

**Blaby District Council**  
**Planning Committee**

**Date of Meeting**      **7 March 2024**  
**Title of Report**      **Applications for Determination**  
**Report Author**      Group Manager – Planning & Strategic Growth

**1. What is this report about?**

- 1.1 To determine planning applications as listed in paragraph 3.2 below and detailed in the attached report.

**2. Recommendation**

- 2.1 That the recommendations listed within paragraph 3.2 below and detailed in the attached report be approved.

**3. Matters to consider**

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **26 February 2024** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

<b>3.2</b>	<b>Application No.</b>	<b>Page No.</b>	<b>Address</b>	<b>Recommendation</b>
	<b>20/1461/FUL</b>	<b>9</b>	<b>West of Bumble Bee Lane, Sharnford</b>	<b>APPROVE</b>

**3.3 Appropriate Consultations**

Details of organisations / persons consulted in relation to the applications are included in the reports for each individual application. Members will be aware that full copies of correspondence received are available to view on the respective planning file and through the planning portal <https://w3.blaby.gov.uk/online-applications/>

**3.4 Resource Implications**

There are no specific financial implications arising from the contents of this report.

**4. Other options considered**

These are included where appropriate as part of the reports relating to each individual application.

**5. Background paper(s)**

Background papers are contained in files held in the Planning Division for each application being considered and are available for public inspection.

**6. Report author's contact details**

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Development Services Team Leader

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20/1461/FUL

Registered Date  
21 December 2020

Staniforth Architects

**Change of use of agricultural land to residential (use class C3) to accommodate the construction of a detached dwelling with associated works including a new access and track, landscaping, pond and orchard creation, and installation of Photovoltaic panels.**

**Land West Of, Bumble Bee Lane, Sharnford**

**Report Author: Charles Ebdon, Senior Planning Officer  
Contact Details: Council Offices. 0116 272 7691**

**RECOMMENDATION:**

**THAT APPLICATION 20/1461/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. 3-year time limit.
2. In accordance with approved plans.
3. Details of all external materials (including source) to be agreed.
4. Finished floor levels to be carried out in accordance approved plans.
5. Approved Landscaping scheme shall be carried out and retained in accordance with approved details.
6. Biodiversity Enhancement and Management Plan to be submitted to and agreed and adhered to.
7. Construction Environmental Management Plan to be submitted to and agreed and adhered to.
8. Construction Management Plan to be submitted to and agreed and adhered to.
9. Details of external lighting to be submitted and agreed and adhered to.
10. Details of plant machinery to be submitted and agreed and adhered to.
11. Details of foul and surface water drainage and treatment to be submitted and agreed and adhered to.
12. Final details of the "off-grid" and renewable energy features to be submitted prior to development commencing, and to be subsequently implemented in accordance with an agreed timescale.
13. Details of any additional land contamination found on site during construction to be submitted and subsequently remediated.
14. Permitted Development rights removed for extensions, alterations, additions & outbuildings.
15. No demolition/development shall take place until a programme of archaeological work to be completed, submitted and agreed and implemented.
16. Development to be carried out in accordance with Arboricultural Impact Assessment and Method Statement and tree protection plan.
17. All existing protected trees and boundary hedges shall be retained.
18. All existing protected trees and boundary hedges shall be retained and protected during construction in accordance with the approved details.
19. Access arrangements to implemented in accordance with the approved plans.

20. Parking arrangements to implemented in accordance with the approved plans. and thereafter retained in perpetuity.
21. Gradient of access drive shall not exceed 1:15 for the first 5m behind the highway boundary.
22. Drainage to be provided within the site such that surface water does not drain into the public highway.

## **NOTES TO COMMITTEE**

### **Relevant Planning Policies**

#### **National Planning Policy Framework (NPPF)**

#### **Planning Practice Guidance (NPPG)**

#### **National Design Guide - Planning practice guidance for beautiful, enduring and successful places**

#### **Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013)**

Policy CS1	Strategy for locating New Development
Policy CS2	Design of New Development
Policy CS5	Housing Distribution
Policy CS10	Transport Infrastructure
Policy CS14	Green Infrastructure
Policy CS15	Open space, sport and recreation
Policy CS18	Countryside
Policy CS19	Biodiversity and geo-diversity
Policy CS20	Historic Environment and Culture
Policy CS21	Climate Change
Policy CS22	Flood Risk Management
Policy CS24	Presumption in favour of sustainable development

#### **Blaby District Local Plan (Delivery) Development Plan Document (Adopted February 2019)**

Policy DM2	Development in the Countryside
Policy DM8	Local Parking and Highway Design Standards
Policy DM12	Designated and Non-Designated Heritage Assets

#### **Fosse Village Neighbourhood Plan (2021)**

Policy FV4	Biodiversity
Policy FV6	Design
Policy FV8	Windfall Housing
Policy FV16	Renewable Energy

## **Other Supporting Documents**

- Leicestershire Highways Design Guide

## **Consultation Summary**

**Blaby District Council, Environmental Services** – No objections, subject to conditions

**Blaby District Council, Heritage Officer** – No objections

**Blaby District Council, Neighbourhood Services** – No objections

**Leicestershire County Council, Archaeology** – No objections, subject to conditions

**Leicestershire County Council, Ecology** – No objections, subject to conditions

**Leicestershire County Council, Forestry** – No objections, subject to conditions

**Leicestershire County Council, Highways** – No objections, subject to conditions

**Leicestershire County Council, Planning** – No comments.

**Leicestershire Fire and Rescue** – No comments.

**Sharnford Parish Council** – Objected to the application for the following reasons:

10.05.2021

*“The proposed development states that it is a single dwelling over two storeys which includes a two-bed annex wing catering for long term, multi-generational use. This is clearly a two-dwelling development with both properties being independent and self-sufficient.*

*As stated in the Staniforth Architects submission, Paragraph 79, sub para (e) of the NPPF (2019) protects the countryside and offers a creative possibility for the construction of an outstanding piece of innovative architecture.*

*We disagree with the architect’s submission. The design would be more in keeping with an urban location and would not significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. In fact, it will have a negative visual impact on the surrounding agricultural landscape.*

*Our argument against planning permission also refers to Hinckley & Bosworth planning application no: 14/00778/FUL, Appeal Ref: APP/K2420/W/15/3030390, which was turned down by the Planning Inspector at appeal. The comments by the Inspector are commensurate with our thoughts on the Bumble Bee Lane development, i.e., Paragraph 14:*

*"I conclude that notwithstanding the unusual and unique design of the proposed house and its energy efficiency features it would be located outside any settlement area in open countryside where planning permission is not usually granted for new development. This would be an unsustainable form of development for this reason and since it would fail to meet the rigorous tests required of a dwelling to be of exceptional quality or innovative design quality.....For these reasons given above I find the appeal should be dismissed."*

*In line with Paragraph 2 of the NPPF (2019) planning permission be determined in accordance with the development plan. This includes the Fosse Villages Neighbourhood Plan 2018-2029, passed at referendum on 6th May 2021.*

*Although the NPPF (2019) Paragraph 10 and 11 states that plans and decisions should apply a presumption in favour of sustainable development, this is superseded by Paragraph 12 where a planning application conflicts with an up-to-date development plan.*

*The Fosse Villages Neighbourhood Plan (FVNP) details the following:*

*Policy FV6: Design Development that reflects the distinctive and traditional character of the Fosse Villages, as described in the Settlement Statements, or contextually appropriate innovative design will be supported. Development proposals must also:*

- A. Be in keeping with the scale, form, and character of its surroundings.*
- B. Protect locally significant features such as traditional walls, hedgerows, and trees.*

*This proposed development is not of a contextually appropriate innovative design. Furthermore, the development does not meet any of the criteria in Policy FV8: Windfall Housing*

*Policy FV8: Windfall Housing Proposals for housing development within the Croft, Huncote, Sapcote, Sharnford, Stoney Stanton and Thurlaston Limits to Built Development, as defined on the settlement policies maps, will be supported. Outside the Limits to Built Development, Areas of Separation and Green Wedges, support for proposals for housing development will be limited to:*

- A. The re-use and adaptation of redundant rural buildings in the most sustainable locations, assessed against the need to retain Countryside.*
- B. Small scale housing in the most sustainable locations, assessed against the need to retain the Countryside.*
- C. Replacement dwellings of a similar scale and with no greater impact on the Countryside than the existing dwelling.*
- D. Dwellings to meet an essential need associated with small-scale employment and leisure development subject to the consideration of its impact.*

*E. Dwellings to meet the essential need for a rural worker to live permanently at or near their place of work in the Countryside; and*

*F. Rural Exception Sites. Proposals in categories A, B and C proposals should be accompanied by a landscape and sustainability impact assessment. Proposals in categories D and E should be accompanied by a functional/essential need statement demonstrating justification for the proposal in terms of the permanent need to be on or near at most times and the particular nature and needs of such rural enterprises.*

*The proposed solar photovoltaic panels to the south of the property which will be integrated into the landscape conflict with the criteria specified in Policy F16: Renewable Energy sub para A.*

#### *Policy FV16: Renewable Energy*

*Ground-mounted solar photovoltaic farms will be supported where:*

- A. They are on previously developed or non-agricultural land;*
- B. Their location is selected sensitively and well-planned so that the proposals do not impact on any heritage asset;*
- C. The proposal's visual impact has been fully assessed and addressed in accordance with Planning Practice Guidance on landscape assessment (Planning Practice Guidance ref: 5-013-20150327); and Fosse Villages Neighbourhood Plan: Referendum 32*
- D. The installations are removed when no longer in use and the land is restored to its previous use.*
- E. Wind turbines will not be supported.*

*Paragraph SH56 shows that Sharnford Parish has already exceeded its housing capacity:*

*SH56. The number of homes built and committed exceeds the minimum housing requirement for Sharnford and there is no need to find additional Greenfield sites.*

*The housing development provision for Sharnford between 2006 to 2029 was expected to be 80 new properties. By 31st March 2017, the total built and committed had reached 100. This means that Sharnford has exceeded its housing provision by 20 properties.*

*Finally, approval of this application will create a precedent leading to further development along Bumble Bee Lane as well as other countryside lanes covered by the Fosse Villages Neighbourhood Plan.”*

16.02.2024

*“Sharnford Parish Council still support their decision to object to the above planning application, as outlined in their statement sent 11<sup>th</sup> May 2021.”*

### **Third Party Representations**

The application was submitted on the 21<sup>st</sup> of December 2020. The application undertook two consultation exercises.

Following the consultation on the 8<sup>th</sup> of April 2021, 4 letters of representation were received, objecting to the application for the following reasons:

- Unsuitable form of development in a countryside location beyond settlement boundary
- Out of character with the area
- Not exceptional or innovative design quality
- Poor quality design
- Use of standard technology
- Impact of biodiversity and protected species
- Loss of agricultural land
- Precursor to further development

Following the consultation on the 29<sup>th</sup> of January 2024, 2 letters of representation were received which were in support of the application.

The representation supported the application for the following reasons:

- Positive and correct use of land.
- Attractive development which will enhance the local area.
- Showcase sustainable construction methods and serve as an educational case study.

### **Relevant Planning History**

None.

## **EXPLANATORY NOTE**

### **The Site**

The application site comprises of an undeveloped area of pastureland set to the west of Bumblebee Lane, which is located approximately 1.2 miles to the southwest of Sharnford and some 820 metres east from the hamlet of Wigston Parva. The site is located on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019).

The application site comprises of an irregular shaped section of land measuring some 2.1 ha set within a larger area of pastureland which encloses the site. Established hedgerows and mature trees bound the edge of the site to the north, east and south, with a woodland forming the backdrop to the site to the west. Bumble Bee Lane borders the site along its eastern edge. The site is bounded by open countryside with scattered farmsteads set beyond the site to the north, east, south and west.

Land levels of the site fall away from the site entrance in the east to the woodland in the west.

The site is accessed off an ungated gap in the existing hedgerow to the east off Bumble Bee Lane.

The site is situated within flood zone 1 which has been shown to be at less than 0.1% chance of flooding in any year.

### **The Proposal**

The application seeks full planning permission for the change of use of land and the construction of a self-sustaining and environmentally low impact, single storey 4-bedroom dwelling including a detached garage and associated outbuilding to accommodate plant and machinery.

The proposal is sunken into the site set between two converging garden walls which dissect across landscape, with the dwelling contained within the converging walls in a "U" shape. The dwelling comprises of two wings angled to reflect the landscape with framed views overlooking an enclosed inner courtyard space to the south and natural pool and enhanced woodland to the south and west.

The dwelling will be constructed in a mixture of locally sourced and reclaimed low maintenance and natural materials and is set within extensive soft landscaping and biodiversity enhancements, set within a patchwork mosaic of wildflower meadows, woodland, orchards, ponds and hedgerows.

A new vehicular access and track are proposed to be formed from the existing site access off Bumble Bee Lane, with parking for up to 5 vehicles provided within the garage and courtyard area of the dwelling.

A refuse collection point is proposed next to the vehicular access point off Bumble Bee Lane where bins will be taken by the resident on bin collection days.

### **Planning Considerations**

Section 38(6) of the Town and Country Planning Act 1990, requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. This section of the report will first consider the proposed development against the policy background and then consider any other material considerations.

There are a number of themes which run through national guidance as expressed in the National Planning Policy Framework and these are generally in line with local policies expressed through the Development Plan.

## **NATIONAL PLANNING GUIDANCE**

### **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives.) These objectives are:

- An economic objective;
- A social objective; and
- An environmental objective.

For decision taking, this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- 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.

The National Planning Practice Guidance (NPPG) provides supporting guidance to the interpretation of the NPPF.

Paragraph 10 of the National Planning Policy Framework (NPPF) and Policy CS1 and CS24 of the Blaby District Council Core Strategy (2013) set out a presumption in favour of sustainable development, and states that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.

Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 also indicates that the NPPF is a material consideration in planning decisions.

The Council has reviewed and published an updated housing land supply position in September 2023. This confirms that the Council cannot demonstrate a five-year supply of deliverable sites. As this proposal involves the provision of housing, the application before Members should therefore be considered in terms of its accordance with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

Paragraph 11 of the NPPF sets out a presumption in Favour of Sustainable Development. As stated previously, for decision-taking this means:

- *“approving development proposals that accord with an up-to-date development plan without delay; or*
- *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.”*

Blaby District Council has recently published an updated housing land supply position. This update confirms that the Authority can only currently demonstrate a 3.69 year housing land supply. This is notably less than the five-year supply requirement outlined in paragraph 74 of the NPPF.

As a consequence of the change in the housing figures required, Paragraph 11(d) of the NPPF is triggered. Therefore this application should be determined in accordance with paragraph 11(d) of the NPPF, whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This is weighed in the balance of the merits of the application when considered against the policies in the Development Plan in accordance with Paragraph 219 of the NPPF as they are consistent with the NPPF. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

There are no assets of particular importance (as listed in footnote 7 of the NPPF) which provide a clear reason for refusing the application. It is therefore necessary to assess the proposals against limb two of paragraph 11d, i.e. whether the adverse effects of granting planning permission would *significantly* and *demonstrably* outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 12 of the National Planning Policy Framework (NPPF) states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where

planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

Paragraph 84 of the National Planning Policy Framework states that policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling, building; or
- e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

## **DEVELOPMENT PLAN**

### **Blaby District Local Plan (Core Strategy) Development Plan Document (2013)**

The adopted Core Strategy (February 2013) is now part of the Development Plan for the District of Blaby.

The Council cannot demonstrate a five-year supply of deliverable sites. As this proposal involves the provision of housing, the application is being considered in terms of its accordancy with NPPF paragraph 11d and other material considerations.

This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

### **Policy CS1 – Strategy for Locating New Development**

Policy CS1 seeks to focus new development, including housing in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester, however, provision is made for the development needs of settlements outside the PUA. Outside of the PUA, development will be focussed within and adjoining Blaby (the District's only settlement with a town centre) and within and adjoining the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central villages', as identified in the Housing Distribution Policy CS5.

Lower levels of growth will be allowed in the Rural Centre, Medium Central Villages and Smaller Villages where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives.

### Policy CS2 – Design of New Development

Policy CS2 seeks to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality, including layout and street design, contributing to a better quality of life for the local community. The design of new development should also be appropriate to its context.

### Policy CS5 – Housing Distribution

Policy CS5 aims to focus new development in the most appropriate locations. The District Council seeks to distribute housing by settlement in accordance with the figures contained within the Core Strategy.

### Policy CS10 – Transport Infrastructure

Policy CS10 seeks to deliver the infrastructure, services and facilities required to meet the needs of the population of the District of Blaby including those arising from growth and to make services accessible to all, including locating new development so that people can access services and facilities without reliance on private motor vehicles.

### Policy CS19 – Bio-diversity and Geo-diversity

Policy CS19 seeks to ensure that the District's natural environment, wildlife, habitats, landscape and geology are considered and protected through good design practices, seeking to protect existing green spaces and provide new good quality, multi-functioning green networks and corridors.

### Policy CS20 - Historic Environment and Culture

Policy CS20 of the Core Strategy (2013) seeks to preserve and enhance the cultural heritage of the District. It recognises the need for the Council to take a positive approach to the conservation of heritage assets by considering proposals for development on, in, or adjacent to historic sites, areas and buildings against the need to ensure the protection and enhancement of the heritage asset and its setting. Policy CS20 goes on to state that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.

### Policy CS21 – Climate Change

Policy CS21 seeks to support new development which mitigates and adapts to climate change. New development should be focussed in the most sustainable locations in accordance with Policies CS1 and CS5 and use sustainable design principles which reduce energy demand and increase efficiency.

### Policy CS22 – Flood Risk Management

Policy CS22 seeks to ensure that all new development minimises flood risk vulnerability, providing resilience to flooding by directing new development to locations

at the lowest risk of flooding within the district, using sustainable drainage systems (SuDS) where practical and managing surface water run-off.

#### Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, with the golden thread running through the decision-making process being the presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals, the District Council always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

Your Officers have worked proactively with the applicant to ensure that the development is as far as possible to be in accordance with adopted policies and thus the development is broadly in accordance with Policy CS24.

### **Blaby District Local Plan (Delivery) Development Plan Document (2019)**

The following policies are the most relevant to the proposed development.

#### Policy DM2 – Development in the Countryside

Policy DM2 states that development proposals consistent with Policy CS18 will be supported where the development is in keeping with the appearance and character of the existing landscape, development form and buildings, and provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers.

Policy DM2 goes on to provide additional criteria for new residential development in the Countryside including those dwellings that meet the essential needs for a rural worker in agriculture, forestry, employment, and leisure, or other similar uses appropriate to a rural area and replacement or the change of use, adaptation and extension of existing dwellings.

#### Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 seeks to provide a consistent approach to local car parking standards and highway design. It goes on to state that the Leicestershire Highways Design Guide sets out, amongst other things, standards and policies for parking and highway design that will need to be considered for all new development.

#### Policy DM12 - Designated and Non-Designated Heritage Assets

Policy DM12 seeks to preserve and enhance the cultural heritage of the District. The policy recognises the need for the Council to take a positive approach to the conservation of heritage assets by considering proposals for development on, in, or adjacent to historic sites, areas and buildings against the need to ensure the protection and enhancement of the heritage asset and its setting. Policy DM12 recognises the positive contribution that heritage makes to local distinctiveness and where dealing

with development within such sensitive locations indicates that design solutions should be sought which preserve and enhance heritage assets.

## **Fosse Villages Neighbourhood Plan (2021)**

### Policy FV4 – Biodiversity

Policy FV8 states that new development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and treelines) to support biodiversity.

### Policy FV6 – Design

Policy FV6 supports development that reflects the distinctive and traditional character of the Fosse Villages, as described in the Settlement Statements, or contextually appropriate innovative design.

Policy FV6 goes on to state that development proposals must also: be in keeping with the scale, form and character of its surroundings; protect locally significant features such as traditional walls, hedgerows and trees; not significantly adversely affect the amenities of residents in the area; promote sustainable design and construction and provide a safe and suitable access.

### Policy FV7 – Housing Provision

Policy FV7 provides the minimum housing provision for the Fosse Villages for the period 2006 – 2029, which will be met by existing commitments and Development within the Limits to Built Development in accordance with Policy FV8.

### Policy FV8 – Windfall Housing

Policy FV8 supports proposal for housing development within the Croft, Huncote, Sapcote, Sharnford, Stoney Stanton and Thurlaston Limits to Built Development, as defined on the settlement policies maps.

Outside the Limits to Built Development, Areas of Separation and Green Wedges, support for proposals for housing development will be limited to:

- A. The re-use and adaptation of redundant rural buildings in the most sustainable locations, assessed against the need to retain Countryside;
- B. Small scale housing in the most sustainable locations, assessed against the need to retain the Countryside;
- C. Replacement dwellings of a similar scale and with no greater impact on the Countryside than the existing dwelling;
- D. Dwellings to meet an essential need associated with small-scale employment and leisure development subject to the consideration of its impact;
- E. Dwellings to meet the essential need for a rural worker to live permanently at or near their place of work in the Countryside; and
- F. Rural Exception Sites.

Proposals in categories A, B and C proposals should be accompanied by a landscape and sustainability impact assessment.

Proposals in categories D and E should be accompanied by a functional/essential need statement demonstrating justification for the proposal in terms of the permanent need to be on or near at most times and the particular nature and needs of such rural enterprises.

### Policy FV16 - Renewable Energy

Policy FV16 states that ground-mounted solar photovoltaic farms will be supported where they are on previously developed or non-agricultural land; their location is selected sensitively and well-planned so that the proposals do not impact on any heritage asset; the proposal's visual impact has been fully assessed and addressed and the installations are removed when no longer in use and the land is restored to its previous use.

### **Material Considerations**

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal. The following are material planning considerations in the determination of this planning application:

- Principle of Development
- Design and Character and Appearance
- Housing Supply
- Residential Amenities
- Highway Implications
- Heritage Implications
- Ecological Implications
- Arboricultural Implications
- Climate Change
- Environmental Implications
- Loss of Agricultural Land

### Principle of Development

Policies CS1 and CS5 of the Blaby District Council Core Strategy set the District Council's locational strategy which seeks to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva).

Outside the confines of (or adjacent to) the PUA, Rural Centres, Medium Central Villages and Smaller Villages, in the case of the application site, land is designated as Countryside where Policies CS18 and DM2 apply.

Policy CS18 states that planning permission will not be granted for built development or other development that has a significantly adverse effect on the appearance and character of the landscape. Furthermore, planning permission will be granted for limited small-scale employment and leisure development (including dwellings essential for these needs) subject to considerations of its impacts. The need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations.

Recognising the District's future development needs, Policy CS18 states *“The need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations. The detailed boundaries of Countryside will be determined through the Allocations, Designations and Development Management DPD.”*

Policies DM2 and FV8 provide more specific policy guidance for development that is appropriate in the Countryside, consistent with Policy CS18. Policy DM2 and Policy FV8 permits only certain categories of residential development in the Countryside, including those dwellings that meet the essential needs for a rural worker in agriculture, forestry, employment, and leisure, or other similar uses appropriate to a rural area and replacement or the change of use, adoption and extension of existing dwellings.

It is acknowledged that the Council cannot demonstrate a five-year housing land supply of deliverable housing sites. In these circumstances footnote 8 of the Framework establishes that the policies which are important for determining the application may be out-of-date.

As a consequence of the change in the housing figures required, Paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with paragraph 11(d) of the NPPF, whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This is weighed in the balance of the merits of the application when considered against the policies in the Development Plan. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

The application site is located approximately 1.2 miles to the southwest of Sharnford and some 820 metres east from the hamlet of Wigston Parva (which are outside the PUA and defined as a Smaller Village and a Hamlet respectfully which have a very limited range of services and facilities) within land designated as Countryside on the Policies Map of The Blaby Local Plan Delivery Development Plan Document (DPD) (2019).

Given the fact that the Council cannot demonstrate a five-year housing land supply, it is considered that the locational strategy and policies of the Development Plan are out of date. However, given Policies CS18, DM2, and FV8 are consistent with the Framework, in particular the provisions of Paragraph 84, it is considered these policies continue to carry significant weight in this regard.

Policy CS10 seeks to reduce the need to travel by private car by locating new development so that people can access services and facilities without the reliance on the private car.

On this basis and given the distance of the application site from the nearest settlement, and associated facilities and services, and the narrow, private and unlit nature of the road, which does not benefit from a segregated foot or cycle way it is considered that the majority of trips are likely to be undertaken by car and the proposed development is therefore located in an unsustainable location contrary to Policies CS1, CS5, CS10 and CS18 of the Core Strategy (2013), Policy DM2 of the Local Plan (2019) and FV8 of the Fosse Villages Neighbourhood Plan (2021).

Outside the defined Settlement Boundaries, the Countryside is not regarded as a suitable location for new house building. In addition to Policies CS18, DM2 and FV8, Paragraph 84 of the NPPF sets a general presumption against isolated homes in the countryside and recognises the intrinsic value of the countryside.

Paragraph 84 is an exception policy which sets out circumstances where isolated housing may be acceptable in the countryside and this section of the Framework is material to the consideration of the proposal currently before Members. These circumstances include;

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building;  
or
- e) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Given the sites location and distance from the nearest settlement and associated services and facilities, it is considered that the application site is isolated, and therefore the provisions of Paragraph 84 of the NPPF are engaged and relevant to the proposal.

It is acknowledged that the proposed development does not have an essential functional relationship with a small-scale leisure, employment or agriculture, forestry, uses, nor does it relate to a heritage asset or the conversion or subdivision of an existing building or existing residential use. Therefore, the application does not meet criteria a-d of Paragraph 84 of the NPPF.

The applicant therefore seeks to rely on the provisions of Paragraph 84 e) to justify and overcome the policy conflict and general presumption against housing in the Countryside. It is considered therefore that provided the proposed development can satisfy the criteria set out in paragraph 84 e) it is considered that the principle of

development of this character and design in this location could be considered acceptable.

### Design and Character and Appearance

The report shall now consider the design merits of the proposed development. Paragraph 84 e) states that isolated housing may be acceptable in the countryside in circumstances where the design is of exceptional quality.

Exceptional quality with reference to Paragraph 84 is defined as design that is “*truly outstanding*”, reflecting the “*highest standards in architecture*”, and would help to “*raise standards of design more generally in rural areas*”; and would “*significantly enhance its immediate setting*”, and “*be sensitive to the defining characteristics of the local area*”.

The application has gone through a number of iterations, and a formal design review process throughout the application process which has helped to evolve the development from a two-storey farmhouse style design to the proposal under consideration.

The application before Members, now seeks planning permission for an ‘off-grid’ contemporary open plan single storey 4-bedroom detached dwelling which is proposed to be sunken into the site, with two converging garden walls creating a strong linear line within the landscape, with the dwelling in part contained within the converging walls in a “U” shape.

The dwelling comprises of two wings angled to reflect the landscape with framed views overlooking an enclosed inner courtyard space to the south and natural pool and woodland to the south and west.

The dwelling comprises of two wings, with the bedroom wing wholly contained within the converging wall, and comprising four bedrooms, two of which have an ensuite bathroom, a family bathroom, a home office, a courtyard garden and reflection pool. The bedroom wing is physically connected to the living wing via the reading room / snug. A flat green roof, with PV solar panels is proposed to this wing of the dwelling.

To the west of the second wall a pitched / faceted roof is proposed to the living wing. This wing comprising an entrance courtyard leading to the living accommodation including snug, kitchen / dining, living room, with framed views of the natural pool and woodland beyond to the west.

The garage and plant and machinery and battery storage area are set within the converging garden walls to the north of the two wings beyond the entrance courtyard. A flat green roof, with PV solar panels is proposed to this element of the development.

The intention is for the dwelling to be constructed in a mixture of locally sourced and reclaimed low maintenance and natural materials, including timber cladding, and locally sourced reclaimed brick and stonework with low embodied energy as well as having high levels of thermal efficiency and airtightness, minimising energy

consumption. Full details of the final materials to be used (including their source) are proposed to be secured via the imposition of an appropriate planning condition.

The dwelling is also proposed to be entirely off grid, self-sustaining and environmentally low impact, utilising a unique variety of off-grid renewable energy features, including solar photovoltaic and thermal panels, ground source heat pumps, and thermal ground and battery energy storage facilities. A key aspect of the proposal is the integration and combination of technologies for the first time. The final details of these off-grid and renewable energy features are proposed to be controlled via the imposition of an appropriate planning condition which will also require the timescale for their provision and retention thereafter.

The application also provides extensive soft landscaping and biodiversity enhancements, set within a series of zones, transitioning from the woodland at the rear to the site frontage to create a rich biodiverse patchwork mosaic of wildflower meadows, enhanced woodland, orchards, ponds, natural pools, grazing areas, mown grassland and hedgerows set within the site and with the surrounding field. The zones are defined and delineated by a series of native planting, ditches and footpaths. The existing woodland will be enhanced including new native woodland planting.

Further ecological enhancements include biodiverse roofs, habitat creation for invertebrates as well as ground nesting opportunities for foraging mammals, beehives and a mixture of bat, bird, bumblebee and bug boxes/bricks will be incorporated into the stone garden walls which cut through the landscape.

Freshwater is proposed from a water bore and connections to a pond near the site entrance with surface water and foul treated via filtration beds and treatment plants on site.

Internet will be provided via satellite link.

Feedback from the Design Review Panel underscored the importance of a coherent vision, ensuring that the proposal drew inspiration and cues from the site and wider landscape and historic setting whilst ensuring that key features of the site and wider landscape were incorporated into the design and enhanced where possible.

The design ethos of the proposed development focuses on the drivers of landscape, biodiversity, sustainability and legacy, in an integrated and complementary approach, where the whole is greater than the sum of its parts.

The dwelling, having been positioned at a low point in the site and also being embedded into the site, is said to be emerging from and anchored with the landscape making use of the natural topography on the site to minimise the visual impact of development, whilst ensuring the defining aspects of the proposal and surrounding landscape are enhanced and drawn into the site.

The dwelling is set between two converging garden walls which form the defining features of the development dissecting the site, the alignment of which draws on the field boundary lines from adjoining field boundaries within the area which extend into

the site to create a series of defined zones and the wider historic setting, such as the dissecting lines of the Roman Road at High Cross.

The dwelling is formed in a 'U' shape reflective of surrounding farmsteads and is influenced by the surrounding landscape, both from the natural and historic field boundaries which have been drawn into the site and by the rural and historic context of the landscape, which dictate the alignment of the garden walls in which the dwelling is set.

Wigston Parva is situated to the west of the site and features several isolated farmsteads and other dwellings of historic interest set within the surrounding rural landscape. The High Cross Monument, which marks the location of the Roman settlement of Venonis lies approximately 1.5km southeast of the application site set at the point where two Roman roads (The Foose Way and Watling Street) dissect. The Wigston Parva Fort lies astride Watling Street about 1.2km north-west of the Venonis settlement.

The proposed gardens walls utilise a mixture of stone and brickwork, taking cues from the High Cross and the applicants background as a builder. It is the intention to use reclaimed and locally sourced stone and brickwork.

The building is designed and positioned to take advantage of views to the landscape notably the existing woodland, the established Ash trees on the site boundary and the proposed wildflower meadow.

The dwelling is embedded into a new biodiversity rich landscape, with each landscape zone being defined on the field boundary lines from the adjoining field and wider historic context. Each zone has specific characteristics to attract and encourage specific species; from wild to formal planting that will reinvigorate an existing monoculture pasture. The proposals will generate over 100% Biodiversity Net Gain for the site.

It is considered that the site is visually contained and the development whilst contemporary reflects the existing settlement pattern and scale of isolated dwellings and farmsteads and would not adversely affect the character and appearance of the area and rural landscape.

In conclusion, it is considered that the applicants have taken on board the feedback from the Design Review Panel and your Officer's over the course of the application. The development has evolved to a point where it is considered that the key drivers of the landscape, biodiversity, sustainability and legacy successfully complement, inform and shape the other in a holistic manner which creates a development which, when taken as a whole, is greater than the sum of its parts.

It is therefore considered that the proposal represents the highest standards in architecture that helps to raise standards of design more generally in rural areas. Furthermore, it is considered that the proposal is both sensitive to the defining characteristics of the local area and will significantly enhance its immediate setting and wider landscape.

In addition, the development utilises a unique mix of technologies and building methods to provide a highly energy efficient building, utilising renewable technologies and low carbon materials which will in turn advance the academic understanding of such technologies.

As such it is considered that the development reaches the high bar set by Paragraph 84 e) and therefore overcomes the policy conflicts for isolated residential dwellings in the Countryside.

### Housing Supply

Policy CS5 sets a minimum requirement of 8,740 dwellings within the District (of which at least 5,750 dwellings are to be provided within the PUA, which include 4,250 within the new Sustainable Urban Extension at Lubbesthorpe) between 2006 and 2029. At least 2,990 houses are required to be developed in the areas outside of the PUA (between 2006 and 2029).

Policy CS5 identifies Sharnford as one of the Smaller Villages in the District (along with the settlements of Elmesthorpe, Kilby and Thurlaston). The Smaller Villages have a combined housing requirement of at least 80 houses between 2006 and 2029. Against this target some 197 houses have been built or committed (31st March 2023) within the Smaller Villages, of which 45 have been built in Sharnford, resulting an excess of 117 housing provision within the Smaller Villages.

There is however currently an under delivery of houses across the District which can only demonstrate a 3.69-year housing land supply, notably less than the five-year supply requirement outlined in paragraph 74 of the NPPF. The application should therefore be considered in terms of its accordance with NPPF paragraph 11d and other material considerations.

Paragraph 11 states that where Local Planning Authorities cannot demonstrate a five-year supply of deliverable housing sites the relevant housing policies contained within the relevant Development Plan are considered to be out-of-date. The shortfall of such housing should therefore be weighed in the planning balance and the planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits.

It is recognised that releasing this site would result in the minimum requirement for the Smaller Villages in Policy CS5 being further exceeded, however the provision of one additional house would not significantly contribute to the provision of houses and as such is considered to carry very limited weight in the planning balance in respect of additional housing provision.

### Residential Amenities

The application proposes a single storey dwelling set within an undeveloped area of pastureland set to the west of Bumble Bee Lane. The dwelling is located at the lowest section of the site which slopes down to the west, and which is screened by an established woodland to the rear of the site and mature hedgerows which enclose the

edge of site. Open countryside and scattered farmsteads are situated beyond the site to the north, east, south and west.

By virtue of the proposal's distance from other residential dwellings, its orientation and single storey design and having regard to the intervening boundary treatments and separation distances, it is considered that the development would not have an overbearing impact or cause any loss of light or privacy to these properties.

The level of activity at the site would remain consistent with a modest residential property, and as such would not be considered to give rise to a significantly adverse level of noise and disturbance.

### Highway Implications

The application site is proposed to be accessed off an existing field entrance onto the western side of Bumble Bee Lane, which is an adopted, unclassified road subject to a 60mph speed limit.

The Local Highway Authority (LHA) were consulted and have reviewed the submitted transport technical note. The LHA have concluded that given the access is existing, it would be difficult to demonstrate that the proposals would likely lead to a material intensification of the access. They are satisfied that the access is suitable in terms of vehicular visibility along Bumble Bee Lane and have therefore not raised an objection with regard to highway safety.

The application provides off street parking for up to 5 vehicles within the garage and courtyard area of the dwelling, which is commensurate with the requirements of a 4-bedroom dwelling. The LHA are satisfied with the parking provision.

### Heritage Implications

Whilst the application site itself contains no designations or heritage assets, the local area hosts a wide variety of designations, from Scheduled Monuments at and around High Cross, several Listed Buildings and a Conservation Area at Wigston Parva. The Wigston Parva Fort lies astride Watling Street about 1.2km north-west of the development.

Blaby District Council's Principal Heritage Officer is satisfied that given the absence of any distinct visual relationships between the application site and the heritage assets, owing to relative distances and intervening features and landforms which would obscure reciprocal views, the proposed development would not harm the historic setting or overall significance of the various designated heritage assets within the vicinity.

Leicestershire County Council Archaeology is satisfied that the relevant archaeological investigations are sufficient to support a positive planning recommendation, however further post-determination geophysical survey and trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme. These have been requested to be secured via pre-commencement conditions.

## Ecological Implications

The application site and pastureland in which it is set comprises of arable pastureland, which Leicestershire County Ecology note have little ecological and biodiversity value. The site is bounded by an established woodland to the west and edged by mature hedgerows and trees.

The landscaping and ecological enhancement of the proposal are a key driver of the development and its overall design ethos contributing to the overall design quality. The development provides extensive soft landscaping and biodiversity enhancements, set within a series of zones both within the site and the wider landscape. The landscape transitions from the woodland at the rear of the site to the frontage to create a rich biodiverse patchwork mosaic of wildflower meadows, woodland, orchards, ponds, natural pools, grazing areas, mown grassland and hedgerows set within the site and with the surrounding field. The zones are defined and delineated by a series of native planting, ditches and footpaths. The existing woodland will be enhanced including new native woodland planting.

Further ecological enhancements include biodiverse roofs, habitat creation for invertebrates as well as ground nesting opportunities for foraging mammals, beehives and a mixture of bat, bird, bumble bee and bug boxes/bricks will be incorporated into the stone garden walls which cut through the landscape.

Submitted Biodiversity Net Gain calculations show that once implemented the application will provide over 100% net gain for habitat units and 14.36% for hedgerow units.

Leicestershire County Ecology have requested conditions regarding implementation of the proposed landscaping scheme and the long-term management of the land.

## Arboricultural Implications

Leicestershire County Council Forestry have not raised any objections on Arboricultural grounds but have noted potential detrimental effects of Ash die back on existing mature ash trees within the boundary hedges. Additional tree planting within hedgerow gaps have been requested to ensure continuity of hedgerow trees.

## Climate Change

The development is proposed to provide an entirely off grid, self-sustaining and environmentally low impact dwelling, utilising a unique variety of off-grid renewable energy technologies to generate its own energy on site, including solar photovoltaic and thermal panels, ground source heat pumps, and thermal ground and battery energy storage facilities. This element of the proposal is again a key driver of the development and its overall design ethos, contributing to the overall design quality.

The fabric of the building is proposed to utilise reclaimed and local materials and high standards of thermal insulation and air tightness utilising Passivhaus compliant

building standards and lightweight materials, such as closed panel timber frames, thus ensuring a low embodied carbon footprint.

Freshwater is proposed from a water bore and connections to a pond near the site entrance with surface water and foul treated via filtration beds and treatment plants on site. Internet will be provided via satellite link.

3 EV charging points are located within the arrival courtyard and within the garage to provide fast charging capabilities.

The submitted energy statement shows that through the use of such technologies the building would generate no carbon and would generate 17% more energy than it will use.

Sharnford Parish Council noted a conflict with Policy FV16 of the Fosse Villages Neighbourhood Plan, however it is considered that given this policy refers to the installation of solar photovoltaic '*farms*' that the policy is more related to large scale renewable energy provision. The development in this instance is limited to a single dwelling, which given the scale and position of solar PV panels would have limited landscape impacts and therefore policy FV16 in this instance would carry limited weight.

National policy at Paragraph 164 of the NPPF states that in determining planning applications significant weight should be given to development that provides energy efficient and low carbon technologies in domestic settings. As such the development is therefore considered to comply with the aims of national planning policy.

### Environmental Implications

Blaby District Council's Environmental Services Team are satisfied with regards to air quality, land contamination and flooding at the site and have requested the submission of details in relation to drainage and plant and machinery via the conditions set out in the report above.

Measures to control any dust and particulates arising during the construction phase will be outlined and assessed as part of the required Construction Management Plan.

### Loss of Agricultural Land

The NPPF expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. Agricultural land is graded into 5 categories ranging from grade 1 (excellent quality agricultural land) to grade 5 (very poor quality). Grades 1,2 and 3a (grade 3 is subdivided in to two grades) is the land which is defined as the best and most versatile.

The application site and wider associated pastureland comprises of approximately 6 ha of arable land classified as grade 3 agricultural quality land.

It is considered the loss of agricultural grade 3 land is minimal given the extent of the built form which comprises of some only 0.35 ha of developable area and as such would have limited strategic value and therefore is not determinative in this instance.

### **Planning Balance and Conclusion**

In determining planning applications, the District Planning Authority must determine applications in accordance with the Development Plan unless material considerations indicate otherwise.

Since the determination of the application the Council has updated its residential land supply position. This has confirmed that the Council cannot currently demonstrate a 5-year housing land supply. The NPPF, which is a material consideration in decision making requires that planning authorities identify a five-year supply of deliverable housing sites. Where a five-year supply of deliverable sites cannot be identified then the provisions of paragraph 11 of the NPPF apply. As stated earlier in this Report this means granting permission for development unless the application of policies in the framework that seek to protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal does not conflict with NPPF policies that seek to protect areas or assets of particular importance listed in Paragraph 11, footnote 7. In accordance with paragraph 11 of the NPPF, this means that the so called 'tilted balance' is engaged and any harm arising from the proposal must be weighed against the benefits.

Whilst this proposal would lead to the delivery of an additional home, its effect in respect of meeting the District's outstanding housing need is minimal and as such is afforded limited weight in the planning balance.

In respect of landscape and historic character Policies CS18 and DM2 remain consistent with the Framework and in particular the provisions of Paragraph 84 and are considered to continue to carry significant weight. It is acknowledged that the application site is in an unsustainable location and is contrary to these policies, however the application seeks to overcome the policy conflict through the provision of a dwelling of exceptional design as allowed by Paragraph 84 of the NPPF for isolated housing in the countryside.

For the reasons outlined in the report above it is considered that the development, through its holistic interaction between the key drivers of landscape, biodiversity, sustainability and legacy, represents the highest standards in architecture that helps to raise standards of design more generally in rural areas. Furthermore, it is considered that the proposal is both sensitive to the defining characteristics of the local area and significantly enhances its immediate setting and wider landscape.

As such it is considered that the development reaches the high bar set by Paragraph 84 e) and therefore overcomes the policy conflict for residential dwellings in the countryside.

As required by national policy, significant weight is also given to the fact that the application provides significant ecological improvements to the site and utilises a unique combination of technologies to achieve a highly biodiverse, off grid and energy efficient dwelling.

it is considered that the proposed development will not harm the setting or overall historic significance of nearby heritage assets.

Given its location the proposal does not harm the residential amenities of dwellings in the area.

No technical objections have been received with regard to the highway or environmental implications of the development.

For these reasons outlined in the report above your Officers are of the view that the proposal is acceptable and accordingly it is recommended that planning permission be granted subject to the imposition of the stated conditions.

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