

Item Number:**Application Reference Number: P/23/0450/2****Application Type:** Full**Date Valid: 9/03/2023****Applicant:** Mr G Hall**Proposal:** Demolition of existing farmhouse and associated outbuildings and erection of a replacement dwelling, with associated works (Revised scheme to planning application ref: P/20/0048/2)**Location:** Old Park Farm, Melton Road, Burton On The Wolds, Leicestershire. LE14 3PU**Parish:** Burton on the Wolds**Ward:** The Wolds**Case Officer:** Debrorah Liggins**Tel No:** 07864 603401

1 Background

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation as the scale of the replacement dwelling proposed is greater than envisaged by the relevant policy, CT/14 parts (i) and (iii), and it therefore represents a departure from the Development Plan and the Officer recommendation is one of approval.

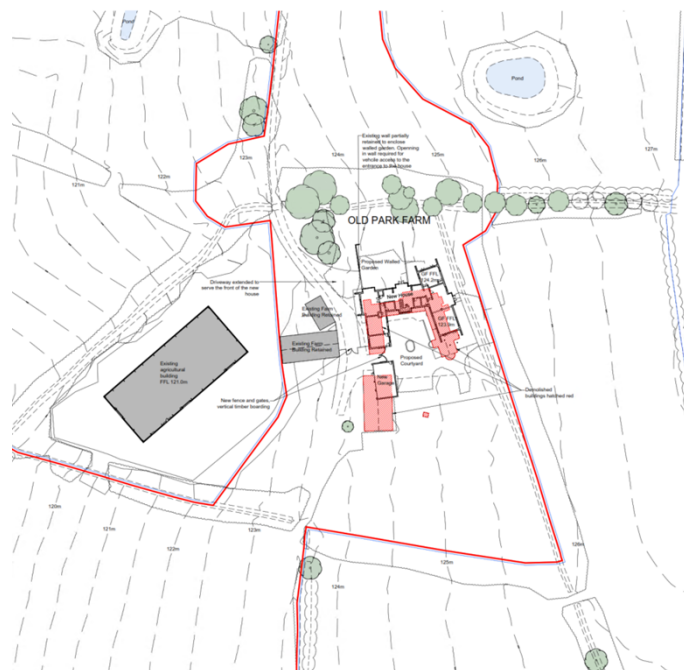
2 Description of the application site

- 2.1 The application site, in the countryside, relates to Old Park Farm which is situated to the south of the B676 Melton Road, located approximately 3.8km east of Burton on the Wolds. The site lies outside of and is physically detached from the Development Limits to the village of Burton on the Wolds and is therefore located within the open countryside.
- 2.2 The site consists of an area of land, approximately 2.0 Ha. in extent. It includes a dilapidated farmhouse, stable block and other outbuildings which are set within a wooded parcel of land to the southern part of the application site, and agricultural land located within the northern part of the application site.
- 2.3 The site is located amongst agricultural land that extends to the north, south, east and west from the wooded land parcel, which is under the ownership of the applicant and comprises part of an agricultural holding of approximately 36.0 Ha. in extent.
- 2.4 Vehicular access to the site is achieved via an existing single vehicular access off the B676 Melton Road.
- 2.5 To the north, north-east and east of the application site are the farms of Spinney Farm, Park Farm and Egypt Lodge Farm respectively, also set within agricultural land.
- 2.6 The application site lies within a gypsum Mineral Safeguarding Area (MSA) and, according to Government mapping, lies within Flood Zone 1, this being land at

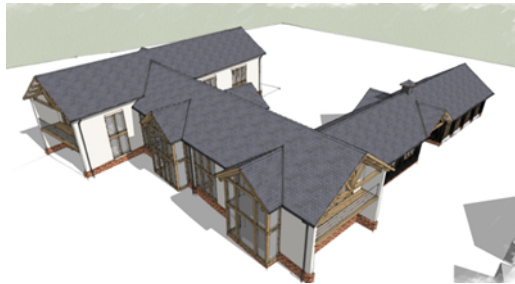
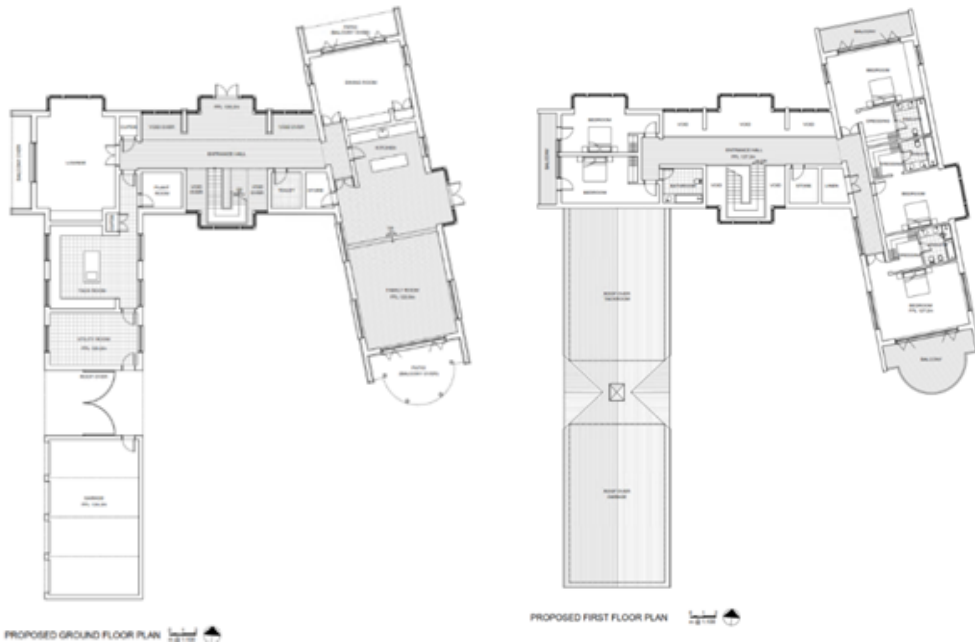
least risk of flooding. The development does not affect a listed building or a Conservation Area.

3. Description of the proposal

- 3.1 The application seeks full planning permission for the demolition of the existing farmhouse, stable block and agricultural-related outbuildings located within the wooded land parcel on-site, and the erection of a new replacement dwelling and garage outbuilding in their stead. In addition, associated landscaping works including a walled garden to the north of the proposed dwelling. The site would utilise the existing vehicular access with no alterations proposed to its junction with Melton Road but would be extended to serve the front of the new dwelling.
- 3.2 The proposal follows discussions with officers and pre-application advice (under reference P/22/1514/2) after the initial application for a replacement dwelling being refused under P/20/0048/2.
- 3.3 The proposal is on a similar footprint and siting to the existing dwelling and outbuildings and includes a proposed courtyard arrangement, reflecting the existing format of the dwelling, its outbuilding and a detached agricultural building immediately to their south. Other farm-buildings to the west of the dwelling are to be retained as existing. The plan below shows the proposed site layout superimposed on the existing building footprints and indicated which buildings are to be demolished.



- 3.4 The proposed dwelling would feature practical single storey rooms to the western side, such as a utility room, plant room, tack room and lounge to the west of the entrance hall (with feature staircase). This element would be single storey and would continue south to a 4-bay garage linked by a gabled undercroft access. Main living accommodation would be located to the eastern side of the ground floor corridor and would feature a kitchen, family room, and dining room with front and rear recessed patios. The first floor would feature 5 bedrooms (3 with balconies and 3 with en-suite and dressing room facilities), a galleried landing and family bathroom.



3.5 The application is accompanied by:

- A report on list of structural and non-structural works required to the existing buildings to make them habitable –
- Phase 1 Desk Study regarding contaminated land
- An Arboricultural Survey and Impact Assessment
- A Heritage Photographic Record
- A Landscape and Visual Appraisal
- A Flood Risk Assessment and Drainage Strategy Application.
- A Preliminary Ecological Appraisal (Updated March 2023)
- An updated Bat and Reptile Survey Report
- A biodiversity metric was submitted on 24th August 2023

4. Development Plan Policies

4.1 The Adopted Local Plan for the area comprises the Charnwood Local Plan 2011-2028 Core Strategy (CS), the saved policies of the Charnwood Borough Local Plan 1999-2006 (LP), The Wolds Villages Neighbourhood Plan (made June 2021) and the Minerals and Waste Local Plan (2019).

4.2 The policies relevant to the determination of this application include:

Charnwood Local Plan 2011-2028 Core Strategy

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS11 – Landscape and Countryside
- Policy CS12 – Green Infrastructure
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS14 – Heritage
- Policy CS16 – Sustainable Construction and Energy
- Policy CS25 – Presumption in Favour of Sustainable Development

[Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

4.3 Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

- Policy ST/2 - Limits to Development
- Policy CT/1 - General Principles for Areas of Countryside
- Policy CT/2 - Development in the Countryside
- Policy CT/14 - Replacement Dwellings
- Policy EV/1 - Design
- Policy TR/18 - Parking in New Development

4.4 The Wolds Villages Neighbourhood Plan 2021

- Policy WV1 – Landscape Character and Locally Important Views
- Policy WV2 – Green Infrastructure
- Policy WV3 – Trees
- Policy WV11 - Housing Provision
- Policy WV14 - Housing Mix.
- Policy WV16 – Design

4.5 Minerals and Waste Local Plan (2019)

4.5.1 This document includes the County Council's spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031.

4.5.2 Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met. However, the site is not within a Safeguarding Area.

5. Material Planning Considerations

5.1 The National Planning Policy Framework 2023 (NPPF)

The NPPF policy guidance of particular relevance to this proposal includes:

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 9: Promoting Sustainable Transport
- Section 12: Requiring Well-Designed Places.
- Section 14: Meeting the Challenge of Climate Change, Flooding, and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

5.2 The Equality Act 2010

This Act requires Local Planning Authorities, when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities in society. It consolidates 7 Acts including the Disability Discrimination Act. Whilst the accessible design of buildings is regulated by Part M of the Building Regulations, the Equality Act does require 'reasonable adjustments' to be made when providing access to goods, facilities, services and premises and this also applies to the design of proposed development. In terms of planning decisions, there is a need to have 'due regard' to the impact of planning application decisions and policies on anyone with a Protected Characteristic who may be affected by the decision.

5.3 National Planning Practice Guidance (PPG)

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

5.4 National Design Guide (2019)

This is a document created by Government which seeks to inspire higher standards of design quality in all new development.

5.5 Design Supplementary Planning Document (SPD) (2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

5.6 Leicestershire Highways Design Guide

The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking expected to be provided in new housing development.

5.7 Technical Housing Space Standards (2015)

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, but it is included in draft Policy H3 of the emerging local plan and is therefore a material consideration for which appropriate weight must be given.

5.8 Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

5.9 Planning Guidance for Biodiversity June 2022

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

5.10 The Draft Charnwood Local Plan (2021) 2021-37

This document sets out the Council’s strategic and detailed policies for the Borough over the period 2021-37. The Local Plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the Plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in early 2024.

5.11 In accordance with NPPF paragraph 48, the relevant emerging policies in the Plan may be given weight in determining applications, according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

(c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.12 The following policies are considered applicable to this application

- Policy DS5 High Quality Design
- Policy C1 Countryside
- Policy T3 Car Parking Standards
- Policy CC5 Sustainable Transport
- Policy EV1 Landscape
- Policy EV6 Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7 Tree Planting
- Policy EV8 Heritage

6. Relevant Planning History

6.1 The following applications relate to the site:

Reference	Description	Decision & Date
P/19/1046/2	Erection of agricultural storage building (Agricultural Prior Approval)	Submission of details not required 28/10/2019
P/20/0048/2	Demolition of existing farmhouse and associated outbuildings and erection of a replacement dwelling with associated works including creation of lakes	Refused 30/03/2022

7. Responses of Consultees & Other Comments Received

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire County Council Highways (LHA)	<ul style="list-style-type: none"> • Parking provision should be provided as two parking spaces for a dwelling with up to three bedrooms and three parking spaces for a dwelling with four or more bedrooms; • Parking spaces should measure a minimum of 2.4 x 5.5m with an additional 0.5 metre strip where bound by a wall/hedge/fence or other similar obstruction; and • For a garage to count as a parking space, internal dimensions should measure 3.0 x 6.0m for a single garage or 6.0 x 6.0m for a double, in accordance with Part 3 of the LHDG.
Charnwood Biodiversity	Satisfied with the proposed area of new woodland, and requests several planning conditions are imposed to secure its details and implementation. This area should then be subject to a habitat management plan. Bat mitigation is also to be provided within the structure of the new dwelling and the submission of a great crested newt mitigation scheme is also requested.
Charnwood Environmental Health	The Phase 1 Ground Investigation Report has been reviewed and the recommendation for further investigations is noted, which should be required by planning condition. In addition, it recommends 4 points for the neighbourly development of the site should be put on any planning permission as notes for the applicant. These relate to demolition and dust control, noise emissions on site, burning of waste and hours of work.
Leicestershire County Council as Mineral and Waste Authority	The proposal lies within a Mineral Safeguarding Area for gypsum. Policy M11 applies and strictly speaking a mineral assessment should have accompanied the application. However, based on the geological information in its records, the Authority does not believe it would be necessary in this circumstance and it has no objections to the proposal.
Leicestershire County Council as Lead Local Flood Authority (LLFA)	The 2 hectare site is within Flood Zone 1 (land at low risk of fluvial flooding) and at low risk of surface water flooding. The site specific Flood Risk

	Assessment including on-site drainage are acceptable subject to conditions.
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Ward Councillor and Parish Council Response

Burton on the Wolds, Cotes and Prestwold Parish Council	<p>Draws attention to its comments made on the first application under P/20/0048/2. It agrees with the comments made by the Environmental Health Officer that:</p> <ol style="list-style-type: none"> 1. There should be no burning of waste on site. 2. All demolition work should be carried out in a manner so as to minimise the risk of dust nuisance to neighbouring properties. 3. Noise nuisance should be reduced by following good practice set out in BS5228:2009. 4. There should be no audible construction noise beyond the site boundaries between certain hours. <p>In addition, the Parish Council requests turning facilities should be provided within the site and that no construction vehicles be allowed to wait on the B676 prior to entering the site.</p> <p>The Parish Council also ask for a method statement to be provided for the demolition works before they are commenced on site and that the new dwelling should only be occupied as a single dwelling.</p>
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Responses to publicity

Comments received from two nearby residences	<ul style="list-style-type: none"> • Dust that is generated by the traffic usage of the site access road should be subject to dust mitigation measures • A comprehensive planting scheme to protect privacy should be included as it was in previous applications.
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8. Consideration of the Planning Issues

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications for planning permission must be determined in accordance with

the Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), The Wolds Villages Neighbourhood Plan 2021 and the Minerals and Waste Local Plan (2019).

8.2 The main planning considerations applicable to this application are considered to be:

- Principle of Development
- Design
- Impact upon the character and landscape of the area
- Impact upon amenity
- Highways
- Ecology and Biodiversity
- Heritage and Archaeology
- Sustainable Construction

9. Planning Assessment

9.1 Principle of Development

9.1.1 The proposal would be for a replacement dwelling in the open countryside and therefore the Council’s position in relation to housing land supply is not considered to be relevant in this instance, as there would be no net increase in the number of dwellings.

9.1.2 The application site occupies a relatively isolated location within the countryside, where there would generally be a presumption against new residential development. The site is located outside of the defined Limits to Development of any settlement, as defined by saved Local Plan policy ST/2. The proposed development would not meet any of the specific exceptions as set out in saved Policy CT/1 of the Local Plan.

9.1.3 Notwithstanding this, the development in question comprises the replacement of an existing dwelling and so, in principle, there is policy support subject to meeting the requirements of saved policy CT/14 of the Local Plan. Policy CT/14 provides a means to consider replacement dwellings in the countryside, and permission will not be granted unless six criteria are all met. Each of these criteria is discussed in turn below. In addition Policy WV11 of the Neighbourhood Plan addresses residential development in the countryside and makes specific reference to supporting replacement dwellings and being more recent than both the Saved Local Plan and Core Strategy, should take primacy (where there is conflict between them).

9.1.4 Saved Policy CT/14 of the Charnwood Borough Local Plan 1999-2006 states:

“Planning permission for the replacement of an existing dwelling in a location outside the Limits to Development will not be granted unless all the following criteria are met:

i) the replacement would not result in the loss of a building acknowledged to be of local historic or architectural interest;

- ii) the original building is unsuitable for habitation and/or not viable to repair;*
- iii) the proposed replacement dwelling represents only a modest change in the size of the original property and is of a mass, height, colour, design and materials compatible with the traditional character and appearance of the locality;*
- iv) the proposed replacement dwelling is on the site of the original dwelling or, if appropriate, in a siting elsewhere within the curtilage where there would be a less damaging visual impact and provided that the original dwelling is demolished;*
- v) there is no increase in the number of dwellings on the site;*
- vi) there would be no significant adverse impact on the amenities enjoyed by neighbouring properties.”*

- 9.1.5 Point (i): the existing buildings on-site, including the host farmhouse building, are not statutory or locally listed buildings, in respect of their historic and/or architectural interest nor are they included in the list of locally valued heritage assets in the Wolds Neighbourhood Plan 2021. However, because of their age and form they are considered to be a non-designated heritage asset of local historic and/or architectural interest and heritage impact is assessed in more detail below. Following the earlier refusal under P/20/0048/2, the form of the dwelling now proposed better reflects the historic form of the original farmstead. However, it is considered that the proposal would not comply with criterion i) of “saved” Policy CT/14 in that the existing buildings would not be retained.
- 9.1.6 Point (ii) the original building is unsuitable for habitation and/or not viable to repair - the Applicant has submitted a Structural Report prepared by Consulting Structural and Civil Engineers which suggests that the host farmhouse building on site is in a poor state of repair and as such is unsuitable for habitation at this time. It describes extensive works are required to bring the host building back into a good state of repair for habitable purposes although there are no costings attached to these works. Following site inspection, it is considered that sufficient evidence has been submitted in support of this application to demonstrate that the host farmhouse is indeed unsuitable for habitation and is not viable to repair. As a result, it is considered that the proposal would comply with criterion ii) of “saved” Policy CT/14.
- 9.1.7 Point (iii): The proposed dwelling is akin to the plan form of the original layout and the proposal has substantially reduced in scale from that previously refused. The current three bedroom dwelling has been extended in the past, but the farm house and the arrangement of courtyard buildings would have been modest in terms of providing accommodation to meet the needs of the farmer and their family. The existing dwelling amounts to approximately 420m². floorspace whereas the proposed dwelling would have accommodation equating to 1056m². The proposed dwelling would accommodate five bedrooms (including three en-suites), living and dining rooms, kitchen, plant room, w.c, set around a staircase and galleried landing and an attached quadruple garage, tack room and utility room which would comprise a single storey wing. This extent of increase is not considered to be in accordance with criterion (iii) of Policy CT/14 which requires a “a modest change in the size of the original property.”

- 9.1.8 However, the design seeks to emulate the courtyard arrangement of the existing buildings and height, colour, design and materials are considered to sufficiently reflect the area so as to be adjudged compatible with the traditional character and appearance of the locality. Landscape impacts are addressed in greater detail below and are considered acceptable as a result of the site location and existing landscape features. Therefore, whilst contrary due to the scale, it is considered that no harm would arise as a result and that this provides justification for a departure from this aspect of the policy.
- 9.1.9 Point (iv) of CT/14: the majority of the proposed dwelling would be sited on that of the existing dwelling this preventing the co-existence of both dwellings ensuring a '1 for 1' replacement.
- 9.1.10 Point (v): the dwelling is to be replaced with a single new dwelling, with no increase in the number of dwellings proposed in accordance with this requirement.
- 9.1.11 Point (vi): there would be no adverse impact on the amenities of nearby properties. This is assessed in more detail later in this report.
- 9.1.12 Policy CS11 of the Core Strategy and Policy EV1 of the emerging Local Plan are also relevant as the proposal is located in the countryside and they require new development to protect landscape character. These impacts are considered later in the report.
- 9.1.13 Emerging Local Plan Policy DS1 is relevant as it explains that areas are designated as Countryside as an integral part of the spatial strategy towards the objective of conserving and protecting the character of our towns and villages and the intrinsic character and beauty of the countryside. Policy DS1 of the Draft Charnwood Local Plan (2021-2037) adopts a similar approach to CS1 as both propose a focus of new development in Loughborough and other urban centres. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. However, Policy DS1 is contested and can therefore be given only limited weight currently.
- 9.1.14 The proposal does not accord with the development strategy set out in DS1 as the site is located outside Limits to Development and within the countryside defined by emerging policy C1. Policy C1 sets out the limited circumstances in which development is permitted in areas defined as 'countryside' in the Plan (including new dwellings), and in common with CS11 above, but the application does not meet with the stated exceptions in policy C1. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy C1 currently has moderate weight.
- 9.1.15 The provision of dwellings in the open countryside is usually not supported under Saved Policy CT/1 of the 2004 Local Plan, Policy CS11 of the Core Strategy and emerging Policies DS1 and C1 of the Draft Local Plan. However, they are supported by Neighbourhood Plan Policy WV11 and Policy CT/14 which is a saved policy and remains extant and does support replacement dwellings. As a replacement dwelling, the proposal would not significantly increase trip generation, servicing requirements etc. The size of the replacement dwelling is more than a 'modest change' in the size of the original

property and so conflicts with part of CT14(iii). However, there are acknowledged design and visual impact benefits to the proposal as addressed below.

9.2 Design

- 9.2.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 of the Local Plan supports development that is of a design, scale, layout and mass compatible with the locality, and which uses materials appropriate to the locality. Neighbourhood Plan Policy WV16 – Design – requires that development proposals must demonstrate regard, where appropriate, to the Burton on the Wolds Village Statement or the Hoton Conservation Area Character Appraisal. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.2.2 Policy CT/14 iii) requires that the replacement dwelling is of a mass, height, colour, design and materials compatible with the traditional character and appearance of the locality.
- 9.2.3 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.
- 9.2.4 It is considered that its much-reduced scale from the earlier refused scheme (under P/20/0048/2) and its revised footprint which is more akin to the existing farmstead building layout
- 9.2.5 The design follows closely the courtyard arrangement of the existing steading and contains single and two storey elements common to such properties. Whilst modern design features are included, most notably extensive glazing, the dwelling is of traditional form and shape displaying steeply pitched roof, gable ends and other gable features, and components that are of rural character such as exposed timber trusses, oak framed windows and a dovecote feature.
- 9.2.6 Materials are to be off white render and a natural slate roof, which reference the existing building's white painted finish and slate roofs. The single storey projection would be timber clad with a slate roof.
- 9.2.7 Policy WV16 of the Wolds Villages Neighbourhood Plan require compliance with the Burton on the Wolds Village Statement or the Hoton Conservation Area Character Appraisal where applicable, but both of these documents relate to the settlements themselves rather than the surrounding countryside. The development is considered to be appropriate for its rural location and in particular its courtyard form and combination of single and 2 storey scales are appropriate to its location, and also reference the traditional form and layout of a traditional Wolds farmstead.
- 9.2.8 It is therefore considered that the design is acceptable and subject to conditions, would be in accordance with Saved Policy EV/1 of the 2004 Local Plan, Policy CS2 of the Core Strategy, Neighbourhood Plan Policy WV16 emerging Policy DS5 of the Draft Charnwood Local Plan and the Council's

Design SPD 2020. As discussed in section 9.2, there is a conflict with saved policy CS14(iii) in terms of the size of the dwelling, but the design is considered to meet the rest of CS14(iii).

9.3 Impact upon the character and landscape of the area

9.3.1 Core Strategy Policy CS2 and saved Local Plan policies CT/2 and EV/1 seek to respect and enhance the landscape character of the area and the form of existing settlements and the open and undeveloped nature of the countryside. Policy CS11 of the Core Strategy seeks to protect the character of our landscape and countryside and reinforce sense of place and local distinctiveness.

9.3.2 Neighbourhood Plan Policy WV1 states that new development should conserve or enhance the character of the local landscape. Development proposals must demonstrate a number of criteria as appropriate, one of which is that landscape character has been protected with key landscape characteristics and sensitivities having been identified and addressed by the proposals. The policy goes on to identify important viewpoints within the villages.

9.3.3 These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.3.4 Emerging Local Plan Policy C1 covers the Council's approach towards development in the countryside and states that development will be managed to protect its largely undeveloped character. Emerging Local Plan Policy EV1 requires new development to protect landscape character and to reinforce sense of place and local distinctiveness and maintain separate identities of settlements. These policies are at an advanced stage and were discussed at the hearing sessions in June 2022 and are consistent with the NPPF so can be given moderate weight.

9.3.5 The proposed development will result in the loss of a traditional farmhouse on-site and the replacement dwelling would introduce a larger modern dwelling house which is less frequently found within an open countryside setting. The application site lies within the Wolds Landscape Character Area and this is described as an elevated gently rolling countryside of mixed farmland with small villages and isolated farms scattered across the landscape. The landscape, often uninterrupted by hedgerows often enables long reaching views from straight roads between villages and the lack of woodland and tree cover reinforces the landscape's expansive quality. It is a largely arable landscape that has been altered by modern farming practices, leading to loss of ridge and furrow field systems and hedgerows. There is limited woodland cover. This combined with the large field systems and managed hedgerows, creates an expansive character with often long views from ridges between settlements. Wide grass verges are characteristic of this landscape.

9.3.6 The submitted Landscape and Visual Impact Assessment identifies that, at worst, a "moderate not significant" visual impact would arise from certain viewpoints and no significant impact from others. Observations made by the site inspections concur with this assessment. The proposed buildings are similar in form of those to be demolished and it is concluded that the visual

impact will be little changed after completion of the scheme and the proposed landscaping is established.

9.3.7 As stated above (9.3.6) the visual impact is considered to be modest bearing in mind the existing house and the landscape setting. It is considered to accord with Core Strategy Policy CS11, Saved Local Plan policies EV/1 and CT/2, Neighbourhood Plan Policy WV1, and emerging Local Plan Policies C1 and EV1.

9.4 Impact upon amenity

9.4.1 Policy EV/1 (saved policy from 2004 Local Plan), Policy CS2 of the Core Strategy and Policy DS5 of the emerging Local Plan aim to protect the amenity of neighbours and occupants of new buildings. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved. Policy DS5 is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight. Emerging Local Plan policy H3 relates to internal space standards. This policy is at an advanced stage and hearing sessions in February 2023 considered the policy and it is consistent with the NPPF but is subject to objections and can therefore be given limited weight.

9.4.1 The existing dwelling sits in an isolated location and would not affect other properties. It is a larger type dwelling which would exceed internal space standards considerably and would therefore accord with emerging Policy H3 of the draft Local Plan.

9.4.2 Though concerns have been raised regarding loss of privacy and potential of pollution as a result of dust during construction, the nearest dwelling straddle the access to the site and are in excess of 300m north of the location of the development. Therefore it is considered that the risk of pollution by means of dust, noise or light is very limited and as such mitigation measures such as those proposed by the Environmental Health team cannot be justified in these circumstances.

9.4.3 The application, if granted, would allow for a single dwelling and would not give rise to the concerns referenced by the Parish Council regarding multiple dwellings or multiple occupation (unless approved as a subsequent application).

9.4.4 The impact of the proposed development on residential amenity is therefore considered to be acceptable and would be in accordance with Saved Policies EV/1 of the 2004 Local Plan, Policy CS2 of the Core Strategy, Policies DS5 and H3 of the Draft Local Plan and the Council's Design SPD 2020.

9.5 Highways

9.5.1 Saved Policy TR/18 of the Borough of Charnwood Local Plan sets out parking standards in respect of development proposals. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Emerging Local Plan Policy T3 seeks to ensure that new developments are provided with adequate parking and servicing arrangements in accordance with the Leicestershire Highways Design Guide.

9.5.2 The proposal utilises an existing vehicular access and the Local Highway Authority has no objections to the proposal but refers to its standing advice relating to the quantum and geometry of proposed parking spaces and the internal dimension of the garages. To conclude, the quantum of parking provided and the dimensions for spaces and the garages within the proposed scheme would accord with standards advised within the Leicestershire Highway Design Guide. In these ways it is considered the proposal would accord with saved Policy TR/18, paragraph 111 of the NPPF and policy T3 of the Draft Charnwood Local Plan (2021-2037).

9.5.3 The proposal includes two garages each measuring 6.6m by 10m in floor size. This would provide four parking spaces with dimensions that accord with the Leicestershire Highway Design Guide (LHDG) and the site contains a sizeable courtyard that could accommodate several more. With reference to the comments of the Parish Council, there is ample space for turning within the site both during and after construction, and access from the B676 is uninhibited. No concerns are raised in terms of highway safety and parking and the proposal is considered to accord with Saved Local Plan Policy TR/18.

9.6 Ecology and Biodiversity

9.6.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment regarding biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity.

9.6.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given moderate weight but 10% net gain cannot yet be secured.

9.6.3 Emerging policy EV7 supports the retention of existing trees and new tree planting. This policy accords with the NPPF, is well advanced and has attracted little opposition and as such can be afforded moderate weight.

9.6.4 The applicant has worked with the Council's Senior Ecological Officer to refine submitted assessments of biodiversity impact and a strategy to offset losses is encompassed within the proposed new woodland area which amounts to 8,500 sq.m. It is recommended that planning conditions could be imposed to secure the details and implementation of this

9.6.5 The provision of new bat roosting opportunities within the structure of the new dwelling and the submission of a mitigation scheme for Great Crested Newts which were identified in close proximity to the buildings by the Bat and Reptile Survey Report, and evidence of participation within the District Level Licensing Scheme will ensure adequate protection of protected species.

9.6.6 Taking these factors into account, it is considered that the scheme will not result in biodiversity losses which cannot be mitigated and that the proposal accords with Policy CS13 of the Charnwood Local Plan (2011-2028) Core Strategy, the requirements of the National Planning Policy Framework (2023) and Policy EV6 of the Draft Charnwood Local Plan (2021-2037). As all developments are required to result in no net biodiversity loss, this is considered neutral in the assessment of the application.

9.7 Heritage and Archaeology

9.7.1 Policy CS14 (Heritage) seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting.

9.7.2 Policy CT/14(i) requires that the replacement would not result in a loss of a building acknowledged to be of local historic or architectural interest. Emerging Local Plan policy EV8 seeks to protect and enhance heritage assets, including non-designated heritage assets, and prevents harm to their significance and setting. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV8 is largely uncontested and can therefore be afforded moderate weight. The application is accompanied by a heritage assessment addressing the building itself and the settings of nearby heritage assets. NPPF chapter 16 provides national guidance on consideration of heritage assets.

9.7.3 Under paragraph 203 of the NPPF (2023) the effects of an application on the significance of a non-designated heritage asset should be taken into account in the determination of the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 204 of the NPPF then continues to state that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

9.7.4 The applicant has submitted historic information and a photographic record of the existing buildings to be demolished and the Team Leader of the Council's Natural and Built Environment has visited the site. Although it is acknowledged that the proposal will result in the total loss of all the original farm buildings at the site, their adaptation over the years, through various phases of alterations and the loss of historic fabric have diminished the value of the remaining buildings. Overall, the harm in heritage terms is considered to be minimal and the scale and arrangement of replacement buildings take into account original features and characteristics which should inform the overall design. The current proposal reflects these aims.

9.7.5 In summary, it is considered that the total loss of the historic fabric of the original dwelling represents a departure from Policy CS14 of the Core Strategy and emerging Local Plan Policy EV8. However, the existing buildings are considered to be of very limited significance and the development would cause less than substantial harm to heritage assets and in accordance with the NPPF, this harm

needs to be weighed against the public benefits of the scheme. The benefits of the scheme are the positive re-use of the site to provide a family home at a time when they are most needed in the Borough and the positive improvement to the appearance of the site through the removal of a redundant and semi-derelict dwelling.

9.8 Land Contamination

9.8.1 Policy CS16 of the adopted Core Strategy sets out the ways the Local Planning Authority will adapt to mitigate the effects of climate change and part of this is encouraging the effective use of land by re-using that which has been previously developed.

9.8.2 The initial Phase I ground investigation report identified potential pollution linkages due to the history of the site as a working farm including storage of materials and a workshop.. The Council's Environmental Protection Team advise that, in the event planning permission is granted, the applicant be required to undertake an intrusive site investigation to confirm this potential. It is recommended that if contamination is identified a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be prepared and be submitted for approval. Any approved remediation scheme shall be implemented prior to the commencement of the development or as otherwise prescribed in the approved implementation programme. Upon completion of the approved remedial measures a site verification report shall be provided to the satisfaction of Local Planning Authority including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use.

9.8.3 Although these detailed investigations have not yet taken place, it is considered that the impacts of any contamination can be adequately mitigated through the imposition of appropriately worded conditions.

9.9 Flood risk/drainage

9.9.1 Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is considered there is no need to reduce the weight afforded to this policy.

9.9.2 Policy CC1 of the Draft Charnwood Local Plan (2021-2037) seeks to manage flood risk by directing development to areas in the Borough with the lowest risk of flooding.

9.9.3 The site is wholly within Flood Zone 1 (low risk of fluvial flooding). The site is also at very low risk of surface water flooding and the Leicestershire Lead Local Flood Authority has assessed the submitted information and has no objection to the proposal, subject to the imposition of conditions relating to the following items:

- submission of a scheme to manage surface water on site during any construction phase;
- no occupation of the development until details have been secured in relation to the long-term maintenance of the surface water drainage system; and
- details of the long-term maintenance of the surface water drainage system.

9.9.4 As these details can be secured by planning conditions, it is considered that there are no drainage related reasons to refuse planning permission and that the proposals could accord with Policy CS/16 in this regard.

10 Conclusion

10.1 The primacy of the Development Plan as the decision-making tool is enforced in paragraph 38(6) of the Planning and Compulsory Act 2004 and at section 70(2) of the Town & Country Planning Act 1990.

10.2 The development sits outside the limits to development for any settlement and is therefore contrary to policies ST/2 and CT/1 of the adopted Local Plan 2004, CS1 of the Core Strategy 2015 and DS1 of the emerging Local Plan. However, saved Policy CT/14 of the Local Plan (subject to criteria) and policy WV11 of the Neighbourhood Plan make specific provision for replacement dwellings (the latter without specification) The new dwelling would not undermine the sustainable pattern of development that the policies aim to achieve as the dwelling is a replacement. It is considered that all but part of criteria ii) (heritage) and iii) (scale) of policy CT/14 have been satisfied by the proposal.

10.3 There is a conflict with criterion (iii) of Policy CT/14 on the basis that the replacement dwelling would be of a larger scale than the existing property. However, the siting and landscaping reduces the visual impact such that no harm arises. The objectives of Policy CT/14 are in part about ensuring that a replacement dwelling is of an appropriate design and can be absorbed into the landscape. The design is considered to be of high quality and can be successfully absorbed.

10.4 It has been demonstrated that the development is acceptable in respect of highway safety, design, impact on neighbouring amenity, landscape impact, heritage impact, biodiversity and in flood risk terms.

10.5 On balance, the replacement dwelling is considered to be acceptable, and although the floor area proposed is larger than the floor areas of the existing buildings on the site, with suitable mitigation measures in landscape and ecological terms some betterment of both the visual impact and biodiversity is possible, by comparison with the existing site's condition. The heritage value of the site is considered to be very low and the replacement dwelling is considered to bring improvement as well as being a modern expression of the the historic and traditional building form for the area, respecting its historic background.

11 Recommendation

To grant conditionally subject to the imposition of the following conditions and reasons and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 1075-10 - Rev A - Proposed site location and block plan - revised plan rec 4th Oct 2023
- 1075-11 - Proposed ground floor plan
- 1075-12 - Proposed first floor plan
- 1075-13 - Proposed roof plan
- 1075-14 - Proposed elevations
- 1075-20 - Rev D - Proposed site plan received 4th Oct 2023
- 05-982-301 Rev P01 - Landscaping General Arrangement - plan received 9th May 2023

REASON: To define the terms of the planning permission.

3. No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the Local Planning Authority. Only materials agreed in writing by the Local Planning Authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory and to accord with Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy, Policy EV/1 of the Borough of Charnwood Local Plan and Policy DS5 of the Draft Charnwood Local Plan (2021-2037).

4. No above ground works shall begin on the site until such time as a detailed site survey has been undertaken to establish the extent, scale and type of any contamination of the site and the ground investigation report, together with a scheme of any necessary remedial measures to render the site suitable and safe for development and to protect the locality and timetable for their implementation, has been submitted to and agreed in writing by the Local Planning Authority. Any approved remediation scheme shall be fully implemented in accordance with the approved scheme and if remediation is necessary, the dwelling hereby permitted shall not be occupied until a verification report including evidence that the measures have been implemented and the site is suitable for its intended use, has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. No above ground works shall begin on the site until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation and shall subsequently be maintained on a permanent basis.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and in order to accord with Policy CS16 of the Charnwood Local Plan and Policy CC1 of the Draft Charnwood Local Plan (2021-2037)

6. No below ground works shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase; in order to accord with Policy CS16 of the Charnwood Local Plan (2011-2038) Core Strategy and Policy CC1 of the Draft Charnwood Local Plan (2021-2037).

7. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed Development; in order to accord with Policy CS16 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy CC1 of the Draft Charnwood Local Plan (2021-2037).

8. The landscaping scheme depicted on Plan No 05-982-301 Rev P01 - Landscaping General Arrangement received 9th May 2023 shall be fully completed in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the Local Planning Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

9. Prior to its construction, details of the height and design of the proposed wall to the garden shall be submitted to, and approved in writing by, the Local

Planning Authority. These details shall include existing and proposed ground levels. The wall shall then be constructed in accordance with the approved details.

REASON: To ensure that a satisfactory landscaping scheme for the development is agreed in accordance with Policy CS11 of the Charnwood Local Plan 2011-2028 Core Strategy, and Policy EV1, EV7 of the emerging Charnwood Local Plan 2021-37.

10. Notwithstanding the red line areas shown on Plans 1075-10 Rev A and 1075-20 Rev D received on 4th October 2023, the residential curtilage of the proposed dwelling shall be regarded as that outlined in red, excluding the blue hatched area of proposed woodland to the south-west of the dwelling.

REASON: In the interests of clarifying the terms of the planning permission; in order that the development remains compatible with the countryside and to accord with Policy CS11 of the Charnwood Local Plan (2011-2028) Core Strategy, Policy CT/1 of the Borough of Charnwood Local Plan and Policy CS1 of the Draft Charnwood Local Plan (2021-2037).

11. Notwithstanding the submitted details, within two months of the commencement of development, a proposed woodland planting scheme for the area indicated on the approved plan ref. 1075 20 D including species mix, spacing and the type of stock to be used shall be submitted in writing to the Local Planning Authority for approval.

REASON: To ensure that a satisfactory landscaping scheme for the development is agreed in accordance with Policy CS11 of the Charnwood Local Plan 2011-2028 Core Strategy, and Policy EV1, EV7 of the emerging Charnwood Local Plan 2021-37.

12. The woodland planting scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the Local Planning Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased, within 30 years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

REASON: To ensure that a satisfactory landscaping scheme for the development is agreed in accordance with Policy CS11 of the Charnwood Local Plan 2011-2028 Core Strategy, and Policy EV1, EV6, EV7 of the emerging Charnwood Local Plan 2021-37.

13. The dwelling hereby permitted shall not be occupied until a habitat management plan for the new woodland area has been submitted to and

approved in writing by the Local Planning Authority. The plan as approved, shall then be implemented in full for a period of not less than 30 years.

REASON: In order that appropriate ecological mitigation is secured in the long term; to accord with Policy CS13 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV6 of the Draft Charnwood Local Plan (2021-2034)

14. Notwithstanding the submitted details, the dwelling hereby permitted shall not be occupied until such time as a bat mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy so approved shall then be fully implemented prior to occupation of the dwelling and thereafter maintained in perpetuity.

REASON: To ensure that important features of ecological interest are protected; to accord with Policy CS13 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV6 of the Draft Charnwood Local Plan (2021-2037).

15. Notwithstanding the submitted details, the dwelling hereby permitted shall not be occupied until such time as a Great Crested Newt mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy so approved shall then be fully implemented prior to occupation of the dwelling and thereafter maintained in perpetuity.

REASON: To ensure that important features of ecological interest are protected; to accord with Policy CS13 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV6 of the Draft Charnwood Local Plan (2021-2037).

16. Prior to commencement, a programme for the undertaking of the phases for the development shall be submitted to and approved by the Local Planning Authority. This shall include a timetable for the demolition of the existing buildings on the site and the commencement of works for the replacement dwelling.

REASON: To ensure adequate compensation for the loss of the heritage asset, in accordance with Policy CS14 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV8 of the Draft Charnwood Local Plan (2021-2037).

SITE LOCATION PLAN

