

Permission in Principle for the erection of five self-build dwellings

**Report Item No
A1**

**Land At The Rear Of The Brambles, Lower Moor Road,
Coleorton, Coalville, Leicestershire. LE67 8ND**

**Application Reference:
25/01591/PIP**

**Grid Reference (E) 440290
Grid Reference (N) 317424**

**Date Registered:
27 November 2025
Consultation Expiry:
27 December 202**

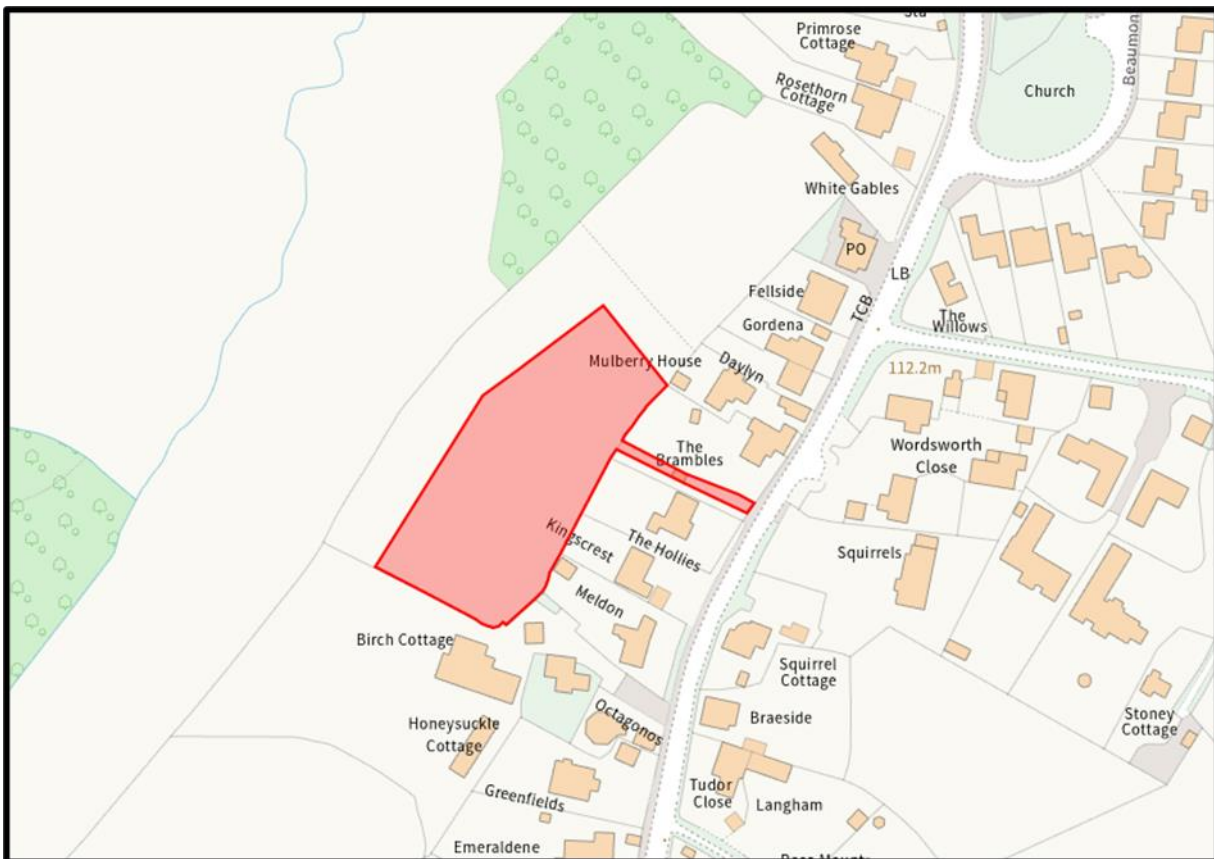
**Applicant:
Mr Darren Betteridge**

**Determination Date:
25 December 2025
Extension of Time:
24 April 2026**

**Case Officer:
Lewis Marshall**

**Recommendation:
PERMIT**

Site Location – Plan for indicative purposes only



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Reasons the case is called to the Planning Committee

This application is referred to the Planning Committee for determination on the basis that that it is contrary to the provisions of an approved Development Plan policy and is recommended for permission, and in the opinion of the Strategic Director of Place it is potentially controversial and of significant public interest.

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 five residential self-build dwellings on land to the rear of The Brambles, Lower Moor Road, Coleorton.

The application site (save for the indicative access via The Brambles) is located outside of the limits to development as per the adopted Local Plan. The site is within the National Forest. The site is located within the setting of the Grade II* Registered Park and Garden to Coleorton Hall which is located to the north-west.

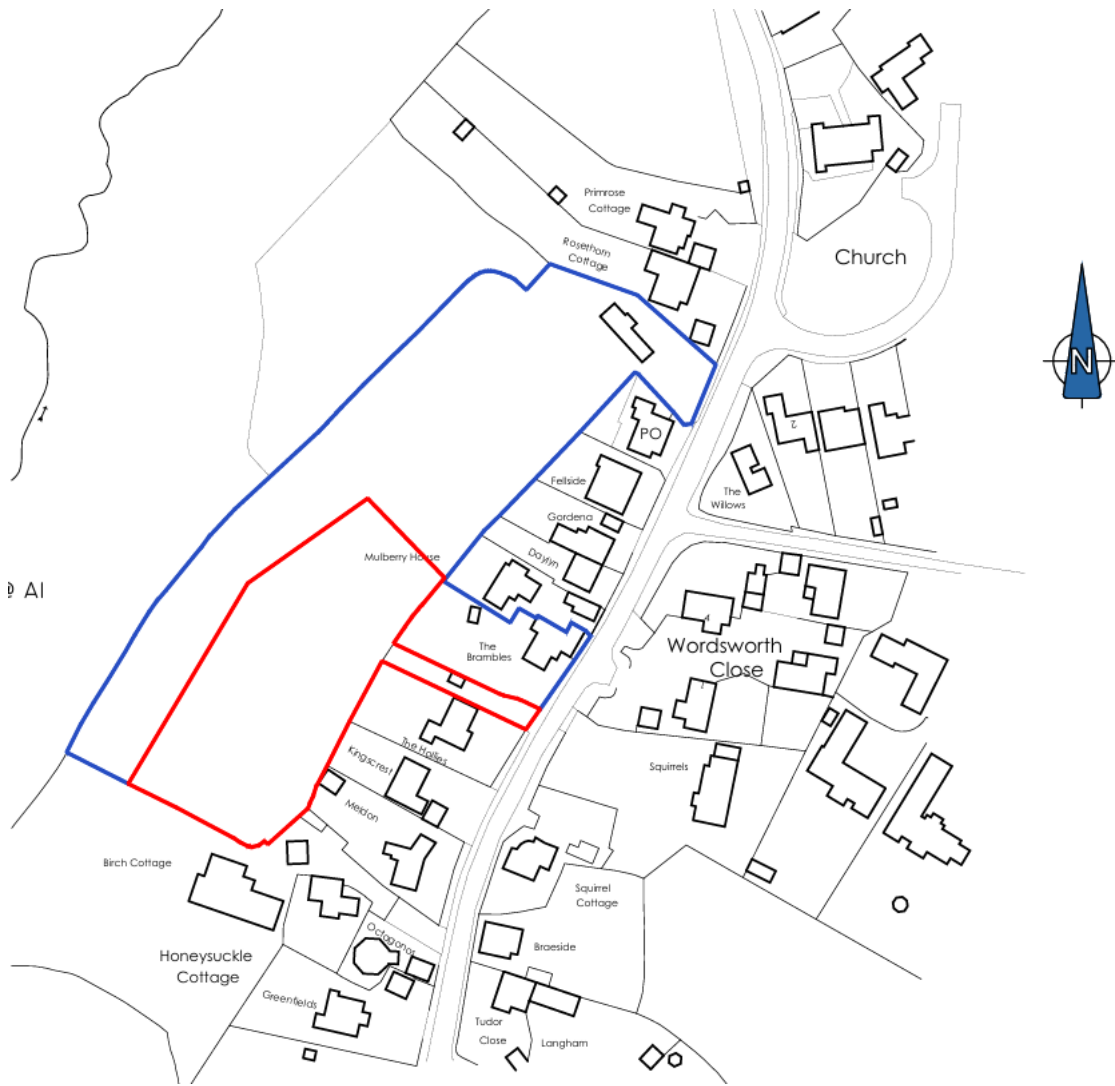
To the north-east, east and south-east of the application site are detached single and two storey dwellings located off Lower Moor Road. To the north-west, north-east, east of the application site is undeveloped land located in the countryside. A group of trees is located beyond the western and northern boundaries of the site. The southern and eastern boundaries are formed by a mixture of hedgerow boundaries and timber fencing.

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 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 indicative plans and this documentation can be viewed on the District Council's website. As set out below, concerns have been raised by consultees on the basis that supporting information in respect of ecological and heritage impacts have not been submitted, however, it is not considered that such information can be required prior to the determination of the application given such matters would be considered at the technical details consent stage should permission in principle be granted.

Site Location Plan



Aerial Image of the Site Location



18/01081/FUL - Erection of detached dwelling and alterations to the existing access - Application Permitted

17/01350/FUL - Two storey and single storey extensions - Application Withdrawn

10/00605/FUL - Erection of two storey extension - Application Permitted

10/00752/FUL - Erection of one no. detached dwelling. Refused and allowed on appeal

2. Publicity

32 neighbouring properties were notified on 27th November 2025.

Site notice displayed 4 December 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.

Objections from:

NLWDC Conservation Officer - it is suggested that the proposal overall would result in limited but less than substantial harm to the setting of the Coleorton Hall Registered Parking and Garden.

Historic England - raises some concerns because the application is not supported by a Heritage Impact Assessment and advises that the advice of the Local Conservation Officer be sought.

Gardens Trust - requests that the application be supported by a Historic Impact Assessment

Coleorton Parish Council, for the following reasons:

- The site is located in the countryside outside of the settlement limits and contrary to Policy S3 of the Local Plan
- Support the concerns raised by Historic England
- Environmental impact caused by urbanisation and loss of open space

Leicestershire County Council - Ecology, for the following reasons:

- The application is not supported by a protected species survey

No Objections / No Objection Subject to Conditions from:

Leicestershire County Council - Highways Authority

Leicestershire County Council - Archaeology

Coal Authority

NWLDC Environmental Protection

Third Party Representations

18 third party representations have been received (3 in support and 15 in objection). The comments raised are summarised as follows.

Grounds of Objections	Description of Impact
The Principle of Development and Preliminary Matters	The site is outside of the limits to development and contrary to local policy and the harms outweigh the benefits
	Loss of greenfield/agricultural land
	Development of the site has been refused previously and there are no material changes that would justify a different decision on the application
	Unsustainable Location
Visual/Heritage Impacts	Impact on Coleorton Hall Registered Park and Garden as a designated heritage asset
	Harm to the character of the area due to the amount of development
	Harm to the National Forest
	Poor design and layout
Residential Amenity	Harm to amenity in terms of outlook and noise.
Other Matters	The submitted LVIA is out of date and should be updated to reflect the current proposal
	Harm to ecology and wildlife, including great crested newts

Of the three letters of support received, the reasons provided are summarised below.

- There is a need for self-build units due to ongoing shortfall of plots in the area
- The proposal would not result in harm and would deliver economic and social benefits
- Similar proposals have been granted planning permission elsewhere in the district
- Planning Inspectors have confirmed previously that the location is sustainable

All responses from statutory consultees and third parties are available to view in full on the Council's website.

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 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 35 (Development contributions);
Paragraphs 39, 40, 41, 42, 43, 45, 48 and 55 (Decision-making);
Paragraphs 56, 57 and 58 (Planning conditions and obligations);
Paragraph 105 (Promoting healthy and safe communities);
Paragraphs 109, 110, 112, 113, 115, 116 and 117 (Promoting sustainable transport);
Paragraphs 124, 125 and 129 (Making effective use of land);
Paragraphs 131, 133, 134, 135 and 139 (Achieving well-designed places);
Paragraphs 161, 163, 164, 166, 168, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 187, 193, 196, 197, 198 and 201 (Conserving and enhancing the natural environment);

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this 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 En3 – The National Forest;
Policy En6 – Land and Air Quality;
Policy Cc2 – Water – Flood Risk;
Policy Cc3 – Water – Sustainable Drainage Systems; and

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 policies are relevant to the determination of the application:

Policy M11: Safeguarding of Mineral Resources
Policy W9: Safeguarding Waste Management Facilities

Other Policies

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)
The Self and Custom Housebuilding Act 2015

5. Assessment

Background to Permissions in Principle (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 five self-build dwellings.

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, is where the detailed development proposals are assessed.

The current 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 technical details consent stage.

The Local Planning Authority can inform applicants what they expect to see at the technical details consent stage but cannot impose planning conditions.

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) and the Leicestershire Minerals and Waste Local Plan (2019).

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 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, save for limited exceptions as specified in the policy (e.g. re-use or adaptation of an existing building or the redevelopment of previously developed land). The redevelopment of previously developed land for housing should be within or well-related to the Principal Town, a Key Service Centre, Local Service Centre, Sustainable Village or Small Village.

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. It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within paragraphs 7 and 8 of the NPPF. Policy S2 is consistent with the core principle of the National Planning Policy Framework (the Framework) 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.

The site is located within an area identified as countryside under Policy S3, with the nearest settlement being the part of Coleorton defined as a "sustainable village", which is located adjacent to the site.

Sustainable villages are defined under Policy S2 as "Settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development." Policy S2 specifies that any 'growth' should be proposed on land within the Limits to Development. The remainder of Coleorton (the part not considered to be a Sustainable Village), is defined as a "Small Village" which have "very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land".

As such this proposal would not accord with the details listed in the hierarchy of settlements as per Policy S2 of the Local Plan.

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

Development on land within the countryside is also required to be assessed against subparagraphs (i) - (vi) of Policy S3. An assessment of these subparagraphs is listed below:

(i) The appearance and character of the landscape, including its historic character and features such

as biodiversity, views, settlement pattern rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.

The site is located within the National Forest and within the Leicestershire and South Derbyshire Coalfield National Character Area. NCA profile 71 notes that "although mining and urban features dominate the landscape, there are areas that remain rural. There are small villages, particularly in the coalfield in the south, and there are some areas of very distinctive character such as the landscape around Coleorton where small pasture fields, overgrown hedges, with frequent hedgerow trees and small copses are linked to a dispersed pattern of cottages and small groups of houses along winding lanes with a network of paths and tramway."

Coleorton is a dispersed settlement with ribbons of sporadic houses separated by 'green gaps' with the occasional cluster of more dense development. It is a characteristic quite unique to the settlement. One of these ribbons is present on the western side of this section of Lower Moor Road, characterised by a section of linear development whilst to the east of this section of Lower Moor Road, development is more dispersed and development at depth is more common.

The site itself comprises of an area of greenfield land, located to the west of Lower Moor Road behind existing properties which form the existing band of linear ribbon development. To the south west of the application site are detached two storey dwellings located off Lower Moor Road which are at depth beyond frontage development. To the north-west, west and north east of the application site is undeveloped land located in the countryside. As such, the plot largely retains its original informal agricultural appearance which positively contributes to the rural character of the countryside location maintaining a sense of openness and separation from the adjacent band of linear development.

In the determination of the previous appeal in relation to the wider site, the Inspector found that the scheme for five dwellings would suburbanise the site and erode its open and rural characteristics resulting in adverse moderate impact on the landscape. The current application proposes a significant reduction in the site area and extent of development, leaving a significant area of the wider site open and undeveloped where it is in closer proximity to public rights of way to the north east.

Notwithstanding that the current application seeks permission in principle, overall, it is considered the proposals in this instance would result in a limited degree of harm to the local landscape and settlement pattern arising from the suburban form of additional back land development at this location. This limited level of harm is to be weighed in the planning balance.

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

The proposals would result in the development of an existing undeveloped site outside of the defined limits to development and would extend beyond the existing sustainable village limits of Coleorton. However, the nearest settlement is Ashby De La Zouch which is located approximately 3 km to the west of the Site. Bearing in mind the limited extent of the development proposed, the proposals would not undermine, the physical and perceived separation and open undeveloped character between nearby settlements.

(iii) it does not create or exacerbate ribbon development.

It is noted that the Planning Portal defines 'ribbon development' as "development, usually residential, extending along one or both sides of a road but not extended in depth" with the dictionary definition being "the building of houses along a main road, especially one leading from a town or village."

The proposals, whilst only illustrative at this stage would result in additional development at depth

which would not directly front onto this section of Lower Moor Road. As such, it is not considered the proposals would create or exacerbate ribbon development.

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

Given that the proposal would be in close proximity to the existing dwellings which front onto Lower Moor Road and is located directly adjacent to the sustainable limits of Coleorton, it is considered that a form of development could be secured at the technical details consent stage that would be well-related to existing development along Lower Moor Road and the wider settlement of Coleorton.

However, as the scale, layout and appearance is not yet known or approved in relation to the plots and the current application seeks only permission in principle whereby the layout and scale is not for consideration at this stage, such matters under policy S3(iv) would be considered at the subsequent technical consent details stage.

Overall and on balance, it is considered that the development could be well integrated with existing development and buildings and therefore no conflict has been identified with criterion iv of Policy S3 at this stage.

(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 draft local plan is still in the early stages with consultation on draft policies having been carried out at the beginning of 2024 and additional proposed housing and employment allocations in early 2025. However, it is noted that no part of Coleorton is proposed to be classified as a sustainable village under the revised version of Policy S2, with Coleorton instead being classified as a Local Housing Needs Village which would be defined as "settlements with very limited services and where development will be restricted to that which meets a local need in accordance with policy S3". This is consistent with the objectives of paragraph 109 of the NPPF which seeks to concentrate significant development on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. On the basis of the above, it is considered that limited weight could be afforded to this draft policy.

Additionally, due consideration has also been given to the assessment of sustainability of Coleorton outlined within the Inspectors report in consideration of the previous appeal scheme for five dwellings. This noted that the area of Coleorton around Lower Moor Road was deemed to be a sustainable location in relation to the provision of sustainable transport options available along Loughborough Road (A512), as such, there would be suitable alternative transport provision and no conflict with policy S3(vi) of the Local Plan.

From a social sustainability perspective, the nearest bus stops are at The Moor, Loughborough Road which is used by Service 29 (Leicester - Swadlincote) which provides a service every one hour (Monday-Sunday). This bus stop is located approximately 360m from the site. Existing footways with street lighting are present between the Site and the bus stop.

In terms of cycling and although superseded, the Cycle Infrastructure Design Local Transport Note (2/08) states that: "Around 60 percent of car trips are typically under 5 miles". Coalville, Ashby, Shepshed, Castle Donington and the edge of Loughborough are all within 5 miles of the Site and that they would be within easy cycling distance, especially on an electric bike.

Therefore, it is concluded that there would be some opportunities for access to a wider array of facilities and services to be accessed via sustainable forms of travel and the development would not conflict with criterion (vi) of Policy S3.

Other Matters

In terms of other services available, there is a public house (The George, Loughborough Road - approximately 650m away), a primary school (Viscount Beaumont's C Of E Primary School, Ashby Road approximately 950m away) and a Methodist Church (Coleorton Methodist Church, Lower Moor Road - approximately 80m away). With the exception of the school, the walk to these services could largely be carried out along maintained footpaths which are well lit.

However, it must be acknowledged that the provision of local services and facilities in the immediate area is limited. Nonetheless, future occupants would have some access to facilities and services in order to meet day to day needs. Overall, it is concluded that future residents of the proposed dwellings would have access to limited services

In addition to the considerations under Policy S3, Policy S2 of the Local Plan contains a Settlement Hierarchy. Policy S2 (Settlement Hierarchy) of the North West Leicestershire Local Plan (2021) defines this part of Coleorton as a Sustainable Village. However the application site is located outside of the Limits to Development of Coleorton and is therefore located in a Countryside location and thus conflicts with Policy S2.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within paragraphs 7 and 8 of the NPPF. 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. It is important to note that this has to be balanced with Paragraph 110 of the NPPF which indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Given the above and having regard for the conclusions of the Inspector in the determination of the previous appeal in relation to the site, it is considered that future occupiers of the proposed dwellings would not be solely reliant upon the private car to access basic day to day services/facilities.

It is also noted that there would be some limited economic benefits associated with employment in the construction trade and future residents helping to maintain local services in the area.

Conclusion - Principle of Development

The proposal is fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 of the adopted Local Plan and would also be contrary to Policy S3, as it is not a form of development supported in the countryside under Policy S3. The harm arising from the conflict with these policies is considered within the planning balance below.

Self-Build and Custom Housing

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

Self and custom build is defined as the building or completion by individuals, an association of

individuals or persons working with or for individuals, of houses to be occupied as homes by those individuals. This is a Permission in Principle application for the erection of five no. self-build dwellings. Occupation by a self-builder could be secured by conditions imposed on the technical details consent permission. Subject to a condition at that stage, 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 11 December 2025 there are 220 individuals on the list. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots.

A	B	C	D	E	F
Base Period	Registrations in base period	Plots required to meet 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*	27**	113**	-33**

* 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 20 December 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 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 27 plots (Column D) has been granted so far during this base period, so cumulative planning permissions have been granted for a total of 113 plots (Column E) (86 cumulative permissions at the end of the previous base period and 27 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 33 plots. This represents a significant unmet need.

To meet its duties under the Act, the Council would need to have granted planning permission for 39 self-build and custom housebuilding plots by 30 October 2026.

Therefore, it is acknowledged that this proposal for five dwellings (subject to a condition at the

technical details consent stage to secure the self-build dwellings) would contribute to addressing the existing and future shortfall and this is a material consideration in the determination of the application to be given significant weight in favour of the proposal. This ensures a consistent approach with recent appeal decisions received by the Local Planning 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, although this would be imposed at the Technical details Consent stage should permission in principle be granted.

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."

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. In this case, while the proposal would impact on the setting of the Coleorton Hall registered park and garden as a designated heritage asset, it is not considered that such impacts result in a "strong reason for refusing the application" therefore Paragraph 11(d)(i) is not engaged in this case. The impact on the heritage asset is considered further within the relevant section of the report below.

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

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

Loss of Agricultural Land

In terms of environmental sustainability, the proposal would result in the loss of agricultural land. Furthermore, consideration has been given to footer 62 of the NPPF which states that the availability of agricultural land used for food production should be considered, alongside the other policies in the Framework, when deciding what sites are most appropriate for development. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3 of the Agricultural Land

Classification (ALC). The ALC maps indicate that the site falls within Grade 4 (poor) and therefore the proposal would not result in the loss of BMV. However, the extent of the site is also very limited for agricultural purposes. Therefore, given the quality of the land and very limited extent of the potential loss of the site, it is considered that this is not sufficient to sustain a reason for refusal.

Impact on the Character of the Area

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must positively perform against Building for Life 12 and that developments will be assessed against the Council's adopted Good Design SPD. Policy S3 of the Local Plan (2021) requires developments to safeguard and enhance the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness (criterion (i)) and for built development to be well integrated with existing development and existing buildings (criterion (vi)). Policy En3 requires development in the National Forest to be appropriate to its Forest setting.

The updated 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.

The application does not seek approval of the detailed design which would therefore be a matter to assess at the technical details consent 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. Photograph images of the site and Lower Moor Road scene are below.



Site Frontage from Lower Moor Road



Lower Moor Road Street Scene – looking south



View across the application site – looking south



View across the application site – looking south-west towards the registered park and garden

The principle of five dwellings on this site would result in a level of harm to the character and appearance of the countryside by virtue of the unjustified development of a greenfield site in the countryside.

The application site is within an established residential area consisting of a mix of dwelling types and ages, although those around the application site are predominantly larger detached dwellings of brick construction. Public Right of Way M72 runs to the north east of the site and despite the distance, it would be prominent in views along the public right of way which provides direct access to the countryside to the west of the settlement.

The site itself comprises of an area of greenfield land, located to the west of Lower Moor Road behind existing properties which form the existing band of linear ribbon development. The site is set at approximately 2-3m lower land level than Lower Moor Road. To the north-east, east and south-east of the application site are detached two storey dwellings located off Lower Moor Road. To the north-west of the application site is undeveloped land located in the countryside. The application site is contained by trees to the north west. The southern and eastern boundaries are formed by a mixture of hedgerow boundaries and timber fencing. As such, the plot largely retains its original agricultural appearance which positively contributes to the rural character of the countryside location maintaining a sense of openness and separation from the adjacent band of linear development. The site levels also slope downhill in a north westerly direction away Lower Moor Road. As set out above, the loss of open greenfield land, although smaller than the previously refused scheme for five dwellings, has largely addressed the concerns of the Inspector in dismissing the previous appeal. However, the current scheme would still result in limited harm to the character and appearance of the countryside.

Notwithstanding this, the indicative size of the proposed plots would be proportionate in size and shape to those permitted elsewhere in the immediate locality and it is not therefore considered that the development would result in harm to the established pattern or density of development nor would it result in the overdevelopment of the site.

Overall, there is some minor conflict with Policies En3, and S3 given the unjustified development within the countryside and National Forest. However, given the site is well screened and would form a small cluster of built development adjacent to the existing built up part of the village, it is not considered that the visual increase in surfacing or the presence of the dwellings within the site (subject to appropriate layout, scale and appearance) would result in unacceptable harm to the wider character of the area or the countryside. Any harm could also be mitigated with high quality design and landscaping to be considered and secured as part of the reserved matters stage(s).

However, as set out above, the proposal would result in a limited level of harm to the character and appearance of the area due to the presence of built development on a greenfield site in the countryside. The limited level of harm identified is considered within the planning balance below.

Impact on Heritage Assets

Paragraph 195 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance and Paragraph 203 states in determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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 heritage asset special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

The application site is located in close proximity (17.5m) from the boundary of the Grade II* Listed registered park and garden (RGP) to Coleorton Hall. The Coleorton Hall Conservation Area (CA) is located 950m to the west of the site. One of the routes to the Hall and its Pleasure Grounds which form the CA is located 72 to the north east of the site. Therefore, the site forms part of the undeveloped agricultural land in the surrounding landscape and can be considered to be within the setting of the Registered Park and garden and the CA.

The RGP comprises parkland and a range of pleasure grounds, set around a principal house, that were developed in early 19th century. The pleasure grounds and associated listed buildings are some considerable distance from the Site and physically separated by Rempstone Road.

The Conservation Officer has been consulted as part of the application and considers that the proposal is likely to result in less than substantial but limited harm to the setting of the RGP. However, the precise level of harm cannot be determined at this stage given the scale, layout and appearance of the development is not known. While harm would arise from the proposal, it is a significant material consideration that the Inspector in the determination of the previous appeal considered that the part of the RGP closest to the current site "is unmanaged and does not contribute to the special interest given the nature of its vegetation and screening from the main parkland area". It therefore follows that development that is confined to the site as currently proposed, subject to scale and appearance, would not harm the setting of the RGP. Furthermore, the land around the site to the north east and north west is under the control of the applicant and it is possible that additional landscaped buffers could be proposed within the land around the site which could be secured by legal agreement. Such provision of landscaping would eliminate the potential for harm to befall the setting of the RGP.

Historic England and The Gardens trust have also raised concerns with the proposal and the effect on the designated heritage asset due to the absence of detail and supporting information. However, as set out above, the application seeks only permission in principle and therefore cannot be resisted or refused due to the lack of information.

Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. This harm is considered in the planning balance below.

In line with the conclusions made by the Inspector in the previously dismissed appeal, it is not considered that the proposal would harm the setting of the Coleorton Hall CA. This is because of its densely vegetated eastern boundary and the limited visual juxtaposition between the site and the open parkland context which serves its historic core. The proposal would therefore preserve the setting of the CA, as it contributes to its significance.

Taking the above into account, it is considered that the scheme would result in harm to the heritage asset in conflict with Policy He1 of the Local Plan. The less than substantial harm falls to be weighed against the public benefits within the planning and heritage balance below.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) notes that the application lies within a wider area of archaeological interest.

NPPF paragraph 218, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

During the application, the County Archaeologist has been consulted and considers that the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 208).

While the current results are sufficient to support the planning decision, further post-determination programme of archaeological mitigation is required, including an initial phase of exploratory trial trenching, in order to define the full extent and character of the necessary archaeological mitigation programme.

In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching.

As such, LCC Archaeology raises no objections to the application subject to the conditioning of a programme of archaeological work.

The LPA is therefore satisfied that the proposal would be acceptable for the purposes of paragraphs 207 and 208 of the NPPF as well as Policy He1 of the Local Plan.

Impact on Residential Amenities

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.

Concerns have been raised by neighbouring residents that the development could result in increased noise and loss of outlook.

Given that the application seeks permission in principle, it is not possible to assess the full extent of impacts upon the residential amenity of surrounding dwellings in detail. It is, however, considered that the proposal, when based on the indicative plans submitted, the distance to nearby properties and given the size of the site, would not result in any unacceptable overlooking, overshadowing or overbearing impacts. However, such impacts would be a primary consideration at the technical details consent stage, when details of the layout, scale and appearance of the proposal are presented for approval.

It is also considered that the future occupiers of the proposed dwelling could be provided with a high standard of amenity in terms of light, outlook, and private amenity space.

It should be noted that any development has the potential to result in impact on amenity during a construction period, however, this is controlled by other legislation and regimes to mitigate impact in terms of noise, dust and traffic.

Overall, the impacts in this respect upon the living conditions of existing and future occupiers are not considered to be significantly harmful to warrant a refusal of planning permission in this case.

On the above basis, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan and the advice set out in paragraphs 135(f) and 191(a) of the NPPF.

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.

The site lies within Flood Zone 1 (which has the lowest risk of fluvial flooding) and is therefore not at risk of fluvial flooding nor is it considered likely that the proposed development would exacerbate any fluvial flood risk. No part of the site falls within an area impacted by surface water flood risk as defined on the Environment Agency's Flood Map for Planning.

Notwithstanding the above, should permission in principle be granted, it is considered that any additional surface water created by the development can be overcome with 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. 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 therefore considered that subject to the technical details consent, sustainable drainage systems can be provided as part of the development and thereafter delivered and maintained on the site, thus, the site could be developed for five dwellings without unacceptable risk of flooding or increase the risk of flooding elsewhere.

Overall, 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 and Biodiversity Net Gain

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

Concerns have been raised that the proposal would result in the loss of habitat, in particular for Great Crested Newt. LCC Ecology has also objected to the application due to the lack of supporting information in the form of an ecological appraisal.

The current application has not been supported by the submission of a Preliminary Ecological Appraisal, BNG assessment and associated metric. However, the site, being a paddock is likely to be of low ecological value. Furthermore, the development is not subject to mandatory Biodiversity Net Gain as self-build dwellings are exempt. Notwithstanding this, it is 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. It should also be noted that harm to biodiversity or protected species did not form part of the reasons for refusal on the wider site in the past, nor were such matters considered in the subsequent appeal.

Furthermore, the design of the dwellings as part of a technical details consent scheme would need to consider any existing site features such as trees and hedgerows or other impact on protected species and their habitats.

As such, subject to the technical details consent application which would need to secure biodiversity enhancements, the application is considered to be acceptable in principle when having regard to trees, ecology and biodiversity and any concerns raised in respect of ecology and impacts on trees would need to be addressed at the technical details stage. 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.

Highway Impacts

Whilst the site access is not to be determined as part of this Permission in Principle application, the Local Highway Authority 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 severe harm to the highway network, contrary to Paragraph 116 of the National Planning Policy Framework (NPPF) (2024).

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.

Access is not sought for approval at this stage. Leicestershire County Council Highways were

consulted during the course of the application and have not raised an objection to the scheme on highway safety grounds and considers that safe and suitable access is likely to be achievable.

Whilst the layout is to be determined as part of any technical details consent application and the level of parking provision will be dependent on the size of the dwellings, the site is considered to be large enough to provide car parking provision for multiple vehicles with turning space provided on site.

Overall, it is considered that safe vehicular access and highway mitigation measures could be addressed through any technical details consent 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 agricultural land. Residential properties adjoin the site to the east and west with further residential development sporadically located in the immediate and wider context.

It is considered that the development of five dwellings on the site would relate adequately to the immediate and wider residential uses to the east of the site, and would not result in the creation of isolated properties 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 five dwellings.

The proposed development on the site of 0.42ha would make efficient use of the land, would not result in a cramped form of overdevelopment and may have the potential to preserve the character of the area and the setting of heritage assets, 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. However, the policy conflict arising from the provision of five dwellings as proposed is considered in the planning balance below.

Waste Storage and Collection Arrangements

The application site contains sufficient space within the site for the provision of waste storage which future occupiers would be able to utilise, subject to the layout at the technical details consent stage. Waste would be capable of being dragged from the front garden and along the driveway where waste and recycling receptacles would then be left adjacent to the highway at Lower Moor Road on collection day which is considered to be acceptable. Alternatively, a scheme could be designed that would allow for refuse vehicles to enter and turn within the site. Notwithstanding this, this is a matter for consideration at the Technical Details Consent stage at which time the Waste Services Team would be consulted when detailed proposals are submitted, in the event that Permission in Principle is granted.

Coal Mining Risk

Paragraph 196 of the NPPF states that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Policy En6 of the Local Plan requires that land that is (or is suspected of being) subject to land instability issues or contamination will be supported where a planning application is accompanied by a detailed investigation and mitigation proposals.

Throughout the course of the application, the Mining Remediation Authority were consulted due to the development falling within a Development High Risk Area for coal mining.

The Mining Remediation Authority has no objections to the proposed development at this stage and confirms that such matters would be of primary consideration at the technical details consent stage.

On this basis, the proposal would accord with Policy En6 of the adopted Local Plan and relevant paragraphs of the NPPF.

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 application (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.

While it is acknowledged that the proposal would result in limited and less than substantial harm to the designated heritage asset and its setting, it is considered that the public benefits of the proposal, as set out below, outweigh the less than substantial harm identified and therefore the heritage harms identified are not considered to constitute a strong reason for refusing the application as set out in paragraph 11d(i) of the NPPF. Therefore, in this case, paragraph 11d(ii) of the NPPF is engaged.

The adopted Local Plan is also 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 for decision makers, this means '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 this Framework taken as a whole'.

The proposed development would contribute towards the supply of self-build plots when there is a significant identified shortfall and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. Nevertheless, the scheme would result in residential development on greenfield land located outside of the limits to development.

In this instance, it is contended by the Local Planning Authority that very limited harm would arise from the loss of greenfield land located within the countryside. Any harm may be minimised with appropriate design and landscaping at the technical details consent stage. It is also a significant material consideration in the determination of this application that this location was found to be acceptable previously at appeal in regards to the access to public transport and local services.

Balanced against the harms, limited positive weighting would 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 dependent on the private car. It is considered that these would have moderate weight in favour of the proposal in the balance.

Furthermore, this location is more acceptable when compared to remote locations in the countryside where there would be more adverse environmental and social sustainability impacts. In this case the proposal would not constitute 'isolated' dwellings and the proposed dwellings would be close to other dwellings and services.

Technical concerns with regards to amenity impacts, highway safety, land instability, the impact on ecology and biodiversity are capable of being addressed at the Technical Details Consent stage should Permission in Principle be granted.

Provision of additional housing in an accessible location is afforded positive weight, and the need for self-build plots in the district is considered to be significant, with significant positive weighting being given to the provision of five self-build plots.

In this case it is acknowledged that there would be conflict with the spatial strategy contained within the development plan, however given the contribution of five dwellings to the significant unmet need for self-builds, along with the other benefits of the proposal listed above, the harm arising from this conflict would not significantly and demonstrably outweigh the benefits of the proposal. There are no other material considerations of sufficient weight that indicate that permission should be refused.

Overall, the adverse impacts of allowing this development would not significantly and demonstrably outweigh the identified benefits of the proposal and there are no other material considerations that indicate that permission in principle should be refused.