

**Demolition of existing building and new self-build dwelling
along with package treatment plant and associated
landscaping**

**Report Item No
A2**

**Application Reference:
25/00945/FUL**

Land off Back Lane, Castle Donington

**Grid Reference (E) 444129
Grid Reference (N) 328558**

**Date Registered:
7 July 2025**

**Consultation Expiry:
12 August 2025**

**Applicant:
Mr Mick Allen**

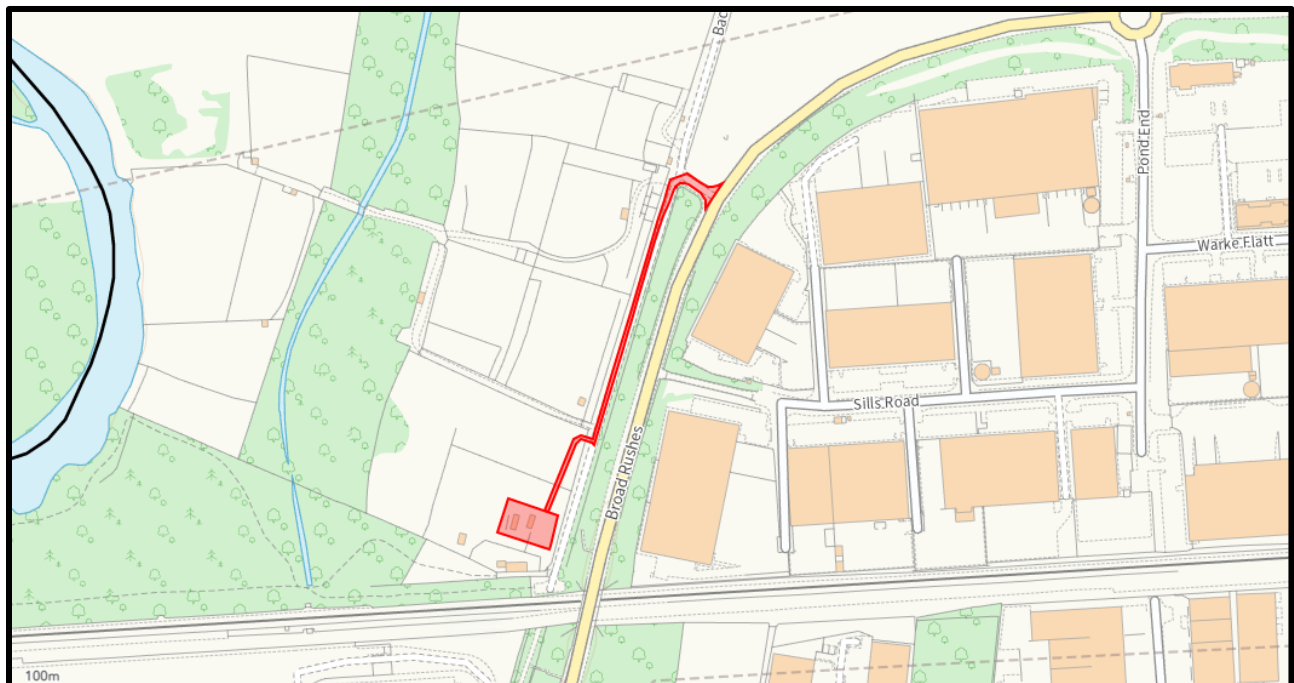
**Case Officer:
Sara Hullott**

**Determination Date:
1 September 2025**

**Recommendation:
PERMIT**

**Extension of Time:
22 July 2026**

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of His Majesty's Stationery Office ©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (Licence LA 100019329)

Reasons the case is referred to the Planning Committee

The application is brought to the Planning Committee at the request of Councillor Canny on the basis that planning permission was previously refused at this site, the restrictions on the access and issues with waste collection remain the same as on the previous application, the site is in an isolated location and concerns over flood risk.

RECOMMENDATION – PERMIT, subject to the following conditions:

1. Standard time limit (3 years)
2. Approved plans
3. Materials to be submitted and approved before above dpc
4. Soft and hard landscaping to be submitted and approved before occupation
5. Boundary Treatments to be submitted and approved before occupation
6. Parking and turning space in accordance with plans before occupation
7. Removal of permitted development rights
8. Self-build
9. Sustainable drainage system installed before roofs and areas of hardsurfacing installed
10. Non-mains drainage
11. PTP maintenance details before occupation
12. Construction Environment Management Plan for Biodiversity (CEMP: Biodiversity) prior to commencement
13. Landscape and Ecological Management Plan (LEMP) prior to commencement
14. External lighting
15. Bin storage collection details to be submitted and approved before occupation

Main Report

1. Proposals and Background

Full planning permission is sought for the demolition of existing building and erection of new self-build dwelling and associated landscaping at land off Back Lane, Castle Donington.

The site is at the northwestern edge of Castle Donington and is accessed via an existing access off Back Lane. The site is adjacent to agricultural land with largescale industrial uses located to the south and east beyond the nearby railway line and Castle Donington bypass. The site consists of a number of insubstantial buildings to the west of Back Lane.

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

The site lies within Flood Zone 1 and is not in an area at risk of surface water flooding.

Site Location Plan



Aerial Image of Site Location



Site Photos





The County Highways Authority, County Ecology Team, County Tree Officer, Environmental Protection, and neighbours have been consulted and their responses have been considered in this report.

Precise details of the proposal are available to view on the submitted plans on the Council's website.

Planning History

25/00155/PNA - Conversion of existing agricultural building to create a single storey two-bedroom dwellinghouse – Refused 10.03.2025 on the following grounds:

1. *The proposed change of use of an agricultural building to a dwellinghouse is not permitted development under (General Permitted Development)(England) Order 2015 Schedule 2, part 3, Class Q (as amended), for the following reasons:*

The applicant has not evidenced to the satisfaction of the Local Planning authority that the existing building falls within an agricultural use nor that it forms part of an established agricultural unit. Furthermore, It is not considered that the existing building is capable of conversion given its lightweight and insubstantial construction. This would therefore be contrary to Class Q (a and b) and Q.1(a) of Part 3 and Paragraphs 105 and 106 of the National Planning Practice Guidance.

2. *The dwelling would be served by Back Lane as the only form of access which is 320m in length from Broad Rushes. Back Lane close to its junction with Broad Rushes is subject to a Traffic Regulation Order that prevents access to the site to anyone other than an authorised key holder. Notwithstanding the applicant has not evidenced he is an authorised key holder, the site is inaccessible by refuse vehicles, delivery vehicles and visitors. There are no provisions for the creation of a refuse collection point close to Broad Rushes given the applicant does not own land in close proximity to the accessible public highway.*

As such, the location of the existing building makes it otherwise impractical and undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. As such this proposal would not comply with Part 3, Class Q paragraph Q.2 (1)(e) of The Town and Country Planning (General Permitted Development) (England) Order 2015 and Paragraph 107 of the National Planning Practice Guidance.

2. Publicity

5 Neighbours have been notified.

Site Notice displayed 22 July 2025.

3. Summary of Consultations and Representations Received

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

Objection from:

Castle Donington Parish Council for the following reasons:

- The proposed building/conversion would be located adjacent to the railway line and to the entrance to West Meadow public open space, both accessed off Back Lane. Therefore, any proposed new building/conversion would be sited within a section of the highway that is currently gated. This raises concerns regarding access to the proposed development - will the road remain gated? If the gated road is planned to be left open it leaves the road vulnerable to fly tipping, which has been a major issue in the locality historically and also to the misuse of the location as it is a secluded part of the highway and isn't visible from the main road above, this includes the siting of unauthorised encampments, drugs, etc.
- Concern that the area is within a flood zone, as the fields adjacent to the proposed building currently flood on a regular basis and are inaccessible for a large part of the year.

No objections from:

County Highway Authority

No objections subject to conditions from:

County Ecology Team

County Tree Officer

NWLDC Environmental Protection

Third Party Representations

No neighbour objections have been received.

4. Relevant Planning Policy

National Planning Policy Framework (2024)

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

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well-designed places

Chapter 14. Meeting the challenge of climate change, flooding and coastal change

Chapter 15. Conserving and enhancing the natural environment

Adopted North West Leicestershire Local Plan (2021)

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

S1 - Future Housing and Economic Development Needs

S2 - Settlement Hierarchy

S3 – Countryside

D1 - Design of New Development

D2 – Amenity

IF4 - Transport Infrastructure and New Development

IF7 - Parking Provision and New Development

En1 - Nature Conservation

En3 - The National Forest
En6 - Land and Air Quality
Cc2 – Water – Flood Risk
Cc3 – Water – Sustainable Drainage Systems

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

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

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

Other Policies and Guidance

National Planning Practice Guidance
North West Leicestershire Good Design Guide Supplementary Planning Document – April 2026
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

Principle of Development

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, comprises the adopted North West Leicestershire Local Plan (2021) 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. The most important policies in the determination of this application 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 Local Plan Policies S2 and S3, the policies of greatest importance in this case, are effective, not out of date and carry significant weight.

The site is located on 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 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.

It is considered the immediate surroundings of the site are rural in nature and the immediate area would not be considered "built-up" as the site is bound by agricultural fields and the site is separated from the nearest buildings. As such, it is considered the application land would fall under the definition of PDL as outlined within the NPPF. However criterion (e) of Policy S3 also states "in accordance with Policy S2." Policy S2 states that the re-use of PDL will be supported where it is compatible with the settlement hierarchy set out in Policy S2 and that the redevelopment of PDL for housing should be within or well-related to the settlements listed in Policy S2.

Castle Donington is listed as one of the settlements that forms a Key Service Centre in the hierarchy set out under Policy S2 and it is considered that the site is well-related to Castle Donington as it lies on the edge of the village boundary and is accessible by public transport. Therefore the proposal would accord with criterion (e) of Policy S3.

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.

The site is located within an area identified as countryside under Policy S3, with the nearest settlement being Castle Donington which is a Key Service Centre under Policy S2. 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 partly 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

For the reasons expanded upon in the design section of this report, it is considered that the character of the landscape, historic character, local distinctiveness or the settlement pattern would be safeguarded.

(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 not undermine the physical or perceived separation between nearby settlements given the location adjacent to existing development within Castle Donington.

Due to its isolated location, the development is not considered to exacerbate ribbon development. Therefore, conflict with criteria ii and iii of Policy S3 is avoided.

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

For the reasons discussed later in this report, the proposed design of the development would integrate well with other nearby development and buildings.

(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 application site is 800 metres away from the nearest bus stop on Station Road (Willow Farm Business Park) with the Skylink Derby and Skylink bus routes. For most people approximately 800m is considered a reasonable walking distance to local services, so it would be possible for the occupants of the site to walk or cycle to the nearest bus stop and on into Castle Donington, and further afield where there is a range of services/facilities (as outlined further below in this report).

In practice, occupants of the proposed scheme would need to traverse approximately 260m of an unlit private road in order to access the nearest public highway where footways and street-lighting exist for the remainder of the route to the bus stop and into Castle Donington. Whilst it is considered that these conditions may make the route unattractive for use by some occupants, such as wheelchair users or pram users, when having regard to the short distance to access alternative modes of transport by walking or cycling, on balance, it is considered that the site would be accessible by a range of sustainable transport.

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.

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.

The application site is approx. 1.5km away from the nearest play park and convenience store, and approx. 1.8km from the nearest public house. These services/facilities are outside of the 800m (preferred maximum walking distance) from the site.

However, there are a range of services located within Castle Donington, all of which could be accessed by public transport which is inside of the 800m preferred maximum walking distance.

The proposal falls outside the limits to development within the countryside, as set out above, and whilst it is considered that the conditions of the private road to the public highway may make the route to these services unattractive for use by some occupants, when having regard to the short distance to access the public transport available by walking or cycling, on balance, it is considered that future occupants of the property would not necessarily be dependent on the private car to access the most basic services and would support the approach to a low carbon economy. The provision of this dwelling would also assist in sustaining these services.

The site is not considered to be in an 'isolated' location given its edge of settlement location and the distance from services and facilities in Castle Donington.

Conclusion – Principle of Development

Local planning policies identify that the application site and proposal is environmentally and socially sustainable because it is well related to the settlement limits of Castle Donington and does accord with the definition of previously developed land as set out in the NPPF. The proposal therefore also accords with the settlement hierarchy and strategic housing aims of Policy S2 of the adopted Local Plan. On this basis, the proposal is in accordance with the adopted Local Plan and the NPPF, and can be considered to represent a sustainable form of development. The proposal is therefore acceptable in-principle.

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 full application for the erection of one detached dwelling which the applicant seeks to occupy and therefore, 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 June 2026 there are 232 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*	37**	123**	-23**

* 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 30 June 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 37 plots (column D) has been granted so far during this base period, so cumulative planning permissions have been granted for a total of 123 plots (column E) (86 cumulative permissions at the end of the previous base period and 37 from this base period). Therefore, at the current time there is an unmet demand, or shortfall, of 23 plots (Column F). This represents a significant unmet need. To meet its duties under the Act, the Council would need to grant planning permission for 23 self build and custom housebuilding plots by 30 October 2026.

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

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

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

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

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

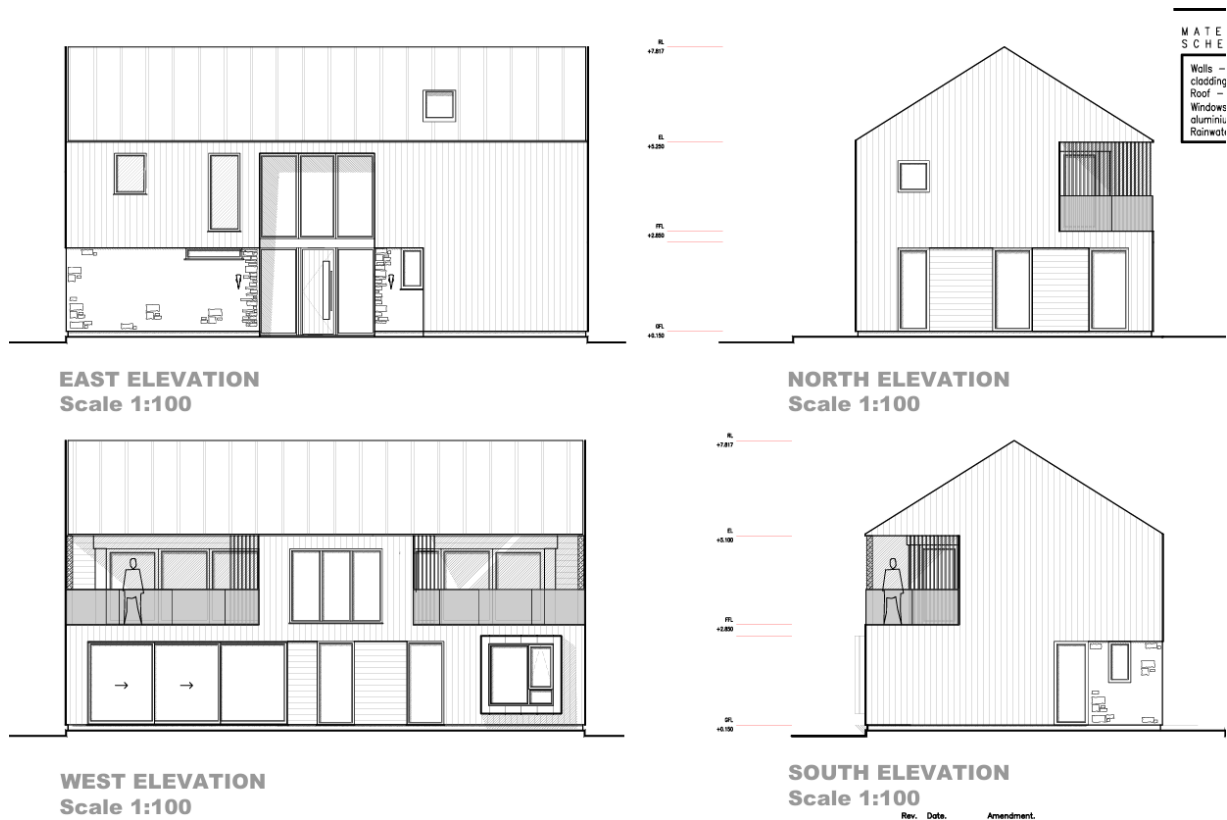
Footnote 7 of the NPPF makes it clear that the policies referred to in paragraph 11 are those in the Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green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

Design, Character and Impact upon Street Scene

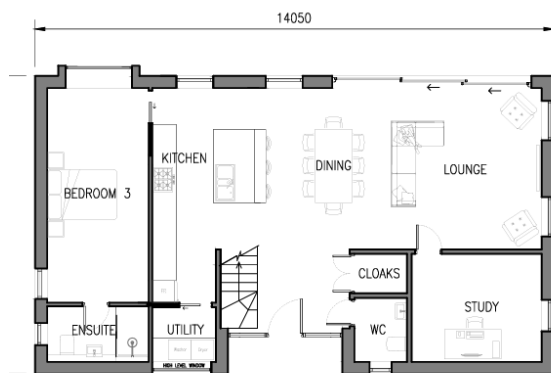
Policy D1 of the North West Leicestershire Local Plan (2021) requires that all developments are based on a thorough opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. In addition, new residential developments must also perform positively against the Council's adopted Good Design Guide.

The plans below show the proposed floor plans and elevations of the dwelling.

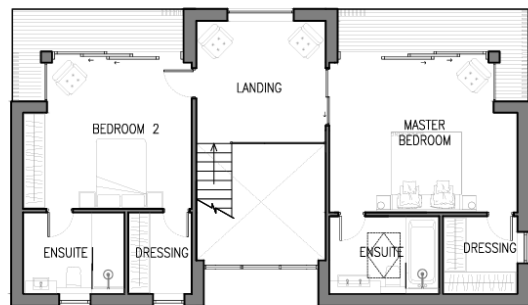
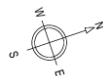
Proposed Elevations



Proposed Floor Plans



GROUND FLOOR PLAN
Scale 1:100



GROUND FLOOR PLAN
Scale 1:100



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 Guide and the government's National Design Guide therefore carry substantial weight.

Policy S3 of the adopted Local Plan requires consideration to be given to sub paragraphs:

(i) be in keeping with the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern etc. are safeguarded and enhanced; and

(iv) be well integrated with existing development and existing buildings.}

Further assessment of the above sub-paragraphs will be detailed below:

The application site is located on a parcel of land which currently houses an existing building, along with a mobile home, both of which would be removed in order to construct the proposed dwelling. Due to the location of the proposed dwelling and existing planting around the site, the dwelling would not be visually prominent from wider views of the rural landscape.

Originally, concerns were raised over the proposed design of the dwelling, in particular the box rooflights and inconsistent window design. It was not considered that the proposal presented a convincing agricultural aesthetic.

Revised drawings have been received which have addressed the concerns by way of removal of the box rooflights and alterations to the window design/positions. A revised site plan has also been submitted which has reduced the site area to ensure the development is not located within Flood Zone 2 or 3.

The proposal design includes the installation of an air source heat pump and MVHR system (mechanical ventilation & heat recovery) to provide passive and sustainable heating and cooling to the dwelling.

The proposed materials consist of stone and timber clad walling, zinc roof and aluminium windows and doors, all of which are considered acceptable given the context of the site. As such, it is not considered to result in any significant harm to the character of the area nor would it appear out of context.

Limited details of boundary treatments have been received, and it is recommended that details of soft and hard landscaping and boundary treatments are secured by condition. It is also recommended that permitted development rights be removed for alterations, extensions and works within the curtilage of the building given the reduced size of the site and the site's location in the countryside.

Overall, it is considered that the submitted proposal in its amended form would sufficiently reflect the character of the rural setting and would be sympathetic to the character of the existing development within the wider site. It is therefore considered that the proposed development would

accord with Local Plan Policies S3 and D1, the Council's Good Design Guide, The National Design Guide and the advice set out within paragraphs 135 and 139 of the NPPF.

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.

There are no nearby neighbouring residential dwellings with the closest being approx. 650m away on Spittal Hill. Therefore, the development would not result in any adverse overlooking of any neighbouring properties. The proposal would be in excess of 20 metres away from the neighbouring properties in accordance with the Council's Good Design Guide.

Having regard for the future occupiers, it is considered that they would be afforded an adequate standard of amenity. The Good Design SPD states that rear private garden spaces must be at least equal to the footprint of the property. This is a minimum required standard. It is considered that the proposed dwelling would benefit from an adequate garden area having regard for the size of the dwelling.

The Environmental Protection team has not raised any objections or concerns in relation to noise or disturbance.

In view of the above it is considered that development could be proposed on this site that would not result in harmful impacts on residential amenity. As such it is considered that the proposal would accord with the guidelines of the Council's Good Design Guide and Policy D2 of the Local Plan.

Highway Considerations

Policy IF4 of the North West Leicestershire Local Plan (2021) requires that development proposals consider the impact on the highway network and environment, including climate change. It also requires the incorporation of safe and accessible connections to the transport network, enabling travel choices for residents, businesses, and employees, particularly by non-car modes. Policy IF7 stipulates that development must provide adequate parking for vehicles and cycles to avoid highway safety issues and to minimise the impact on the local environment.

Access to the site is proposed to be created off Back Lane, which leads onto Broad Rushes approximately 260 metres to the north of the site. There is an existing gate on Back Lane which is around 250 metres to the north of the site. It is understood that the locked gate was installed following incidents of illegal waste disposal on Back Lane.

A Traffic Restriction Order (TRO) is also in place on Back Lane which restricts vehicle access, except for authorised key holders and emergency services. The applicant has confirmed that they are an authorised key holder.

The application proposes a three-bedroom dwelling. In accordance with Table 28 of the LHDG, two parking spaces should be provided for the proposed dwelling. The proposed parking provision on the site consists of a parking area to the front of the dwelling which would provide at least two parking spaces.

Leicestershire County Council Highway Authority (CHA) has been consulted and raised no objection, stating that parking for the development is adequate and the access is acceptable.

The site layout allows vehicles to enter, turn and exit in a forward gear, which reduces potential safety concerns. Overall, it is therefore considered that sufficient parking would be available for future occupiers, subject to conditions that secure the parking in perpetuity.

In respect of the previous application for the site (25/00155/PNA) for conversion of the building on the site to one dwelling, one of the reasons for refusal related to the location of the building being impractical and undesirable for a dwelling. This was on the basis that the TRO prevented access to the site to anyone other than an authorised key holder, and that notwithstanding the applicant had not evidenced they were an authorised key holder, the site would be inaccessible by refuse vehicles, delivery vehicles and visitors and that there were no provisions for the creation of a refuse collection point close to Broad Rushes given the applicant did not own land in close proximity to the accessible public highway.

The applicant has confirmed that they are an authorised key holder, and so it would be for them to make arrangements for deliveries and visitors to the proposed dwelling.

In respect of access for waste vehicles, residents of the proposed dwelling would be required to present their waste and recycling receptacles in the vicinity of the junction of Back Lane with Broad Rushes. A bin collection point in this location could be accommodated without adversely impacting on visual and residential amenities, trees or highway safety. However the Council's Good Design Guide SPD states that the distance between a bin storage area and a bin collection point should be no greater than 25 metres, and this distance would be significantly exceeded. As the applicant is an authorised key holder, they can ensure their bins are left out for collection on the northern side of the locked gate. This may also mean that it may be possible for the Council's waste collection team to become an authorised key holder in the future, so their lorries would be able to access the site.

The reason for refusal relating to this matter on the previous application makes reference to the applicant not owning land in close proximity to the public highway. The Secretary of State advises that negative conditions can be imposed on planning permissions which prohibit development until a specified action requiring third party consent or the third party to carry out the action has been taken, and that such conditions should not be imposed where there are no prospects at all of the action being performed within the lifetime of the permission. Based on the Secretary of State's advice and that there is no indication that permission would not be given for a bin collection area to be provided on land outside the applicant's ownership, in this case it is considered that a condition could be imposed requiring provision of a bin collection point close to the junction of Back Lane and Broad Rushes, as there may be a prospect of such an action being achieved within the lifetime of a permission. It is therefore considered that a reason for refusal on the basis of lack of inadequate bin collection arrangements could not be justified in this case.

A planning condition is therefore recommended to be imposed to secure full details of bin storage within the site and bin collection arrangements to the north of the locked gate.

In respect of emergency vehicles, under the previous application (25/00155/PNA) the CHA requested that the applicant provide a scaled vehicle tracking analysis drawing to demonstrate that a fire tender or refuse vehicle would be able to access the proposed dwelling along Back Lane. This was not submitted, as part of that application and it is not considered that the application could be refused on the basis of transport and highway impacts as the requirements raised by the CHA related to the Building Regulations which are not a material planning

consideration. Furthermore, it was not demonstrated by the CHA in their comments on that application that the transport and highway impacts would give rise to severe harm in the context of Paragraph 116 of the NPPF.

The CHA has not raised any concerns in respect of this matter under the current application. Matters relating to detailed emergency access arrangements are also subject to separate consideration under the Building Regulations.

Taking the above into account the proposal is not considered to result in an unacceptable impact on highway safety or the wider highway network. This would therefore comply with Policies IF4 and IF7 of the North West Leicestershire Local Plan and the relevant paragraphs of the NPPF as well as the Leicestershire Highway Design Guide.

Ecology and Biodiversity Net Gain

Policy En1 of the Local Plan seeks to protect and enhance biodiversity and ecological networks. The policy requires developments to avoid significant harm to habitats and species, and where this cannot be avoided, to mitigate or compensate for any impacts. Developments should also contribute positively to the enhancement of biodiversity within the District. Paragraph 187 of the National Planning Policy Framework (NPPF) reinforces these principles by requiring developments to minimise biodiversity impacts and provide net gains where possible, ensuring the protection of important habitats and species.

National Planning Guidance advises that self-build applications are exempt from biodiversity net gain providing the development consists of no more than 9 no. dwellings, is on a site that has an area no larger than 0.5 hectares and consists exclusively of dwellings that are self-build or custom housing as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. As the development would be 1 no. self-build dwelling only on a site less than 0.5 hectares in area, the proposals would be exempt from mandatory biodiversity net gain.

A Preliminary Ecological Assessment has been submitted which determined that there are trees on site which are of local ecological value and the hedgerow to the east of the site is assessed as a Natural Environment and Rural Communities (NERC) priority habitat. The site offered suitable habitat for foraging and commuting badger, bats, hedgehog, brown hare, nesting birds, amphibians (including great crested newt) and reptiles.

The submitted Preliminary Roost Assessment (PRA) of the buildings onsite determined that the buildings have negligible potential to support roosting bats and therefore no further bats surveys are required.

LCC Ecology have been consulted on the application and have stated that they have no objections subject to the imposition of conditions for a Construction Environment Management Plan for biodiversity (CEMP) and Landscape and Ecological Management Plan (LEMP) to be submitted and approved prior to commencement.

Given the above, the development would accord with Policy En1 of the Local Plan, the aims of Paragraph 180 and 186 of the NPPF and Circular 06/05.

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 Environment Agency Flood Zones have been updated since the time of the original submission of the application. As such, an amended site plan has been received to ensure that the development lies wholly within Flood Zone 1.

As such, the amended site lies within Flood Zone 1 which is the lowest risk area for fluvial flooding. The site is also at a 'very low risk' of surface water flooding. The application would result in an increase of surface water run off from the existing situation on site due to the increase in hard surfacing and area covered by the dwelling. In this case, there are no fluvial or pluvial flood risk concerns in relation to this proposal.

The dwelling will utilise rainwater harvesting systems for the flushing of toilets and grey water recycling to better utilise the natural resources readily available on site and provide less strain on local utilities whilst also significantly reducing any surface water and flood risk impact.

The application proposes the use of a soakaway to dispose of surface water which is considered to be acceptable, and should be secured by a condition.

Overall, subject to the imposition of a planning condition to secure a suitable surface water drainage scheme, it is considered that the proposal would be acceptable in terms of drainage, fluvial and pluvial flood risks and so a reason for refusal on the grounds of flood risk could not be justified under Policies Cc2 and Cc3 of the North West Leicestershire Local Plan (2021), the NPPF and the PPG.

Non-Mains Drainage

The site is located over 30m from a public sewer and therefore, a mains sewer connection would not be feasible. However, the applicant is proposing a package treatment plant in this instance which will be expanded on below.

The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Paragraph 191 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

The Planning Practice Guidance (PPG) also states that applications for developments relying on anything other than connection to a public sewage treatment plant will need to be supported by sufficient information to understand the potential implications for the water environment. The PPG also sets out a hierarchy of preferred foul drainage solutions; firstly mains sewer, then package treatment plants and lastly septic tanks, and also advises that proposals should clearly set out the responsibility and means of operation and management of non-mains drainage systems to ensure that the permit is not likely to be infringed in the life of the plant, the effects on amenity and traffic should be considered and where a system will rely on use of a drainage field,

consideration may be given to the need to periodically replace it to allow the system to continue to function properly.

It therefore must be considered whether a non-mains drainage system could be accommodated on the site without resulting in an adverse impact on the environment. Consideration also needs to be given as to whether the non-mains drainage system can be accommodated on the site in accordance with separate legislation, whilst not resulting in any impacts on material planning considerations, e.g., residential amenities, highway safety, flood risk, layout and design of the site, and any other relevant planning matters.

It also has to be considered as to whether it is likely that any necessary permits and approvals under separate legislation, e.g. meeting the general binding rules or being granted an Environmental Permit (EP), complying with the Building Regulations, could be successfully obtained, as set out in the Environment Agency's guidance in respect of non-mains drainage.

Case law also indicates that where a proposal would also be subject to other separate legislation, that unless it appears that the proposal is likely to be unacceptable under separate legislation dealt with by another organisation, then it is the proper course to leave that matter to that other organisation.

The Environment Agency's (EA) 'Advice for Local Authorities on Non-Mains Drainage from Non-Major Development Version 1.0' states that as a rule of thumb, connection to the foul sewer should be considered to be potentially feasible where the distance from the development site to the sewer is less than the number of properties multiplied by 30 metres (which in this case would be 1 dwelling x 30m = 30m).

The EA advice also states:

"Private non-mains foul drainage systems are not considered to be environmentally acceptable within publicly sewered areas. Both the PPG and the Building Regulations 2010 (Approved Document H) set out a presumption in favour of connection to the public foul sewer wherever it is reasonable to do so. This is also a requirement of the general binding rules for small sewerage discharges and is reiterated by the Environment Agency in GP3 - Position Statement G5 "Connection to public foul sewer".

Firstly, the application site would be over 30 metres from the nearest mains sewer and so a connection to the foul sewer is not potentially feasible. As such, a non-mains connection is proposed in this instance in the form of a package treatment plant which is the most sustainable non-mains drainage method.

There is evidence available to the Local Planning Authority that such a PTP would meet the general binding rules or be granted an EP, as the site is over 30 metres from a mains sewer and so in principle a PTP is likely to be acceptable to the EA under the environmental permitting legislation. As such, to permit a scheme which proposes a PTP would result in a permission that could be implemented as it is likely to be acceptable under the separate EP legislation.

The EA's advice document provides flowcharts to follow to assess where non-mains drainage may lead to environmental harm and where insufficient information has been supplied, and the criteria set out reflects the key parts of the Building Regulations that relate to package treatment plants. In respect of package treatment plants, the flowchart states the following:

- o Is the site within an area where the Environment Agency locally has indicated to the planning authority that specific safeguards are necessary for discharges to ground or surface waters? - No
- o Does the non-mains system involve a discharge solely to watercourse? - Yes
- o Is the system less than 7m away from any habitable part of a building – Unknown however there is space within the site to provide a PTP that would be 7m away from the proposed dwelling
- o No vehicular access for emptying within 30m - No
- o System cannot be emptied or maintained without the contents being taken through a dwelling or place of work - No
- o Has the applicant provided details of how they propose to maintain the system?- No however, these details can be conditioned.
- o Does the non-mains system meet the requirements of the General Binding Rules for small sewage discharges? Yes

The PTP therefore either would meet the criteria set out in the EA's advice document and where the answer is unknown, there is space within the site to accommodate a PTP to ensure the criteria are met.

The PTP would discharge into the river to the north east of the site and the applicant has confirmed that they will obtain the relevant permissions from the EA.

In terms of highways impacts, it is noted that the CHA raises no objections in respect of access and turning space for vehicles that would need to access the PTP, and the applicant has confirmed they are an authorised key holder for the locked gate further north on Back Lane so would be able to provide access to the site for vehicles required to empty the PTP. The Council's Environmental Protection Team have also been consulted on the proposals who raised no objections on the basis that the proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance.

Therefore, it is considered that a PTP could be accommodated on the site, and it would not result in any significant material planning impacts and so would accord with Policy D2, the NPPF, the Planning Practice Guidance and advice from the Environment Agency in respect of non-mains drainage on non-major development.

Conclusion

The proposal would result in the creation of a new dwelling in the countryside that accords with the requirements of Policies S2 and S3 of the Local Plan and therefore the principle of development is considered to be acceptable.

The proposed development would contribute towards the supply of self-build plots when there is an identified shortfall and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. It should also be acknowledged that, in terms of most technical matters, the scheme would be satisfactory.

The design would not result in unacceptable harm to the living conditions of neighbours, the street scene, nor would there be adverse highway safety impacts or adverse impacts on ecology, biodiversity, drainage or flood risk, subject to conditions. It is considered that a reason for refusal on the basis of lack of inadequate bin collection arrangements could not be justified in this case.

Overall, the proposal is considered to accord with the Local Plan and NPPF when taken as a whole. The application is therefore recommended for approval, subject to conditions.