

Erection of 1 no. self build dwelling (outline - access and layout only)

**Report Item No
A3**

Land Adjoining 20 Worthington Lane Breedon On The Hill

**Application Reference
24/00574/OUT**

**Grid Reference (E) 440616
Grid Reference (N) 322650**

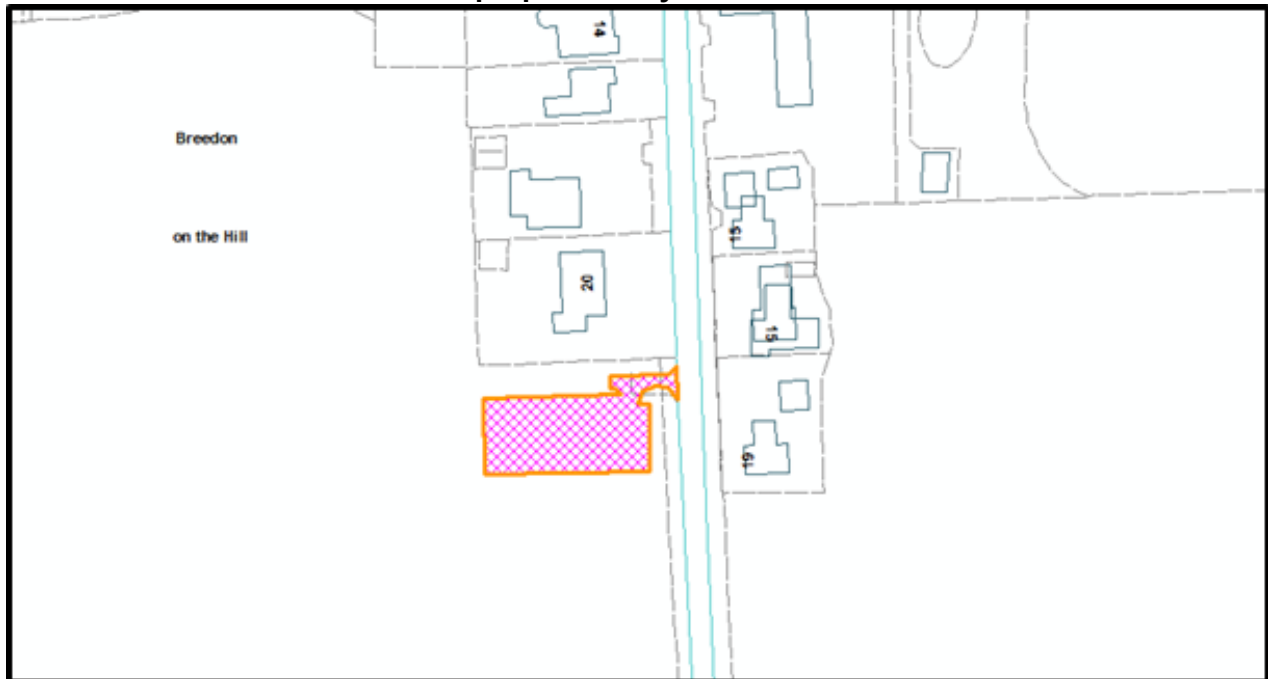
**Date Registered:
3 May 2024
Consultation Expiry:
10 March 2025
8 Week Date:
31 March 2025
Extension of Time:
31 March 2025**

**Applicant:
Mr Henderson**

**Case Officer:
Karina Duncan**

Recommendation:

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is brought to Planning Committee because this application is recommended for approval by officers and has been submitted by the close relative of a serving member or officer of the Council.

RECOMMENDATION - PERMIT, subject to a s106 legal agreement and the following condition(s):

- 1 Outline standard time limit (3 years for reserved matters and 2 years to implement following approval of last reserved matter).
- 2 Details of the submission of the reserved matters of scale, appearance and landscaping.
- 3 Approved plans.
- 4 First reserved matters application to be accompanied by details of the finished floor and ground levels.
- 5 Self Build Design - All subsequent reserved matters applications for the dwelling shall contain detailed evidence of how and when the purchaser has had primary input into the design of the dwelling.
- 6 Implementation of vehicular visibility splays, turning, parking and appropriate surfacing to required dimensions and in accordance with submitted plans, prior to occupation.
- 7 Scheme of bin storage and collection point prior to occupation to be submitted, approved and implemented.
- 8 Soakaway to be installed on site prior to any external materials being installed to the roof, unless an alternative scheme of surface water discharge (including evidence to demonstrate that the means of drainage via soakaway is not suitable for the site) has first been submitted to and approved.
- 9 Scheme of tree and hedge protection measures for retained trees and hedges to be provided prior to the commencement of development to be submitted with reserved matters seeking approval of landscaping.
- 10 Biodiversity enhancement measures (swift, bat and bee bricks & native species planting) and a timetable for implementation to be submitted and approved prior to first occupation.
- 11 No external lighting to be installed, unless in accordance with details first submitted and approved.
- 12 Grampian planning condition to secure details of an alternative agricultural turning provision within land edged in blue. Approved alternative agricultural turning area to be provided in full prior to any development associated with the approved dwelling taking place.
- 13 Removal of permitted development rights (Classes A, AA, B, E and F) of the General Permitted Development Order 2015 being no extensions, outbuildings or hard surfaces without the express consent of the Local Planning Authority having first been obtained in writing.

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for the erection of 1 no. self-build dwelling (outline - access and layout only) at land adjoining 20 Worthington Lane Breedon on The Hill.

This application seeks permission for access and layout only, with all other matters reserved for consideration at a later stage/s.

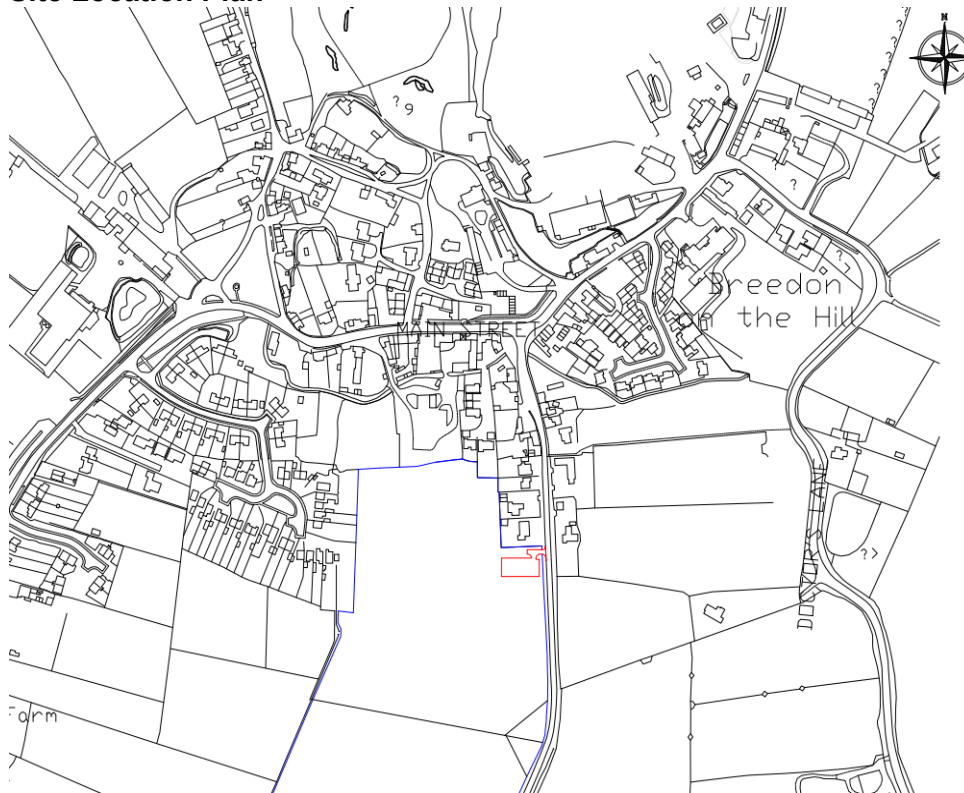
The site is located immediately south of the settlement of Breedon on the Hill and an existing dwelling known as 20 Worthington Lane. The access would utilise an existing agricultural access to the north eastern corner of the site which has been constructed onto Worthington Lane following the granting of planning permission in 2018. The access would also serve the surrounding agricultural land which is edged in blue on the submitted site location plan.

An amended site plan has been submitted during the course of the application which amends the proposed layout of the dwelling and increases the size of the rear garden area. A re-consultation has been undertaken with the Parish Council and neighbouring properties.

The applicant has submitted a draft Unilateral Undertaking to support the application which seeks to secure the dwelling as a self-build dwellinghouse.

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

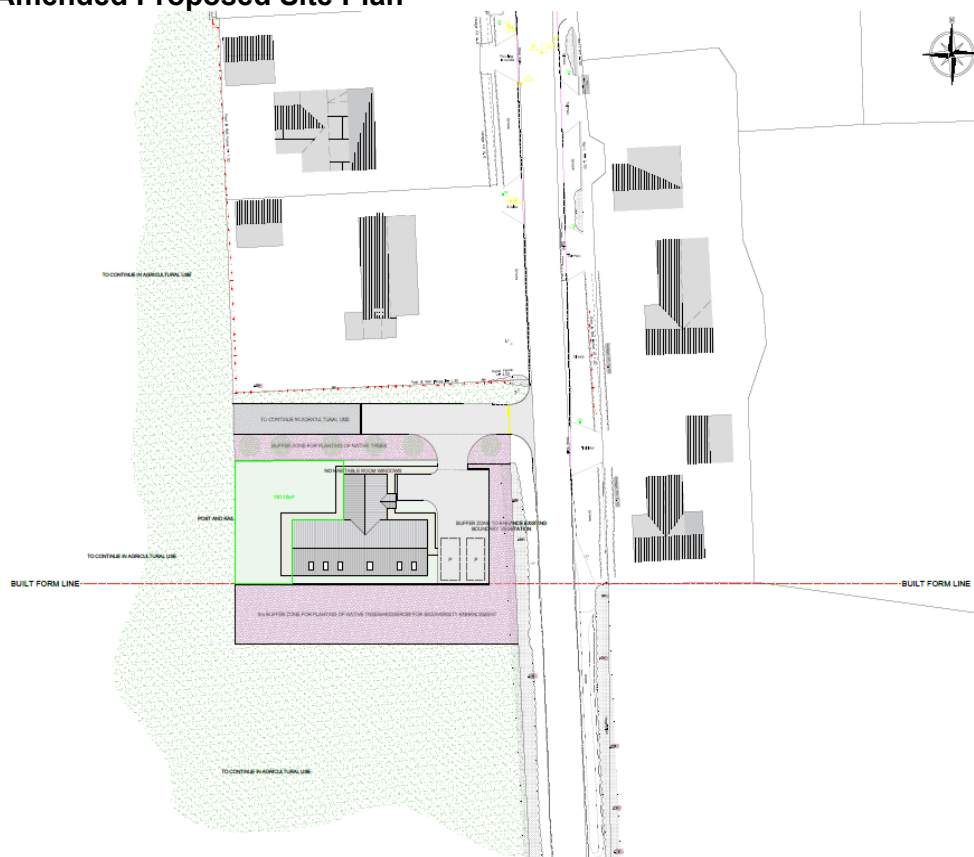
Site Location Plan



Aerial Image of Site Location



Amended Proposed Site Plan



Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council's website.

Relevant Planning History

- 17/01342/FUL - New agricultural access – Approved - 06.07.2018.
- 16/00360/OUTM - Erection of 27 dwellings (Outline application - all matters reserved except for part access) – Refused 16.11.2016.

The above application REF: 16/00360/OUTM was refused for the following two reasons:

1. Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan provide a presumption against non-essential residential development outside the Limits to Development with Paragraph 17 of the NPPF indicating that planning should recognise the intrinsic character and beauty of the countryside. Policy S2 of the submitted Local Plan also identifies that whilst Breedon on the Hill is a 'sustainable village' any residential growth which is to be permitted should take place within the Limits to Development. The proposed development being on a greenfield site would adversely affect and diminish the present open character of the site and represent unwarranted and overbearing development in the rural environment which should be protected for its own sake. The development would fail to protect or enhance the natural environment and therefore the proposal would be contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.
2. Paragraph 32 of the NPPF outlines, amongst other things, that development should only be prevented or refused on transport grounds where the residual cumulative impact of the development are severe. Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan identify that development will be permitted only where its highway design and layout make adequate provision for vehicular access, circulation, and servicing arrangements. It is considered that the proposed access into the site would not provide a sufficient level of visibility to enable vehicles to safely exit the site given the speed of traffic on Worthington Lane and the topography of the highway to the south. The difference in land levels between the site and the highway would also result in the provision of an access which would have a gradient that would not enable vehicles to safely enter or exit the site at an appropriate speed. In these circumstances to permit the development would be contrary to Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

The above refusal was subject to an appeal decision (ref: APP/G2435/W/17/3167167) which was dismissed by the Planning Inspectorate on 14.07.2017.

The Inspector concluded and advised that *“combined, the weight afforded to the noted benefits would not outweigh the harm identified in relation to the first main issue [whether the proposed site would be a suitable location for housing having regard to development plan, national planning policy and its effect on the character and appearance of the surrounding area]. Moreover, the impact of the proposal on the character and appearance of the surrounding area would result in environmental harm. Consequently the proposal would not simultaneously deliver the environment, social and economic dimensions required to be considered sustainable development by the Framework.”*

2. Publicity

9 neighbours were initially notified on the 28th May 2024, with 14 neighbours notified on amended plans on the 5th December 2024.

A site notice was displayed on the 30th May 2024.

A press notice was published in the Derby Evening Telegraph on 5th June 2024.

3. Summary of Consultations and Representations Received

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

An amended Proposed Site Plan has been submitted during the course of the application. A re-consultation has been undertaken with the Parish Council and neighbouring properties. Any further consultation responses received by the Local Planning Authority will be reported to members on the committee update sheet.

Objections from:

Breedon on the Hill Parish Council objects to the application on the following summarised grounds:

- i. The proposal is contrary to Policy S3 of the adopted Local Plan;
- ii. The proposal would adversely and disproportionately affect the character of the approach to the village down Worthington Lane as stated in the 2017 appeal decision.
- iii. The proposal would use the same access as a previous planning application which was previously refused at appeal (16/00360/OUTM);
- iv. The main reasons for dismissal of the appeal against the refusal of planning permission 16/00360/OUTM still apply to the present outline application and is in fact strengthened by the fact that the proposed development sits further to the South of adjacent dwellings on Worthington Lane than was the case in 2016.
- v. The planning permission (17/01342/FUL) for an access purely for the purpose of agricultural access does not confer the right to use the same access for a residential access.
- vi. The current application uses the same identified turning head area for the access arrangements for the proposed dwelling, meaning the original planning conditions imposed upon 17/01342/FUL can no longer be met.
- vii. The Parish Council have undertaken measurements of the achievable visibility splay looking North which was measured at 16m and looking South 38m. Both measurements do not meet the requirements laid down by the relevant specification with the roadside conditions as they currently exist.
- viii. The Parish Council consider that the 85th percentile traffic speeds at the proposed access point far exceed 30mph and that this should be tested by an up-to-date traffic speed survey.
- ix. There are no pedestrian footpaths on either side of the road for some distance North of the proposed access, towards the Village.
- x. The Parish Council has submitted its Neighbourhood Plan to NWLDC, which includes provision to meet its Local Housing Requirement for the Parish in full.
- xi. Allowing development outside the updated Limits to Development conflicts with the Neighbourhood Plan and as such is likely to significantly and demonstrably outweigh the

benefits as previously indicated by the dismissed appeal (APP/G2435/W/17/3167167) which concluded that the benefits of development would not outweigh the harm to the rural and verdant character of Worthington Lane and the setting of the village. The same applies to the current application.

No Objections from:

North West Leicestershire District Council Environmental Protection Team
 Leicestershire County Council Lead Local Flood Authority
 Leicestershire County Council Archaeology

No Objections, subject to conditions and/or informatives, from:

Leicestershire County Council Highway Authority
 Leicestershire County Council Ecologist

Third Party Representations

18 representations have been received objecting to the application with the comments raised summarised as follows:

Grounds of Objections	Description of Impact
Preliminary Matters	The land survey carried out extends far beyond the confines of the site boundary.
Principle of Development and Sustainability	Planning permission previously was turned down, even after final appeal, and nothing has changed since then, so this application should be emphatically rejected. All future housing requirements are met and laid out for scrutiny in the Neighbourhood Plan.
	This greenfield agricultural site is outside of the permitted development options for Breedon on the Hill and does not accord with the Local Plan.
	This build is not needed, benefits no resident in the village and will cause unnecessary future disruption to a small community's infrastructure.
	As the Council are able to demonstrate a five year supply of deliverable housing sites, the provisions of paragraph 11(d)(ii) of the National Planning Policy Framework are not applicable.

	<p>Impact on 'assets' (in the context of paragraph 11(d) of the NPPF) that include the protection of the countryside as referenced in policy S3 along with the other points give those clear reasons for refusing this development.</p>
	<p>Despite the Council's shortfall of plots for self-build dwellings in the District, the proposal still fails to comply with all of the criteria within Local Plan Policy S3, and this cannot be used as a valid planning reason to justify building in this countryside location.</p>
	<p>Concern that this application is a ploy to turn the whole field into a self-build monstrosity.</p>
<p>Highway Safety Impacts</p>	<p>The applicant is unable to control the required land to meet the visibility splays necessitated by the highway authority's specification in both directions. Whilst a plan has been included that apparently shows the highway boundary, it is clear from Leicestershire County Council's notes on this plan that this is nothing more than indicative.</p>
	<p>The access is unsafe owing to impacts from glare of the sun, reliance on maintenance of roadside vegetation, the speed of the road, and inadequate visibility splays.</p>
	<p>The need for verge maintenance will fall solely to the highway authority who currently do not and have no need to carry out verge maintenance at this location. The proposal would result in vegetation removal, including part of the sloping bank inside the highway boundary where the roots of trees are likely to be affected, altering the rural nature of the area.</p>
	<p>The turning area conditioned under the agricultural access planning permission is obstructed by the proposed building layout. The agricultural access</p>

	<p>would therefore be unable to operate whilst according with the planning permission originally granted.</p>
	<p>The visibility splay drawings cannot be relied upon and do not show the very poor line of site from the proposed entrance.</p>
	<p>The current access (which was given permission after it was built) never met its obligations by putting up a gate. The intended use was for farm vehicles that require a turning point, not to access a property.</p>
	<p>No TRO exists, and the speed limit therefore relies on the blanket coverage of a 30-mph speed limit being in place across Breedon on the Hill.</p>
	<p>A speed survey should be carried out to ascertain the 85th percentiles speed of the road.</p>
	<p>There is no existing pavement along this stretch of Worthington Lane to allow pedestrians safe passage to walk to the village.</p>
	<p>The proposal would fail to meet the requirements of Local Plan Policy IF4 and paragraph 114 of the Framework which combined seek to ensure that development provides a safe and suitable access.</p>
	<p>An additional access point would have to be provided above the existing one, which would place it very close to the brow of the hill, and considering that the speed limit at that point is 60 miles per hour, would not be a safe, viable option.</p>
<p>Visual Impacts and Impacts on the Countryside</p>	<p>Beyond the site there are no more properties until some farm buildings are found on the southern side of the A42 towards the village of Worthington.</p>

	<p>The proposal would extend development into the countryside.</p>
	<p>The construction of a new dwelling in this countryside location would harm the rural and verdant character along Worthington Lane and also have a detrimental effect on the character and appearance of the surrounding area. Consequently, the proposal would not meet the requirements of Local Plan Policy S3, and paragraph 135 of the Framework. Combined, these policies seek to protect the intrinsic character and beauty of the countryside which could be irreversibly harmed by this application.</p>
	<p>The proposal would impact on the entry view into the village.</p>
	<p>The new structure will be incongruous with the existing architectural style, potentially diminishing the visual appeal of the community</p>
Ecology and Biodiversity	<p>The ecological value of the site cannot be determined based on how many times the landowner decides to rotate crops or plough the field. Natural England should be consulted.</p>
	<p>The site forms part of a much larger site area and therefore would not benefit from the biodiversity net gain exemption for self-build schemes.</p>
	<p>The proposed development site is home to local wildlife and green spaces that contribute to the ecological balance of the area. The construction and subsequent habitation will disrupt these habitats and contribute to environmental degradation.</p>
Flood Risk and Drainage	<p>There is no mention of the land drainage issues,</p>

	<p>which during heavy rain causes flooding into Worthington Lane from the run off water travelling down the steep slope on the field past several houses.</p>
	<p>Due to other house building water runs off of the field differently causing water logging and flooding in the garden. Further properties on this field will cause more issues and problems for residents.</p>
	<p>There is no access for a drain as all surrounding land is privately owned.</p>
	<p>The water volumes have increased running down the lane since the building of the agricultural drive into this field.</p>
Residential Amenity	<p>The proposed dwelling will overlook a property, leading to a significant loss of privacy. The close proximity and elevated structure of the new building will allow direct views into living spaces and a garden.</p>
	<p>The construction process and the addition of a dwelling will result in noise and disturbance to an otherwise peaceful neighbourhood and will affect quality of life.</p>
	<p>The proposal will result in a loss of sunlight, overlooking / loss of privacy & overshadowing / loss of outlook.</p>
Non-material planning considerations	<p>The proposal would have an adverse effect on property values.</p>

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

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

Paragraphs 7, 8, 9 and 10 (Achieving sustainable development);
Paragraphs 11, 12 and 14 (Presumption in favour of sustainable development);
Paragraphs 39, 48 and 49 (Decision-making);
Paragraphs 56, 57 and 58 (Planning conditions and obligations);
Paragraphs 61 and 63 (Delivering a sufficient supply of homes);
Paragraph 96 (Promoting healthy and safe communities);
Paragraphs 109, 110, 115, 116, 117 (Promoting sustainable transport);
Paragraphs 124, 125, 128 and 129 (Making effective use of land);
Paragraphs 131, 133, 135, 136, 139 and 140 (Achieving well-designed places);
Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 187, 192, 193, 196, 197 and 198 (Conserving and enhancing the natural environment); and
Paragraphs 205, 212, 213, 214, 215, 217 and 218 (Conserving and enhancing the historic environment).

Local Policies

Adopted North West Leicestershire Local Plan (2021)

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

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

Submission Breedon on the Hill Neighbourhood Plan

The examination into the Breedon on the Hill Neighbourhood Plan has now concluded. The examiner issued her report on 4 December 2024 and concludes that, subject to certain modifications, the plan meets the Basic Conditions and should proceed to referendum. The Council concluded that the examiner's recommendations were appropriate. This modified version of the Plan ('the referendum version') will be the subject of a referendum and it is anticipated that this will be held in Spring 2025.

The weight to be attached by the decision maker to the referendum version of the plan should be

in accordance with the approach set out in Paragraph 49 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF. National Planning Practice Guidance confirms that “a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application”. In view of the stage the plan has reached and the Examiner’s findings, it is considered that considerable weight can be attributed to its policies.

The following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy BotH2: Protecting the landscape and Locally Important Views
Policy BotH5: Ecology and Biodiversity
Policy BotH6: Trees and Hedgerows
Policy BotH7: Water Management
Policy BotH12: Design
Policy BotH14: Housing Requirement
Policy BotH15: Breedon on the Hill- Windfall Housing Development
Policy BotH20: Rural Housing

Other Policies and Guidance

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

5. Assessment

Principle of the Development and Sustainability

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

It is important to address the planning history on the site which relates to the Council’s refusal of planning application 16/00360/OUTM for the erection of 27 dwellings (Outline application - all matters reserved except for part access). This refusal was subject to an appeal which was dismissed by the Planning Inspectorate which represents a material consideration in the assessment of this application. However, it should be noted that there are fundamental differences between this proposal and the application previously dismissed at appeal. This application relates to a much smaller site area and is for one self-build dwelling, as opposed to the 27 dwellings which would have been made up of 19 open market dwellings and 8 affordable units. Furthermore, this application is to be assessed against an updated development plan, and the updated National Planning Policy Framework (2024). Whilst certain elements of the Planning Inspectorate’s appeal decision may still be applicable to the assessment of this application, the conclusions made in the assessment of that appeal decision cannot be fully adopted by the Local Planning Authority and applied in the assessment of this application.

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

Policy BotH14 (Housing Requirement) of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020-2040) states that the housing requirement for Breedon on the Hill Neighbourhood Area for the period 2020 to 2040 will be met through the development of committed sites including the former Breedon Priory Garden Centre (refs: 18/02198/FULM and 20/01920/FUL), through the allocation of Land north of Southworth Road, Breedon the Hill for the development of approximately 13 dwellings in accordance with Policy BotH16, through windfall development in accordance with Policies BotH15, BotH17 and BotH21, and through the allocation of Brook Farm, Moor Lane, Tonge for the development of approximately 10 dwellings in accordance with Policy BotH18.

The site is located within land falling outside the defined Limits to Development, designated as countryside within the adopted Local Plan and the referendum version of the Neighbourhood Plan. On sites falling outside the defined Limits to Development, residential development is not a form of development that is permissible by Policy S3 of the North West Leicestershire Local Plan (2021), save for limited exceptions as specified in the policy (e.g. re-use or adaptation of an existing building or the redevelopment of previously developed land). The proposal does not fall within any of these exceptions.

The NPPF defines 'Previously Developed land' (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. However, this excludes agricultural land. In this instance, the application site is an undeveloped agricultural site, it would not fall under the NPPF's definition of PDL. As such, this development would not be supported under Policy S3 (e).

Whilst in this case the proposal is not supported by criteria (a) to (s) of Policy S3 of the Local Plan (2021), the Policy goes on to state that development in accordance with criteria (a) to (s) would be supported, subject to satisfying criteria i-vi. For completeness, an assessment of the application against criteria (a) to (s) is set out below:

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

For the reasons discussed in the design section of this report, it is considered that the appearance and character of the landscape would not be safeguarded or enhanced. Therefore, the proposal fails to accord with criterion (i) of Policy S3.

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

The site immediately abuts the settlement boundary of Breedon on the Hill and would extend no further south into areas of open countryside when compared to the building line formed by the

existing residential development to the eastern side of Worthington Lane. The development would be positioned a significant distance from the closest neighbouring settlement. Therefore, the proposal would not undermine the physical or perceived separation between nearby settlements. Therefore, no conflict has been identified with criterion (ii) of Policy S3.

(iii) it does not create or exacerbate ribbon development

The proposal, owing to its siting to the south of 20 Worthington Lane, would exacerbate existing ribbon development along the western side of Worthington Lane. The proposal therefore fails to accord with criterion (iii) of Policy S3.

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

Although the proposal would result in the construction of a dwelling on undeveloped agricultural land, given that the extent of the application site would project no further to the south than the built form to the east of Worthington Lane, and it immediately adjoined by residential properties to the north and east, it is considered that the development would be well integrated with existing residential development. Therefore, no conflict has been identified with criterion (iv) of Policy S3.

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

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

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

The site is within walking and cycling distance to the village centre and public transport links (buses). Whilst there is no public footpath available to the western side of Worthington Lane for around 100 metres north of the site access, this is the case for the existing neighbouring residents and the Local Planning Authority in the assessment of planning application ref: 16/00360/OUTM did not look to refuse the application for 27 dwellings on this ground, and the Council's decision notice for the application makes no reference to this issue. Furthermore, the Planning Inspector in the appeal decision did not raise a concern in relation to this matter, stating that "*as the site is within walking and cycling distance to the village centre and public transport links, environmental benefits would arise by reducing dependency on private vehicular transport.*"

In terms of sustainable transport which would be available for future occupiers, Bus number 125 serves Breedon on the Hill. Bus service 125 (Castle Donington - Leicester) runs through Breedon on the Hill to Leicester via a number of settlements and towns twice per day Monday – Saturday. The bus times are extremely limited at approximately 10:00am and 14:00pm. The buses from Breedon on the Hill to Castle Donington (via Tonge and Isley Walton) also only run twice a day with buses at around 10:00am and 13:30pm Monday – Saturday. There are no other bus services serving Breedon on the Hill and there are no buses on Sundays. There is also no other form of sustainable transport available from Breedon on the Hill.

Breedon on the Hill itself, however, is defined as a 'Sustainable Village' in the Local Plan and contains a shop and post office, a number of public houses, and a primary school, which would enable future occupiers to meet some of their day to day needs. The majority of the facilities and services within the village would be within walking and cycling distance from the application site.

Overall, on balance, the proposal is considered to be accessible by a range of sustainable

transport and no conflict is considered to arise with criterion (vi) of Policy S3.

Furthermore, the site also falls outside of the Limits to Development identified on Map 17 of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020 – 2040). New residential development is not supported by Policy BotH15 (Windfall Housing Development) of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020 – 2040) which states that housing development proposals will be supported within the Limits to Development identified on Map 17. The development would also not be supported under Policy BotH20 of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020 – 2040) which sets out forms of housing development under criteria A - E which will be supported outside the Breedon on the Hill Limits to Development. Self-build residential developments are not a form of development listed in A – E.

Conclusion - Principle of Development

The site is located outside of the Limits to Development set out in both the North West Leicestershire Local Plan (2021) and the referendum version of the Breedon on the Hill Neighbourhood Plan (2020 – 2040). The proposal is also fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 of the adopted Local Plan and would also be contrary to Policy S3, as it is not a form of development supported in the countryside. The application would also conflict with criteria (i) and (iii) of the second set of criteria to Policy S3. Furthermore, the proposal is not a form of development supported by Policies BotH14 or BotH15 of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020 – 2040).

On this basis, the proposal is not in accordance with the spatial policies set out within the adopted North West Leicestershire Local Plan (2021), or the referendum version of the Breedon on the Hill Neighbourhood Plan (2020 – 2040).

Self-Build and Custom Housing

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

Self and custom build is defined as the building or completion by individuals, an association of individuals or persons working with or for individuals, of houses to be occupied as homes by those individuals. This is an outline application for the erection of 1 no. self-build dwelling which would contribute towards the delivery of self-build and custom housebuilding in the district.

The District Council has a duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), to give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the area of North West Leicestershire arising in each base period. This District Council's Self-Build Register was established in April 2016. As of 18 February 2025 there are 168 individuals on the list. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots.

A	B	C	D	E	F
Base Period	Registrations in base period	Plots required to meet	Permissions granted in base	Cumulative permissions at end of	Oversupply (+) or shortfall (-)

PLANNING APPLICATIONS- SECTION A

		demand by end of base period	period (dwellings)	base period (dwellings)	(E minus C)
1 April 2016 to 30 October 2016	6	0	1	1	+1
31 October 2016 to 30th October 2017	10	0	1	2	+2
31 October 2017 to 30 October 2018	8	0	2	4	+4
31 October 2018 to 30 October 2019	14	6	30	34	+28
31 October 2019 to 30 October 2020	20	16	0	34	+18
31 October 2020 to 30 October 2021	14	24	0	34	+10
31 October 2021 to 30 October 2022	20	38	0	34	-4
31 October 2022 to 30 October 2023	34	58	3	37	-21
31 October 2023 to 30 October 2024	37	72	17	54	-18
31 October 2024 to 30 October 2025	To be confirmed	92	7*	61*	-31*

* As of 18 February 2025

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

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

31 October 2023 to 30 October 2024

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

At that same date, cumulative planning permissions had been granted for a total of 54 plots

(column E), meaning there was an unmet demand, or shortfall, of 18 plots at the end of that base period. This unmet demand is to be carried over into the latest base period.

31 October 2024 to 30 October 2025

During the current base period (31 October 2024 to 30 October 2025), there is a cumulative demand for 92 plots, which is based on all those who signed up to the register between 1 April 2016 and 30 October 2022.

Planning permission for a further 7 plots has been granted so far during this base period, so cumulative planning permissions had been granted for a total of 61 plots. (A further 4 plots have resolutions to permit but as the permissions have not yet been issued, they cannot be added to the supply at present). Therefore, at the current time there is an unmet demand, or shortfall, of 31 plots. This represents a significant unmet need.

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

The adopted Local Plan, and indeed the Referendum version of the Breedon on the Hill Neighbourhood Plan (2020 – 2040), are silent on the matter of self-build housing, and in these circumstances, Paragraph 11 of the NPPF would apply which states that 'plans and decisions should apply a presumption in favour of sustainable development'.

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

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

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

Footnote 7 of the NPPF makes it clear that the policies referred to in Paragraph 11 are those in the Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in Paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change. In this case, the proposal would not affect a designated heritage asset, and therefore only Paragraph 11(d)(ii) is engaged in this case.

It should be noted that the referendum version of the Breedon on the Hill Neighbourhood Plan has not been made and adopted and therefore it does not form part of the development plan. On this basis, the provisions set out in Paragraph 14 of the NPPF are not applicable in the assessment of this application.

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

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

Loss of Agricultural Land

In terms of environmental sustainability, the proposal would result in the loss of agricultural land. Furthermore, consideration has been given to Paragraph 125(b) of the NPPF which states that planning decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.

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). DEFRA's provisional ALC identifies the site as likely to be Grade 3 (Good to Moderate) land and therefore the land could well be classed as BMV land, albeit the classification maps do not differentiate between Grades 3a and 3b. Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude of loss of BMV agricultural land in this case is considered to be low given that 0.06 ha would be lost. Furthermore, there is no development plan policy relating to the loss of agricultural land.

Therefore, given the relatively limited extent of the potential loss of the site, at less than 0.1 of a hectare, it is considered that this is not sufficient to sustain a reason for refusal in this case, however, the loss would be a harm to be weighed in the planning balance which would be afforded limited weight.

Impacts on the Landscape and the Character of the Countryside

Policy D1 of the Local Plan (2021) supports proposed developments that are well designed and, as a minimum, offer a good standard of design based upon a robust opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. This is expanded upon in the Council's Good Design for North West Leicestershire Supplementary Planning Document (April 2017) (the SPD) which states that developments must be underpinned by a thorough understanding and appreciation of the place, both the site and its immediate and wider context. Policy S3 of the Local Plan (2021), as referred to in the principle of development section of this report, requires developments to safeguard and enhance the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness (criterion (i)). Criterion (iii) of Policy S3 requires developments to not create or exacerbate ribbon development.

Policy BotH2 (Protecting the Landscape and Locally Important Views) of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020-2040) states that development should be located and designed in a way that is sensitive to the open landscape and natural features that characterise the Neighbourhood Area. It further states that proposals will not be supported if potential impacts on landscape cannot be adequately mitigated through design and landscaping.

Policy BotH12 (Design) states that to support the creation of high quality, beautiful and sustainable buildings and places, development should reflect the Breedon on the Hill Design Code (Appendix 2). It goes on to state that development that is not well designed will not be supported, especially where it fails to reflect the Breedon on the Hill Design Code and government and local guidance on design.

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

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

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

A number of objections have been received on grounds of visual impacts, particularly on the approach to the village when travelling from the south.

The application seeks approval of layout, however, as scale and appearance (in addition to landscaping), are reserved for approval at the reserved matters stages, the detailed design of the scheme would be a matter to assess at the reserved matters stage/s.

In terms of the proposed layout, whilst the proposed footprint of the dwelling is large, properties along Worthington Lane vary significantly in their footprints and densities and the scheme in this regard would not be out of character with the pattern and density of development established by properties in the immediate area. Following amendments made to the application, the rear garden of the dwelling would now be at least equal to the footprint of the property, which meets the minimum required standard outlined in Paragraph 11.31 of the Council's Good design for North West Leicestershire SPD. A planning condition is recommended to be imposed to remove permitted development rights to ensure that no further extensions to the dwelling, or the construction of outbuildings, could take place without the express consent from the Local Planning Authority having first been obtained, in order to preserve the amenities of future occupiers.

The site is raised in comparison to the level of the highway, much like the land to the eastern side of Worthington Lane. Any scheme submitted at the reserved matters stage would need to ensure that the dwelling would not be unacceptable in terms of its design, massing and scale, having regard to the site levels, and the scale and design of other dwellings in the immediate area, in addition to the site's location at the edge of the settlement.

In any case, the erection of a dwelling on this site would result in a level of harm to the landscape and the character and appearance of the countryside by virtue of the development of an undeveloped greenfield site in the countryside. The principle of development section of this report has already identified that the proposal would exacerbate existing ribbon development along the western side of Worthington Lane, extending built form further south into open undeveloped areas of land, although the scheme would not extend any further to the south than existing built development to the eastern side of Worthington Lane (No.19). On this basis, the scheme would not protect the intrinsic character and beauty of the countryside as required by the NPPF and the North West Leicestershire Local Plan (2021).

The Inspector for the previously dismissed appeal stated that *“Worthington Lane is abutted by short grass verges and established tall vegetation to its sides on the approach to Breedon on the Hill from the south. These attributes give Worthington Lane an attractive verdant and rural character on the approach to the village. The 30mph sign adjacent to the proposed site access marks a transition from the countryside to the village which opens up by virtue of properties with well-maintained front gardens and driveways. This contrast in character from countryside to the village is noticeable when viewed from vantage points along this section of Worthington Lane and contributes positively to the setting of the village.”* This is a character summary which is supported by the Local Planning Authority, however, the previously dismissed appeal scheme required significant visibility splays (of over 100 metres, 35 metres greater than the splays required by this proposal). To the south along Worthington Lane, the visibility splay would have necessitated the extensive reduction and removal of roadside vegetation, however, this proposal requires visibility splays of 65 metres (which is no greater than the existing visibility splays required by the existing agricultural access into the site) which would include grass verges and would not require the removal of roadside trees or vegetation based on the submitted visibility splay plan.

The Inspector went on to conclude that the proposed access road and the length of the visibility splay would result in significant harm to the verdant and rural character and setting of the village provided by this section of Worthington Lane. However, a material difference between the previously proposed development and this scheme is that the proposal would now utilise an existing access and is capable of being developed without requiring the removal of trees and vegetation along the eastern boundary of the site.

Overall, the proposal would result in a level of harm to the landscape and the character and appearance of the countryside by virtue of the development of an undeveloped greenfield site and through the exacerbation of existing ribbon development into open countryside. The proposal would result in the permanent loss of countryside and the urbanisation of the site. Therefore, conflict has been identified with Policy D1 and criteria (i) and (iii) of Policy S3 of the adopted Local Plan (2021).

Neighbour Amenity

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. Paragraph 198 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

A number of objections have been received on grounds of loss of sunlight, overlooking, loss of privacy and overshadowing and loss of outlook. However, it should be noted that no detailed plans and elevation have been provided given the application is in outline form with only access and layout sought for approval. Therefore, it is not possible to assess the full impacts upon neighbours at this stage, however, detailed consideration of overlooking, overshadowing and oppressive outlook impacts would be dealt with at reserved matters stage/s when the scale and appearance of the dwelling are submitted.

The site is slightly separated from the existing dwelling, No.20 Worthington Lane, by the existing access route into the site. It is considered that the proposed layout of the site would be acceptable and the site could be developed without resulting in significant detriment to the occupiers of No.20, and any other surrounding occupiers, including dwellings to the east, from direct overlooking,

overshadowing and oppressive outlook, and significant noise, disturbance and odour.

Despite neighbour concerns, the addition of one household would not result in unacceptable noise and disturbance impacts to nearby neighbours. Any construction related noise and disturbance is an unavoidable manifestation of any development project, however, it would be for a temporary period owing to the scale of the development and would not warrant a refusal of planning permission.

As such, the proposal would comply with Policy D2 of the Local Plan, the Council's Good Design SPD and the relevant paragraphs of the NPPF.

Highway Safety

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

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

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

The Parish Council have objected to the proposal on various grounds, including those relating to highway safety. Concerns have been raised, including those relating to the use of an existing agricultural access and its turning requirements, the validity of the speed survey and the accuracy of the vehicular visibility splays. A number of neighbour objections have also raised concerns in relation to safety, visibility splays, land ownership required to deliver the visibility splays, inaccuracies in the visibility splay drawings, the removal of a turning area for agricultural vehicles, in addition to other highway safety issues.

The proposal would utilise an existing agricultural access leading from Worthington Lane in the north-west of the site which was granted planning permission in 2018 (application ref: 17/01342/FUL). The County Highway Authority (CHA) have been consulted on the application and originally requested that the applicant provide a speed survey and use this to demonstrate visibility in the horizontal and vertical planes. The requested speed survey has been submitted by the applicant which shows 85th percentile speeds of 39.1mph northbound and 37.5mph southbound. The CHA has reviewed the submitted Visibility Splay Plan and are satisfied the demonstrated visibility splays are in line with Table DG4 of the Leicestershire Highway Design Guide (LHDG). The CHA is also satisfied the visibility splays are contained within land owned by the highway authority, or the applicant's ownership boundaries.

The site is also capable of providing suitable on site turning and parking.

It should be noted that the existing agricultural vehicular access permitted an access on the basis that 2.4 metre x 65 metre visibility splays would be achieved in both directions (as shown on the Agricultural Access Worthington Lane, Breedon Rev. E drawing which was approved by the Local

Planning Authority). This application also shows the same visibility splays would be achieved in both the northern and southern directions. This proposal therefore requires no increased visibility over and above that of the existing agricultural vehicular access which is already in operation.

On the basis that the CHA is satisfied with regard to the speed survey undertaken, the visibility splays achievable in both directions, in addition to land ownership issues, there is no reason for the Local Planning Authority to resist this planning application on highway safety grounds and members are advised to have regard to Paragraph 116 of the NPPF which clearly states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. The CHA have not advised that there would be an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe.

The proposal would remove the ability for the landowner to utilise the originally permitted agricultural vehicle turning space as part of the permission granted under application ref: 17/01342/FUL which was for a new agricultural access. Much of this turning head would be utilised for access to the dwelling, with the proposed layout showing that the turning area would be replaced by the driveway to the dwelling. A Grampian planning condition is therefore recommended to be imposed upon any permission granted to secure details of an alternative agricultural turning provision within the land edged in blue. This condition would be worded to include the relevant triggers in terms of the submission of the details to the Local Planning Authority for approval, as well as the timeframe for providing the approved turning area which would be prior to any works relating to the new dwelling taking place. Such a condition is considered to be reasonable and necessary in the interests of highway safety.

An objection has been received on grounds that verge maintenance will fall solely to the Highway Authority who currently do not have a need to carry out verge maintenance at this location. It should be noted the existing 65 metre visibility splay already requires roadside vegetation maintenance in this location. A further objection raises concern that the proposal would result in the removal of part of the sloping bank inside the highway boundary where the roots of trees are likely to be affected, altering the rural nature of the area. The application does not propose the removal of part of the sloping bank and therefore the roots of trees would not be affected by any highway related works.

An objection has been received on grounds that there is no existing pavement along this stretch of Worthington Lane to allow pedestrians safe passage to walk to the village. Whilst this is the case, this is an existing arrangement for many of the existing properties along Worthington Lane for around a 100 metre stretch from the site access point. As set out in the principle of development section of this report, above, the Local Planning Authority would not look to resist the application on this basis.

On the above basis, the application is considered to be acceptable when having regard to highway safety and parking and would accord with Policies IF4 and IF7 of the Local Plan (2021) and Paragraph 115 of the NPPF, subject to the imposition of planning conditions to secure suitable visibility splays, turning, parking and appropriate surfacing, in addition to an alternative agricultural vehicle turning facility within land edged in blue.

Ecology, Landscaping and Biodiversity Net Gain

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

Policy BotH5 (Ecology and Biodiversity) of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020-2040) states that development should conserve, restore and enhance the network of local ecological features and habitats which include Local Wildlife Sites (including historical sites), Geology Sites and Wildlife Corridors.

Ecology Impacts

The site features open agricultural land bordered by trees and hedgerow to the eastern boundary. The County Council's Ecologist has been consulted on the application and has advised that the Preliminary Ecological Appraisal (PEA) report submitted to support the application is satisfactory. The assessment identified that the proposed development site is of low ecological value and that no further surveys are required prior to the determination of the application.

Recommendations have been made relating to the provision of biodiversity enhancements (swift, bat and bee bricks and native species planting) within the proposed scheme and these are recommended to be secured through the imposition of a planning condition. Any external lighting can also be controlled through the use of a planning condition.

Whilst the site plan shows an 8 metre wide buffer zone for planting of native trees and hedgerows for biodiversity enhancement, this buffer zone falls outside of the red line boundary of the site and therefore is not deliverable as part of this planning application. Furthermore, landscaping is a matter to be determined at the reserved matters stage and appropriate planting to screen the development from the surrounding countryside should be proposed within the red line boundary at the reserved matters stage with appropriate conditions imposed to secure its implementation and retention.

Whilst an objection has been received advising that Natural England be consulted on this application, the application does not meet the consultation trigger for Natural England to be consulted at the County Council's Ecologist has fully reviewed the proposal.

Impacts upon Trees and Hedgerows

Policy En1 of the Local Plan (2021) states that new development will be expected to maintain existing ecological networks, hotspots and landscape features (such as water courses and waterways, disused railway lines, trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses.

Policy BotH6 (Trees and Hedgerows) of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020-2040) states that existing trees and hedgerows should be retained where possible and integrated into new developments. It further states that development that damages or results in the loss or deterioration of ancient trees, hedgerows or trees of good arboricultural and amenity value will not be supported. It goes on to state that proposals should be designed to retain ancient trees, hedgerows or trees of arboricultural and amenity value and that proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and hedgerows, indicating replanting where appropriate.

A number of objections have been received relating to the requirement for a number of trees and hedgerows adjacent to the highway edges to be removed to facilitate the proposed visibility splays. The visibility splays shown on the submitted plans would require the trimming back and maintenance of roadside vegetation, however, removals would not be necessary, despite the concerns raised.

Whilst an Arboricultural Impact Assessment has not been submitted to support this application, the Local Planning Authority are satisfied that the site can be developed whilst ensuring existing trees and hedgerows to the east of the site can be retained, and that no unacceptable impacts upon Root Protection Areas would arise. The reserved matters application would need to demonstrate that a suitable landscaping proposed would be achieved, and that the development, particularly the proposed driveway area to the front of the site, would not affect the long term health of existing trees to the east of the site through the submission of further arboricultural and detailed landscaping details (which may require a no dig method of construction for example).

Owing to the proposed layout and its proximity to trees and hedgerows to the east of the site which are considered to contribute positively to the character of the area, it is considered to remove householder permitted development rights (including Class F – hard surfaces incidental to the enjoyment of a dwellinghouse) through the imposition of a planning condition in order to protect the long term health of trees and hedges to the east of the site.

Biodiversity Net Gain

Policy Both5 (Ecology and Biodiversity) of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020-2040) states that new development will be expected to provide a net gain in biodiversity consistent with any national policy prevailing at the time that a planning application is determined.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. This application was validated on 3rd May 2024 and therefore is a development which is required to demonstrate that at least the statutory minimum 10% net gain will be achieved. However, there are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply.

In this case, the application is for a self-build and custom build development which consists of one dwelling and would be carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of a dwelling which is for self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

An objection has been received on the basis that the biodiversity net gain exemption should not be triggered as the applicant owns a much larger area of land in excess of 0.5 hectares. It should be noted that the exemption applies to the application site area, and does not extend to additional areas of land owned by the applicant which fall outside of the red line boundary. On the above basis, the proposal is considered to be exempt, and the Biodiversity Gain Condition is not required to be imposed or approved before development is begun.

Ecology, Landscaping and Biodiversity Net Gain Summary

As such, subject to a condition which would secure a biodiversity enhancements and a condition to control external lighting, the application is considered to be acceptable when having regard to arboricultural impacts, ecology and biodiversity. The proposal would result in no unacceptable conflict with Policy Both6 of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020-2040). Subject to conditions, it is not considered that the proposal would result in any adverse impacts to protected species or biodiversity in accordance with Policy En1 of the Local Plan, Policy Both5 of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020-2040), and the relevant sections of the NPPF. It is considered that the proposals would

comply with the provisions of Paragraph 187(d) of the NPPF.

Flood Risk and Drainage

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

Policy BotH7 (Water Management) of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020-2040) states that development sites should be designed to manage surface water sustainably and utilise resources sustainably during use. It goes on to state that SuDS should be utilised unless demonstrated to be inappropriate and that schemes should incorporate water efficient design and technology.

A number of objections have been received on grounds of flooding impacts, and that the development would result in the exacerbation of existing surface water flooding issues. Objections have also been received on grounds of a lack of detail in relation to the proposed method of surface water drainage.

The site lies within Flood Zone 1 which is the lowest risk area for fluvial flooding. The site is also at a 'very low risk' of surface water flooding. The application would result in an increase of surface water run off given the existing site is a greenfield site. The Lead Local Flood Authority has been consulted on the application and have raised no objection, referring the Local Planning Authority to 'standing advice'. In this case, there are no fluvial or pluvial flood risk concerns in relation to this proposal. The application proposes the use of a soakaway to dispose of surface water which is considered to be acceptable, and a condition is recommended to be imposed requiring that the proposal utilises a sustainable drainage system or that an alternative scheme of surface water discharge (including evidence to demonstrate that the means of drainage via soakaway is not deemed to be suitable for the site) has first been submitted to and approved in writing by the Local Planning Authority.

Overall, subject to the imposition of a planning condition to secure a suitable surface water drainage scheme, it is considered that the proposal would be acceptable in terms of drainage, fluvial and pluvial flood risks and would accord with the aims of Policies Cc2 and Cc3 of the North West Leicestershire Local Plan (2021) and Policy BotH7 of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020-2040).

Archaeology

Criterion (4) of Policy He1 states that the District Council will support development that conserves the significance of non-designated heritage assets including archaeological remains.

The application has been assessed by the County Council's Archaeologist who does not believe that the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets.

The application therefore warrants no further archaeological action, and no conflict has been identified with Policy He1 of the North West Leicestershire Local Plan (2021) or the guidance set out in the NPPF.

Waste Storage and Collection

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

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

Conclusion and Planning Balance

The site is located outside of the Limits to Development, as set out in both the North West Leicestershire Local Plan (2021) and the referendum version of the Breedon on the Hill Neighbourhood Plan. The proposal is fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 of the adopted Local Plan and would also be contrary to Policy S3, as it is not a form of development supported in the countryside under Policy S3. The application would also conflict with criteria (i) and (iii) of the second set of criteria to Policy S3 of the North West Leicestershire Local Plan (2021). Furthermore, the proposal is not a form of development supported by Policies BothH14 or BothH15 of the referendum version of the Breedon on the Hill Neighbourhood Plan (2020 – 2040).

On this basis, the proposal is not in accordance with the spatial policies set out within the adopted North West Leicestershire Local Plan (2021), or the referendum version of the Breedon on the Hill Neighbourhood Plan (2020 – 2040).

However, the adopted Local Plan, and indeed the Referendum version of the Breedon on the Hill Neighbourhood Plan (2020 – 2040), are silent on the matter of self-build housing and in these circumstances, Paragraph 11(d)(ii) of the NPPF would apply.

In this case, the proposal would result in a degree of harm to the landscape and character of the area owing to the development and permanent loss of agricultural land and the exacerbation of existing ribbon development. However, the development relates to the provision of one dwelling, and owing to its close relationship to existing residential development to the north, the positioning of the building line of the development to the east which would not be breached, in addition to the lack of vegetation removal, the harm would be limited in this case. Furthermore, amended plans have been received to ensure that the rear garden area would be at least equal to the footprint of the proposed dwelling. This harm is therefore afforded limited weight against the granting of planning permission in the planning balance.

The application would also result in the loss of agricultural land, which is potentially Best and Most Versatile agricultural land, which would be a harm which weighs against the proposal in the planning balance. This harm would attract limited weight against granting planning permission owing to the small size of the site.

There are no technical concerns arising from the proposal. The absence of harm in relation to ecology, arboricultural impacts, neighbour amenity, highway safety, flood risk and drainage can

only be considered neutral factors in the planning balance.

In terms of benefits, the proposed development would contribute towards the supply of self-build plots when there is an identified shortfall and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. It is recognised that self-build and custom housebuilding is a key element of the government's agenda to increase the supply of housing, both market and affordable and gives more people the opportunity to build their own homes. However, it is important to note that there is nothing set out in legislation or guidance (or the Council's Local Plan) that advises that proposals for self and custom build applications should be treated any differently to applications for housing in general.

It is therefore suggested that proposals for self and custom build properties will also be expected to comply with general housing policies in the Local Plan, for example, settlement hierarchy and the expectation that new housing development be located within the defined Limits to Development or in some instances areas that are sustainable and close to the Limits to Development. In this case, the site is located adjacent to the Limits to Development of Breedon on the Hill, which is defined as a Sustainable Village, and the proposal is considered to be accessible by a range of sustainable transport with future occupiers able to meet some of their day to needs through the services and facilities provided within the village itself which would be within walking and cycling distance from the site.

This location is more acceptable when compared to remote locations in the countryside where there would be more adverse environmental and social sustainability impacts. In this case the proposal would not constitute an 'isolated' dwelling, and it would be close to other dwellings and some services. The site is therefore considered to be socially sustainable having regard to the provisions set out within the NPPF. The provision of a self-build plot in a sustainable location is therefore considered to attract significant weight in favour of granting planning permission.

The proposal would support local services and facilities which would lead to economic and social benefits. Economic benefits would also arise as a result of an increase in local spending and by support to construction employment. However, these benefits attract limited weight in favour of granting planning permission owing to the small scale of the proposal.

The proposal would also secure some biodiversity enhancements which is afforded limited weight in favour of the proposal.

Overall, having assessed the proposal in full against the policies set out within the NPPF, in particular those related to directing development to sustainable locations and securing well-designed places, and after carrying out a planning balance, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits arising from the proposal when assessed against the policies in the NPPF taken as a whole. On this basis, it is recommended that outline planning permission be granted, subject to a S106 legal agreement to secure the dwelling as a self-build dwelling, and subject to the imposition of suitably worded planning conditions.

Members are advised that the applicant has submitted a draft Unilateral Undertaking to support the application which would secure the dwelling as a self-build development.