



Appeal Decision

Hearing held on 20 November 2024

Site visits made on 20 and 21 November 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2025

Appeal Ref: APP/F2415/W/24/3346350

Land at Gaulby Road, Billesdon, Leicester LE7 9AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ben Cripps (Church Farm Billesdon Ltd) against the decision of Harborough District Council.
 - The application reference is 23/01104/OUT.
 - The development proposed is outline application for up to 48 dwellings, including 30 custom housebuild plots and 18 affordable First Homes, with associated vehicular access, school drop off area with 40 spaces, landscaping, and drainage infrastructure (access only to be considered).
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 48 dwellings, including 30 self-build/custom housebuilding plots and 18 affordable First Homes, with associated vehicular access, school drop-off area with 40 spaces, landscaping, and drainage infrastructure, at Land at Gaulby Road, Billesdon, Leicester LE7 9AF in accordance with the terms of the application, Ref 23/01104/OUT, and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. On 12 December 2024, an updated National Planning Policy Framework (the Framework) was published. The main parties have been afforded the opportunity to comment on the revised Framework and I have taken the responses received into consideration. References hereafter in the decision to the Framework are to the December 2024 version.
3. The application was made in outline with only the matter of access to be considered at this stage. I have determined the appeal accordingly and have treated details on plans relating to matters other than access to be for illustrative purposes only.

Main Issue

4. The effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises two areas of land extending to some 6.5 hectares either side of Gaulby Road to the south-western side of the village of Billesdon. Both parcels of land fall away from Gaulby Road into the respective shallow valleys of Billesdon and Burton Brooks. Each is described as grazing land, or

formerly so. The northern section is an L-shaped field that wraps around playing fields of the Billesdon Church of England Primary School. At the time of my visit, it contained a depot with containers, external storage of materials and construction vehicles. Planning permission has previously been granted on this parcel for 5 dwellings. The larger, southern section comprises two fields separated by a fragmented hedgerow and grazed by sheep. A public footpath runs diagonally across the southern part of the site, leading from an adjacent residential estate into the open countryside.

6. The Council's reason for refusal refers to the size, scale and layout of the proposal failing to respect the existing form and character of this edge of Billesdon and not integrating well into the existing built form. Conflict is cited with Policy GD2(2)(e)¹ and GD8(1)(d) of the Harborough Local Plan 2011-2031 (April 2019) (the HLP).
7. Policy GD2 sets out criteria where development within and adjoining settlements will be permitted. Criterion 2(e) permits development adjoining the existing or committed built up area of Rural Centres, of which Billesdon is one, where it is physically and visually connected to and respects the form and character of the existing settlement and landscape. The supporting text sets out that the policy's focus is to ensure that sites put forward for development are suitable and sustainable in relation to the settlement concerned. It stresses that the policy is not concerned with matters of design or landscape character, which are addressed by Policies GD8 and GD5 respectively.
8. Policy GD8 supports development meeting a high standard of design, including criterion (1)(d) where development respects the context and characteristics of the individual site, street scene and the wider local environment to ensure that it is integrated as far as possible into the existing built form.
9. At the hearing, the appellant argued that the Council had not actually refused the application on the basis of harm to the character of the wider landscape in which the site is located, but alleged more specific harm to the character of Billesdon through development it considered to be out-of-scale and form with the existing village. The Council's decision notice does not actually cite conflict with Policy GD5 relating to landscape character. However, in subsequent written and oral submissions, the Council has argued Policy GD5 to be relevant, as well as Policies BPr14 and BPr20 of the Billesdon Neighbourhood Development Plan Review 2022-2031 (the NDPR) (June 2024) which relate to the protection of the countryside and design respectively. I have had regard to these development plan policies in my analysis.
10. Billesdon is a compact village lying within the High Leicestershire National Character Area, a landscape of broad, rolling ridges and secluded valleys and a quiet, remote and rural character, with fields divided by well-established hedgerows and interspersed by small thickets, copses and woodlands. It is also noted for extensive views from higher ground of a pattern of small attractive villages, hamlets and farm buildings set within an agricultural landscape, with traditional churches acting as distinctive features. Billesdon is surrounded on all sides by a rural landscape exhibiting many of these characteristics.

¹ The decision notice gives the Policy as GD2(e), omitting sub-section 2. However, there is no other criterion (e) in the policy, and the evidence otherwise makes clear this is the relevant criterion

11. More locally, the site falls within the High Leicestershire Local Character Area (the HL LCA), characterised by steep undulating hills, high concentrations of woodland; rural areas with a mix of arable farming on lowlands and pasture on hillsides and scatterings of traditional villages and hamlets. The site exhibits these characteristics, in particular the parcel to the south of Gaulby Road where woodland frames the appeal site on one side. The HL LCA is identified as having a low capacity for development given its predominantly rural character.
12. Of further relevance is the Harborough Rural Centres Landscape Character Assessment and Landscape Capacity Study (the LCS), commissioned by the Council in 2014 to assess landscape sensitivity and capacity of land around the edges of six settlements, including Billesdon, in relation to their potential suitability as locations for future development. The LCS characterised the Billesdon High Leicestershire Landscape Character Area (the BHL LCA) in similar terms to the HL LCA. Its strong sense of character and assessed good condition led to it being judged to have high landscape sensitivity.
13. The appeal site falls within two parcels of land further assessed under the BHL LCA. Parcel 5 (the southern part of the appeal site) is noted as being very open to view from the public footpath and on arrival to Billesdon along Rolleston Road, but also that it was partially contained by vegetation with a strong fringe of mature trees and shrubs on the western boundary. It is also stated that the site has a good relationship to the existing built edge of Billesdon. The parcel was determined to have medium capacity for development, with advice that the layout should be sympathetic to this approach to the village.
14. Parcel 19 (the northern part of the site) is noted as being open to view from Gaulby Road and points to the north and seen in context with the pastoral land to the west. Both include remnants of ridge and furrow earthworks. The parcel is also adjudged to have medium capacity for development, with advice that the rural approach from the west should be protected and sensitively handled and additional planting would be required on the northern boundary.
15. The southern part of the site would indicatively comprise large, detached dwellings on very generous plots, including a separate cluster of dwellings extending into the southern section beyond the existing fragmented hedgerow. The Council is critical of the plot sizes and low density of the layout in comparison with the denser housing immediately to the east on Glebe Close and Vicarage Close. There would be an evident difference in density and scale of dwellings compared to these neighbouring areas; however, I saw that there are examples of larger dwellings and plots to Weare Close and elsewhere to the edges of the village, including the bungalows fronting Gaulby Road next to the site entrance and the substantial dwellings under construction at Katie's Hill. Therefore, the creation of lower density housing would not be wholly uncharacteristic of the village.
16. I saw on site that few, if any, of the dwellings on Vicarage Close and Weare Close are orientated to address the appeal site and take advantage of countryside views. Rather, they face towards internal roads and views from side and rear windows are filtered by the boundary hedgerow. In contrast, occupants of the bungalows on Gaulby Road would see their southerly views change significantly. However, even these views take in the substantial number of rooflines of dwellings on Vicarage Close and Weare Close in tandem with the open field of the appeal site, and so are not of a wholly natural setting.

17. Development of the appeal site would nevertheless create a more urbanised context for certain neighbouring properties. However, the low density layout of the southern parcel would provide ample opportunity for structural planting around the public footpath and within private gardens and communal areas between the dwellings. This would help create an appropriate transition between the denser development to the east and the expansive open countryside beyond, softening what is at present a sharp edge to the built form marked by a single hedgerow.
18. Development of the southern parcel would be clearly visible from Billesdon Road to the south (VP12) as it descends the hill from Gaulby Road. However, from here it would be seen as a contiguous extension of the built-up area of the village. Notably, the woodland copse to the west would act as a significant physical buffer to enclose the development from the wider countryside. As such, development would not extend in a conspicuous or artificial manner into the open countryside, but would take advantage of natural features, enhanced by structural planting, to embed the dwellings in the landscape and integrate with the existing built form. Consequently, the village would retain a compact, contiguous shape and would not cause demonstrable harm to the wider rolling landscape in longer range views from the south and south-west. In these respects, the proposal would accord with the guidance of the BHL LCA for development to be sympathetic to this approach to the village.
19. There would be impacts on views from the public footpath C56 running through the site, where the existing, open land would be replaced by substantial dwellings at close range. However, this change would affect only a short stretch of the footpath and the urbanising impact would be limited to one side. The effect would also be less significant when walking towards the village, where views are already heavily influenced by the rooflines of dwellings directly ahead. However, the use of structural landscaping would help to mitigate the prominence of the proposed dwellings and help to retain a rural character to this stretch of the footpath. As set out already, landscaping would facilitate a more gradual transition between the suburban character of Weare Close and the open countryside. In these respects, the adverse impact of the development for users of the footpath would be localised and limited.
20. On the northern side, the parcel follows an L-shape around the side and rear of the adjacent playground and school playing fields. The illustrative layout of dwellings would follow this L-shape in two linear rows, with a proposed car park beyond. Dwellings on the sloping part of the site leading down from Gaulby Road would be perceptible from vantage points to the north, including along Footpath C54 and Leicester Road. In these views, the dwellings would be visible in the same panorama as the existing built-up area, but would appear detached beyond the tree cover of the adjacent playing fields and would form a single cluster of development in otherwise expansive views of the rural hinterland of Billesdon.
21. However, I saw that views from the north are at distance and often are filtered by intervening hedgerows and trees. The number and spread of dwellings would be modest, representing a small incursion of built form into the countryside. This parcel does not benefit from a woodland buffer and is more limited in its ability to provide landscaping due to its narrower shape. However, there is nevertheless scope for structural planting to the western and northern

- boundaries that would help embed the dwellings into the landscape and soften the edge of the development where it meets the open countryside.
22. On approach from the west along Gaulby Road, I saw that both parcels are well screened by roadside vegetation until close to the site entrances, at which point the existing bungalows are already in clear view and one has a sense of entering the built-up area. The proposals would not extend the built form significantly along Gaulby Road and, as already set out, structural landscaping to the northern side and the woodland to the southern side would combine to create an appropriate edge to the development and the built-up area.
23. Turning to scale, I was told that the proposal would represent an increase of some 10% in the number of dwellings in Billesdon. The Council accepts that Billesdon is a sustainable location with a number of facilities for future residents. Having observed the overall scale and layout of the village, I find that the proposal would not represent a disproportionate size of development in physical terms. Moreover, as set out above, its location and form would not result in a conspicuous or unnatural extension of the village and would largely preserve the important landscape characteristics of its hinterland.
24. As the application is in outline, detailed designs for dwellings are not before me for approval. The nature of self-build or custom housebuilding is that prospective occupants will wish to design their own homes. However, to ensure overall design quality, a design code would be secured by condition to set parameters for subsequent detailed proposals at reserved matters stage. I am satisfied that this would ensure a suitable standard of design and a high quality development overall, including with respect to neighbours' living conditions.
25. Drawing matters together, the proposal would result in visible built form on two shallow valley slopes to the western side of the village. However, the scale of development would relate well to the existing built-up area of the village, maintaining its compact form and taking advantage of the natural buffer of the adjoining woodland. Through well-considered design, layout and landscaping at reserved matters stage, the proposed dwellings would be capable of integrating into the village envelope and maintaining the existing relationship between Billesdon and its surrounding landscape. Although views along a short stretch of the public footpath leading away from the village would change, these impacts would be limited in scale and capable of being tempered by proposed landscaping, as would the modest incursion of built form into the countryside to the northern side. Overall, I find that the proposal would respect the form and character of the existing settlement and surrounding landscape.
26. Therefore, on this main issue, I conclude that the proposal would preserve the character and appearance of the area, and so would accord with the aforementioned requirements of Policies GD2(2)(e) or GD8(1)(d) of the HLP. Given my findings, I also find no conflict with other policies put to me, including Policy GD5 of the HLP and Policies BPr14 and BPr20 of the NDPR.

Other Matters

Highway Safety/Proposed Car Park

27. The matter of highway safety has been raised in a significant number of public representations, with particular respect to existing traffic and parking issues at the primary school on Gaulby Road adjacent to the proposed development.

28. I observed the school drop-off period between around 8.30am and 8.55am over two consecutive mornings. A mixture of residential and school drop-off parking occurs on the southern side of the road, reducing traffic to a single lane outside the school. The slight bend in the road at the school gate restricts forward visibility for drivers in each direction, increasing the risk of meeting oncoming traffic, though I observed speeds to be generally low as drivers navigated past the school. Most traffic at this time appeared to be associated with the school and I saw significant drop-off in traffic and the number of vehicles parked by 9.00am.
29. The appellant has proposed a 40 space car park within the northern parcel of the site, offered as a planning benefit to address parking pressure on Gaulby Road during school drop-off and pick-up. However, at the hearing it was established that the delivery of the car park does not form part of the completed legal agreement, and no other mechanism was advanced to secure its delivery. There is also no confirmed support for the car park from the school authorities and I was told that the appellant would only provide a pathway to the edge of its site, with any onward footpath to the school buildings needing to be separately provided. I have no indication as to the likelihood of this occurring. Leicestershire County Council (LCC) as the local highway authority has queried the potential usage of the car park, but has not raised objection to it in terms of highway safety or impacts on traffic volume or flows.
30. The evidence before me as to the likely usage of the car park is inconclusive. I recognise the concerns expressed by the Council that its location beyond the school for most parents travelling from other parts of the village to the east mean it would not be a more convenient location and if used would involve more traffic passing the school to reach the car park and then return. It is added that there would still be demand for parking on Gaulby Road itself due to its perceived convenience to the school and the fact that no measures are proposed to prevent continued parking along the street itself.
31. Assuming connectivity through to the school itself, the car park would provide an additional facility that would relieve at least some parking pressure on Gaulby Road at school run times, and over time parents may be encouraged to use it in preference to parking on the road. It could also provide a general parking facility for the village. However, the evidence before me does not provide certainty that the existing scenario would be demonstrably improved, particularly as parking on Gaulby Road includes residential parking, which is unlikely to dissipate to a new, distant car park.
32. Concern has also been raised in respect of potential security risks due to the secluded location of the car park. The appellant has indicated that dwellings could be orientated to face the car park and provide passive surveillance. I am satisfied that through the design process, and by requiring details of security measures such as lighting and CCTV via planning condition, the proposal would be capable of addressing these concerns.
33. However, in the absence of details as to how the car park would connect to the school, I am not persuaded that it would have a significant positive effect on existing traffic issues on Gaulby Road. Therefore, as a potential benefit of the scheme, it attracts no more than modest weight.
34. This matter aside, no technical objection has been raised by LCC to the proposal in terms of either the physical layout of access points or the effect of

the proposal on the existing traffic network. Nor has the Council argued harm to highway safety at appeal. I have had regard to the appellant's technical evidence and the chronology of views expressed by LCC to revisions and clarifications sought during the application.

35. I am satisfied that the proposed staggered access points, although slightly below the 30 metre separation distance set out in the Manual for Streets, would cater for manoeuvres by larger refuse vehicles. Sufficient visibility splays reflecting existing measured speeds on Gaulby Road would be provided as part of off-site highway improvement, including the slight realignment of Gaulby Road; its widening to 6 metres between the junctions; provision of tactile, dropped crossing points and an extended 2m wide footway on the southern side. I have no compelling evidence to the contrary in respect of the technical highway layouts proposed to suggest that the site accesses would increase the risk to highway safety along Gaulby Road.
36. I also note a junction capacity assessment for the Gaulby Road/Church Street/Rolleston Road junction, which was found to have sufficient capacity in a worst case scenario, inclusive of traffic generated by the proposed car park. The evidence otherwise indicates that the road network has sufficient capacity to absorb additional traffic from the development itself, which was originally predicted at some 38 additional two-way movements in the AM peak and 31 in the PM (based on a 56 dwelling scheme). This would be largely concentrated around the peak travel hours and would have a much less noticeable effect at other times when movements would be more sporadic.
37. I recognise that parking stress and traffic congestion are daily occurrences outside of the school, and concerns regarding highway safety are longstanding within the community. However, these are existing problems. It is not required of a proposal to address existing problems within the local highway network, but to address any direct effect the proposal would have on it. In this respect, the technical evidence before me does not indicate that the proposal, in and of itself, would create unacceptable highway safety effects, or that the cumulative effect on the operation of the road network would be severe, to apply the tests of the Framework.
38. Furthermore, on the evidence before me, I find that the proposal would not conflict with Policy BrP13 of the NDPR which states that new development will only be supported where it will not cause a significant increase in the volume of traffic passing Billesdon Primary School.

Self-Build and Custom Housebuilding (SBCH)

39. The Self-Build and Custom Housebuilding Act 2015 introduced a duty on local authorities to keep a register of individuals, and associations of individuals, who wished to acquire serviced plots of land to bring forward for SBCH projects. Councils are required to have regard to those registers when carrying out planning functions. The Housing and Planning Act 2016 further provides that local planning authorities must give development permission (for the carrying out of self-build and custom housebuilding) in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
40. The Council accepts that it cannot demonstrate that it has granted sufficient permissions to meet the demand arising on the SCBH register. The evidence

indicates that at the end of Base Period 8 (to 30 October 2023), the register showed demand for 185 units, and that the Council should have granted permission for 87 units by that time, representing demand in Base Periods 1-5. Only 27 were granted, a shortfall of 60. The latest position set out at the hearing was that there was a requirement to grant permission for 218 dwellings up to 30 October 2024 to meet demand for Base Periods 1-6, with supply given at 46 units, a shortfall of 172 and a worsening of the situation over the previous year.

41. There is little evidence before me as to how the Council intends to address this shortfall. Policy H5 of the HLP sets out that proposals for self-build and custom build housing will be supported in any location suitable for housing, including allocated sites, committed sites, windfall sites and sites which are in accordance with Policy GD2. It also sets out that the Council will seek the provision of land for SBCH on housing allocations capable of providing 250 or more dwellings, as part of an appropriate mix of dwellings. However, there is no requirement for SBCH to form a certain percentage of housing delivered as part of the development of larger site allocations. As such, it is unclear if the approach of Policy H5 is capable of meeting the rising demand for SBCH.
42. This aside, in the context of a very substantial and acknowledged shortfall, the provision of up to thirty SBCH plots, which would be secured through the submitted planning obligation, must merit very significant favourable weight in the planning balance.

First Homes

43. The proposal would provide 18 First Homes, defined in the PPG as a specific kind of discounted market sale housing where units must be discounted by a minimum of 30% against the market value and after the discount is applied, the first sale must be at a price no higher than £250,000 (outside Greater London). The units must also be sold to persons meeting eligibility criteria and have a restriction registered on the title to ensure the discount and certain other restrictions are passed on at each subsequent title transfer. First Homes meet the definition of 'affordable housing' for planning purposes.
44. Policy H2 of the HLP requires provision of 40% affordable housing of sites of more than 10 dwellings. The proposed 18 units would fall slightly below this figure at 38%, but the Council regards the proposal as compliant with the policy as the appellant has proposed two bungalows as part of the mix. The Council indicates that it has a longstanding approach where it counts one bungalow as two units for the purposes of calculating affordable housing provision, due to their larger ground-take and their being generally in high demand but underprovided for in housing schemes.
45. The evidence indicates the Council is performing well in delivering affordable housing generally across the district, with an average of 182 units delivered each year between 2017-18 and 2023-24, against an annual requirement of 185 units. As such, delivery of First Homes would not be required to address a significant shortfall in delivery. I am also mindful of the clarification in the revised Framework that there is no longer a requirement for 25% of all affordable housing to be First Homes. However, the proposed First Homes would still help address affordability concerns in Billesdon where house prices are noted in the NDPR as being some 60% higher than the rest of the district.

46. Therefore, the proposal would deliver affordable housing which would accord with Policy H2 of the HLP and with the aims of the Framework to address the needs of groups with specific housing requirements. This is a factor attracting further favourable weight.

Heritage and Archaeology

47. The nearest designated heritage assets are the Billesdon Conservation Area (BCA) which abuts the north-eastern corner of the northern parcel and extends to cover much of the heart of the village, and the Grade II* listed Church of St John the Baptist just over 100m inside the conservation area. I agree with the Council that whilst the northern parcel forms part of the setting of both the BCA and listed church, development here would be low density and through considered landscaping would retain a verdant appearance and would not adversely affect the wider rural setting of the BCA.
48. Similarly, the development would not adversely affect the immediate setting of the listed church which is influenced by other built form around it. Given its spire height, the church is also a landmark building with a broader setting encompassing the village and its hinterland. For reasons already set out, the proposal would not demonstrably harm the rural surrounds of the village in longer distance views and the overall setting of the church, and its prominence in these views, would be preserved.
49. The evidence points to ridge and furrow earthworks surviving in the northern parcel of the site, which may be regarded as a non-designated heritage asset. The extent of loss in this case would be modest when considered against the extent of ridge and furrow surrounding Billesdon identified in the NDPR. I concur with the Council that this harm, having regard to the minor scale of loss and the local significance of the NDHA, would be outweighed by the benefits of the proposal, in particular the delivery of housing. Consequently, it is not a matter weighing against the proposal.
50. Elsewhere, I note that previous trial trenches have identified Roman remains, but subsequent digs have not, and that matters pertaining to the handling of archaeological remains found on site can be suitably addressed by condition.

Biodiversity

51. The application predated the introduction of mandatory biodiversity net gain requirements, but has nevertheless incorporated a 10% net gain target into the proposals. This would be secured through a condition for a management and monitoring plan. Elsewhere, existing trees and hedgerows would be largely maintained, except to accommodate access. This would be compensated by substantial structural landscaping across the site and is a further modest benefit of the proposal.

Planning Obligation

52. The completed legal agreement sets out the mechanism for the delivery and subsequent use of the First Homes to ensure they remain as affordable housing in perpetuity. It also contains the relevant mechanisms for the delivery of the SBCH and undertakings to make financial contributions towards local infrastructure, including healthcare, household facilities, off-site open space, primary and secondary education, libraries, bus passes and travel packs, monitoring costs and legal fees. Whilst noting concerns raised regarding the

state of existing local services and facilities, it is not required of a developer to address pre-existing issues, but to mitigate the direct impacts of the development on local infrastructure. Having regard to the evidence before me, I am satisfied that each of the obligations is necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with Community Infrastructure Levy (CIL) Regulation 122, and Paragraph 58 of the Framework. I have therefore taken the completed agreement into account.

Other Issues Raised

53. Concerns have been raised that the proposal would prejudice delivery of the allocated site adjacent to the appeal site on Gaulby Road, but there is no persuasive evidence before me that the proposal would jeopardise its delivery, with LCC raising no concern from an access or highway safety perspective.
54. I have had regard to the Council's assessment of other matters, including living conditions, flood risk, biodiversity, providing accessible/adaptable dwellings and water efficiency, and have taken into account public representations made in these and other matters. On the evidence before me, I have no reasons to reach different conclusions to the Council, and such matters are neutral in the overall planning balance. I have not identified any other matters that would merit tangible weight for or against the proposal.

Planning Balance

55. Under Policy GD2(2), development is permitted adjoining the existing or committed built up areas of Market Harborough, Key Centres, the Leicester Principal Urban Area (PUA), Rural Centres and Selected Rural Villages where certain of seven criteria are met. The use of the word 'or' to separate criteria (a), (b) and (c) indicates only one of these is required to be met, with the remaining criteria (d) to (g) to be met in each case.
56. For reasons set out, the proposal would meet an identified and pressing district-wide housing need for SBCH and so would accord with criterion (b). I recognise that the development would exceed the settlement's minimum housing requirement in Policy H1 (of 10 dwellings) by some margin and so would arguably conflict with criterion (a) that development does not disproportionately exceed the settlement's minimum housing requirement. I am also mindful that Policy BPr1 of the NDPR sets out that this requirement has been more than met by committed developments of some 63 dwellings and allocation of the former lorry park site on Gaulby Road. However, it is clear that criterion (b) provides a permissible exception to the overall spatial strategy of the development plan where an identified need can be addressed.
57. In respect of the other criteria, the scale of the proposal would be appropriate to the size and level of service provision in Billesdon, in accordance with criterion (d). On the main issue, I have found that the proposal would be physically and visually connected to the existing settlement and landscape and would respect its form and character, in accordance with criterion (e), and would retain existing natural boundaries in accordance with criterion (f). Criterion (g) is not applicable to the appeal scheme. Therefore, I find that there would be overall compliance with Policy GD2, and by extension Policy GD4 relating to development in the countryside. There would also be corresponding

compliance with Policy BPr2 of the NDPR which defers to Policy GD2 in respect of development outside of the Billesdon Limits to Development.

58. The proposal would also accord with Policy GD8(1)(d) in terms of respecting the context and characteristics of the individual site, street scene and the wider local environment to ensure that it is integrated as far as possible into the existing built form. Whilst not formally cited by the Council on its decision notice, I also find no conflict with Policy GD5 in respect of landscape character, or Policies BPr14 and BPr20 of the NDPR relating to the protection of the countryside and design respectively.
59. I have had regard to other matters raised, including those of concern to local residents. For the reasons set out, I have not identified any material planning harms in other respects that would weigh materially against the proposal in the planning balance. Where necessary, matters can be addressed through planning conditions or the completed legal agreement.
60. Overall, the proposal would deliver a significant number of dwellings in a suitable location that would help to address demand for two specific forms of housing, and in the case of SBCH would go some way to addressing a very significant shortfall in delivery. It would also deliver housing at a time when the Council accepts it cannot demonstrate a sufficient supply of deliverable housing sites generally. Although the development would be in addition to existing commitments and allocations in Billesdon, the proposal would not be disproportionate in scale to the village and I am content that detailed designs to come forward at reserved matters stage would be able to integrate successfully into the surroundings so as to preserve the character and appearance of Billesdon and its hinterland. As such, it would accord with the overall spatial strategy for the district.
61. I conclude that the proposal would represent sustainable development that would accord with the development plan, taken as a whole. There are no material considerations of such weight as to indicate that a decision other than in accordance with the development plan should be forthcoming.

Conditions

62. I have had regard to the conditions put forward by the Council in its Statement of Case, and to responses of both main parties to my request for clarification in respect of some conditions, both at the hearing and subsequently in writing. Where necessary, I have amended the wording in the interests of precision and clarity. Given the split nature of the appeal site, both physically and in terms of the type of housing proposed, some conditions relate to the whole site and some to specific parcels, as the headings in the conditions schedule make clear. The bracketed numbers below refer to the condition numbers in the schedule.
63. A condition specifying the approved drawings is necessary to provide certainty as to the development permitted [1].
64. A construction traffic management plan [2] is required to ensure highway safety throughout the construction period. It is necessary to require the proposed accessed and off-site highways works to be undertaken prior to occupation in the interests of highway safety [6, 7]. It is further necessary to require visibility splays at the respective site accesses prior to occupation of each part of the development in the interests of highway safety [11, 17].

65. A Habitat Management and Monitoring Plan [3] is required to deliver appropriate protection of landscape features on and adjacent to the site and to deliver a net gain in biodiversity. This is a pre-commencement condition to ensure existing biodiversity is protected from the outset of development.
66. It is necessary to require infiltration testing [4] to be carried out prior to development commencing to demonstrate whether the site is suitable for the use of infiltration techniques as part of the drainage strategy, in accordance with HLP Policy CC4. A condition requiring a written scheme of investigation is also required to ensure satisfactory archaeological investigation and recording [5], and is necessarily pre-commencement to ensure any surviving remains are not disturbed by construction.
67. With respect to the SBCH part of the development, it is necessary to secure a design code [8] to guide the subsequent development and ensure a high design standard is achieved. This is required within one year of permission being granted to ensure it is in place prior to reserved matters applications being submitted, the particulars of which are set out under Conditions 9 and 10. Conditions setting out the reserved matters requirements for the First Homes part of the site are set out under Conditions 14 and 15.
68. It is necessary for both parts of the development to be subject to Construction Environmental Management Plans to control the impacts of the construction phase on biodiversity, flood risk, neighbours' living conditions and highway safety [12, 18]. Conditions are also required to secure the approval and implementation of surface water drainage schemes to the respective parts of the development [13, 19] to ensure proper drainage of the site and management of flood risk.
69. Finally, a condition is required to secure details of the proposed car park, including lighting and security strategies [16], to ensure the safety and workability of the parking provision.

Conclusion

70. For the reasons set out, therefore, the appeal should be allowed subject to the conditions listed in the attached schedule.

K. Savage

INSPECTOR

Schedule of Conditions

NOTE: For the avoidance of doubt, Conditions 1 to 7 apply to the whole appeal site. Conditions 8 to 13 apply to the custom/self-build site, i.e. development on the part of the site to the south-eastern side of Gaulby Road. Conditions 14 to 19 apply to the First Homes part of the development to the north-western side of Gaulby Road.

Conditions applicable to the whole development

- 1) The development hereby approved shall be constructed in accordance with the following plans:
 - Site Location Plan (GL1264 SK4B)
 - Access Design and Mitigation Plan (RHC-23-102-01 Revision D)
- 2) The development hereby approved shall not commence on the site until such time as a construction traffic management plan (CTMP) has been approved in writing. The CTMP shall include as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. Any phasing of development should be identified within the CTMP. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
- 3) No development shall take place (including ground works or vegetation clearance) until a 30-year Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by, the Local Authority prior to the commencement of the development. The content of the HMMP shall be based on the Biodiversity Metric 4.0 spreadsheet completed by The Habitat Bank (Issue 2, 2024) and include the following details:
 - a) Description and evaluation of features to be managed/created/enhanced.
 - b) Aims and objectives of management
 - c) Ecological trends and constraints on site that might influence management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan).
 - g) Species/seed mixes to be planted/sown
 - h) Details of the body or organisation responsible for implementation of the plan.
 - i) Ongoing monitoring and remedial measures to cover a minimum of 30 years.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning

biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

- 4) No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of both the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.
- 5) No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include:
 - A) the statement of significance and research objectives,
 - B) the programme and methodology of site investigation and recording
 - C) the nomination of a competent person(s) or organisation to undertake the agreed works
 - D) the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.Part D) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 6) No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Access Design And Mitigation Drawing No RHC-23-102-01 Revision D have been implemented in full.
- 7) No part of the development shall be occupied until such time as the offsite works shown on Access Design And Mitigation Drawing No RHC-23-102-01 Revision D have been implemented in full.

Conditions applicable to the Self-Build/Custom Housebuilding site only

- 8) Within one year of the date of this planning permission, and prior to the submission of any reserved matters application for any individual Self-Build/Custom Housebuilding plot, a Detailed Design Code for the Self-Build/Custom Housebuilding dwellings shall be submitted to and approved in writing by the Local Planning Authority.
- 9) Within two years of the date of this planning permission an application for approval of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") insofar as they relate to the initial phase of the Self-Build/Custom Housebuilding development which involves all elements of the Self-Build/Custom Housebuilding scheme not comprised within the individual Self-Build/Custom Housebuilding dwelling plots, shall be submitted, to include (but not be limited to) the following details:
 - the layout and surfacing of the internal access road, footway and any shared surfaces;
 - all car parking facilities and manoeuvring areas to be provided within the site - in accordance with Leicestershire County Council's standards (Leicestershire Highway Design Guide or any superseding document);

- any external lighting in these areas; and
- landscaping not incorporated within a residential plot curtilage including any shared open space and associated tree planting.

Approval of the details of the reserved matters in relation to the initial phase of Self-Build/Custom Housebuilding development shall be obtained from the Local Planning Authority in writing before any development on the site commences. Development shall be carried out in accordance with the approved details.

All subsequent reserved matters for each individual Self-Build/Custom Housebuilding plot or plots must be submitted not later than three years from the date of this planning permission and development must be begun not later than two years from the date of the approval of the last reserved matter for the initial phase of Self-Build/Custom Housebuilding. The reserved matters submissions for each individual Self-Build/Custom Housebuilding plot shall adhere to the Detailed Design Code approved under Condition 8.

- 10) Approval of the details of the reserved matters within any particular Self-Build/Custom Housebuilding plot shall be in accordance with the approved Detailed Design Guide and shall be obtained from the Local Planning Authority in writing before the development of the dwelling on that plot is commenced. This shall include:
- Layout and appearance of the dwelling
 - In-plot hard and soft landscaping
 - All boundary and enclosures, including to bin stores (if applicable)
 - All proposed external materials

The development of each Self-Build/Custom Housebuilding plot shall be carried out as approved.

- 11) The Self-Build/Custom Housebuilding development hereby approved shall not be occupied until such time as vehicular visibility splays as shown on Access Design and Mitigation Drawing No RHC-23-102-01 revision D have been provided at the site access in respect of the access on the southern side of Gaulby Road. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
- 12) The Self-Build/Custom Housebuilding development hereby approved shall not commence on the site, including any works of clearance or groundworks, until a Construction Environmental Management Plan for the Self-Build/Custom Housebuilding section of the development has been submitted to, and approved in writing by the local planning authority for the relevant phase. The Plan shall provide for:
- i) identification of potentially damaging construction activities
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials used in constructing the development, including top soil;
 - iv) the location of site compounds;
 - v) storage of plant and materials;

- vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) measures to control the emission of dust and dirt during construction;
- viii) measures to control and mitigate disturbance from noise;
- ix) a scheme for recycling/disposing of waste resulting from construction works;
- x) any on-site lighting as required during construction;
- xi) a scheme to deal with surface water runoff during the construction phase(s);
- xii) identification of biodiversity protection zones
- xiii) measures to protect existing trees and hedgerows proposed for retention;
- xiv) delivery, demolition and construction working hours;
- xv) timing of works to avoid harm to nesting birds;
- xvi) means by which the terms will be monitored, details of a contact person and the procedure for reporting and resolving complaints.

The approved Plan shall be adhered to throughout the construction period of the development.

- 13) The Self-Build/Custom Housebuilding development hereby approved shall not take place until such time as a surface water drainage scheme that covers the Self-Build/Custom Housebuilding part of the site 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 retained in perpetuity.

Conditions applicable to the First Homes site only

- 14) The First Homes development hereby approved shall not commence until details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 15) The First Homes development hereby approved shall commence prior to the expiration of two years from the date of approval of the last of the reserved matters to be approved for the First Homes development. Applications for the approval of all of the reserved matters for the First Homes development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 16) As part of the reserved matters application for the First Homes development, full details for the car park design and a security strategy for the car park area, including any lighting, CCTV and reference to Park Mark accreditation, shall be submitted to and approved in writing by the LPA. The car park provided shall be in accordance with the approved details, including the measures in the approved security strategy, and shall be thereafter retained and kept clear and used only for the purposes of car parking.

- 17) The First Homes development hereby approved shall not be occupied until such time as vehicular visibility splays as shown on Access Design and Mitigation Drawing No RHC-23-102-01 revision D have been provided at the site access in respect of the access on the northern side of Gaulby Road. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
- 18) The First Homes development hereby approved shall not commence on the site, including any works of clearance or groundworks, until a Construction Environmental Management Plan for the First Homes section of the development has been submitted to, and approved in writing by the local planning authority for the relevant phase. The Plan shall provide for:
- i) identification of potentially damaging construction activities
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials used in constructing the development, including top soil;
 - iv) the location of site compounds;
 - v) storage of plant and materials;
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) measures to control and mitigate disturbance from noise;
 - ix) a scheme for recycling/disposing of waste resulting from construction works;
 - x) any on-site lighting as required during construction;
 - xi) a scheme to deal with surface water runoff during the construction phase(s);
 - xii) identification of biodiversity protection zones
 - xiii) measures to protect existing trees and hedgerows proposed for retention;
 - xiv) delivery, demolition and construction working hours;
 - xv) timing of works to avoid harm to nesting birds;
 - xvi) means by which the terms will be monitored, details of a contact person and the procedure for reporting and resolving complaints.
- The approved Plan shall be adhered to throughout the construction period of the First Homes development.
- 19) The First Homes development hereby approved shall not take place until such time as a surface water drainage scheme that covers the First Homes part of the site 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 retained in perpetuity.

APPEARANCES

FOR THE APPELLANT:

Chris Green BSc (Hons) MA MRTPI AssocRICS	Director, C Green Planning Limited
Jonathan Golby BA (Hons) DipLA MA CMLI UDGRP	Director, Golby and Luck Limited
Simon Stannion	Consultant Solicitor, Shakespeare Martineau LLP
Andrew Roberts BA (Hons) MCIHT MTPS	Roberts Highway Consultants Limited
Ben Cripps	Appellant, Church Farm Billesdon Limited

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Weekes BSc (Hons) MA TP MRTPI	Technical Director, Aitchison Rafferty
Simon Neesam BA(Hons) Dip LA CMLI	Director, The Landscape Partnership
Samantha Hammond BA(Hons) Dip UP MRTPI	Planning Officer
Rishi Patel	Observing

INTERESTED PARTIES:

Simon Ford	Billesdon Parish Council
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Documents Handed Up at and following the Hearing

- Copy of Drawing GL1264 SK3H (Indicative Site Plan)
- Copy of Drawing GL1264 SK10A (Study Area Plan)
- Copy of Drawing GL1264 SK11 (Indicative Structural Landscaping Proposals)
- Copies of Development Plan Policies
- Copy of agreed revised list of planning conditions
- Comments from main parties on revised National Planning Policy Framework
- Emails dated 16 and 27 January 2025 from Council in respect of its current housing land supply position