

Permission in principle for 1 self-build dwelling with associated garaging

**Report Item No
A1**

Land Off, Chapel Lane, Osgathorpe, Leicestershire.

**Application Reference:
25/01135/PIP**

Grid Reference (E) 443135

Grid Reference (N) 319400

Date Registered:

18 August 2025

Consultation Expiry:

24 September 2025

8 Week Date:

22 September 2025

Extension of Time:

TBC

Applicants:

Mrs E A Burrows

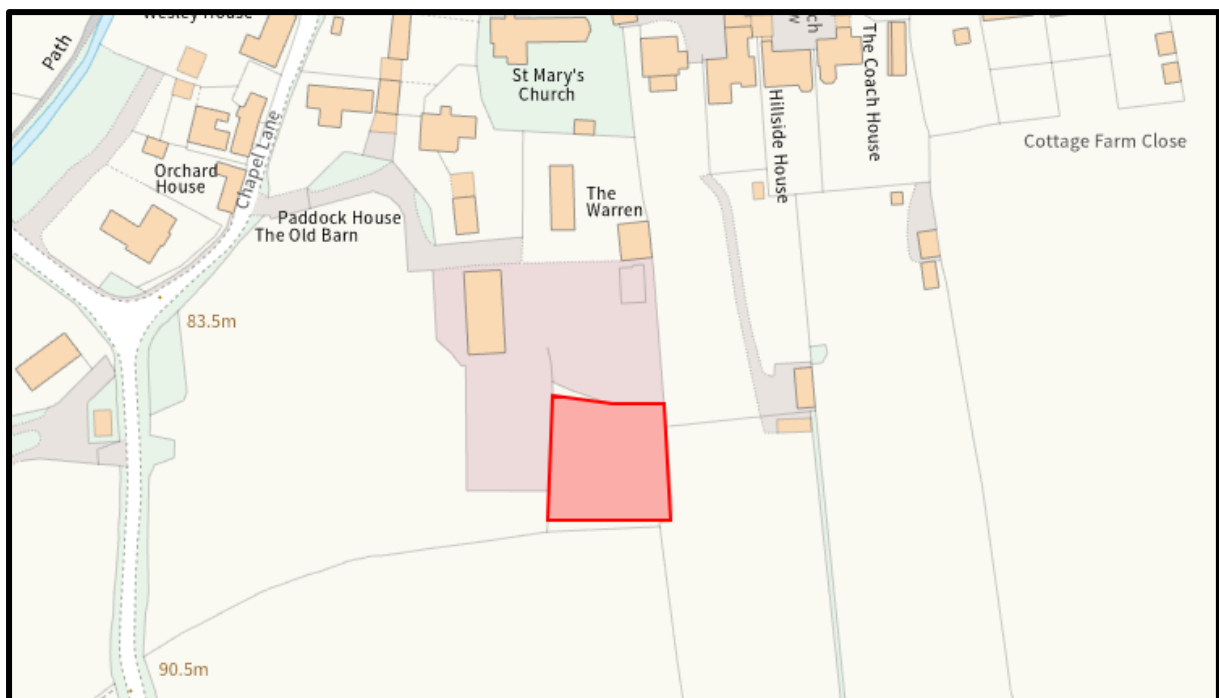
Case Officer:

Dee Wood

Recommendation:

PERMIT

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is brought to Planning Committee at the request of Councillor Boam as the application is outside the defined limits to development, previous applications on the site have been refused and due to concerns about flooding.

RECOMMENDATION – PERMIT

MAIN REPORT

1. Proposals and Background

This application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (as amended). The proposal seeks permission in principle (PIP) for one self-build dwelling and associated garaging at Land Off Chapel Lane, Osgathorpe

The site is located outside the Limits to Development, as defined by the Policy Map to the adopted North West Leicestershire Local Plan (2021). The application site is set to the south of The Warren beyond dwellings constructed under planning permission 20/01908/VCU, as well as to the east of Snarrows Road. The surrounding area is characterised by residential properties to the north and agricultural fields to the east, south and west. The Grade II* listed Church of St Mary and Grade II listed Manor Farmhouse are also located to the immediate north of the site.

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

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

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

The planning application 21/02030/FUL for the erection of a two-storey dwelling, garage and associated works was refused on 11 April 2022, and the resubmission application for a custom-build dwelling (22/01611/FUL) was refused on 9 February 2023. The applications were refused on the grounds of the proposal being contrary to Policies S2 and S3, heritage impacts, design grounds and the failure to demonstrate a suitable non-mains drainage scheme.

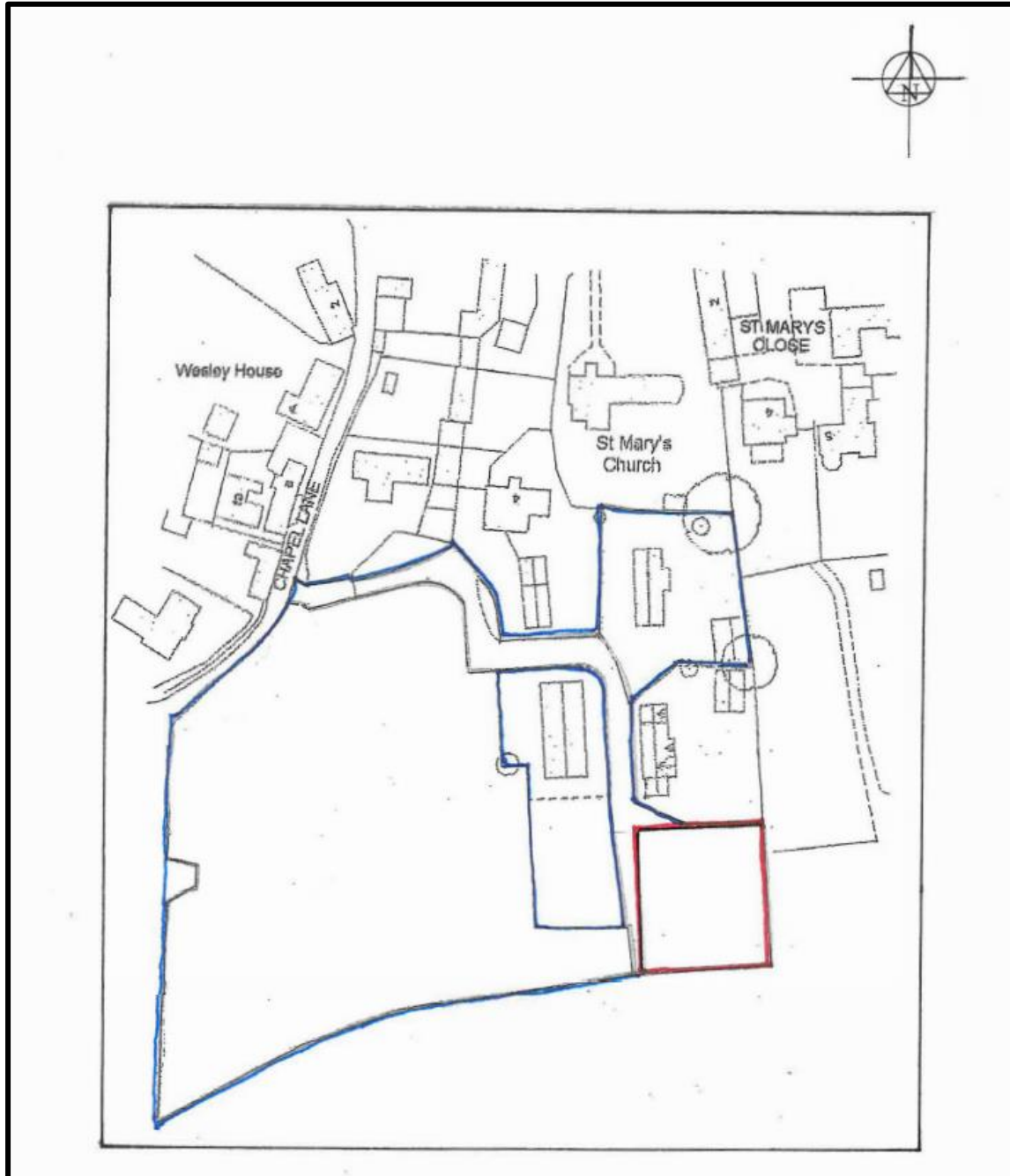
Application 22/01611/FUL was appealed by the applicant and subsequently dismissed by the Planning Inspectorate (under ref. no. APP/G2435/W/23/3324219), who concluded that the appeal site was not a sustainable location for the proposed development, that the scheme would be harmful to the character and appearance of the area, and that it would not make appropriate provision for foul drainage. The Inspector did not consider the proposal would have resulted in heritage impacts nor did they give any weight to the self/custom-build element of the proposal due to the lack of a unilateral undertaking submitted with the application. The appeal decision is available to view on the Council's website under reference number 22/01611/FUL.

Other Planning History

- 14/01158/FUL - Erection of four detached two-storey dwellings with associated off-street parking along with demolition of detached modern outbuildings (Withdrawn)
- 16/00057/FUL - Erection of two dwellings - This scheme was originally for three dwellings but was amended during the application (Refused and subsequent appeal withdrawn)
- 18/00978/FUL - Erection of two detached dwellings with associated off-street parking with detached garage accommodation, along with demolition of modern outbuildings (Permitted)
- 19/00248/FUL - Temporary caravan (Permitted)

- 19/01413/VCU - Variation of condition 2 of planning permission 18/00978/FUL to allow for alterations to the originally approved design and scale of the dwelling and associated garaging (Permitted)
- 20/01908/VCU - Variation of conditions 2 and 13 of planning permission 19/01413/VCU to allow for alterations to the originally approved design of the dwelling and levels on plot 2 only (Permitted)

Site Location Plan



Aerial Image of Site Location



Site Photos





2. Publicity

6 Neighbours have been notified.
Site Notice displayed 28 August 2025.
Press Notice published Derby Evening Telegraph 3 September 2025.

3. Summary of Consultations and Representations Received

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

Objection from:

Osgathorpe Parish Council object to the application on the grounds of:

- the previous refusal on the site of a self/custom-build dwelling and that the refusal was upheld by an Inspector
- the development would be harmful to the character and appearance of the area
- as highlighted by the Planning Inspector, it is not possible from the application to believe that the scheme would make appropriate provision for foul drainage

The Parish Council has provided extracts from the appeal decision relating to the Inspector's comments in respect of treatment of applications for self/custom build housing, Policies S2 and S3 being consistent with the NPPF, access to day-to-day services being poor, dependence on the private car for access to shops, services and community facilities, development being unlikely to make a significant contribution to maintaining the vitality of rural communities, not being an appropriate location for the proposal, not being satisfied that the scheme made appropriate provision for foul drainage and non-compliance with paragraphs 180 and 191 of the NPPF which relate to pollution.

No Objections from:

Leicestershire County Council – Ecology Team.
 NWLDC Environmental Protection Team.
 Severn Trent Water.

Refers to Standing Advice

Leicestershire County Council - Highway Authority.

No representation made from:

Leicestershire County Council – Tree Officer.
 NWLDC Conservation Officer

Third Party Representations

One third party raised objections which are summarised as follows:

Grounds of Objections	Description of Impact
Unsuitable location	Would result in harm to setting of the area
	Heritage impacts
Other Matters	Supports Osgathorpe Parish Councils objections, the previous refusals issued by the LPA and comments made by the inspector who dismissed the appeal submitted for 22/01611/FUL
	Concerns raised over occupancy

Two third parties provided comments of support which are summarised as follows:

Grounds of Support	Description of Impact
Suitable location	Close to other approved developments and set back from views
	Would not impact heritage assets

	Would utilise an existing access
Design	Would be a small well-designed development suited to the village
Other Matters	Restrictions on construction hours should be imposed
	Surface water impacts should be managed

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

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

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

Local Policies

Adopted North West Leicestershire Local Plan (2021)

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

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

Policy Cc3 - Water - Sustainable Drainage Systems.

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)
Manual For Streets 1 & 2 - March 2007 & September 2010
The Conservation of Habitats and Species Regulations 2017
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
Department for Transport's 'Building Sustainable Transport into New Developments' (2008)
Chartered Institution of Highways and Transportation 'Planning for Walking' (2015)

5. Assessment

Background to Permission in Principle (PIP) Applications

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

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

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

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

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

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

These are assessed in turn below.

LOCATION

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

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

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are 'up to date' having regard to their consistency with the National Planning Policy Framework (NPPF) (2024). The most important policies in the determination of the matter of 'principle' are Policies S2 and S3 as they relate to the provision and distribution of housing. The Council can demonstrate a five-year housing land supply and has performed well against

the Government's Housing Delivery Test. It is considered that adopted Local Plan Policies S2 and S3 are effective, not out of date, and carry significant weight.

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

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

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

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

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

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

For the reasons expanded upon in the design section of this report, it is considered that the character of the landscape, historic character, local distinctiveness and the settlement pattern could be safeguarded, subject to the submission of an acceptable proposal to be considered at TDC stage.

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

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

(iii) it does not create or exacerbate ribbon development

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

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

Any development of the application site would result in the construction of a dwelling within close proximity to other residential properties including those approved under 20/01908/VCU.

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

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

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

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

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

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

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

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

Assessment

Objections to the application have been received largely on the basis of the previously refused submissions for the site with reference made to the appeal against the Local Planning Authority's refusal from 2024 which was upheld by the Planning Inspectorate. Whilst the objections have been considered, it should be noted that each application for self-build developments should be assessed on their own individual merits having regard to the specific material considerations relevant to that site. The below assessment refers to the most relevant and comparable appeal decisions, as well as decisions made by the Local Planning Authority relating to residential (including self-build) proposals in Osgathorpe.

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

early May 2025. Osgathorpe therefore contains very little in the way of everyday services. There is no local shop selling groceries, nor is there any education facilities or employment opportunities. As set out in the appeal decision for 22/01611/FUL *'Residents would be reliant on travelling to other places for shopping and other services.'*

A bus service (Arriva bus number LC16 running between Ashby, Shepshed and Loughborough) would be located within 200 metres walk of the site (Snarrows Road bus stops), however whilst this service provides a connection to larger centres, only every two hours (between 07.28am – 18.18pm Monday – Saturday) with only 5 services a day, no evening services, and no services on Sunday. Therefore it is unlikely to be relied on by residents for access to day-to-day services and facilities, reflecting the Planning Inspector's comments in the appeal decision *'...as it runs only every two hours it is unlikely to be relied on by residents for day-to-day shopping trips and suchlike.'*

The appeal decision also concluded *'Access to day-to-day services by walking, cycling or public transport would be poor, and future occupiers would be likely to be overwhelmingly dependent on the private car for access to shops, services and community facilities. Given this, it is likely that they would often choose to drive to use clusters of shops and services in larger towns in the surrounding area, bypassing the smaller and more limited facilities in other villages.'*

The proposed development would therefore not be accessible, nor would it be made accessible, by a range of sustainable transport. The application therefore fails to accord with criterion (vi) of Policy S3.

Whilst the appeal for a dwelling to the site was previously dismissed in part due to the site not being a sustainable location, a material consideration in the determination of this application is the conclusions of the Inspector in respect of an appeal following the refusal of application 24/00233/OUT on a site at No. 72 Main Street at the western end of the village, where it was concluded by the Inspector that the site was accessible because future occupiers would not be wholly reliant on the use of a private car and that the site would be accessible via a range of sustainable transport modes.

It is however important to note that the above appeal site is materially different to that of the application site. No. 72 Main Street is located within the village itself, over 570 metres from the application site, and benefitted from footpaths, streetlighting and a bus stop directly in front of the site. The only way to access the nearest bus stop and village from the application site is along a narrow lane with no footways for 50 metres, and then along a road also with no footways for a further 80 metres until a footway is reached.

Other Matters

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

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

In terms of other services in Osgathorpe, these consist of a pub (The Storey Arms - 470m away) and a church (Church of St. Mary the Virgin - 95m away). These services are within the 800 metre-1km recommended maximum walking distance, although there are no footways on Chapel Lane nor on the first 80 metres of Main Street.

Overall, it is concluded that future residents of the proposed dwelling would have access to very limited services. This conclusion regarding provision of services/facilities in the village was also set out in the appeal decision for 22/01611/FUL.

Conclusion - Principle of Development

The proposal would conflict with the settlement hierarchy and strategic housing aims of Policy S2 and would also be contrary to Policy S3, as it is not a form of development supported in the countryside under Policy S3. The proposal would also not be accessible or made accessible by a range of sustainable transport and residents would have access to very limited services. The proposal would be in conflict with the broad objective of containing new residential development within the settlement limits and this is considered further within the planning balance below.

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

Self-Build and Custom Housing

Objections to the application have been received querying the intended occupiers given that the submission is for a self-build dwelling.

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

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.

The applicant has provided a series of documents and arguments in support of a self-build unit, including but not limited to that the Council has not satisfactorily demonstrated that it has granted enough permissions to meet the identified need and that the relevant policies of the Local Plan are failing to secure sufficient permissions in this regard.

The Council's Planning Policy Team has confirmed that the applicant is on the Council's self-build register.

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

The District Council has a duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), to give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the area of North West Leicestershire arising in each base period. This District Council's Self-Build

Register was established in April 2016. As of 28 October there are 195 individuals on the register. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots.

A	B	C	D	E	F
Base Period	Registrations in base period	Plots required to meet demand by end of base period	Permissions granted in base period (dwellings)	Cumulative permissions at end of base period (dwellings)	Oversupply (+) or shortfall (-) (E minus C)
1 April 2016 to 30 October 2016	6	0	1	1	+1
31 October 2016 to 30th October 2017	10	0	1	2	+2
31 October 2017 to 30 October 2018	8	0	2	4	+4
31 October 2018 to 30 October 2019	14	6	30	34	+28
31 October 2019 to 30 October 2020	20	16	0	34	+18
31 October 2020 to 30 October 2021	14	24	0	34	+10
31 October 2021 to 30 October 2022	20	38	0	34	-4
31 October 2022 to 30 October 2023	34	58	3	37	-21
31 October 2023 to 30 October 2024	37	72	17	54	-18
31 October 2024 to 30 October 2025	33	92	32	86	-6
31 October 2025 to 30 October 2026	TBC	146*	12**	98**	-48**

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

** As of 14 November 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

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

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

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

31 October 2025 to 30 October 2026

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

Planning permission or permission in principle for 12 plots (column D) has been granted so far during this base period, so cumulative planning permissions have been granted for a total of 98 plots (column E) (86 cumulative permissions at the end of the previous base period and 12 from this base period). (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 48 plots (Column F). This represents a significant unmet need.

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

In light of recent appeal decisions where the Planning Inspectorate has used a condition to secure dwellings as self or custom build rather than a legal agreement, the Local Planning Authority will also use such a condition for the same purpose, which would have to be done at TDC stage if this application is approved, as conditions can't be imposed on PIPs.

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

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

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

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

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

Impact on the Character of the Area

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

The NPPF includes several measures to improve design quality. This includes a test at paragraph 139 which directs that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Paragraph 135 of the NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

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

Objections have highlighted that the previous refusals and Inspector's decision on the site considered that the proposal would result in adverse impacts upon the character and appearance of the area and countryside. The objections have also raised concerns that the proposal would result in heritage impacts.

Assessment

The application does not seek approval of the detailed design which would therefore be a matter to assess at the TDC stage. However, consideration of whether the location of the site

is suitable, having regard to whether the proposal would result in significant detriment to the character and appearance of the locality, can be considered at PIP stage.

The character of the area is defined by its rural location on the edge of the village. The immediate area to the north and west of the site features a mix of dwelling styles and sizes with no uniform pattern or density of development. The site is an undeveloped parcel of land and whilst dwellings are under construction which border the site to the north the undeveloped nature of the site, together with its bordering tree specimens and hedgerows, contribute positively to the rural character of Osgathorpe. It is however considered to be closely associated with other residential development, particularly those dwellings positioned to the south east.

The proposal to develop the site would erode the undeveloped character of the site encroaching far into the open countryside resulting in development set back a significant distance which is at odds with any limited patterns of established development. As such, the scheme would result in a level of visual and landscape harm to the rural character of the area. The appeal decision also concluded that the appeal proposal would be harmful to the character and appearance of the area, although this was in respect of the detailed design of the dwelling rather than the in-principle development of the site.

It is considered on balance that the harm would be limited owing to the fact that a single dwelling is proposed on a site where an Inspector did not have concerns about the development of the site itself. It is therefore considered that a dwelling of a suitable scale and design could be secured at the TDC stage to address the concerns set out in the appeal decision, along with appropriate landscaping. Therefore it is concluded that the proposal would not result in significant visual or landscape harm in conflict with Policy D1 or S3 to warrant a refusal of this application on this basis.

Impact on Heritage Assets

The Grade II* listed Church of St Mary and Grade II listed Manor Farmhouse are located to the immediate north of the site.

Policy He1 of the adopted Local Plan and the advice in the NPPF require heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposed development must be considered against Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."

It was considered by officers during the assessment of the previously submitted schemes on the site that the proposal would fail to preserve the setting of the designated heritage assets and as such the harm to the heritage assets formed part of the refusal of the proposal. It is however noted that the appeal Inspector disagreed over this aspect concluding *'I consider that the proposed development would not materially alter the ability to appreciate the special interest or significance of either the farmhouse or the church, and I am satisfied the contribution that their setting makes to their special interest and significance would be preserved. The proposed development would therefore comply with Policies HE1 and S3 of the NWLLP which, among other things, seek to ensure that development conserves and enhances the district's historic environment, including the setting of heritage assets. As I do*

not find that the proposal would cause harm to or loss of the designated heritage assets or their settings, it is not necessary to apply the public benefit test set out in Paragraph 208 of the Framework.'

In view of the above, it is not considered a refusal on heritage grounds could be substantiated and it is considered the proposal would be compliant with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy He1 of the Local Plan and the advice contained in the NPPF.

Neighbour Amenity

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

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

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

Matters in relation to amenity impacts would be considerations at the TDC stage(s) when the scale, layout, landscaping and appearance, as well as the finished floor levels of the dwelling, are presented for approval.

It is however considered it would be possible to design a scheme for one dwelling whilst ensuring that there would be no significant neighbour amenity impacts to existing neighbouring sites nor future occupiers.

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

Flood Risk 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.

The site lies within Flood Zone 1 (which has the lowest risk of fluvial flooding). It is therefore not considered likely that the proposed development would exacerbate any fluvial flood risk. The site is also not identified by the Environment Agency Flood Map for Planning to be at a high, medium or low risk of surface water flooding. The development would not be at

unacceptable risk of flooding or increase the risk of flooding elsewhere. The Inspector for the appeal did not raise any concerns regarding flood risk. There are therefore no in-principle reasons associated with fluvial or pluvial flood risks to resist this application.

Objections have highlighted the previous refusals which failed to demonstrate the site could suitably implement a non-mains drainage system. The appeal Inspector considered this matter in detail including the lack of detail in respect of certain matters, and concluded that they could not be satisfied that the scheme would make appropriate provision for foul drainage.

Notwithstanding the above, a PIP application cannot consider detailed drainage matters. The Inspector did not conclude in principle that the dwelling could not be provided with appropriate foul drainage. It is therefore considered that matters relating to the details of foul drainage for the dwelling would need to be dealt with at TDC stage. Consideration would therefore have to be given at TDC stage (if this PIP application is approved) to whether a suitable form of surface water and foul drainage system appropriate to the specific site conditions could be provided as part of the development and thereafter maintained on the site.

Overall, it is therefore considered that the scheme would accord with Local Plan Policies Cc2 and Cc3 of the adopted Local Plan and the NPPF and a reason for refusal relating to provision of an appropriate non-mains drainage system could not be justified as matters relating to this could be considered as part of any TDC application.

Ecology, Biodiversity Net Gain and Impacts upon Trees

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

Ecology

The site is in a rural setting on the outskirts Osgathorpe, the application site itself is predominantly grassland with hedgerows to the east and south.

The County Council's Ecologist has been consulted on the application and has confirmed that there are no objections to the application, but that an ecology survey will be required to be submitted with the Stage 2 application (TDC stage), in addition to a biodiversity enhancement scheme which should include a detailed landscaping plan using native species of local provenance where possible, and nesting provision for birds/bats either integrated within the dwelling or in a suitable location situated onsite. Additionally, a Construction Environment Management Plan (CEMP) would be required due to the candidate Local Wildlife Site (cLWS) located just outside the red line boundary.

Biodiversity Net Gain

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

Impact upon Trees

The site features a number of trees which may be affected by the proposal. None of these trees are protected through the use of a Tree Preservation Order.

The application has not been supported by a Tree Survey or an Arboricultural Impact Assessment (AIA) to demonstrate that the scheme would not impact the trees on or adjacent to the site, however any TDC application would be subject to the submission of an arboricultural method statement.

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

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

Highway Safety Impacts

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

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

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

Whilst the site access is not to be determined as part of this PIP application, the County Highway Authority has not raised any concerns and the appeal Inspector raise no concerns in respect of highway matters. There is no evidence to suggest that a safe and suitable access from the public highway could not be achievable. As such, it is considered that vehicular access and any highway mitigation measures could be addressed through any TDC application and therefore the development could be compliant with Policies IF4 and IF7 of the adopted Local Plan as well as the NPPF.

LAND USE

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

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

AMOUNT OF DEVELOPMENT

The application proposes a residential development of one dwelling.

The proposed development on the site of 0.10ha would make efficient use of the land and would not result in a cramped form of overdevelopment.

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

Conclusion and Planning Balance

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

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

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

The proposed development would contribute towards the supply of self-build plots when there is an identified significant shortfall, and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand.

It should also be acknowledged that, in terms of technical matters, there is nothing to suggest that a scheme on this site could not be designed to be satisfactory, subject to the details submitted as part of the technical details stage. Nevertheless, the scheme would result in residential development on greenfield land located outside of the Limits to Development.

The site lies within Osgathorpe which is defined as a Small Village where access to services and facilities is limited and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land or affordable housing in accordance with Policy H5 of the adopted Local Plan. The development of a greenfield site for one dwelling in this location would conflict with the provisions of Policies S2 and S3 of the adopted Local Plan. Significant harm would additionally arise from the granting of a permission that is in conflict with Policies S2 and S3 of the Local Plan (2021).

It is also considered that the proposed development would not be accessible, nor would it be made accessible, by a range of sustainable transport. The application therefore fails to accord with criterion (vi) of Policy S3. Future residents of the proposed dwelling would also have access to very limited services.

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

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

Limited positive weighting would also be attached to economic expenditure both during construction and through additional expenditure by future occupants within the local area which is of benefit to the local economy and assists in sustaining local services. It is considered that these would attract moderate weight in favour of the proposal in the planning balance.

A reason for refusal relating to provision of an appropriate non-mains drainage system could not be justified, as matters relating to this could be considered as part of any TDC application.

Matters relating to design of the dwelling and impacts on heritage assets, residential amenity, flood risk, ecology, biodiversity, trees and highway safety would be addressed at the TDC stage should PIP be granted.

Overall, it is considered that the harm derived from departing from Policies S2 and S3, in respect of the principle of development, the lack of access to a range of sustainable transport and day-to-day services, in addition to the limited landscape and visual harm which would arise owing to the development of a greenfield site in this location, would not significantly and demonstrably outweigh the benefits of one self-build dwelling when there is a recognised significant undersupply of self-build plots in the District. The economic benefits from the development and the benefits of future residents helping to maintain local services in the area add further positive weight in favour of the proposal. All other matters can be considered at Technical Details Consent stage. It therefore follows, as set out in Paragraph 11(d)(ii) of the Framework, that permission should be granted for the proposal. There are no other material considerations that indicate that Permission in Principle should be refused.

RECOMMENDATION - PERMIT