Permission in principle for 1 self-build dwelling

Report Item No
A3

Land Rear Of 71 Main Street
Osgathorpe
Leicestershire

Application Reference:
25/00916/PIP

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

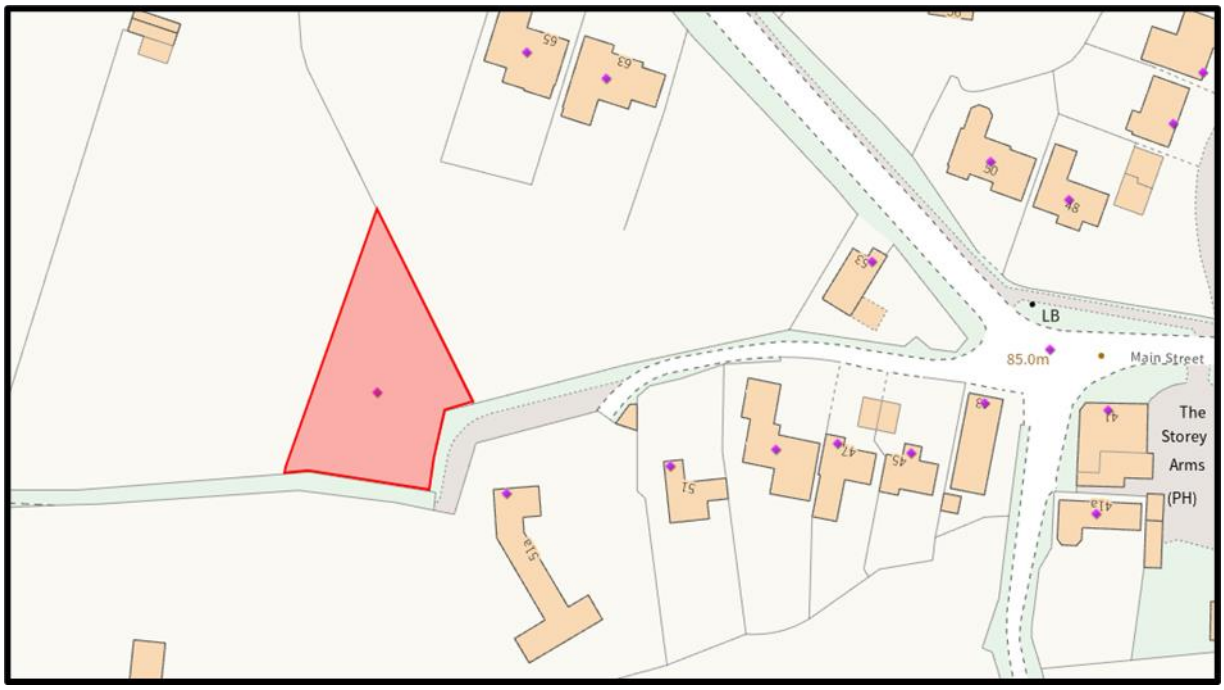
Date Registered:
01 July 2025
Consultation Expiry:
13 August 2025
8 Week Date:
5 August 2025
Extension of Time:
TBC

Applicants:
Mr Tilbrook

Case Officer:
Dee Wood

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



Reason the case is called to the Planning Committee:

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

RECOMMENDATION – PERMIT

MAIN REPORT

1. Proposals and Background

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

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

Article 5D of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (as amended) sets out the requirements for a valid PiP application as:
(a) A completed application form;
(b) A plan to which identifies the land to which the application relates: and
(c) The correct application fee.

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

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

1. The site is outside the Limits to Development as defined by the deposit North West Leicestershire Local Plan (as proposed to modified). Policy H2 presumes against new residential development outside the Limits to Development unless it is essential for the efficieint long term operation of agriculture or forestry or other exceptional criteria. Similar principles are contained with Planning Policy Guidance Note 7 (PPG7). The application does not relate to any of the exceptional circumstances referred to in Policy H2 and would result in the unnecessary development of the countryside, contrary to Policy H2 and advice contained in PPG7.

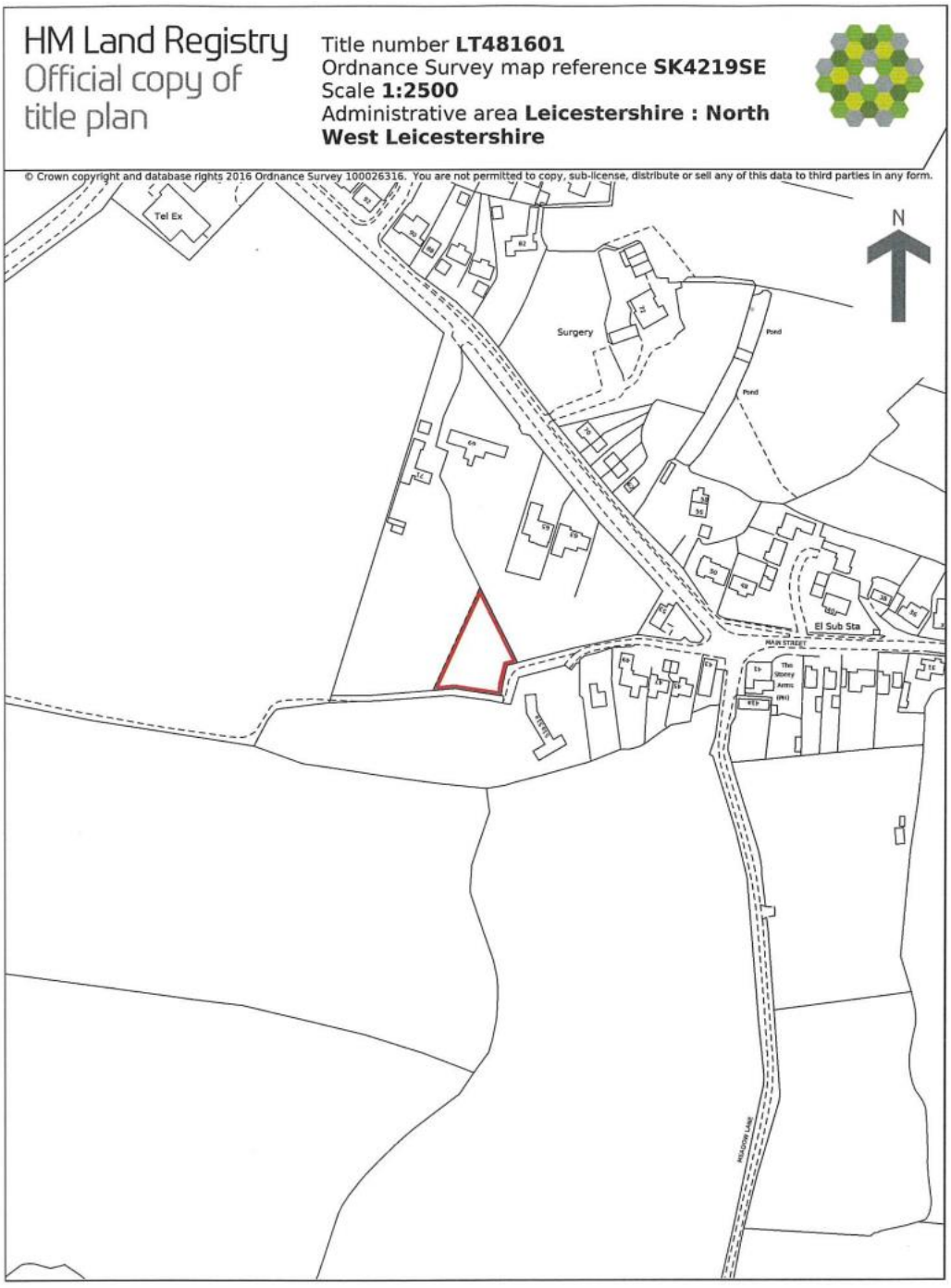
2. The site lies within a Sensitive Area as defined by the deposit North West Leicestershire Local Plan (as proposed to modified). The proposed dwelling would diminish the open character of the area and the contribution it makes to the character, form and setting of the village and its relationship with the adjoining countryside, contrary to Policy E1.

3. The section of the road between the proposed dwelling and its junction with Main Street is in adequate in width and design to cater for the additional traffic generated by the development. To permit the proposal would not be in the interests of highway safety and be contrary to Policy T3 of the deposit North West Leicestershire Local Plan (as proposed to modified).

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

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

Site Location Plan



Aerial Image of Site Location

Site Photos

2. Publicity

6 neighbours were initially notified on the 11th July 2025.
A site notice was displayed on the 17th July 2025.
A press notice was published in the Leicester Mercury on 23rd July 2025.

3. Summary of Consultations and Representations Received

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

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

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

No Objections from:
Leicestershire County Council – Ecology Team.
Leicestershire County Council - Highway Authority.
Leicestershire County Council – Lead Local Flood Authority
NWLDC Environmental Protection Team.

No representation received from:
Leicestershire County Council – Tree Officer.
Severn Trent Water.

Third Party Representations

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

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

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

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

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:
Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En6 - Land and Air Quality;
Policy Cc2 - Water - Flood Risk;
Policy Cc3 - Water - Sustainable Drainage Systems.

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

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

Policy M11: Safeguarding of Mineral Resources

Other Policies and Guidance

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

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

5. Assessment

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

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

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

The Local Planning Authority can inform applicants of what they expect to see at the TDC stage but cannot impose planning conditions on any approval of this PiP application.
In light of the above, the main issues relevant to this proposal are:
(a) Location;
(b) Land Use; and
(c) Amount of Development.

These are assessed in turn below.

LOCATION

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) it does not create or exacerbate ribbon development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

** As of 9 January 2026

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

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

31 October 2023 to 30 October 2024
There was a cumulative demand for 72 self-build and custom housebuilding plots (column C) to be provided by the end of the last base period (30 October 2024).

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

31 October 2024 to 30 October 2025
There was a cumulative demand for 92 self-build and custom housebuilding plots (column C) to be provided by the end of the last base period (30 October 2025).

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

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

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

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

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

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

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

For decision taking, it sets out in criterion (d) that 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key

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

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

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

Impact on the Character of the Area

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

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

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

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

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

Assessment

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

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

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

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

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

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

Neighbour Amenity

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

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

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

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

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

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

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

Flood Risk

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

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

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

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

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

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

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

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

Ecology, Biodiversity Net Gain and Impacts upon Trees

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

Ecology

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

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

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

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

Biodiversity Net Gain

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact on the Public Footpath

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

LAND USE

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

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

AMOUNT OF DEVELOPMENT

The application proposes a residential development of one dwelling.

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

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

Other Matters

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

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

Conclusion and Planning Balance

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

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

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

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

.

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

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

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

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

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

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

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

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

RECOMMENDATION - PERMIT