



**Leicestershire
County Council**

**Hinckley & Bosworth
Borough Council**

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY REDROW HOMES AND PETER ANDREW FARMER

**SITE ADDRESS: LAND AT BURBAGE FIELDS FARM
BULLFURLONG LANE BURBAGE LEICESTERSHIRE**

PLANNING APPLICATION No: 24/00083/HYB

APPEAL REFERENCE: 6009074

**Statement of Case prepared on behalf of Leicestershire County
Council as Local Highway Authority and Hinckley Bosworth
Borough as the determining Local Planning Authority**

1. Introduction

- 1.1. This Statement of Case has been prepared jointly by Hinckley & Bosworth Borough Council ("the Local Planning Authority/LPA") and Leicestershire County Council ("the Local Highway Authority/LHA"). It sets out the matters on which the LPA and LHA rely in support of the LPA's decision to refuse planning permission for the proposed development and identifies the principal evidence and documents that will be referred to at the appeal.

- 1.2. The decision was to:

Refuse a Hybrid planning application for 422 dwellings, public open space, associated infrastructure and the demolition of 65 and 65a Coventry Road, and Burbage Fields Farm and outline planning application for a residential care home and up to 11no. self-build plots (all matters reserved except for access) on Land at Burbage Fields Farm Bullfurlong Lane Burbage.

- 1.3. The LHA advised the following highway reason for refusal within its final observations submitted to the LPA on 31 October 2025:

'The applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users contrary to paragraph 115 and 116 of the National Planning Policy Framework (2024).'

- 1.4. For completeness, the LHA notes that the LPA expanded the reason for refusal on the Decision Notice dated 22 January 2026, which is replicated below:

'The applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development from Coventry Road. The proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users. The residual cumulative highway and access impacts of the development are considered to be severe and significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the National Planning Policy Framework (2024) taken as a whole, contrary to Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and paragraphs 115 and 116 of the National Planning Policy Framework (2024).'

2. The Site and Location

- 2.1. The site for the proposed mixed-use development is located on the urban fringe of Burbage, Leicestershire, approximately 700 metres to the south-west of Burbage village centre and approximately 2.65km to the south-east of Hinckley town centre.
- 2.2. The site's northern boundary abuts Coventry Road for approximately 20m with the eastern boundary formed by the Burbage Rugby Football Club ground, Britannia Park playing fields, existing open fields and Workhouse Lane. The southern boundary is formed by the M69 with the western boundary formed by Bullfurlong Lane and existing residential properties accessed off Bullfurlong Lane.
- 2.3. The main vehicular access to the site is proposed off Coventry Road, which is an adopted unclassified road subject to a 30-mph speed limit by virtue of street lighting. The Coventry Road access would serve 367 residential dwellings, 11 self-build plots and the proposed 66 bed care home.

- 2.4. The alternative access to the site is via an extension to Flanders Close, that in turn links to Passchendaele Drive and then to the B578 Lutterworth Road. The second vehicular access would serve an additional 55 dwellings.
- 2.5. The sections of highway of concern to the LHA are:
- Coventry Road with the proposed site access and
 - The section of Coventry Road from its junction with Paddock Lane to its junction with proposed site access.

3. **Relevant Planning History of Site**

- 3.1. There has been no other planning application at the site that is relevant to this type of proposal.

4. **Relevant National and Local Planning Policy and Guidance**

- 4.1. When issuing the refusal, the LPA and LHA have had regard to the National Planning Policy Framework (NPPF, December 2024), the Site Allocations and Development Management Policies DPD 2016 and the Leicestershire Highway Design Guide (LHDG).

- 4.2. Paragraph 115 of the NPPF states:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

- 4.3. The LHA consider part (b) above to be relevant to this appeal.

- 4.4. Paragraph 116 of the NPPF states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'

- 4.5. The LHA consider the 'unacceptable impact on highway safety' element of paragraph 116 to be relevant to this appeal.

- 4.6. The emerging draft NPPF does not materially alter the long-established policy position that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network, following mitigation, would be severe. The "severe" threshold therefore remains a high policy bar and continues to apply when assessing transport impacts.

5. **Evidence to be submitted by the LHA**

- 5.1. The principal issue is therefore whether the proposed access from Coventry Road is safe and suitable for all users. The Council's position, supported by the Local Highway Authority, remains that the proposed access arrangements would give rise to unacceptable highway safety impacts and would conflict with Policy DM17 and paragraphs 115 and 116 of the Framework.
- 5.2. Although the LPA is the determining authority and must reach its own planning judgment, it is both entitled and required to have regard to material consultation responses received during the application process. In this case, the LHA is the relevant local highway authority and provided specialist advice that the proposed access arrangements would have a detrimental impact on highway safety. The Council was entitled to place weight on that technical advice in reaching its decision. That approach is consistent with the principles in *Shadwell Estates Ltd v Breckland District Council* [2013] EWHC 12 (Admin), in which the Court confirmed that the views of statutory consultees should be given great or considerable weight, and that departure from those views requires cogent and compelling reasons.
- 5.3. The main access proposed from Coventry Road would serve 367 dwellings, 11 self build units and a 66 bed care home. The secondary access point (from Flanders Close) would serve the remaining 55 dwellings only. The quantum of development proposed to be served off the proposed Coventry Road access is not considered to be suitable in this case. Several rounds of consultation were carried out with the local highway authority and further information provided by the applicant but the LHA advised throughout the application process that the proposed priority T-junction on Coventry Road was not "appropriate given the scale of development".
- 5.4. The LHA will outline its concerns in respect of the proposed site access arrangements on Coventry Road. Subject to any position which may be reached in advance of a Statement of Common Ground, the LHA will also highlight the existing parking implications on Coventry Road.
- 5.5. Of key importance regarding the Appellant's proposed changes to parking restrictions on Coventry Road near Victoria Road, the LHA will set out its concerns that there is no guarantee that a Traffic Regulation Order would be successful at public consultation or approved to restrict on-street parking along the route. The LHA is also likely to note that, in any case, additional parking restrictions would only displace parking in the immediate vicinity given the proximity to the convenience store and other driveways on Coventry Road.
- 5.6. The LHA considers that Coventry Road is a key link road between Burbage and the A5. The LHA will set out how it considers the design of the site access and lack of ghost right turn, as well as existing parking conditions, would have an adverse impact on the public highway.
- 5.7. The Council accepts that the presumption in favour of sustainable development set out at paragraph 11(d) of the Framework is engaged. The Council's housing supply policies are out of date and the emerging Local Plan has not yet been adopted. Moreover, the Council is unlikely to be able to demonstrate a five year housing land supply (5YHLS). The Council is still calculating its most up to date 5YHLS figure and will seek to submit further information and evidence on the topic prior to the inquiry. We acknowledge that the appeal proposal would deliver benefits, including the provision of market and affordable housing, self build units, specialist accommodation for older persons, public open space, biodiversity enhancements and economic investment. These benefits attract weight in favour of the proposal.

- 5.8. The Council also acknowledges that the site occupies a sustainable location and that matters relating to landscape, drainage, ecology, trees, heritage, residential amenity and other environmental effects are acceptable or can be adequately controlled or mitigated through planning conditions and planning obligations.
- 5.9. However, the Framework makes clear that development should be prevented or refused where there would be an unacceptable impact on highway safety. The Council considers in this case that significant weight should therefore be afforded to the identified highway safety harms set out above.
- 5.10. Taking all matters into account, the Council concludes that the adverse highway safety impacts of the proposal significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework taken as a whole. Accordingly, planning permission should be refused and the appeal dismissed.

6. **Documents to which the LHA/LPA may refer**

- 6.1. The following is a list of documents that may be referred to by the LHA or put into evidence at the hearing:
- Relevant national and local planning policy and guidance including the LHDG and NPPF (December 2024);
 - Relevant case law and appeal decisions;
 - Any other relevant documentation such as the Design Manual for Roads and Bridges (DMRB), Manual for Streets (MfS) and MfS2;
 - Documents, drawing and assessments submitted by the Applicant and their team; and
 - Evidence with respect to the updated position on the 5 year housing land supply