

Delegated Report

Planning Reference 25/01130/PIP
Applicant(s) Messrs Phillips
Ward Cadeby, Carlton, M Bosworth & Shackerstone



Application Site Land west of Barton Road, Carlton
Proposal Permission in Principle for the erection of 9 dwellings
Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. **Refuse planning permission in principle** subject to planning reasons detailed at the end of this report.

2. Planning Application Description

2.1. This planning application seeks planning permission in principle for the provision of nine dwellings with associated amenity space and off-street parking provision at land west of Barton Road, Carlton.

2.2. This is the first stage of the planning in principle route where the application only seeks to establish whether the application site is suitable in principle. The detailed design of the proposal is assessed via a separate application within the second technical details consent stage of this development route.

2.3. The application is accompanied by the following reports and documents:

- Application Form
- Covering Letter
- Design and Access, Planning Statement
- Existing and Proposed Site and Block Plans
- Site Location Plan

2.4. This application has been submitted alongside a separate full planning application (25/01127/FUL) for the conversion of 0.9 hectares of agricultural land into community public open space.

3. Description of the Site and the Surrounding Area

3.1. The application site is adjacent to the northern settlement boundary of Carlton in the designated open countryside within the Barton Village Farmlands Landscape Character Area.

- 3.2. The Barton Village Farmlands Landscape Character Area is characterised by undulating landform comprising a regular pattern of medium sized arable and pasture farmland. The Landscape Character Area is defined by small linear hilltop village settlements such as Carlton that are well-integrated into the landscape and are surrounded by vegetation. The small to medium size of the landscape pattern and the rural agricultural setting to villages and the extension rural views from them contribute towards the rural, tranquil character of the landscape and settlements, which are all identified as key sensitivities and values of this Landscape Character Area.
- 3.3. The application site itself comprises an agricultural field, which forms part of a wider medium-sized arable field within the rural setting of Carlton. The site is considered to positively contribute to the key characteristics and sensitivities of the Barton Village Farmlands Landscape Character Area. The site is bounded by agricultural fields to the north and west, and to the northeast beyond Barton Road. Barton Road runs north to south along the eastern boundary of the site and is a classified 'C' road that subject to a 30mph speed limit immediately to the south and the National Speed Limit immediately to the north of the site. Beyond Barton Road to the east are 11 residential properties at Northfields, which were approved via 12/00889/FUL as affordable housing units as part of a rural exception site. To the south of the site is a ribbon of residential development that leads towards the wider built form of Carlton to the south and southwest. Beyond the long rear garden of 21 Tulip House, Barton Road immediately to the south of the site is an area of woodland and then further open countryside to the west.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.
- 4.2 However, pre-application advice was sought from the Local Planning Authority in relation to nine new dwellings and the provision of community open space within the application site via 24/10127/PREHMO. The informal advice within this pre-application response concluded that the development would result in significant and permanent environmental and visual harm to the intrinsic, undeveloped rural character and verdant appearance of the site and the surrounding area. This unacceptable harm was considered to be contrary to, and in conflict with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document and the overarching principles of the National Planning Policy Framework.

5. Publicity

- 5.1 In accordance with Paragraph 5G of Part 2A of the Town and Country (Permission in Principle) (Amendment) Order 2017 (as amended), the application has been publicised by giving requisite notice by site display in at least one place near to the land which the application relates and on the Council's website. The application has also been publicised by sending out letters to local residents.

5.2 In total, 30 responses have been received in objection to the development from 28 separate addresses. In summary, these responses objected to the development proposal due to:

1. Drainage and flooding concerns
2. Harm to the environment harm, woodlands, and to local wildlife and protected species and their habitats
3. Harm to neighbouring residential amenity including increased air, light, and noise pollution
4. Highway safety concerns, including insufficient off-street parking for the development
5. Limited services and infrastructure capacity of Carlton
6. Public safety concerns
7. Significant harm to the character of the surrounding area and the countryside and the merging of Carlton and Barton in the Beans
8. The unsustainable location of the development in the countryside

5.3 Several members of the public raised concerns regarding the precedent of approving such a development in the designated open countryside and its implications for further development in unsustainable locations outside of Carlton.

5.4 No further responses have been received.

6. Consultation

6.1 Carlton Parish Council objected to the application because the proposal would not be in the public interest and there are still potential development and redevelopment opportunities within the defined settlement boundaries of Carlton. The Parish Council stated that the development would result in demonstrable harm to the open countryside and the local landscape, including the loss of an important local view from Barton Road and the erosion of the historic linear arrangement of Carlton and its topographic relationship with the designated open countryside. The Parish Council highlighted that the proposal would not be in a sustainable location for new residential development and it would not be able to connect directly to the public sewer.

6.2 Carlton Parish Council also referred to the appeal for eight dwellings at Manor Farm, Barton in the Beans (19/00093/FUL and APP/K2420/W/19/3235944), which was dismissed in part due to the unsustainable location of the development in the designated open countryside.

6.3 No objections have been received from the Council's Drainage, Environmental Health or Waste Management Departments. Leicestershire County Council as the Local Highway Authority did not make any formal comments on this application. The Council's Drainage and Environmental Health Departments requested a sustainable drainage strategy and consideration of land contamination and any necessary proposed actions to be submitted as part of anything technical matters application.

6.4 No further responses have been received within the required 14-day consultation period.

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- The Town and Country (Permission in Principle) (Amendment) Order 2017

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

- 8.1. National Planning Practice Guidance (NPPG) states that a decision on whether to grant permission in principle to a site must be made in accordance with relevant policies in the Development Plan unless there are material considerations, such as those in the National Planning Policy Framework (NPPF) and national guidance, which indicate otherwise.
- 8.2. The NPPG confirms that the scope of permission in principle is limited to location, land use, and amount of development. Issues relevant to these “principle” matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. It is not possible for conditions to be attached to a grant of permission in principle and planning obligations cannot be secured at the permission in principle stage.
- 8.3. 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. The NPPF is a material planning consideration in planning decisions, and, in accordance with Paragraph 3 of the NPPF, should be read as a whole.
- 8.4. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF.
- 8.5. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. However, Paragraph 12 of the NPPF confirms 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.
- 8.6. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

Transport Sustainability of the Location of the Application Site

- 8.7. The social and environmental overarching objectives of sustainable development are defined at Paragraph 8 of the NPPF, and both refer to creating safe places with accessible services that minimise waste and pollution and move towards a low carbon economy respectively.

- 8.8. Paragraph 161 of the NPPF confirms that the planning should support the transition to net zero by 2050. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and association infrastructure.
- 8.9. Chapter 9 of the NPPF promotes sustainable transport. Key Policy Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location, and ensure a safe and suitable access to the site can be achieved for all users.
- 8.10. In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.11. Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.
- 8.12. Guidance Point M2 of the National Design Guide (NDG) confirms 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.
- 8.13. Highway Development Management (HDM) Policy 1 of the Leicestershire Highway Design Guide (LHDG) states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.
- 8.14. The application site is in the designated open countryside to the north of the rural hamlet, Carlton. The adopted Core Strategy states that rural hamlets have limited, if any services and generally rely on Key Rural Centres or surrounding urban areas for schooling, employment and the provision of goods and services. Because of the limited services in these hamlets, development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses.
- 8.15. The proposed development would not represent infill development, and therefore the proposal would not be supported by Policy 13 of the adopted Core Strategy.
- 8.16. The closest Key Rural Centres to the application site are Market Bosworth to the south, and Barlestone to the east, which approximately 3km away respectively. All routes out of Carlton are unlit and subject to the National Speed Limit, and do not feature any pedestrian or cycleways.

- 8.17. Within Carlton there is a public house and a church. There are only two bus stops within Carlton, which are 100m and 170m respectively from the south-eastern corner of the application site, and are served by Arriva Bus Service LC12 between Measham and Witherley. Based on Arriva's website, this bus service runs once from Fenny Drayton to Measham from 7 AM and once from Measham to Atherstone Bus Station at 2:50 PM between Mondays and Fridays. The LC12 Bus Service does not run on weekends.
- 8.18. In light of the above, the location of the application site would not be considered to feature convenient and safe access for walking and cycling, nor meaningful alternative sustainable modes of travel to the private car to services and facilities. As a result, the future occupiers of the scheme would be highly likely to be dependent on private motorised travel to meet their day-to-day needs. This is confirmed by the Applicant on Page 8 of the submitted Design and Access, Planning Statement. As a result, the application site would be considered to suffer from poor transport sustainability and would represent an unsustainable location for new residential development. Importantly, there would not be considered to be any realistic, practical opportunities for this level of development to exploit that would make this location more sustainable.
- 8.19. The unsustainable location of the application site would therefore be considered to result in significant environmental harm in principle that would be contrary to, and in conflict with, the overarching social and environmental objectives of sustainable development, Key Policy Paragraph 115 and Paragraph 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide.

Location of Application Site in the Designated Open Countryside

- 8.20. Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.21. Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.22. Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.23. Policy 13 of the adopted Core Strategy supports housing developments within the settlement boundaries of rural hamlets that provide a mix of housing types and tenures as detailed in Policies 15 and 16 of the adopted Core Strategy.
- 8.24. The proposal would not be within the identified settlement boundary of Carlton, and therefore Policy 13 of the adopted Core Strategy would not apply in these site-specific circumstances.
- 8.25. Therefore, outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development.
- 8.26. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) of the NPPF specifically highlights that this should be achieved by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.27. Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.28. Key Policy Paragraph 129(d) and (e) of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places respectively.
- 8.29. Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. To ensure this, Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

- 8.30. The application site is located outside of the identified settlement boundaries of Carlton in the designated open countryside, and the development proposal does not comply with the limitations set out in Policy DM4(a) to (e) of the SADMP. Therefore, the proposal is not supported by Policy DM4 of the SADMP in principle. It is noted that the Applicant has confirmed that the development proposal would be in conflict with Policy DM4 of the SADMP at Paragraph 4.2 of their submitted Design and Access Planning Statement.
- 8.31. Importantly, Policy DM4(i) of the SADMP then states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.32. Guidance Point C1 of the National Design Guide (NDG) confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.33. The principle of nine new residential properties in this location would be considered to significantly domesticate and urbanise the rural character of the site in principle. This would result in the significant erosion of the intrinsic open and rural character of the surrounding area, including the designated open countryside and the Barton Village Farmlands Landscape Character Area, to which the site positively contributes to. Although the layout of the development is indicative and not sought form permission at this stage, the Proposed Block Plan suggests that the provision of nine dwellings within this site would require the development of the whole application site and therefore the total loss of its rural character. Therefore, the capacity of the proposed development would be considered to heighten the scheme's significant harm of the scheme.
- 8.34. Furthermore, the proposed development would extend the urban features of Carlton beyond its identified settlement boundaries into the rural open countryside. This significant harm would be heightened by the fact that the application site is not contained from the wider rural context of the area and currently forms part of a much wider agricultural field, which delineates the existing built form of Carlton from the designated open countryside. The significant and permanent adverse impacts of the development in principle to the character of the area would be considered to be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S69 to the west.
- 8.35. In addition to the above, the western side of Barton Road is defined by a linear form of residential development. Due to the size of the application site, the provision of nine properties within this site would require the form of the development to be constructed in an arrangement that would be totally at odds with the character and linear arrangement of the existing built form within Carlton along Barton Road. This would not respect, and result in significant and permanent harm to, the character of the surrounding area and the designated open countryside.

- 8.36. It is appreciated that the design of the development to the rear of 21 Barton Road adjacent to the application site is currently designed with a courtyard arrangement. Whilst this previous development does not reflect the historic linear built form of Carlton, it is considered that this previous scheme represents the natural conclusion to Carlton's built form on the western side of Barton Road, which assists in delineating Carlton from the wider designated open countryside.
- 8.37. It is also noted that when this arrangement was approved via 06/00826/FUL, this previous application site was entirely within an established residential use associated with Fernlea, Barton Road prior its development. Therefore, there are significant material differences between this previous development and the current application proposal.
- 8.38. Ultimately, the further extension of residential development beyond 21 Barton Road would therefore erode the character of the existing development and its appearance as the natural conclusion of Carlton's built form along the western side of Barton Road by extending new development into the designated open countryside to the significant harm of the character of the surrounding area.
- 8.39. Furthermore, the creation of two adjacent residential courtyard arrangements within this location would be considered to be incongruous to the character of the surrounding area and would unbalance the linear character of Barton Road. As a result of the development, more dwellings would be sited within a courtyard arrangement along the western side of Barton Road than in a ribbon form of development. This would be considered to significantly erode Carlton's historic linear hilltop village settlement character, which positively contributes to the wider Barton Village Farmlands Landscape Character Area.
- 8.40. In summary, the principle of the proposed use of the application site for nine new residential dwelling in this location in the designated open countryside would be considered to represent the uncontained urbanisation of the designated open countryside. This would result in the significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside and the Barton Village Farmlands Landscape Character Area, to which the site positively contributes to. The significant and detrimental impacts of the development in principle to the character of the area would be considered to be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S69 to the west.
- 8.41. Given the above, the proposal would be considered to be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Policy 13 of the adopted Core Strategy, and Chapters 11, 12 and 15 of the NPPF, including Key Policy Paragraphs 129 and 135, and the National Design Guide. As a result, the scheme would not be considered to be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused.

The Location and Proposed Use of the Site's Impact upon Residential Amenity

- 8.42. Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.43. It is considered that the scheme, subject to the detailed matters to come forward at technical details stage, could be designed such to have a suitable relationship with the nearby residential units in accordance with Policy DM10 of the SADMP.

The Location and Proposed Use of the Site's Impact upon Highway Safety

- 8.44. Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.45. The proposal is for nine residential properties which would be accessed via the existing, but amended, vehicular access onto Barton Road. It is considered that the scheme, subject to the detailed matters to come forward at technical details stage, the development proposal could be designed to prevent any unacceptable impacts on highway safety or the road network. in accordance with Policy DM17 of the SADMP.

Material Considerations

Housing Land Supply

- 8.46. Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.47. Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.48. Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

- 8.49. The Planning Policy team have reviewed the revisions to the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply. As of April 2024, the Council had a 5.26-year supply of land for housing. However, the Council can no longer demonstrate a five-year housing land supply, and the latest figures as of April 2025 are expected to demonstrate that the Council has a housing land supply of up to 3.95 years.
- 8.50. In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF would be triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted 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.
- 8.51. When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.
- 8.52. Whilst the Council are unable to deliver a five-year supply of land for housing, the benefit of providing nine dwellings within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance.
- 8.53. However, the development would be for nine residential properties in a rural location. Therefore, in accordance with Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy, 40% of the proposed housing should be brought forward as affordable housing. For this development, four dwellings would therefore be required to be affordable housing units, three of which would be for affordable rent units, and one would be for shared ownership housing. The provision of a policy compliant level of affordable housing units would be considered to attract significant positive weight in the planning balance.
- 8.54. Notwithstanding this, it is noted that the Applicant does not refer to the provision of any affordable housing units as part of this scheme.

Material Considerations Raised by the Applicant

- 8.55. To justify their development, the Applicant has referred to the recent appeal decision at land east of The Common, Barwell.
- 8.56. Importantly, this planning appeal did not seek permission in principle and ultimately, all planning applications should be determined on their own site-specific merits. Furthermore, this previous appeal development was for the provision of 95 dwellings, including a quantity of affordable housing provision that exceeds the Council's policy requirements by 35%, on the eastern edge of the settlement boundary of Barwell. Therefore, there are significant material differences in principle within the recent Barwell appeal that would not be comparable to the current proposal, which would be for nine dwellings in the designated open countryside that would be considered to result in significant harm to the character of the surrounding area. As such, it is considered that this recent appeal decision as a material planning consideration would attract no positive weight in the planning balance for this development.
- 8.57. The Applicant has also detailed the planning benefits of the development at Paragraph 5.14 of their submitted Design and Access, Planning Statement, which includes the contribution of housing towards the Borough's supply, the provision of 0.9ha of public open space, biodiversity net gain, economic activity during construction and from the future occupiers of the scheme, sustainability benefits from the modern construction of the properties, and the scheme's conformity with the national growth strategy.
- 8.58. As confirmed at Paragraph 8.52 of this Report, whilst the Council are unable to deliver a five-year supply of land for housing, the benefit of providing nine dwellings within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance.
- 8.59. The Applicant has referred to Paragraph 73(c) of the NPPF, which states that to promote the development of a good mix of sites local planning authorities should use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward.
- 8.60. Importantly, the requirements within Paragraph 73 of the NPPF are for the Local Planning Authority to utilise permissions in principle, amongst other tools, to help bring small and medium sized sites forward. Paragraph 73 of the NPPF does not suggest that an Applicant submitting a permission in principle application in an unsustainable location would be supported by local or national planning policy. Crucially, Paragraph 3 of the NPPF confirms that the Framework should be read as a whole.
- 8.61. For example, whilst the development proposal would contribute to providing more housing in accordance with the national ambitions of government, as confirmed at Paragraph 8.46 of this Report, this ambition would not override the fact that the purpose of the planning system is to contribute to the achievement of sustainable

development. The NPPF's definition of sustainable development is clear and explicitly refers to creating safe places with accessible services that minimise waste and pollution and move towards a local carbon economy. Ultimately, the location of the proposed development would not be considered to represent sustainable development.

- 8.62. The provision of 0.9ha of community open space does not form part of this current planning application and therefore it cannot be guaranteed that this public open space would come forward if this development was approved. The community open space development is subject to planning application 25/01127/FUL, which has not been determined and therefore it has not been confirmed that such a proposal would be acceptable to the Local Planning Authority.
- 8.63. By virtue of these factors, the benefit of such public open space within a separate site and a different planning application would not be considered to attract any positive weight in the planning balance of this proposal in these site-specific circumstances. No mechanism has been presented by the applicant ensuring tandem delivery of the two elements.
- 8.64. It is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. Nevertheless, these benefits when associated with nine dwellings would be modest and would not be considered to maintain or enhance the local community. These potential benefits would therefore be considered to attract limited positive weight in the planning balance.
- 8.65. As a statutory requirement, the scheme's provision of biodiversity net gain would be considered to attract moderate positive weight in the planning balance.
- 8.66. Although the Applicant has referred to the sustainability credentials of the proposed development, compliance with the latest building regulation standards would not be considered to represent a benefit of the development. Moreover, whilst the Applicant suggests the scheme could, "*Possibly,*" incorporate solar panels or heat pumps, this has not been confirmed by the Applicant, and such details cannot be secured at this stage. As such, the sustainability credentials of the development would not be considered to attract any positive weight in the planning balance of this development in these site-specific circumstances.

Summary

- 8.67. To summarise, the 'tilted' balance of Paragraph 11(d) of the NPPF would be engaged within the determination of this application and Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.

- 8.68. Whilst the Council are unable to deliver a five-year supply of land for housing, the benefit of providing nine dwellings within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance. However, the development's requirement to provide 40% of its housing units towards affordable housing units would be considered to attract significant positive weight in the planning balance.
- 8.69. The modest social and economic benefits of the development identified by the Applicant would not be considered to maintain or enhance the local community. These potential benefits would therefore be considered to attract limited positive weight in the planning balance.
- 8.70. Whilst the Applicant is proposing to provide a new area of public open space near the application site, this development does not form part of this application and has not been accepted by the Local Planning Authority at this stage. As such, this provision of public open space would not be considered to attract any positive weight in the planning balance of this proposal in these site-specific circumstances.
- 8.71. Whilst the scheme's mandatory requirement to provide biodiversity net gain would be considered to attract moderate positive weight in the planning balance, the Applicant has not identified any elements of the development that would improve the sustainability credentials of the scheme beyond those required by national legislation. As such, the sustainability credentials of the development would not be considered to attract any positive weight in the planning balance of this development in these site-specific circumstances.
- 8.72. Ultimately, Paragraph 3 of the NPPF confirms that the Framework should be read as a whole and the benefits associated with these material considerations should be weighed against the adverse impacts of the scheme in the planning balance.

Planning Balance and Conclusions

- 8.73. In conclusion, a decision on whether to grant permission in principle to a site must be made in accordance with relevant policies in the Development Plan unless there are material considerations, such as those in the NPPF and national guidance, which indicate otherwise. The NPPG confirms that the scope of permission in principle is limited to location, land use, and amount of development.
- 8.74. Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, and the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.75. The 'tilted' balance of Paragraph 11(d) of the NPPF would be engaged within the determination of this application and Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.

- 8.76. The development of nine residential properties in this location would represent the uncontained urbanisation of the designated open countryside in principle. This would result in the significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside and the Barton Village Farmlands Landscape Character Area, to which the site positively contributes to. The significant and detrimental impacts of the development in principle to the character of the area would be considered to be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S69 to the west. Given the above, the proposal would be considered to be contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Policy 13 of the adopted Core Strategy, and Chapters 11, 12 and 15 of the NPPF, including Key Policy Paragraphs 129 and 135, and the National Design Guide. As a result, the scheme would not be considered to be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused. This would attract significant negative weight in the planning balance.
- 8.77. Furthermore, the application site would be considered to suffer from poor transport sustainability where the future occupiers of the scheme would be highly likely to be dependent on private motorised travel to meet their day-to-day needs and there would not be considered to be any realistic, practical opportunities for this level of development to exploit that would make this location more sustainable. As a result, the application site would be within an unsustainable location for new residential development which would result in significant environmental harm in principle that would be contrary to, and in conflict with, the overarching social and environmental objectives of sustainable development, Key Policy Paragraph 115 and Paragraph 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide. This would attract significant negative weight in the planning balance.
- 8.78. Given the above, the proposal would be contrary to, and in conflict with, all applicable Key Policy Paragraphs within the NPPF. It is therefore considered that the significant and permanent adverse impacts of the development to the rural character of the surrounding area and the environment would significantly and demonstrably outweigh the potential benefits associated with the scheme in principle in these site-specific circumstances. Therefore, in accordance with Paragraphs 11(d) and 139 of the NPPF, it is recommended that the application is refused.

9. Equality Implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that permission in principle is refused.

11. Recommendation

11.1 **Refuse permission in principle** subject to planning reasons detailed at the end of this report.

11.2 Reasons

1. The proposal represents the uncontained urbanisation of the designated open countryside. The principle of the provision of nine residential properties in this location would therefore result in the significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside and the Barton Village Farmlands Landscape Character Area, to which the site positively contributes to. The significant and detrimental impacts of the development in principle to the character of the area would be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S69 to the west. As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle.

Given the above, the proposal would be contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 13 of the adopted Core Strategy (2009), Chapters 11, 12 and 15 of the National Planning Policy Framework (2024), including Key Policy Paragraphs 129 and 135, and the National Design Guide (2019). This significant and permanent harm would significantly and demonstrably outweigh the potential benefits of the scheme when assessed against the Framework as a whole. In accordance with Paragraphs 11(d) and 139 of the National Planning Policy Framework, the development is refused.

2. The development would be in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. The future occupants of the scheme would therefore be highly likely to be dependent on private motorised transport to meet their day-to-day needs, and this would result in significant environmental harm.

This is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Paragraphs 89 and 161, Key Policy Paragraph 115, Chapter 9, and the overarching ambitions of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024).

a. **Notes to Applicant(s)**

1. The application has been determined in accordance with the following details, submitted to the Local Planning Authority on 21 October 2025:
 - Appendix 1 - Appeal Decision - 23/01229/OUT
 - Appendix 2- Upper Grange Farm - 24/01155/FUL
 - Appendix 3 - Appeal Decision - Battram Road, Ellistown
 - Appendix 4 - Blaby District Council - Decision Notice - 24/0999/OUT
 - Application Form
 - Design and Access, Planning Statement
 - Illustrative Design Statement
 - Officers Response - 22/010172/PREHMO
 - Site Location Plan, Drg No.8768-01-01 Rev B
 - Visibility Splay Plan, Drg No. 8768-03-01 Rev B