

Permission in Principle for the erection of a single self-build dwelling

**Report Item No
A2**

**Land To The East Of 56 Loughborough Road, Coleorton,
Coalville, Leicestershire.**

**Application Reference:
26/00323/PIP**

**Grid Reference (E) 441691
Grid Reference (N) 317598**

**Date Registered:
13 March 2026
Consultation Expiry:
23 April 2026**

**Applicant:
Mr Joseph Burke**

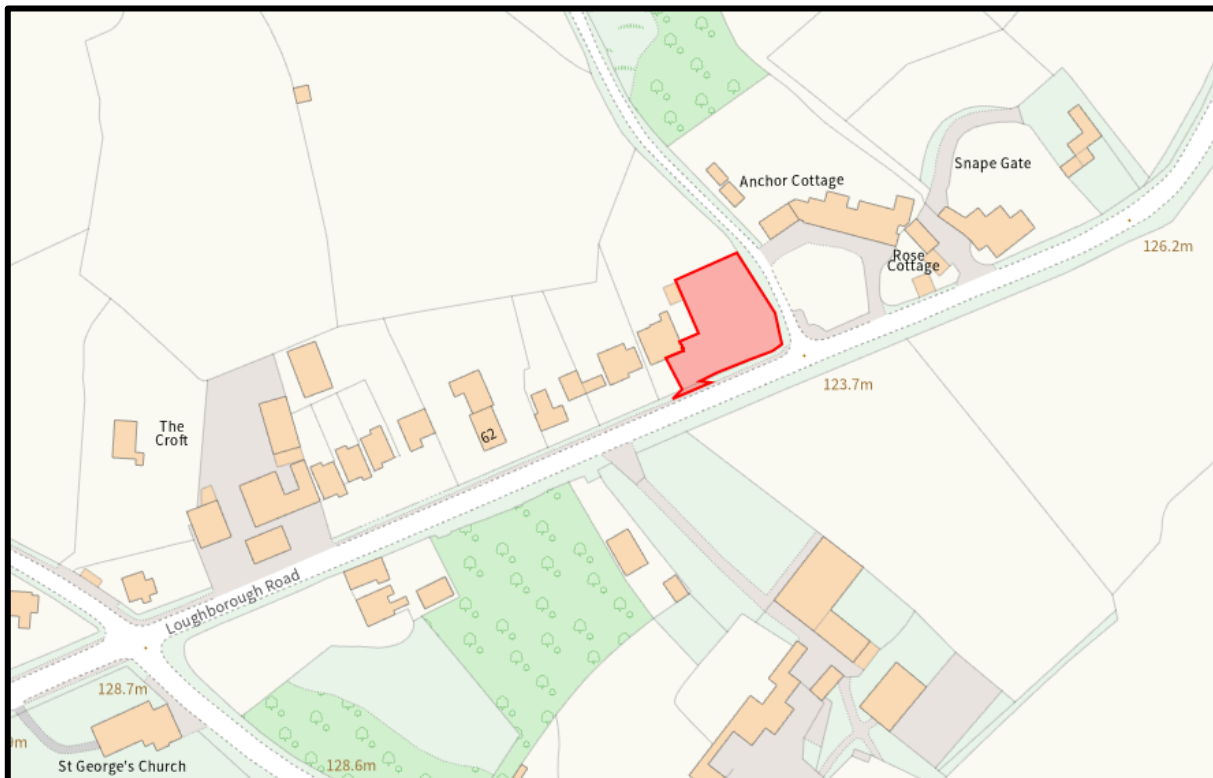
**Determination Date:
17 April 2026**

**Case Officer:
Lewis Marshall**

**Extension of Time:
27 April 2026**

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

RECOMMENDATION – PERMIT

Main Report

1. Proposals and Background

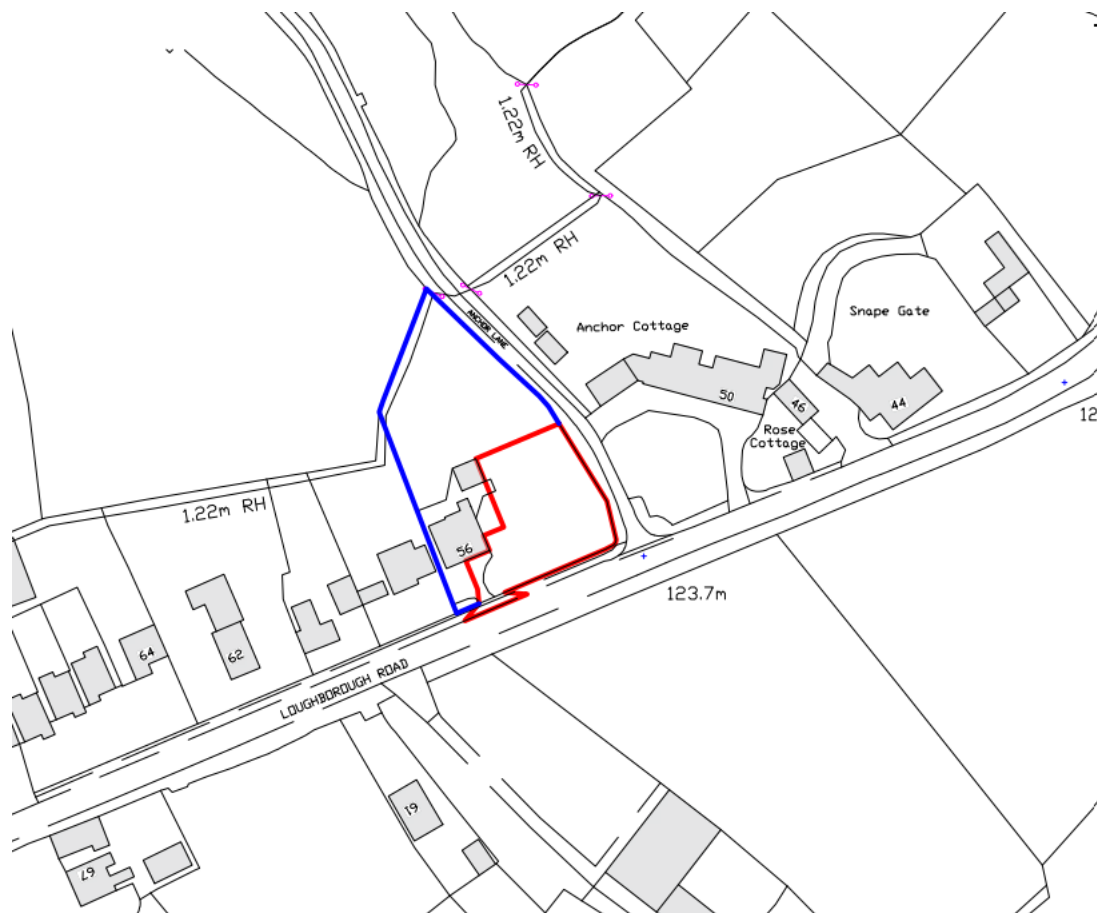
This application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (as amended). The proposal seeks permission in principle (PIP) for one residential self-build dwelling within the residential curtilage of 56 Loughborough Road, Coleorton. The site is located outside the defined Limits to Development. The surrounding area is predominantly rural with residential properties interspersed across the wider area. The application site forms the side garden of the existing residential dwelling and fronts both Loughborough Road and Anchor Lane.

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

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

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

Site Location Plan



Aerial Image of the Site Location



Relevant Planning History

20/01015/OUT - Erection of single storey dwelling and garage (outline- all matters reserved) – withdrawn by applicant

2. Publicity

4 neighbouring properties were notified on 16th March 2026.

A site notice was displayed on 18th March 2026 and an online site notice was published on 17th March 2026.

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:

Swannington Parish Council, for the following reasons:

- Against policies S2 and S3 of the Local Plan

- Against Policy H2 of the Swannington Neighbourhood Plan
- Outside the limits to development

No Objections from:

Leicestershire County Council - Ecology
 NWLDC Environmental Protection
 Leicestershire County Council - Highways Authority
 Leicestershire County Council - Minerals and Waste Authority
 Coal Mining Remediation Authority

No comments received from:

NWLDC Waste Services

Third Party Representations

One third party representation (objection) has been received. The comments raised are summarised as follows.

Grounds of Objections	Description of Impact
The Principle of Development and Preliminary Matters	Unsustainable location and contrary to local policies S2 and S3 due to the location outside of the limits to development and the loss of local services in the Coleorton area. There are no material considerations which outweigh the harms.
	Conflict with the Swannington Neighbourhood Plan which carries full weight
	The application should be refused in line with paragraph 11 of the NPPF
Visual Impacts	Impact on countryside views of open and undeveloped land from the A512
	Harm to local and rural landscape character
Highway Safety Impacts	Unsafe access and highway safety concerns due to the speed and number of vehicles using the A512
Other Matters	The Self and Custom Housebuilding Act 2015 is being used to exploit the planning system and subvert usual policies

	Nearby site (25/01523/PIP) has been refused planning permission previously
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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 He1 - Conservation and Enhancement of North West Leicestershire’s Historic Environment;
Policy Cc2 – Water – Flood Risk;
Policy Cc3 – Water – Sustainable Drainage Systems.

Made Swannington Neighbourhood Plan (2023)

The Swannington Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy H2 - Settlement Boundary;
Policy H3 - Housing Mix;
Policy H4 - Design Quality;
Policy ENV 3 - Sites and Features of Natural Environment Significance;
Policy ENV 4 - Protecting and Enhancing Biodiversity;
Policy ENV 5 - Sites and Features of Historic Environment Significance;
Policy ENV 9 - Flood Risk Resilience and Climate Change;
Policy T1 - Traffic Management; and
Policy E6 - Broadband Infrastructure.

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

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, 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.

(a) 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), the made Swannington Neighbourhood Plan (2023) and the adopted 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 application site is located within land falling outside the defined Limits to Development, designated as countryside, within the Local Plan and the Swannington Neighbourhood Plan.

Policy S2 of the Local Plan contains a Settlement Hierarchy. Policy S2 of the Local Plan defines Swannington as a 'Sustainable Village' which are settlements which have a limited range of services and facilities. The policy specifically states that 'Sustainable Villages' can take a limited amount of growth within the defined Limits to Development. The application site is located outside of the Limits to Development of Swannington and is therefore located in a Countryside location thus conflicts with Policy S2. The site is also located close to Peggs Green which Policy S2 defines as a "Small Village" where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land.

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 (criterion (a)), the redevelopment of previously developed land (criterion (b)) or affordable housing in line with Policy H5 (Rural Exception Site) of the adopted Local Plan (criterion (g)).

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. While the site forms a residential garden to No. 56, it is in a built-up area and so the application site is a greenfield site, and would not fall under the NPPF's definition of PDL. As such, this development would not be supported under Policy S3 (b).

The proposal therefore does not fall within any of the exceptions for residential development under Policy S3.

Policy H2 of the Swannington Neighbourhood Plan states that "Land outside the settlement boundary will be treated as open countryside, where development will be carefully controlled, or supported as appropriate, in line with local and national strategic planning policies." As such, this links back to the

requirements of Local Plan Policy S3 which lists the acceptable uses (a) - (s) where development would be supported in principle subject to considerations set out in criteria (i) - (vi) and Policy S2 which states that 'Sustainable Villages' can take a limited amount of growth within the defined Limits to Development.

As set out above, the proposal is not considered to accord with Policy S3 and it is not within the Limits to Development so therefore conflicts with Policy S2. It therefore follows that the application fails to accord with Policy H2 of the Neighbourhood Plan by virtue of its conflict with other local and national planning policies.

Whilst in this case the proposal is not supported by criteria (a) to (s) of Policy S3 of the adopted Local Plan, 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:

(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 Character' section of this report, it is considered that the appearance and character of the landscape would not be adversely impacted on by this application for one dwelling, subject to the submission of an acceptable proposal to be considered at technical details consent 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...

(iii) it does not create or exacerbate ribbon development

The proposal would be located in the countryside but it would not undermine the physical or perceived separation between nearby settlements given the location adjacent to existing development, the sporadic nature of development and the lack of any defined built-up area within the site locality.

While the site fronts Loughborough Road, it is considered that ribbon development may not be exacerbated, as the site forms part of the side garden which is bound to one side by the host dwelling, number 56 Loughborough Road and Anchor Lane to the other with further development fronting Loughborough Road to the east of Anchor Lane. This is a matter that would be considered in detail at technical details consent stage.

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

The application seeks Permission in Principle with technical details, such as the design and layout, subject to later technical details consent. However, it is considered that the design of one dwelling could be secured at the Technical Details Consent stage that would be well-related to existing development along Loughborough Road and the wider settlements of Peggs Green, Coloerton and Swannington.

(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

In terms of walking, there is a lit footway along Loughborough Road in close proximity to the application site. This also provides access to a number of local public right of way. This public footpath network provides routes to a range of other public footpath routes and also provides access to Swannington and Thringstone. In addition there are other recommended and signed cycle routes close by, including cycle route NW2 which would provide a safe cycling route into Coalville. It is therefore concluded that the site is accessible on foot.

Furthermore, future occupants of the application site would also have access to public transport. A bus stop is located further west along Loughborough Road and at St Georges Hill approximately 400m from the site. A service from Leicester to Swadlincote via Coalville and Ashby provides an hourly service on weekdays. As such, a wider provision of facilities and services would be able to be accessed via sustainable forms of travel.

Given the above, there would be limited opportunities for accessing an array of services and facilities via public footpaths or cycling to meet the needs of day-to-day requirements. However given the public transport links that are within walkable distance of the site, and notwithstanding the overarching conflict with Policy S3 which does not support housing in the countryside, it is concluded that the development would be accessible by a range of sustainable transport and therefore, the development would accord with criterion (vi) of Policy S3.

A similar conclusion was reached by an appeal inspector in the appeal decision for a 2023 application for three dwellings to the south side of Loughborough Road. While the appeal was dismissed, the Inspector stated: *The appeal site is close to Peggs Green, which only has limited facilities. However, the site is near a bus stop which provides frequent bus services to larger surrounding centres which have a greater variety of services and facilities to meet day-to-day needs. Thus, future occupants would not be wholly reliant on the use of a private car.'*

Other Matters

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.

Within the locality of the site, there are some limited facilities within walking distance of the application site including public houses (the New Inn and The George), a local church (St George) and Peggs Green village hall (Beaumont Centre). These services/facilities are within 1000m (preferred maximum walking distance) of the site. The nearest convenience retail facility would be at Thringstone nearly 2km from the application site.

Services available in Swannington include a public house, primary school, and village hall. However, it is noted that the walking distance to these facilities would exceed the preferred 1km maximum walking distance.

The provision of this dwelling would also assist in sustaining these services, as set out in Paragraph 83 of the NPPF.

As such, on balance, whilst the development would be located approximately 0.7km to the nearest defined limits to development, given there would be some access to services in the immediate area and the application site would be well-sited in terms of access to public transport links, it is considered that future occupants of the dwelling would not necessarily be dependent on the private car to access the most basic of services and would support the approach to a low carbon economy

Conclusion - Principle of Development

The proposal is fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 of the Local Plan and would also be contrary to Policy S3 of the Local Plan and Policy H2 of the Neighbourhood Plan. On this basis, the proposal is not in accordance with the adopted Local Plan or the adopted Neighbourhood Plan. The proposal would therefore conflict with the broad objective of containing new residential development within the settlement limits.

There would be some access to services in the immediate area and the development would be accessible by a range of sustainable transport so occupiers would not be dependent on the private car.

There would also be some limited economic benefits associated with the construction of the dwelling. However, it is considered that these benefits alone are significantly and demonstratively outweighed by the conflict with the spatial strategy set out in the Local and Neighbourhood Plans.

The harm derived from the conflict with Policies S2 and S3 of the Local Plan and Policy H2 of the Neighbourhood Plan 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 1 no. self-build dwelling. 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 30 January 2026 there are 227 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*	29**	115**	-31**
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* 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 April 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 29 plots (Column D) has been granted so far during this base period, so cumulative planning permissions have been granted for a total of 115 plots (Column E) (86 cumulative permissions at the end of the previous base period and 29 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 31 plots. This represents a significant unmet need. To meet its duties under the Act, the Council would need to have granted planning permission for 31 self-build and custom housebuilding plots by 30 October 2026.

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

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

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.

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 addition, as set out in paragraph 14 of the NPPF, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the Swannington Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits.

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.

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)).

Policy En3 of the Local Plan states that new development within the National Forest should ensure that the siting and scale of the proposed development is appropriately related to its setting within the Forest and respects and does not adversely affect the character and appearance of the National Forest or the wider area.

Policy H4 of the Swannington Neighbourhood Plan states that proposals must be in line with the NWL Good Design Guide SPD (2017) and demonstrate a high quality of design, layout and materials in order to make a positive contribution to the special character of Swannington Parish.

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 detailed design would be a matter to assess at 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.

The application site has a relatively open appearance with open fields to the rear with far reaching views of the countryside to the south. Hedgerows along the site frontage provide limited screening. The site levels also drop away from the road. Built development on the south side of Loughborough Road is sporadic and interspersed amongst pockets of undeveloped land. As an open pocket of land, the site currently contributes positively to the semi-rural character of the area. Images of the site frontage and street scene are set out on the following pages.









The site forms the side garden of the host dwelling no. 56 Loughborough Road with the existing built form on the north side of Loughborough Road being more suburban and uniform than on the south side of Loughborough Road. The existing character of the site as residential garden does not significantly contribute to the character of the area or the wider rural landscape.

While the site is located in the countryside, the introduction of new residential development in this location would not result in the loss of an open and undeveloped area of land. Very limited harm would therefore arise from the loss of greenfield land located within the countryside.

Therefore, it is considered that an acceptable proposal for one dwelling on the site could be brought forward at the technical details consent stage that would not be harmful to the character of the area and so would not conflict with Policies S3 (i), D1 and En3 of the Local Plan and H4 of the Neighbourhood Plan.

Irrespective of this, it is accepted that the detailed design and layout of the proposed dwelling is not a matter for this permission in principle application and would be addressed as part of any technical details consent(s).

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.

Given that the application seeks permission in principle at this stage, 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 a proposal for one dwelling could be accommodated on the site without any unacceptable overlooking, overshadowing or overbearing impacts. However, such impacts would be a consideration at the technical details stage, when details of the access, layout, scale and appearance would be submitted. Particular attention would be given to the relationship with the host dwelling given the presence of ground and first floor windows within the side elevation. It is also considered that an adequate area of private garden would be retained by the host dwelling.

Furthermore, it is 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, it is considered that one dwelling could be accommodated on the site that would not result in significant impacts on the residential amenities of existing and future occupiers and so the proposal complies with Policies D2 of the Local Plan and H4 of the Neighbourhood Plan.

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. Policy H4 of the Neighbourhood Plan states that development should minimise surface run-off and risk of flooding and incorporate sustainable drainage systems. Policy ENV 5 of the Neighbourhood Plan requires proposals in specific locations identified in figure 14 of the Plan to meet the sequential test set out in the 2021 version of the NPPF (which has since been revised).

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. A small part of the site falls within an area impacted by low, medium and high surface water flood risk as defined on the Environment Agency's Flood Map for Planning.

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 surface water flood risk or additional surface water created by the development can be addressed by an appropriate layout and landscaping details which can avoid areas at risk of surface water flooding and/or 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 technical details consent, in respect of the layout avoiding areas at risk of flooding and sustainable drainage systems which can be provided as part of the development and thereafter delivered and maintained on the site, thus, the site could be developed for one dwelling 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, Policies H4 and ENV 9 of the Neighbourhood 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. Policy H4 of the Neighbourhood Plan states that development should enhance biodiversity, with existing trees and hedges preserved whenever possible. Policy ENV 3 identifies the application site as a historic wildlife site, although it should be noted that the site itself is not designated as a Local Wildlife Site in the plan. Policy ENV 4 sets out that all new development proposals will be expected to safeguard habitats and species, including those of local significance.

The County Ecologist has been consulted on the application and raises no objection. The current application has not been supported by the submission of a Preliminary Ecological Appraisal, BNG assessment and associated metric. However, the site is a private garden and therefore not subject to any local or statutory designations for its biodiversity value. As such the ecological value of the site would not preclude development of the site, subject to the required mitigation to be considered and secured at the technical details consent stage. Furthermore, the development is not subject to mandatory Biodiversity Net Gain as it is for a self-build dwelling and therefore exempt. 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.

The application has not been supported by a Tree Survey or an Arboricultural Impact Assessment (AIA) to demonstrate that the scheme would not impact the trees and hedgerows to the boundaries of the site. A technical details consent application could be subject to the submission of a Tree Survey and AIA. Therefore, officers are satisfied that impacts on the trees and hedgerows could be addressed at technical details consent stage. Furthermore, the design of any dwelling as part of the technical details consent would need to consider other existing site features such as trees and hedgerows.

As such, subject to the technical details consent application which could secure biodiversity enhancements and the submission of an AIA and method statement, the application is considered to be acceptable when having regard to trees, ecology and biodiversity. It is considered that the proposals would comply with the provisions of Paragraph 187(d) of the NPPF and Policy En1 of the Local Plan and Policies H3 and ENV4 of the Swannington Neighbourhood Plan.

Highway Impacts

Policy IF4 of the Local Plan 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 requires that development incorporate adequate parking provision for vehicles and cycles in order to avoid highway safety problems and to minimise the impact upon the local environment. The Leicestershire Highways Design Guide (LHDG) provides guidance on the standards expected for access, parking and manoeuvrability.

Policy T1 of the Swannington Neighbourhood Plan requires that all development be designed to minimise additional traffic movement, include sufficient off-street parking and provide safe access.

As the application seeks only permission in principle, the precise access arrangements are not known at this stage. However, in order to grant permission in principle, the Local Planning Authority must be satisfied that safe and suitable access can be achieved at this location.

It is considered likely that the applicant would seek to use the existing access shared with the host dwelling onto the A512 Loughborough Road which is a classified 'A' road that is subject to a 40mph speed limit. The County Highways Authority (CHA) has outlined that safe and suitable access from the public highway could be achievable as part of a future Technical Details Consent stage, should permission in principle be granted.

Given the conclusions of the CHA, it is considered that any creation of the vehicular access and highway mitigation measures could be addressed through any technical details consent application(s) and therefore the development could be compliant with Policies IF4 and IF7 of the adopted Local Plan, Policy T1 of the Swannington Neighbourhood Plan, as well as the NPPF.

Coal Mining Risk

Policy D2 (Amenity) and Policy En6 (Land Stability and Contamination) of the North West Leicestershire Local Plan (2021) requires that new development does not result in unacceptable levels of pollution or land instability. Additionally, Paragraph 196 of the NPPF (2024) seeks to ensure that sites are suitable for their proposed use, taking into account risks arising from land contamination and stability.

The site is in an area that could be impacted by ground stability due to the presence of historic coal mining features in the area. The site is known to be in an area of "high risk" therefore, the Mining Remediation Authority has been consulted as part of the application. No objection has been raised at this time, although it has confirmed that any application for approval of technical details consent should be supported by a Coal Mining Risk Assessment, or an equivalent report, which should make an assessment of the coal mining legacy risks present on the site and inform any remedial works necessary to address any identified coal mining legacy related land instability issues.

In terms of the principle of development, the proposal is considered to be in compliance with Policies D2 and En6 of the Local Plan, as well as the NPPF.

(b) Land Use

The application site comprises residential curtilage associated with no 56 Loughborough Road. Residential properties adjoin the site to the east (beyond Anchor Lane) and west with further residential development sporadically located in the immediate and wider context.

It is considered that the development of one dwelling on the site would relate adequately to the immediate and wider residential uses neighbouring the site, and would not result in the creation of an isolated property in the countryside. It is also a significant material consideration that the Local Planning Authority has recently granted outline planning permission for a self-build dwelling within the rear garden of no 50 Loughborough Road (application reference: 25/00349/OUT) which is located adjacent to the application site. 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 and therefore also conflicts with Policy H2 of the Neighbourhood Plan. However, the planning balance below considers if the land use proposed is acceptable.

(c) Amount of Development

The application proposes a residential development of one self-build dwelling.

The proposed development on the site of 0.1ha would make efficient use of the land, would not result in a cramped form of overdevelopment and could preserve 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 and so the proposal would also conflict with Policy H2 of the Neighbourhood Plan. However, the policy conflict arising from the provision of one dwelling as proposed is considered in the planning balance below.

Other Matters

Concerns have been raised that the Self and Custom Housebuilding Act 2015 is being used to exploit the planning system and subvert usual policies. The application proposes a self-build dwelling and therefore in the absence of a specific self-build policy and the shortfall in self-build plots, the application must be determined under a different planning balance having regard to paragraphs 11d and 14 of the NPPF. This is considered further within the planning balance below. Notwithstanding this, conditions can be imposed on approval of Technical Details Consent to secure the dwelling as a genuine self-build unit.

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) and the made Swannington Neighbourhood Plan (2023).

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 and H2 of the Swannington Neighbourhood 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 this circumstance, as set out earlier in this report, paragraph 11(dii) of the NPPF (as set out at the time of decision) 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 this Framework taken as a whole'.

However, Paragraph 14 of the NPPF also states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing

It is considered that paragraph 14 applies to this application as the Neighbourhood Plan was adopted in March 2023 so is less than five years old and it contains policies and allocations to meet its identified housing requirement. This is consistent with the conclusions made by the Inspector in the appeal decision for three dwellings on a nearby site within the Swannington Neighbourhood Plan area in July 2024 (23/01048/OUT).

Paragraph 14 of the NPPF (as set out at the time of decision) is therefore engaged which states that any conflict arising with the Neighbourhood Plan, where criteria (a) and (b)) are met, would "likely" constitute significant and demonstrable harm. Policy H2 of the Neighbourhood Plan restricts development in the countryside in line with national and local planning policies and as such does not support residential development outside of the settlement limits. Therefore, any harm arising from conflict with Policy H2, and by association Policies S2 and S3 of the Local Plan, needs to be weighed up to determine if this would be considered to be significant and demonstrable and whether or not this is outweighed by the benefits of one self-build unit as proposed.

The proposed development would contribute towards the supply of self-build plots where 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 31 self-build plots in the District for the current base period. It should also be acknowledged that, in terms of technical matters, the scheme would 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.

In this instance it is contended by the Local Authority that very limited harm would arise from the loss of greenfield land located within the countryside. Any harm may be minimised further with appropriate design and landscaping at the technical details consent stage.

Significant harm would additionally arise from the granting of a permission that is in conflict with Policies S2 and S3 of the Local Plan and Policy H2 of the Swannington Neighbourhood Plan, which therefore conflicts with the spatial strategy of which the Neighbourhood Plan forms part.

Balanced against the harms, the provision of an additional dwelling in an accessible location 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 a 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 dependent on the private car. It is considered that these benefits when taken together would have moderate weight 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 they would be close and well related to other dwellings and some services.

Government policy sets out how neighbourhood plans can shape, direct and help to deliver development. The local community has made the Neighbourhood Plan in 2023 in order to develop a shared vision for their area, proactively allocating land for housing growth. In this case it is acknowledged that there would be conflict with the spatial strategy, including the Swannington Neighbourhood Plan. However, given the contribution to the significant unmet need for self-builds, along with the other benefits of the proposal, it is considered that the adverse impact of allowing this development would not significantly and demonstrably outweigh the benefits of the proposal and there are no other material considerations that indicate that permission in principle should be refused.

RECOMMENDATION - PERMIT