

PLANNING STATEMENT

In Support of an Application under Section 73 of the Town and Country Planning Act 1990

Site Address	Land Adjacent Home Farm, Bradgate Hill, Groby, Leicestershire
Parent Permission	25/00374/OUT — Outline planning permission for the erection of two custom-build dwellings (all matters reserved except landscaping and access), granted by Hinckley & Bosworth Borough Council, 1 December 2025
Application Type	Section 73 — Application for Removal or Variation of a Condition following Grant of Planning Permission
Condition(s) Affected	Condition 2 (and, for the avoidance of doubt, confirmation regarding Condition 10)
Applicant	2012 Partnership Homes Ltd
Agent	J Singh, 2012 Partnership Homes Ltd
Date	26th July 2026

1. Introduction

1.1 This Planning Statement is submitted in support of an application made under Section 73 of the Town and Country Planning Act 1990 (“the 1990 Act”) to vary Condition 2 attached to outline planning permission 25/00374/OUT, granted by Hinckley & Bosworth Borough Council (“the Council”) on 1 December 2025 for the erection of two custom-build dwellings on land adjacent to Home Farm, Bradgate Hill, Groby, Leicestershire.

1.2 The application seeks a narrow and specific variation to the trigger point at which development may commence under Condition 2, so as to permit site preparation and enabling works up to and including floor plate/damp proof course (DPC) level — including in respect of the dwellings and associated ancillary structures shown on the accompanying Layout Plan — to proceed in advance of the approval of Reserved Matters for each plot. The application does not seek to alter the principle, scale, or quantum of development approved under 25/00374/OUT, nor any other condition attached to that permission save as set out below in respect of Condition 10.

1.3 This statement should be read alongside the completed application form, the accompanying Layout Plan (showing the position of the two dwellings and associated structures within the site boundary), and the Council's own decision notice for 25/00374/OUT.

1.4 The Layout Plan is submitted in order to fix the siting/position of the development within the site, so that the Council can be satisfied as to what is being enabled at floor plate/DPC level. Scale and appearance remain expressly reserved and are not fixed by this application; they will continue to be addressed through the Reserved Matters process, informed by the initial owner of each plot in accordance with the self-build/custom-build requirement discussed between the parties.

2. Site and Planning History

2.1 Outline planning permission 25/00374/OUT was granted on 1 December 2025 for the erection of two custom-build dwellings, with all matters reserved except landscaping and access. The permission was granted following the submission of a Unilateral Undertaking and is subject to eleven conditions.

2.2 Condition 1 requires an application for approval of Reserved Matters to be made within two years of the date of the permission, and for development of each plot to commence no later than one year from approval of the last Reserved Matters for that plot.

2.3 Condition 2 provides that development shall not commence on each plot until details of the layout, scale and appearance for that plot have been submitted to, and approved in writing by, the Council, and that development shall thereafter be implemented in accordance with the approved Reserved Matters.

2.4 A Reserved Matters application (26/00137/REM) has been the subject of detailed discussion between the applicant and the Council, principally concerning the correct approach to demonstrating that the initial owner of each custom-build dwelling will have primary input into its final design and layout. It is intended that a revised Reserved Matters application, informed by that discussion, will be submitted separately from, and is not the subject of, this application.

2.5 Conditions 9, 10 and 11 relate to ecological mitigation, a Biodiversity Enhancement Layout, and an external lighting design strategy respectively. Condition 10 already provides that no works above floor plate level may proceed until the Biodiversity Enhancement Layout for the relevant plot has been approved. The applicant submitted details for the discharge of these conditions in February 2026, [status/decision to be confirmed].

3. The Proposed Variation

3.1 The applicant proposes that Condition 2 be varied to permit site preparation and enabling works — specifically foundations, floor slab, and works up to and including DPC level, in respect of the dwellings and the associated structures shown on the Layout Plan — to be carried out on each plot in advance of Reserved Matters approval, while retaining the requirement that no works above floor plate level (including the building shell) may commence until Reserved Matters for that plot have been approved.

3.2 The proposed replacement wording is as follows:

“Development shall not commence on each plot until details of the layout, scale and appearance for that plot have been submitted to, and approved in writing, by the Local Planning Authority. Thereafter the development of each plot shall be implemented in accordance with the approved reserved matters.

Notwithstanding the above, site preparation and enabling works — including but not limited to foundations, floor slab and works up to and including damp proof course (DPC) level, in respect of the development shown on the Layout Plan — may be carried out on each plot prior to approval of the reserved matters for that plot. No works above floor plate/DPC level (including the building shell) shall commence on each plot until such time as details of the layout, scale and appearance for that plot have been submitted to, and approved in writing, by the Local Planning Authority.”

3.3 The reason for the condition is proposed to remain unchanged, namely: “To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).”

3.4 For the avoidance of doubt, the applicant confirms that Condition 10 is unaffected by this application. Condition 10 already restricts works above floor plate level pending approval of the Biodiversity Enhancement Layout, and the works proposed to be enabled by this variation — being at or below floor plate/DPC level — fall outside that restriction and are not intended to be brought forward ahead of compliance with Condition 10.

3.5 To enable the Council to be satisfied as to the siting of the works proposed to be brought forward under this application, the accompanying Layout Plan fixes the position of the development within the site boundary and in relation to the retained landscaping and access. This application does not seek approval of, and does not fix, the scale or appearance of the development, both of which remain to be addressed through the Reserved Matters process.

4. Justification for the Variation

4.1 Policy basis. Paragraph 025 (Reference ID: 21a-025-20140306) of the National Planning Practice Guidance confirms that conditions attached to reserved matters relate only to those reserved matters, and that any other conditions are properly attached at the outline stage. Condition 2 is such a condition, controlling the point at which development may lawfully commence by reference to the approval of layout, scale and appearance. The variation sought does not disturb that mechanism in principle; it adjusts only the point in the construction sequence at which the restriction bites, from ground level to floor plate/DPC level.

4.2 No prejudice to the planning objective. The reason for Condition 2 is to secure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10. Layout, scale and appearance will continue to require approval, by way of Reserved Matters, before any above-ground construction takes place. Site preparation and enabling works below floor plate level have no bearing on the external appearance, layout, or scale of the completed development and do not prejudice the Council's ability to control those matters through the Reserved Matters process.

4.3 Consistency with the custom-build character of the site. The dwellings are intended to be delivered as custom-build homes, for which the relevant test is that the initial owner of each home will have primary input into its final design and layout. Reserving all above-ground works, including the building shell, until Reserved Matters have been approved for each plot preserves the ability for that primary input to be secured, while permitting early-stage enabling works — which do not affect design or layout — to proceed without delay.

4.4 Practical and commercial need. The applicant has a pressing commercial need to mobilise on site, supported by confirmed purchaser interest. The current market for custom-build plots is challenging, and the ability to progress site preparation works supports the deliverability and marketability of the site without in any way compromising the safeguards Condition 2 is designed to secure.

4.5 Consistency with the approach of the Section 106 Unilateral Undertaking. The definition of “Commencement of Development” within the Unilateral Undertaking associated with 25/00374/OUT already excludes certain preparatory operations, including site clearance, diversion and laying of services, and investigations for the purpose of assessing ground conditions. The works proposed to be enabled by this variation are of a closely related, preparatory character, and the proposed condition wording places beyond doubt the position as it applies to Condition 2 specifically.

5. Assessment Against Development Plan Policy

5.1 Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) seek to ensure a satisfactory form of development, having regard to layout, design and appearance. As set out above, the variation sought does not remove or weaken the Council's control over these matters; it defers only the point at which above-ground works — which are what give rise to the layout, design and appearance considerations these policies are concerned with — may proceed.

5.2 The application is considered to be fully consistent with the objectives of the development plan and the National Planning Policy Framework, and to represent sustainable development for the

purposes of paragraph 38 of the Framework, consistent with the positive and proactive approach the Council adopted in determining the original outline application.

6. Conclusion

6.1 This application seeks a narrow, clearly defined variation to Condition 2 of planning permission 25/00374/OUT, to permit site preparation and enabling works up to floor plate/DPC level to proceed in advance of Reserved Matters approval, while retaining all existing controls over the layout, scale and appearance of the development, and preserving the ability for the initial owners of each custom-build plot to have primary input into final design and layout.

6.2 The variation is fully justified, does not prejudice any planning objective secured by the original permission, and will allow the applicant to progress a commercially pressing scheme without undue delay. The applicant respectfully requests that the Council determine this application under delegated powers and as expeditiously as possible.