

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Refusal of Planning Permission

Name and Address of Applicant

Jack Hemmings
C/O Agent

Name and Address of Agent (if any)

Mr Robert Williams
Alder Mill Enterprise Ltd
Unit 6A Alder Mill Business Park
Sheepy Road
Atherstone
CV9 3AH

Part I - Particulars of Application

Date of Application	Application No.
15 July 2025	25/00695/FUL

Particulars and location of development:

Demolition of existing building, greenhouses and raised beds and erection of 2 dwellings

87 Barton Lane Nailstone Nuneaton Leicestershire CV13 0PY

Part II - Particulars of decision

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application as required by the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). However, in this instance, it has not been possible to overcome the concerns raised and the proposal remains in conflict with the provisions of the Development Plan and therefore the application has been refused.

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s):-

1. The proposal creates new residential development in an unsustainable location in the designated open countryside and by virtue of its size, scale, design, height, siting, and footprint, the proposal represents the overdevelopment of a constrained site that exacerbates ribbon development in the countryside. As a result, the development fails to reflect local design policies and government guidance on design. This harm is heightened by the visual prominence of the development from Barton Lane and Public Footpaths S47 and S48, and the scheme's loss of all the existing landscaping and vegetation along the site's boundary with the public highway to facilitate the vehicular accesses.

Therefore, the scheme results in significant harm to the character of the site and the surrounding area, including the intrinsic value, beauty, open character, and landscape character of the designated open countryside. This is contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapter 12 and Key Policy Paragraphs 129 and 135 of the National Planning Policy Framework (2024), the National Design Guide (2019), and the Council's Good Design Guide (2020). The significant adverse effects of the proposed development significantly and demonstrably outweigh its potential benefits in these site-specific circumstances. In accordance with Key Policy Paragraph 139 of the National Planning Policy Framework, the planning application is refused.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

2. The application site is in an unsustainable location, and the proposed scheme represents the development of isolated homes in an area of poor transport sustainability in the designated open countryside whereby the future occupiers of the scheme are highly likely to be dependent on private motorised travel to meet their day-to-day needs. This is considered to cause significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside.

By virtue of these factors, the proposal is contrary to, and in conflict with, the Chapters 2, 11, 12, and 15, and Key Policy Paragraphs 84 and 115 of the National Planning Policy Framework (2024), Policies DM4 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), and the National Design Guide (2019).

NOTES TO APPLICANT :-

1. The application has been determined in accordance with the following submitted details:

• Application Form	(submitted: 15.07.2025)
• Biodiversity Gain Plan V2	(submitted: 23.09.2025)
• BNG Metric V2	(submitted: 23.09.2025)
• BNG Technical Note (V3)	(submitted: 23.09.2025)
• Design, Access, and Planning Statement	(submitted: 15.07.2025)
• Existing Elevations (631 225 03)	(submitted: 15.07.2025)
• Existing Floor & Roof Plan (631 225 02A)	(submitted: 15.07.2025)
• Existing Site Plan (631 225 01)	(submitted: 15.07.2025)
• Individual Trees Condition Sheet	(submitted: 15.07.2025)
• Preliminary Roost Assessment (V2)	(submitted: 14.08.2025)
• Proposed Elevations (631 225 05F)	(submitted: 22.10.2025)
• Proposed Floor Plans (631 225 04H)	(submitted: 22.10.2025)
• Proposed Visibility Splays (07A)	(submitted: 01.10.2025)
• Site Location Plan (631 225 06A)	(submitted: 15.07.2025)

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date :21 November 2025

NOTES

1. It will be most helpful if the application number shown overleaf is quoted on all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review
3. If you are aggrieved by the decision of the Local Planning Authority to refuse permission you may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. If your appeal is against a Minor Commercial Development, we would advise you to view the guidance on the Planning Portal website under Procedure Guidance, to confirm the time frame for appealing. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, (or could not have been so granted otherwise than subject to the conditions imposed by them,) having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 14 October 2004 must be made within six months of the date of this notice. If you intend to submit an appeal that you would like examined by inquiry then you must notify your Local Planning Authority (planning@hinckley-bosworth.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found on GOV.UK.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice/>.
5. If permission to develop land is refused whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

RNOTES (02/07/2014)