorpe Treatment Works. Where there is no existing capacity at the time of determination a condition is proposed which seeks to prevent occupation of the proposed dwellings until additional capacity has been provided at Donisthorpe Treatment Works.

Accordingly whilst there is no current capacity at Donisthorpe, in time Severn Trent will facilitate the transfer of some capacity to treatment works (Packington and Snarestone) to create such capacity for the 1 dwelling. As such a reason for refusal based on limited capacity at the treatment works could not be justified.

Therefore based on the above it can be ascertained that the proposed development would not, either alone or in combination with other plans or projects, have a 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.

## **Conclusion**

In conclusion, the development would not give rise to any significant material impacts upon neighbouring residents, highway safety, ecology, drainage and flood risk and the River Mease SAC/SSSI.

As set out in the main report above, however whilst Moira and Donisthorpe, are sustainable locations for residential development, the scheme would be sited outside the defined Limits to Development and result in an inappropriate form of development disconnected from the main built up area of these settlements and would not, therefore represent a sustainable form of development.

The proposed scheme by reason of its positioning, scale and design, fails to respect and would not be sympathetic to the character and appearance of this countryside setting. The proposal is therefore contrary to Policy E4 of the North West Leicestershire Local Plan and paragraph 64 within the NPPF.

For the reasons discussed above it is not considered that the proposed development would be carried out in accordance with the identified development plan policies or central government guidance contained within the NPPF. There is no presented compelling case that demonstrates that the proposal is acceptable in light of the development plan or the NPPF, and it therefore results in an un-justified harm to the intrinsic character and beauty of the countryside, contrary to the requirements of the NPPF.

It is considered, on balance, that any potential benefits of the scheme as proposed would be insufficient to outweigh the conflict with the development plan and the Framework resulting from the harm as identified in the report, above. It is therefore recommended that the application is refused.

**RECOMMENDATION:- Refuse for the following reasons:-**

- 1 Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development. Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services. Paragraph 17 of the NPPF states that planning should recognise the intrinsic character and beauty of the countryside. Paragraph 55 of the NPPF states that Local Planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances

The introduction of this residential development on this un-developed Greenfield site, in this countryside location, not well related to nearby development, outside of the defined limits of Moira and Donisthorpe and remote from the services they contain, would result in an unsustainable, isolated form of development, without any overriding need, justification of special circumstance and therefore results in an un-justified harm to the intrinsic character and beauty of the countryside. The scheme is therefore considered contrary to the requirement of Saved Policies S3, H4/1 of the North West Leicestershire Local Plan and Paragraphs 17 and 55 of the National Planning Policy Framework.

- 2 Policy E4 of the North West Leicestershire Local Plan requires new development to respect the character of its surroundings. Paragraph 55 of the NPPF states that Local Planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances such as the exceptional quality or innovative nature of the design of the dwelling. Paragraph 64 within the NPPF stated that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The introduction of this residential development in this isolated, backland location will result in a pattern of development that fails to respect the established frontage character of the surrounding area and will therefore be harmful to the character of the locality, and the proposed dwelling, by virtue of its scale and mass, and design would not be sympathetic to the character and appearance of this countryside setting. The scheme is not therefore considered to be of such an exceptional quality or innovative nature of design that would meet the requirements of Paragraph 55 of the National Planning Policy Framework and is considered to be contrary to Saved Policy E4 of the North West Leicestershire Local Plan and Paragraph 64 of the National Planning Policy Framework.

**Notes to applicant**

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).