

APPEAL STATEMENT – 87 BARTON LANE, NAILSTONE CV13 0PY

Planning Inspectorate Reference: To be assigned

Local Planning Authority: Hinckley & Bosworth Borough Council

Application Ref: 25/00695/FUL

Site Address: Land West of 87 Barton Lane, Nailstone CV13 0PY

Proposal: Demolition of existing outbuilding/greenhouses and construction of two dwellings

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1. INTRODUCTION

This Appeal Statement is submitted in support of an appeal against the refusal of planning permission for the demolition of existing outbuilding/greenhouses and construction of two dwellings on land west of 87 Barton Lane, Nailstone.

The application (ref. 25/000695/FULL) was refused on 21 November 2025 for reasons relating to overdevelopment/ribbon development, visual impact from Barton Lane and nearby footpaths, and unsustainable location/isolated site. The Council's view is that these factors would result in harm to the character of the countryside.

This statement demonstrates that the proposal accords with the National Planning Policy Framework (2024) when read as a whole, and that the Local Planning Authority has failed to apply the statutory presumption in favour of sustainable development.

The Council cannot demonstrate a five-year housing land supply and there is no Neighbourhood Plan for Nailstone Parish. Accordingly, paragraph 11(d) of the Framework is engaged and planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.

The site does not constitute isolated development or overdevelopment and will not result in unacceptable visual impact or harm to the countryside.

2. SITE AND SURROUNDINGS

The appeal site lies on the south side of Barton Lane and forms part of a small, established ribbon of residential development. It is bounded by existing dwellings to both the east and west and is read physically and visually as part of this built cluster.

The site contains a dilapidated permanent outbuilding formerly used as a carpenter's workshop, together with redundant greenhouses and former garden land. An established vehicular access onto Barton Lane already exists.

The site lies approximately 400 metres outside the defined settlement boundary of Nailstone; 5 minutes' walk. Shops and services can be easily accessed in Barlestone (4 minute drive) and Ibstock (5 minute drive). Whilst the site is within the countryside for policy purposes, it is not isolated, remote, or detached from existing built form.

3. PLANNING HISTORY

There is no recent planning history directly relevant to the appeal. The former workshop building evidences a long-established lawful use on part of the site (see Appendix 1).

4. THE PROPOSAL

The proposal seeks permission to demolish the building and greenhouses and remove the garden beds, and to construct two modest single-storey dwellings with accommodation in the roof space. The design, scale and massing reflect the surrounding built form along Barton Lane, and the materials proposed are common in the local area.

Each dwelling will benefit from off-street parking, private amenity space and landscaping. The proposal meets Nationally Described Space Standards.

The Local Highway Authority has confirmed that the proposal is acceptable in highway terms; each house will have a driveway with parking for two cars and a rear cycle store.

5. REASONS FOR REFUSAL

The application was refused for the following reasons:

1. Alleged overdevelopment, ribbon development and visual prominence, resulting in harm to the character of the countryside.
 2. Alleged unsustainable and isolated location contrary to national policy, resulting in harm to the environment and to the character of the countryside.
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6. FIVE YEAR HOUSING LAND SUPPLY AND TILTED BALANCE

The statutory development plan comprises the Hinckley & Bosworth Local Plan. The Council has confirmed that it cannot demonstrate a five-year housing land supply. As a consequence, policies which restrict housing development in the countryside are out of date and paragraph 11(d) of the Framework is engaged.

There is no made or emerging Neighbourhood Plan for Nailstone Parish. In the absence of an up-to-date local policy framework, decision-making must default to the National Planning Policy Framework, with paragraph 11(d) forming the starting point.

Under paragraph 11(d)(ii), planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

This is a deliberately high policy threshold. The refusal reasons do not identify harm approaching this level. The tilted balance therefore weighs firmly in favour of the proposal.

7. REASON FOR REFUSAL 1

Overdevelopment/ribbon development

The Council acknowledges the existence of historic ribbon development along Barton Lane. The proposal represents logical infill within this pattern rather than encroachment into open countryside.

The dwellings are modest in scale, single storey with roof accommodation, and reflect the form of neighbouring properties. There are no landscape designations, protected views or identified sensitive visual receptors.

The Council has confirmed there would be no unacceptable impact on residential amenity or

Given that the proposal will replace an existing storage building and greenhouses with sensitively-designed new houses, it will not be overdevelopment.

The appeal site comprises a mixed planning unit. Part of the site is previously developed land, formerly occupied by a permanent commercial building and associated operational area. Evidence of this is provided at Appendix 1. The remainder is former residential garden land.

While residential gardens are excluded from the definition of previously developed land, national policy does not preclude their redevelopment. In any event, the application of the tilted balance means that PDL status is not determinative.

Visual prominence

The decision notice says that the development will have visual prominence from Barton Land and from Public Footpaths S47 and S48

The footpath to the south is 2 metres below the road level and screened from it by a hedge. The proposal site is not visible from this footpath. The footpath to the north also runs behind a hedge but would have intermittent views of the site. However the existing houses would also be visible, so there would be little overall change to the views.

From Barton Lane, the houses will be visible in the context of the existing neighbouring properties. Currently, the outbuilding and greenhouses are visible from Barton Lane, Therefore, there will again be little change to views.

We disagree that the proposal will be visually prominent in the countryside.

Figure 1 – Location of nearby footpaths (from whatawalk.com)

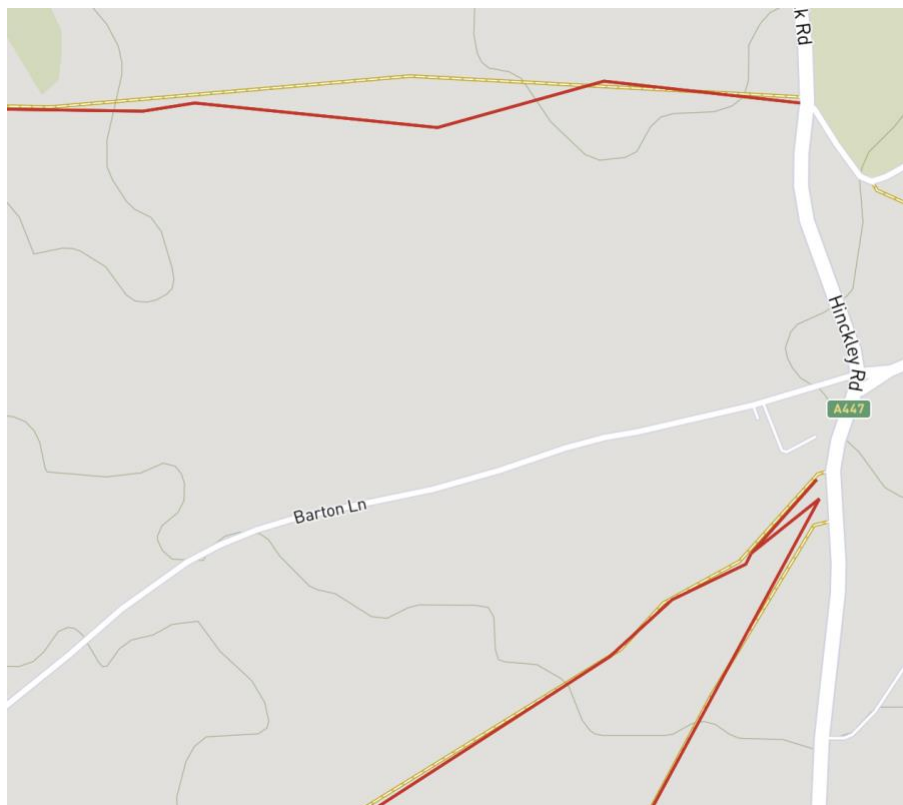


Figure 2 – Current view from Barton Lane, travelling east (from Google Streetview)



Figure 3 – Current view from Barton Lane, travelling west (from Google Streetview)



Character of the countryside

The proposal will not result in any harm to the character of the surrounding area. This side of Barton Lane is not ‘open’ because it is occupied by established ribbon development, and the proposal site is previously-developed land. The proposal has been carefully designed so that there will be very little change to views of the site. There will certainly not be ‘significant adverse impacts’ as claimed by the Council.

8. REASON FOR REFUSAL 2

Isolation – proper application of NPPF paragraph 84

National policy seeks to avoid isolated homes in the countryside. Isolation is a physical test concerned with remoteness from other built form, not a mechanistic application of settlement boundaries.

The appeal site is located between existing dwellings within a recognisable ribbon of development. It is not physically remote, sporadic or divorced from settlement form.

The refusal incorrectly treats countryside location as determinative of isolation, which is inconsistent with national policy. In objective terms, the proposal does not constitute isolated development and paragraph 84 is not engaged.

Sustainability

Sustainability must be assessed in the round, taking account of economic, social and environmental factors, as required by the National Planning Policy Framework.

Role and function of Nailstone

The Local Plan identifies **Nailstone as a rural village** and recognises the importance of maintaining a critical mass of population to sustain local services and community facilities. Local Plan policy indicates that, as a minimum, **approximately 20 additional dwellings are required to maintain the cohesion and long-term viability of existing community infrastructure** within the village.

Small-scale housing growth is therefore anticipated and positively required in order to support the continued operation of local facilities.

Shortfall in planned housing delivery

Of particular relevance is **site allocation NA103**, which was intended to deliver **17 dwellings**. In practice, only **12 dwellings** were constructed, all of which are large detached properties arranged in a ribbon-style form. Although the site was subsequently extended and

two additional dwellings were delivered, this still falls short of the original allocation requirement.

The appeal proposal must therefore be considered in the context of this **identified shortfall in delivery**. The provision of two additional dwellings makes a modest but meaningful contribution toward addressing that deficit. The relevant evidence regarding this shortfall is provided at Appendix 2.

Local services and facilities

Nailstone contains a primary school, church and public house, the latter incorrectly stated as absent in the Officer's Report. Additional housing directly supports the continued viability of these facilities, particularly the village school.

Access to Barlestone – walking and cycling connectivity

Paragraph 83 of the NPPF says that in rural areas, where there are groups of smaller settlements, development in one village may support services in a village nearby. The proposed new houses will support services in nearby Ibstock and Barlestone.

Barlestone, approximately 2km from the site, provides a wider range of day-to-day services including medical facilities, shops, a pharmacy and a dentist, as does **Ibstock** which is around 3.5km from the site.

Both villages lie within **easy cycling distance** of the appeal site and are also accessible on foot via **direct public footpath connections**. A review of the public rights of way register confirms continuous public footpaths between Nailstone and Barlestone/Ibstock, providing a safe, traffic-free walking route. The footpaths are illustrated on the map at Appendix 3.

Employment opportunities and economic sustainability

The appeal site is also well related to a range of **local employment opportunities**, reinforcing the economic dimension of sustainability.

Employment is available within the surrounding area through:

- **Local farm shops and agricultural enterprises;**
- **Public houses** and hospitality venues;
- **Retail**, service and community facilities in nearby villages.

There is a **Local Authority highways depot** located to the north on **Ibstock Road**, providing further employment opportunities in close proximity.

Of particular note is the redevelopment of the **former Nailstone Colliery**, which operated between 1866 and 1991, and has since been transformed into a **large distribution centre**. The approved Design and Access Statement for that development supports the principle of employing local people and identifies a total workforce of approximately **750 personnel**. This site lies within approximately 2km away from the appeal site on Wood Road.

These opportunities demonstrate that the appeal site is well related to a diverse local employment base and is not reliant on distant urban centres for work.

Transport and digital connectivity

Bus stops lie within walking distance of the site, providing access to surrounding settlements. The area also benefits from modern digital connectivity, supporting remote working and online services.

National policy expressly recognises that reliance on the private car is a normal and expected feature of rural life and does not render development unsustainable.

Overall Sustainability Conclusion

When assessed against the Framework as a whole, the proposal:

- Supports the identified role and function of Nailstone as a rural village;
- Assists in addressing a recognised shortfall in planned housing delivery;
- Helps maintain the cohesion and viability of existing community facilities;
- Is well related to local employment opportunities;
- Represents sustainable development in social, economic and environmental terms.

The Local Planning Authority's conclusion that the site is unsustainable is therefore not supported by national policy or adopted Local Plan evidence.

9. PLANNING BALANCE

Under paragraph 11(d) of the Framework, planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

The proposal delivers clear benefits including new housing in a district with a significant housing shortfall, support for rural community vitality, economic benefits during construction and occupation, and the efficient use of land between existing dwellings.

The alleged harms are limited and subjective and fall well short of the high policy threshold required to justify refusal. The tilted balance weighs decisively in favour of approval.

10. CONCLUSION

The refusal of planning permission results from an unduly restrictive interpretation of countryside policy and a failure to apply the presumption in favour of sustainable development.

When assessed against the National Planning Policy Framework as a whole, the proposal represents sustainable development.

The appeal should therefore be ALLOWED and planning permission GRANTED.
