

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

**PLANNING APPEAL BY RICHBOROUGH, CLIVE VERO, GEOFFREY MALCOLM
VERO, KATHLEEN ANN SHEPPARD AND LESLIE ALAM JAMES**

**AGAINST THE REFUSAL OF PLANNING PERMISSION OF A PROPOSED
DEVELOPMENT OF UP TO 126 DWELLING WITH ASSOCIATED ACCESS,
LANDSCAPING, OPEN SPACE, AND DRAINAGE INFRASTRUCTURE (ALL
MATTERS RESERVED OTHER THAN ACCESS**

AT:

LAND NORTH OF STATION ROAD, MARKET BOSWORTH CV13 0PE

LOCAL PLANNING AUTHORITY REFERENCE: 24/01079/OUT

PLANNING INSPECTORATE REFERENCE: APP/K2420/W/25/3372919

JANUARY 2026

CONTENTS

Section 1: Introduction Page 3

Section 2: Appeal Site and Proposal Page 3

Section 3: Site History Page 3

Section 4: Local and National Policy Context Page 4

Section 5: Relevant Appeal Decisions Pages 4 - 6

Section 6: The Case for the Local Planning Authority Pages 7 - 18

Section 7: Comments on the Appellant's Case Pages 18 - 22

Section 8: Planning Balance and Conclusions Pages 22 - 24

Section 9: Appendices Pages 24 - 25

1. INTRODUCTION

- 1.1. This Statement sets out the Council's case in relation to the refusal of planning application 24/01079/OUT for the erection of up to 126 dwellings on land north of Station Road in Market Bosworth. The application was recommended for approval by officers but was refused by the Council's Planning Committee.
- 1.2. The Statement is to be read in conjunction with the previously submitted Committee Report and the Statement of Common Ground (SoCG) that is currently being agreed between the Council and the appellants' agent Fisher German LLP.
- 1.3. This Statement is written by Tim Hartley. At the time of the decision I was one of two Team Leaders in the Council's Development Management Service. I was a Team Leader at the Council from June 2022 to October 2025 and was the case officer's line manager. Prior to the Committee where the application was determined I emailed the Council's Planning Manager to set out my view that while I fully understood the reasoning behind the case officer's recommendation for approval and the decision of the Planning Manager and Head of Planning to agree with that recommendation, had I been the case officer for the application my own recommendation would have been for refusal of the scheme. I am now a freelance planning consultant. The email is attached as Appendix 1.

2. APPEAL SITE AND PROPOSAL

- 2.1. A full description of the appeal and site and of the proposal is set out within the Committee Report and also within the SoCG and so is not repeated here.

3. SITE HISTORY

- 3.1 The relevant site history is set out in within the Committee Report and also, in greater detail and with references to the relevant Core Documents, within the SoCG and so is not repeated here.
- 3.2 One decision not previously included though relates to the landing strip referenced at paragraphs 8.59 to 8.61 of the Committee Report. Decision notice 04/00796/CLU, a certificate of lawful existing use for an airfield, agricultural land, and one agricultural dwelling is attached at Appendix 2. The plan attached to the decision notice shows the runways and associated taxiway, hanger and dwelling.
- 3.3 A further relevant permission is 20/00457/CLE which relates to a lawful development certificate demonstrating that the erection of a bungalow at Wharf Farm originally approved under planning permission 76/0313/4M had been formally implemented and was extant. That decision notice is attached at Appendix 3 and a location plan showing the siting of the bungalow directly to the east of The Stables is shown at page 7 of Appendix 4. The plan relates to planning permission 03/00404/CONDIT which removed a personal use condition attached to the original permission. A subsequent application to remove the agricultural workers occupancy condition attached to the original permission was refused (20/01035/CONDIT).

4. LOCAL AND NATIONAL POLICY CONTEXT

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 provide that planning decisions must be made in accordance with the development plan unless there are material considerations to indicate otherwise. Statutory duties relating to proposals affecting conservation areas are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.2 The Development Plan, insofar as it is relevant to this appeal, comprises Hinckley and Bosworth Core Strategy (2009), Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP) and the Market Bosworth Neighbourhood Plan (MBNP) (July 2025).
- 4.3 Development plan policies and planning guidance considered to be of relevance to the determination of the appeal are also set out in the Statement of Common Ground.
- 4.4 The NPPF is of key relevance to the determination of this appeal, and those paragraphs of greatest relevance are detailed below in the case for the LPA and in the following section that comments on the appellant's case.

5. RELEVANT APPEAL DECISIONS

- 5.1 The LPA is mindful that each case must be determined on its own merits and that therefore comparisons with other appeal decisions are seldom of assistance. In this case though the previous appeal decision, APP/K2420/W/21/3279808 (CD6.03c), on a part of the same site but for half the number of dwellings now proposed is a particularly relevant and important material consideration with regard to the current appeal.
- 5.2 This appeal site was for a significantly smaller site and comprised development of the two existing fields on either side of the golf course access (CD6.03). While the scheme sought to protect Important View 1 and Important Vista 11, in much the same way as the current proposal seeks to protect View 1 and Vista I, as renamed in the recently made 2025 Market Bosworth Neighbourhood Plan (MBNP), the Inspector dismissed that appeal, which was for up to 63 dwellings, due to the effect of the appeal proposal on the character and appearance of the area, with particular regard to important View 1 and Vista 11.
- 5.3 It is acknowledged that the current appeal site is both significantly larger and proposes up to double the number of dwellings proposed in this previous appeal scheme. It is also acknowledged that the proportion of the site that it indicated as not including dwellings is greater than that indicated on the previous scheme. In comparison to the dismissed scheme the bulk of the dwellings proposed are located to the west of the current site on land that did not form part of the previously dismissed appeal site. Nevertheless it is considered that several points raised by the Inspector in the decision letter are worthy of highlighting.

- 5.4 At paragraph 7 the previous Inspector dealing with the appeal relating to the up to 63 dwellings on the site considered that the wooded hilltop was integral to the locally distinctive character and appearance of the settlement's setting from one of the main approaches to Market Bosworth along Station Road.
- 5.5 At paragraph 8 the Inspector contrasted the south side of Station Road with the relatively undeveloped countryside character on the north side to which the appeal site positively contributed and reinforced. The Inspector also considered that the site reflected the characteristics of the typical qualities of the National Character Area 94 and of the Local Character Area C Bosworth Parkland and that the site itself had a particular informal scenic quality on account of its role as an important part of the towns pastoral countryside setting. It is the view of the Council that the increase in size of the site and the number of dwellings proposed in comparison to the previously dismissed appeal further highlights the paramount importance of protecting the scenic qualities of the site.
- 5.6 This pastoral setting and its importance to the character of Market Bosworth has been referenced in recent appeal decisions relating to a site to the south west of the town centre (APP/K2420/W/23/3317090 and APP/K2420/25/3369401 attached as appendices 5 and 6 respectively). In the most recent of these decisions the Inspector sets out at paragraph 37 of the decision letter that the countryside around Market Bosworth and its relationship with the entrance roads is a major factor in the appreciation of the character of the settlement. At paragraph 33 of the earlier appeal decision the Inspector notes that "*The proximity of the countryside to the historic core of the town has been identified as a key characteristic of this location.*" While that location related to land north of Shenton Lane it is the LPA's case that these circumstances also apply to the current appeal site and this is set out in greater detail below.
- 5.7 At paragraph 9 the previous Inspector set out that the relationship of the countryside with the existing built form is one of Market Bosworth's important characteristics that contributes significantly to its local distinctiveness and that the designation through the MBNP of the Important View and Vista sought to protect and enhance existing important landscape characteristics and that Policy CE5 sought to conserve and enhance the distinctive landscape that surrounds the town. It is the view of the LPA that nothing has altered regarding these issues and that the increase in the size of the site and the number of dwellings proposed has only increased the adverse impacts of the proposals.
- 5.8 At paragraph 10 the previous Inspector noted the extensive green, countryside landscape context to Important View 1 and at paragraph 11 the Inspector noted the panorama that is now the subject of Important Vista I was uninterrupted by built development and which provided wide horizontal countryside views that were far reaching towards North West Leicestershire. It is the view of the LPA that nothing has altered regarding these conclusions and that the increase in the size of the site and the number of dwellings proposed has only increased the adverse impacts of the proposals.

- 5.9 At paragraph 12 the Inspector states that the previous proposals, on a smaller site and for half the number of dwellings, would fundamentally alter the site's character and appearance. It is acknowledged that the appellants' have sought to address the concerns of the Inspector, but it is the opinion of the Council that the revisions have failed and do not result in a proposal that is any more acceptable in the planning balance than the previous scheme.
- 5.10 At paragraph 13 the previous Inspector set out that the contribution that the undeveloped appearance of the appeal site makes to the informal pastoral foreground and framing of the exposed wooded hilltop within Important View 1 was what set this particular site apart from other undeveloped countryside sites surrounding the town. It is the view of the LPA that this remains the case.
- 5.11 At paragraph 15 it is the view of the LPA that the conclusion reached by the previous Inspector that only a remnant of Important Vista I would be left remains the case and that given the increased size of the site and the number of dwellings proposed the effects on Important Vista I have only worsened.
- 5.12 At paragraph 16 the Inspector commented on the same new vantage points that are now offered by the appellants' that would provide vista from within the site. The previous Inspector's conclusions were that the informal pastoral foreground would be foregone and that the observer would be presented with the stark upper components of the proposed built development thereby representing the substantial depletion of unimpeded Vista I. At paragraph 17 the inspector concluded that the harm to Vista I would be significantly adverse. It is the view of the LPA that nothing has altered regarding these conclusions and that the increase in the size of the site and the number of dwellings proposed has only increased the adverse impacts of the proposals with regard to Important Vista I.
- 5.13 Also attached are several appeal decisions within Hinckley and Bosworth Borough that are relevant to two specific matters of relevance to the appeal – the weight to be given to conflict with Policy DM4 of the SADMP and the weight to be given to the provision of affordable homes. These are referenced within the section that deals with the case for the LPA .
- 5.14 With regard to the weight to be given to conflict with Policy DM4 the LPA considers that the most recent appeal decision, received on 15 December 2025 is the most relevant, APP/K2420/25/3369401, attached at Appendix 6. Here at paragraphs 42 to 44 the Inspector refers to both the previous appeal decision, attached at Appendix 5 and the same Hinckley and Bosworth appeal decisions that are attached here at Appendices 5 to 10, with the exception of the appeal decision referenced at Appendix 8 where a subsequent appeal on the same site is attached. In each of these appeal decisions the conclusion with regard to Policy DM4 was that it was in broad compliance with the Framework.

6 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 6.1 The planning application was refused for one single reason – that the scheme resulted very significant permanent harm to the character of the site, Important View 1, Important Vista I, the surrounding area, and the intrinsic value, beauty, open character and landscape character of the designated open countryside that was contrary to development plan policies and key policy paragraphs of the Framework and that the harm was so significant that significantly and demonstrably outweighed the benefits of the scheme when assessed against the Framework as a whole. The second reason for refusal relates to the signing of a S106 Agreement and it is anticipated that this will readily fall away. The officer assessment of the application is set out in considerable detail in the Committee Report that forms a key background paper. This Statement seeks to highlight the points of difference between members and officers and to avoid repetition as far as possible while at the same time setting out the Council's case for why the appeal should not succeed.
- 6.2 It is important to point out that as line manager for the case officer who dealt with the application during the entire time taken to process the application I had known that the recommendation was finely balanced and that the final recommendation for approval was subject to considerable discussion between the case officer, myself as Team Leader, the Planning Manager and the Head of Planning.
- 6.3 It is also worth setting out that Planning Committee members know their borough far better than their officers and far better than experts brought in to officer specialist advice. It is noted that the LUC landscape architect who advised the Council on the submitted LVIA was from their Manchester office and that Tyler Grange, the Appellant's landscape consultants have their offices in London, Exeter, Bristol and Cirencester. Planning Committee members are in no way bound by the recommendation made on a planning application by officers.
- 6.4 The Council's case is a simple one. It is that the harm to the special character of the area is greater than was considered to be the case by Tyler Grange, by LUC and by the case officer and that it is so significant that it significantly and demonstrably outweighs the benefits of the scheme when considered in the planning balance.
- 6.5 While the Council's case is a simple one it does have several strands to it and these are assessed below.

Character of the area and the previous appeal

- 6.6 In reaching its conclusions the Planning Committee will have been particularly mindful of the planning history of the site where previously an outline application for 63 dwellings, submitted by the same applicant, was recommended for approval by officers but was refused by the Planning Committee due to the effect on the character of the area and then dismissed at appeal. While this scheme was on a smaller site area it was for half the number of dwellings that are now proposed.

- 6.7 The circumstances of the appeal decision are therefore considered to be of particular relevance to the Committee as the same circumstances pertained – i.e. that the application had been recommended by officers for approval, but the Inspector had then dismissed the appeal. The Inspector's views are referenced within the Committee Report but are also set out above in the section of the report that deals with relevant appeal decisions and further examined here given the circumstances of the current appeal. In doing so the differences and the similarities between that appeal scheme and this must be taken into account. The former appeal related to part of the same site and was for half the number of dwellings. The area of the site set aside to account for Important View 1 along Station Road and to account for Important Vista I has been enlarged but the scope and importance of Vista I (former Vista 11) has been emphasised within the newly made MBNP and the fields to the west of the former appeal site are now included within the application.
- 6.8 As is set out above at paragraph 5.4 the previous Inspector stated that Station Road and the wooded hilltop effectively contained the settlement edge from the surrounding countryside and that the wooded hilltop was integral to the locally distinctive character and appearance of the settlement's setting from a main approach along Station Road. It is the case of the LPA that the proposal would erode the countryside setting to the wooded hilltop and that although built development is set back further from Station Road than was previously the case the built development and the managed open space, which has a very different character to open countryside, will still, partly as a result of the significantly increased numbers, result in the loss of the locally distinctive character and appearance of the settlements setting when approaching Market Bosworth from Station Road.
- 6.9 As referenced above at paragraph 5.5 the previous Inspector set out the contrast between the south side of Station Road and the north with its green, relatively undeveloped countryside character to which the appeal site, significantly smaller than is now the case, positively contributed and reinforced. It is the case of the LPA that the green and relatively undeveloped countryside character remains and that given the significant increase in the size of the site this countryside character would be almost entirely lost given that the land closest to the Station Road frontage would also significantly change in character from undeveloped countryside to managed open space which the appellants themselves acknowledge would include circular walks, nature trails, children's natural play trails and a range of equipped play areas, amenity open space, significant areas of biodiversity enhancement and a community orchard. While this is an outline application all of this open space would inevitably, given the acknowledged need to address the requirements of Policy CE3 of the MBNP, be located within the set back from Station Road that the appellants seek keep free from built development. It is the case of the LPA that none of this managed open space would appear as countryside and that in contrast to the two landscape consultants and the case officer the effect of the proposals on the relatively undeveloped countryside character of this northern side of Station Road would be very significantly detrimentally altered.
- 6.10 As is noted by the Inspector at paragraph 8 the appeal site clearly forms part of the countryside. It is the case of the LPA that as a result of the development the now

much larger site would no longer clearly form part of the countryside and that this represents significant harm to the character and appearance of the area.

- 6.11 As referenced at paragraph 5.5 of this statement, the Inspector goes on in paragraph 8 to state that the appeal site reflects characteristics of the typical qualities of the National Character Area 94 and the Local Character Area C Bosworth Parkland and that the site itself has a particular informal scenic quality on account of its role as an important part of the Town's pastoral countryside setting. It is the case of the LPA that the enlarged site continues to reflect those same characteristics and that it continues to have a particular informal scenic quality and that as a result of its significantly greater size when compared to the previous appeal scheme, its role as an important part of the town's pastoral countryside setting is of considerably greater importance.
- 6.12 The importance of this point to the Council's case is referenced at paragraph 8.78 of the Committee Report which points out the frequent reference to the appellants' landscape consultants' frequent reference to the peri-urban context of the site. As the case officer states the LVIA fails to acknowledge the extent of the context of the site, its rural character and the comments of the previous Inspector. It is the case of the Council that the Committee Report underplayed the significance of this failure on behalf of the landscape consultants. The LVIA did not simply fail to acknowledge the site's context, it failed to understand the importance of the site to the setting and character of the town, or, as the Inspector phrased it, the site's role as an important part of the town's pastoral countryside setting.
- 6.13 It is the case of the LPA that both sets of landscape consultants have assessed the site without sufficient reference, acknowledgement or understanding of the key role that the pastoral countryside setting plays in forming the character of Market Bosworth.
- 6.14 It is the case of the LPA that the previous Inspector, in contrast to the appellants and the then case officer, appropriately recognised the importance of the role that the countryside on the north side plays in the setting to one of the main access routes into the town. At paragraph 9 of the previous appeal decision the Inspector set out that the relationship of the countryside with the existing built form was one of Market Bosworth's important characteristics which contributed significantly to local distinctiveness and that specific to the appeal site, in exactly the same way as is the case for this appeal, was the designation through the MBNP of inward facing Important View 1 and outward facing Important Vista 11, now Important Vista I. Station Road is one of the main access routes in to Market Bosworth and it is the case of the LPA that with the inevitable growth of the town that will take place to the south of Station Road there is greater importance placed on retaining an expanse of open countryside that performs such a key role and contributes so much in helping to define one of the important characteristics of the town that makes its setting so distinctive.
- 6.15 As referenced above at paragraph 5.8, paragraph 10 the previous Inspector's decision letter set out that the main component and focus of Important View 1 was

the appreciation and focus of the commanding, exposed wooded hilltop which rises above the appeal site. It is the case of the LPA that while built development has been pushed back from the Station Road frontage the Important View 1 will still be viewed within the context of a very significantly altered landscape on the north side of Station Road with managed open space being appreciated in the foreground with built development beyond. The extensive green countryside landscape would be lost, and this loss is considered to result in significant harm to the intrinsic value, beauty, open character and landscape character of the site and surrounding area.

- 6.16 As referenced above, key to the refusal of the application is the extent of the detrimental effect, and therefore harm, that the proposal will have on the character of the area. An assessment of the site's contribution to the character of the site and the wider area is set out at paragraphs 8.73 to 8.98 and so is not repeated here. There are though key points that are relevant to the necessary explanation for why the Planning Committee and the author of this Statement ultimately took a different view on the scheme than the case officer and the Appellants.
- 6.17 As is set out above at paragraph 5.4 the LPA considers that the current appeal site has those same characteristics that the previous appeal Inspector identified and that contributed to the dismissal of that appeal. Paragraphs 8.73 to 8.85 of the Committee Report clearly set out the site contribution to character of the area and so are not repeated here. It is the Council's case that the site as a whole contributes significantly to the important rural and pastoral countryside setting of Market Bosworth and that its loss is significantly harmful as set out within reason for refusal 1.

Important Views and Vistas and their importance to the character of Market Bosworth

- 6.18 An assessment of the development's impact upon the Important Views and Vistas that are the subject of Policy CE3 of the MBNP and on the wider landscape is set out in considerable detail at paragraphs 8.99 to 8.154 and so is not repeated here. The Council's case does not depart from what is set out in that section of the Committee Report with the one important exception that it is the case of the Council that paragraph 8.153 fails to recognise the importance of the site to the distinctive character of Market Bosworth. As the previous inspector considered was the case as expressed at paragraph 13 of the decision letter, the contribution that the undeveloped appearance of the appeal site makes to the informal pastoral foreground and framing of the exposed wooded hilltop within Important View 1 is what sets this particular site apart from other undeveloped countryside sites surrounding the settlement.
- 6.19 At paragraph 5.5 above reference is made to a recent appeal decision regarding an outline application for up to 100 dwellings on land north of Shenton Lane where the Inspector referenced the countryside around market Bosworth and its relationship with the entrance roads being a major factor in the appreciation of the character of the settlement. This same point is made within the Market Bosworth Conservation Area Appraisal (MBCAA) (Appendix 7) which states at paragraph 4.1 that all routes into Market Bosworth converge on the Market Place which is the centre of the Conservation Area. At paragraph 4.2 the MBCAA states that "*The countryside around*

the settlement and its relationship to the entrance roads is a major factor in the appreciation of the character of the village and its Conservation Area.”

- 6.20 In continuing to describe the entrances to the Conservation Area, Paragraph 4.7 of the MBCAA sets out that *“From the west Station Road enters the settlement through primarily modern development with only isolated examples of buildings which pre-date the First World War... This modern development is divided into three distinctly separate elements. The canal side buildings which reflect waterway structures in appearance and scale and are isolated from other development along the road by the canal itself and the Shackerstone railway lines. Beyond the bridge over the railway, the road rises gently up to a wooded knoll with wide vistas of countryside to the north and continuous development to the south.”*
- 6.21 As is pointed out at paragraph 4.8 of the MBCAA this characteristic of one side of the road being developed and the other having wide countryside vistas is shared by Station Road, Shenton Lane and The Park (which is the eastern approach into Market Bosworth). Importantly paragraph 4.8 states *“This is a very memorable characteristic of the settlement which should be protected.”* It is the Council’s case that the proposed development fails to protect this important characteristic that is of great importance to the character of Market Bosworth.
- 6.22 This entrance to Market Bosworth from Station Road and the “wide vistas” referenced above are illustrated well in this Google Streetview image below that is dated July 2023. As the Inspector will see on their site visit the bridge parapet is low and the vistas to the north open out before the crest of the bridge is reached and then continue in various forms all the way along Station Road as illustrated on the subsequent images.





- 6.23 Station Road is one of the two most trafficked routes into Market Bosworth. The approach from the east benefits by being protected from inappropriate unsustainable development by the Market Bosworth Country Park which lies to the immediate south of the main route in from the east. The contribution that the site makes to the approach into Market Bosworth from the west is therefore considered to carry greater significance than would otherwise be the case. It is the view of the LPA that the importance and contribution that is made by the site to the character of Market Bosworth has been underplayed in the Committee Report.
- 6.24 It is considered that despite the setback of the homes from the Station Road frontage and the absence of homes to the east of the access to the golf course that is shown on the submitted Parameter Plan Rev C, the development of up to 126 homes on the appeal site would, given the typography of the site and the number of dwellings proposed, result in the loss of a distinctive and important characteristic of the town that would significantly and demonstrably outweigh the benefits of the proposal.

- 6.25 It is the case of the LPA that in enlarging the application site the application has a greater and therefore more significantly detrimental impact on Important Vista I than the previously dismissed appeal had on Important Vista 11. As is set out at page 48 of the MBNP Landscape Review the positive features of Important Vista I are the foreground and middle distance views of grass field with hedgerows and distant views of hedgerows and woodland on the skyline. For most of the length of Station Road these positive features will be almost entirely lost. Managed open space will replace grass fields in the foreground and in the middle distance built development will result in the very great loss of distant views of hedgerows and woodland on the skyline.
- 6.26 The LPA acknowledges that planting will soften some of the impacts of the scheme but it is the case of the LPA that much of this planting will be seen as managed planting not the typical hedgerow planting that is typically seen and that is an acknowledged important feature of the current landscape character or the 'scattered trees' that are a feature of the Bosworth Parkland that surrounds the town that the previous Inspector noted at paragraph 8 of the decision letter, and as referenced above at paragraph 5.4 of this statement, that gave the site "a particular informal scenic quality on account of its role as an important part of the towns pastoral countryside setting."
- 6.27 As set out above the recommendation was finely balanced and was subject of discussion and debate between me as Team Leader and the case officer as well as subsequently with the Planning Manager and the Head of Planning. It is also worth reiterating that as the author of this Statement I did not support the recommendation to approve the application.

The Countryside and Policies DM4 and CE5

- 6.28 The site lies within the countryside. The LPA acknowledges that the Local Plan is out of date, but the Framework is clear, at paragraph 232, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Policy CE5 of the MBNP has similar aims but now adds that housing proposal adjacent to the existing settlement boundary will be considered positively providing it is accompanied by an up-to-date housing needs assessment and providing any adverse impacts do not outweigh the benefits of the development. As is very clearly pointed out at paragraph 8.15 of the Committee Report the fact that the proposal does not comply with either policy does not mean that the development is not sustainable.
- 6.29 As a matter of policy the LPA does not apply Policy DM4 or Policy CE5 as a blanket protection of the countryside. It does not do that as clearly there will be types of development, such for example as agricultural buildings that do not benefit from permitted development rights or stables, that do not fall within any of the categories a) to e) of Policy DM4, which are set out in full at paragraph 8.13 of the Committee report so not repeated here, but that are clearly in principle correctly considered to be sustainable development within the countryside.

- 6.30 Furthermore, the LPA has many appeal decisions where Inspectors have agreed that despite a difference in the wording between Policy DM4 and the NPPF, there is a strong degree of consistency between Policy DM4 and the NPPF. One example is attached at Appendix 8. This appeal related to the development of 80 dwellings in the countryside. At paragraph 18 of the appeal decision the Inspector stated there had been discussion as to whether Policy DM4 was consistent with the Framework but that *“it is clear that it is protection from unsustainable development that is sought, rather than a blanket protection of all countryside.”* (LPA emphasis).
- 6.31 A second example is appeal decision 3262295 (attached at Appendix 9) which related to a development of 55 dwellings within the countryside. Here, at paragraph 84 the decision letter the Inspector stated that *“To the extent that Policy DM4 seeks to implement the Core Strategy through its approach to the countryside and settlement boundaries, it is out of date. In terms of weight, the emphasis of the policy is to promote sustainable development in the countryside and protect it from unsustainable proposals. In that regard, there is broad compliance with the NPPF and so the policy can be afforded significant weight.”*
- 6.32 A third example is appeal decision 3290898, attached at Appendix 10, relating to the erection of five dwellings in the countryside where the Inspector stated at paragraph 15 *“I find that Policy DM4 is also broadly consistent with the aims of the Framework”*.
- 6.33 Given that it has been issued so recently, on 15 December 2025 APP/K2420/25/3369401 which is attached at Appendix 6 should also be referenced. This decision followed a previously dismissed appeal on the same site but with a different access and slightly few dwellings being sought – up to 100 as opposed to up to 125. The main issue in this second appeal was the effect of the proposal on the living conditions of residents on York Close with regard to noise, disturbance and character.
- 6.34 Here the Inspector set out at paragraph 42 of the decision letter that the proposal for housing did not fall within the forms of development listed in the policy and that therefore the proposal would conflict with it.
- 6.35 At paragraph 43 the Inspector set out the appellants view that Policy DM4 should be given limited weight and that the appellant contended that the Council sought to apply the policy as a blanket protection of the countryside, which was not consistent with the Framework. The Inspector rejected that assertion and, in common with the vast majority of Inspectors determining appeals within the borough, considered that Policy DM4 was in broad compliance with the Framework. This view was elaborated on in the following paragraph 44.
- 6.36 While subsequently in paragraph 45 the Inspector gave limited weight to the conflict with Policy DM4 this was clearly in part related to the fact that the LPA was not contending that the proposal had a significant adverse effect on the intrinsic value, beauty or character of the countryside – that is not the case with this appeal.

Market Bosworth Landscape Review and future growth of Market Bosworth

- 6.37 The Appellants have set out the view in the LVIA (May 2025) and elsewhere, including in their legal challenge to the MBNP, that the Parish Council's Landscape Review had the effect of precluding future development around Market Bosworth. This is evidently not the case. As is pointed out within the Landscape Evidence dated 12 November 2025 at paragraph 3.15 with reference to the site to the south of Station Road (24/00560/HYB), the accepted direction for the growth of Market Bosworth is towards the west of the town. It is the case of the LPA that this fails to understand the importance of the difference characters of the landscapes to the north and south of Station Road that was understood by the Inspector in the decision on the previous appeal and which is examined extensively within this statement and in particular at paragraphs 6.9, 6.14, 6.20 and 6.23. The Station Road Development Brief March 2021 requires at page 22 which deals with the design principles for the development of the site, that the access *"should also look to avoid barriers to any potential future development, particularly to the south and east."*
- 6.38 This is then taken forward in the emerging Local Plan where the February 2022 Regulation 19 Consultation version of the Plan identified an allocation of land for 180 homes on land to the south and east of the Station Road site that is the subject of application 24/00560/HYB. This was carried forward unchanged into the 2024 Regulation Consultation. While it is agreed that given its state of preparation no more than very limited weight can be attributed to the emerging Local Plan it is evident that there is a clear location for future growth in the town.
- 6.39 The views of the community have been recently expressed through the newly made MBNP. Paragraph 6.15.2 sets out that early consultations and representations from landowners identified two potential areas for development – the land north of Station Road that is the subject of this appeal and the land south of Station Road described above. As is confirmed *"Community consultation during the development of the original Neighbourhood Plan showed overwhelming support for development to the south of Station Road in preference to developments on the north side. This was reaffirmed at consultations for this latest modification."*
- 6.40 It is clearly envisaged that future growth in Market Bosworth would be able to take place to the south and east of the existing Station Road site that is the subject of application 24/00560/HYB which has been approved by Planning Committee and where the decision is to be issued once the S106 Agreement has been signed.
- 6.41 Similarly the recent appeal on the Shenton Lane / York Close site was not refused, nor was the previous appeal on that site dismissed, for reasons that related to the effect of development on the site itself on the character of the town. The first proposal, with its access on Shenton Lane was refused and dismissed due to the impact of the road works on Shenton Lane and the significant harm that caused to the setting of the Market Bosworth Conservation Area and to the very rural character of the lane. The second proposal, which revised the access so that it was from York Close rather than from Shenton Lane, was refused by the Planning Committee and dismissed by

the Inspector solely due to the effect on neighbouring residents and the very significant change in character of the existing quiet cul-de-sac at York Close.

- 6.42 It is therefore clearly not the case that the Landscape Review results in restricting any future growth of Market Bosworth.
- 6.43 In support of the Council's case on this point it is worth noting the opinion of Judge Jarman in response to the appellants', Richborough's, legal challenge to the MBNP that Policy CE3 and the identified views and vistas resulted in a blanket protection of all undeveloped land around the town. At paragraph 5 of that decision, attached at Appendix 11, the judge states that Policy CE3 was not a blanket ban but applied where proposed development has a significant adverse impact on an important view, vista or the character of the parish, unless it can be demonstrated how that development is appropriate and considered sustainable development, and can integrate with the character of the landscape.
- 6.44 It is the case of the LPA that the proposed development has a significant adverse impact on Important View 1 and Important Vista I that cannot be adequately mitigated by planting that would be in itself uncharacteristic of the wider area and that would be viewed as an alien feature within the otherwise countryside setting of Market Bosworth with its field patterns hedgerows and scattered trees as set out as typical characteristics in the Bosworth Parkland Local Character Area C.
- 6.45 It is acknowledged that every case must be considered on its own merits, but the facts and similarities of the previous and current appeal are entirely relevant and, in the opinion of the LPA, should result in the same conclusions being reached. The LPA also acknowledges that there are differences between the two schemes and that other circumstances have altered. It is simply the case that in this particular appeal the previous appeal decision lends relevant weight to the LPA's decision to refuse planning permission and lends weight to the dismissal of the appeal.
- 6.46 Having set out the main reason for the dismissal of the appeal it is therefore necessary to detail the other factors that, in the planning balance, support the dismissal of this appeal.

The Views of the Respective Landscape Consultants

- 6.47 As is set out above at paragraph 6.2 and 6.27 the recommendation to approve the application was finely balanced. One important aspect of that fine balance was the degree to which the Council's landscape consultants LUC disagreed with the appellant's consultants Tyler Grange. The Inspector will note that the appellants submitted a revised LVIA, and a landscape Clarification Note to address concerns that LUC had raised which had included at paragraph 5.5 of the LUC LVIA Review that it contained six key failings including that it was not fully transparent and that it underplayed the level of the effect of the development on key visual receptors.
- 6.48 At paragraph 3.11 of the LUC LVIA Review it importantly references paragraphs 4.24 and 5.18 of the Tyler Grange LVIA which stated that the appellants' landscape

consultants did not consider that the site provided an important rural setting to the town. It is the opinion of the Council that this represents a key failing on behalf of the appellants and that it supports the Council's case that all parties have to a greater or lesser extent underplayed the importance and value of the site.

- 6.49 Attached at Appendix 12 is an email exchange between the case officer and LUC which sets out the case officers concerns relating to both the LUC Review and the original LVIA. Concerns regarding the LVIA assessment of Important View 1 and the then Important Vista 11 are set out by the Case Officer with a response annotated by LUC. A subsequent LVIA was submitted by the appellants followed by a file note from LUC. What the exchange illustrates is that there were differences of opinion between the two sets of expert landscape consultants and that the margins were finely balanced and that Tyler Grange were considered to be underplaying the impacts. This is then combined with the fact that LUC stated with regard to the open space, that their review of the LVIA did not include scope to assess the potential landscape effects associated with the loss of the arable fields. The result is clear that both landscape consultants have to greater or lesser extents underplayed the effects of the proposal on an expanse of countryside that the local community seek to protect from unsustainable development that would rob the town of an important and valuable pastoral and scenic countryside setting.

Key Policy Paragraphs

- 6.50 The NPPF at paragraph 11 makes clear that when considering the planning balance and the policies of the Framework taken as a whole particular attention must be paid to key policies directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes. While the proposals are in a sustainable location and clearly aim to provide needed affordable homes, the extent to which the proposals make an effective use of land are less clear given the desirability of maintaining the sites particular informal scenic quality required by key policy paragraph 129 and the importance that is rightly placed on the contribution that the site makes to the distinctive character of the town and the fundamental change that would result from the development.
- 6.51 With regard to key policy paragraph 135 it cannot be objectively considered that the proposal is sympathetic to the local character of the site, and it is acknowledged that any housing development on a greenfield site would fail to meet this requirement. For the reasons set out above and in the Committee Report though the site in this instance plays a particularly important role in conserving and enhancing the distinctive landscape that surrounds the town that that with regard to this site are given added protection through the MBNP and Policy CE3 and the identified important view and vistas.
- 6.52 For these reasons it is the view of the LPA the proposals do not provide a well-designed place as set out at paragraph 11 of the Framework.

Housing Land Supply Position

- 6.53 Attached at Appendix 13 is the note detailing the position with regard to the five year housing land supply that was prepared for an appeal hearing held in August 2025 and that was used at the appeal hearing into the site at York Close that is attached at Appendix 6. It should be noted that under the old Local Plan target the position on April 2024 was that the Council had a 5.26 years supply but that under the revised target, as at April 2025, there was a supply of 4.08 years supply which reduced to a 3.89 year supply when the 5% buffer was applied.
- 6.54 The very latest position as supplied by the Council's Policy Team is that the April 2024 data is to be published imminently and that the April 2025 housing land supply figure is likely to be published in February ahead of the appeal hearing. Overall, the Policy team are confident that the new figure will be no more than 3.95 years supply. While this figure is a reduction on that considered under the previous appeal the drop is not significant. Furthermore the figures mark a halt in the recent decline in the annual updated five year housing land supply for the borough.

7 COMMENTS ON THE APPELLANT'S CASE

- 7.1 At 2.3 of the Appellants' Statement it should be noted that the second access to the west of the site also provides access to the existing Wharf Farm and so an extant planning permission for a bungalow located directly to the west of the existing dwelling known as The Stables. It is noted that in the key on the submitted Illustrative Masterplan the existing vehicular access to Wharf Farm is shown as being retained. These permissions are referred to above at paragraphs 3.2 and 3.3.
- 7.2 At paragraph 2.9 the Appellants state that the site is within 800 metres of facilities within the town centre. The LPA does not agree with this point. A straight line distance from the golf course access to the junction of Station Road and Market place is over 1000 metres. There are therefore no shops within in excess of 1000 metres of the closest of the proposed dwellings as shown on the submitted Parameter Plan Rev C. plan given that no development is proposed to the east of the golf course access or close to Station Road. Agreement regarding this point within the Statement of Common Ground has been the final matter in need of resolution.
- 7.3 It is not considered that the Appellants are able to guarantee that the site would deliver up to 50 affordable homes. Planning application 24/00560/HYB which was approved by the Council's Planning Committee in June 2025 but is awaiting signing of a S106 Agreement was initially approved by the planning Committee with a provision of 54 affordable homes. As is set out in paragraphs 2.1 to 3.2 and at 7.12 of the Committee Report, which is attached at Appendix 14 (see also CD6.06), instead of securing 54 affordable homes on the site the scheme will now provide just 16 affordable homes. In these circumstances it is not considered that any applicant or appellant is able to guarantee that affordable homes are to be provided in accordance with development plan policy requirements.
- 7.4 As confirmation of this point the draft S106 Agreement submitted by the Appellant includes an 'Affordable Housing Commuted Sum' definition, being *"a financial*

contribution in lieu of the on site provision of Affordable Dwellings such contribution being part of the Alternative Affordable Housing Provision such sum to be equivalent to the difference in value of the relevant land which is released (i) with Affordable Housing provision on such land and (ii) without Affordable Housing provision on such land with provision of Market Dwellings on such land instead such financial contribution to be paid to the Borough Council to procure new affordable housing or improvements to existing affordable housing within the Borough Council's administrative area."

- 7.5 The 'Alternative Affordable Housing Provision' is then defined as "*the package of alternative Affordable Housing provision to be proposed by the Owner and approved by the Borough Council as set out in clauses 3.3 to 3.5 of this Agreement.*" Clauses 3.4 and 3.4.4 then allows, as was the case on the application on land to the south of Station Road in Appendix 14, that the alternative affordable housing provision could mean the gifting of a "*relatively small percentage when compared against the originally required percentages of Affordable Housing provision set out in this Agreement and as such would require a reduction in the overall number of Affordable Dwellings for the Development as a whole.*" The draft S106 Agreement is attached at Appendix 15. The LPA acknowledges that there must be some mechanism to secure affordable homes where the situation set out in the Committee Report on application 24/00560/HYB arises but it cannot also be the case that the Appellant can also expect the level of weighting to be afforded in the planning balance with regard to the provision of affordable homes to be unadjusted to reflect this very real uncertainty in the provision of affordable housing.
- 7.6 The LPA does not agree with the characterisation of the development set out at paragraph 4.3 of the Appellants' Statement that the open space provided to Station Road would "*retain the parkland character with open views across areas of grassland and specimen trees.*" Firstly the existing fields that comprise the appeal site are not considered to be parkland but are instead agricultural countryside which has an entirely different pastoral and unmanaged character. Secondly, as set out above the space between Station Road and the proposed built development will be seen as managed open space. As is confirmed at paragraph 4.3 of the Appellants' Statement and on the submitted Parameter Plan Rev C this area of open space will include amenity green space, children's play provision, landscaping, footpaths, drainage and other associated infrastructure which as indicated on the Illustrative Masterplan will include an orchard, an equipped play area, cycle routes, a pumping station and sustainable drainage features. None of these are features associated with the countryside or that currently feature in the vista north from Station Road and all are considered urbanising features typically associated with residential development.
- 7.7 The LPA disagrees with the assertions made at paragraph 4.3 that important views are retained.
- 7.8 The LPA disagrees with the assertion that the Appellants make at paragraph 4.4 that far reaching views to the wider countryside to the north have been retained and at 4.8 that views to the higher ground from Station Road and surrounding areas will be retained. This assertion misses entirely that while users of Station Road heading into

the town will still be able to see the higher ground and wooded hilltop, it will be framed by and seen in the context of built development and by managed open space rather than being viewed in the context of open countryside on this north side of Station Road.

- 7.9 As is set out above it is the case of the LPA that the effects on the character of the area have been underplayed in that the significance of the countryside setting to the key characteristics of the town and which is so special and valued has not been taken sufficiently into account by either the appellants, their landscape advisors, by LUC who provided advice to the Council or by the case officer.
- 7.10 The LPA rejects the assertion at paragraph 4.8 that the LPA has been previously particularly focussed on views to the higher ground. There is no hierarchy within the MBNP Landscape Review between views and vistas. As is pointed out at paragraph 2.13 of the Landscape Review, vistas refer to a series of significant views that afford a high quality of visual experience. The view along the north side of Station Road towards the wooded hilltop is not considered to be of greater importance or value in the pastoral setting of Market Bosworth than the vistas north from Station Road.
- 7.11 At paragraph 4.11 the LUC quotes demonstrate the failure to appreciate the importance and proximity of the countryside setting to the character of the town so while it is agreed that in some views from the east looking west the proposed development would be seen within the context of the existing residential development on Pipistrelle Drive this fails to take account of the importance of the views of the countryside that currently exist and that are the subject of Vista I and that very clearly locate the town within a countryside setting that reaches close to the heart of the settlement. The Council does simply not believe it to be the case that the proposed development will obscure views towards North and North West Leicestershire for users travelling east and the Inspector will determine whether or not they agree once they have viewed the site themselves. As set out above, it is not considered that 'maintaining visual connection' with the wooded hilltop is the same as maintaining the existing view in which the hilltop is seen in the context of a foreground that is green undeveloped countryside.
- 7.12 With regard to the legal challenge to the MBNP that is referenced at paragraphs 5.5 and 5.67, the decision of Judge Jarman KC that permission to apply for judicial review of the decision to adopt the MBNP was refused is attached at Appendix 11. It is understood that Richborough is to seek reconsideration of this decision and that a date for this Hearing has been set for 20 March 2026.
- 7.13 At paragraph 5.9 the LPA does not agree that the proposals do not conflict with DM10, CE1 and CE3.
- 7.14 The LPA does not agree with the characterisation made by the appellant at paragraphs 5.16 and 5.30 that Policy 7 and Policy 11 of the Council's Core Strategy have been breached. Policy 7 is not restrictive and simply states that the Council will support housing developments within settlement boundaries. Policy 11 refers to the fingers of green land in Market Bosworth, but this site is not one of those green fingers

identified in the MBNP.

- 7.15 As set out above, given events with regard to the affordable housing provision on application 24/00560/HYB on land to the south of Station Road it is not considered that the appellants can say with any certainty at 5.27 that **the** affordable housing will be secured (my emphasis). It is agreed that some level of affordable housing would be provided, as has been the case with the site to the south of Station Road, but given the failure to provide 40% affordable housing on that site, it is not considered that the appellant is in a position to say that a 40% affordable housing provision will be secured.
- 7.16 The LPA does not agree with the appellant at paragraph 5.36 that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits.
- 7.17 As is explained above the LPA rejects the assertion made at paragraphs 5.39 and 5.40 and at paragraphs 7.6 to 7.33 of the appellant's statement that Policy DM4 is applied as a blanket restriction on development within the countryside or that it is inconsistent with the wording of the Framework. As is clear from above appeal decisions referenced at appendices 8, 9 and 10, while the wording of Policy DM4 is not the same as the wording of the Framework there is strong consistency between the two and Policy DM4 is in broad compliance with the Framework and Policy DM4 should be given significant weight. Given the above the LPA rejects the assertion made at paragraphs 5.42 and 5.103 of their appeal statement that limited weight should be given to the conflict with Policy DM4.
- 7.18 The LPA does not agree with the appellants' views expressed at paragraph 5.51 that the development does not give rise to harm to the character of the surrounding area. The site's contribution to the character of the area is set out clearly at paragraphs 8.73 to 8.85 of the Committee Report and so are not repeated here. The Council agrees with the previous Inspector at paragraph 12 of the decision letter that the proposal would result in a fundamental altering of the character and appearance of the site and a permanent change in the landscape character of the site. If this change had not been considered significantly harmful then it is the view of the Council that the previous appeal would not have been dismissed.
- 7.19 The LPA does not agree that Policy DM10 is more properly aimed at reserved matters considerations or that as the application is in outline with only the means of access to the site sought that the Council is unable to take Policy DM10 into account. 'This line of reasoning is considered to be without merit and is not one that has been supported by any Inspector in any of the appeal cases that are attached as appendices.
- 7.20 The LPA disagrees with the appellants' characterisation at paragraphs 5.72 to 5.74 of the implications of Policy CE1 of the MBNP. As was noted by the previous inspector at paragraph 8 of the decision letter the site clearly forms part of the countryside that surrounds Market Bosworth. To claim that the site has no defining characteristics to be in character with is disingenuous.

- 7.21 With regard to Policy CE3 and paragraph 5.76 of the appellants' statement the Council would point out that as far as they relate to the appeal site the important views and vistas have not changed significantly between the 2015 and 2025 versions of the MBNP. The criticism that the identified views and vistas prevent any future development is dealt with above at paragraph 7.10 and in the section of this statement that deals with the Market Bosworth Landscape Review and future growth of Market Bosworth.
- 7.22 With regard to paragraphs 5.87 to 5.89 and 5.103 of the appellants' statement and Policy CE5 of the MBNP the LPA considers that the same considerations as set out above at paragraph 7.15 with regard to Policy DM4 are relevant. Policy CE5 does not seek to apply a blanket restriction on new housing development, and the LPA does not agree that conflict with the policy should be only afforded limited weight.
- 7.23 As referenced above the LPA does not agree with the appellants certainty expressed at paragraph 5.91 with regard to the delivery of 40% affordable housing.
- 7.24 With regard to the section of the appellants statement regarding the Council's land supply position that starts at paragraph 6.20, this is addressed above at paragraphs 6.53 and 6.54.
- 7.25 For the reasons set out above the LPA disagrees with the case of the appellants set out in section 7 of their statement.
- 7.26 The LPA sets out its differences with regard to the planning balance and weightings in the section below.

8 PLANNING BALANCE AND CONCLUSIONS

- 8.1 The LPA considers that for the reasons set out above the proposal will result in very significant permanent harm to the character of the site, Important view 1, Important Vista I, the surrounding area and to the intrinsic value, beauty, open character and landscape character of the countryside. The proposal is therefore contrary to Policies DM4 and DM10 of the SADMP, to Policies CE1, CE3 and CE5 of the MBNP and to key policy paragraphs 129 and 135 of the Framework that require that developments should take account of the desirability of maintaining an area's prevailing character and setting and that developments are sympathetic to local character including the surrounding landscape setting. Key policy paragraph 139 of the Framework sets out that development that is not well designed should be refused. It is the view of the Council that given the very significant harm that is caused by the development to this valued expanse of scenic countryside it must be the case that the proposals cannot be considered to be well designed as required by paragraphs 11d and 139 of the Framework.
- 8.2 As a minimum it is considered that moderate weight is given to the conflict with Policy DM4 of the SADMP and Policy CE5 of the MBNP. The LPA has sets out above why

the conflict with these policies should be afforded greater weight in the planning balance than the limited weight that is suggested by the appellants. It is the view of the LPA that based on the findings of other Inspectors **significant weight** should be given in the planning balance to the conflict between Policies DM4 and CE5.

- 8.3 The proposal causes very significant harm to the character of the site, Important View 1, Important Vista I, the surrounding area, and to the intrinsic value, beauty, open character, and landscape character of the countryside that plays such an important role in to the surrounding area and to Market Bosworth. This level of harm is considered to carry **very significant weight** in the planning balance in favour of dismissal of the appeal.
- 8.4 It is considered that the conflict with Policies DM10 of the SADMP and CE1, CE3 and CE5 of the MBNP should be afforded **very significant weight** in the planning balance. In reaching this view the LPA is consistent with the conclusions of the previous Inspector set out at paragraph 32 of the previous decision letter.

Benefits Arising from the Development

- 8.5 There are clear social benefits arising from the provision of market housing for which there is a need. The application is for up to 126 dwellings and so the contribution to the housing supply is significant and therefore it is considered that this is a benefit to which **significant weight** should be given. This is consistent with the previous appeal decision and with the vast majority of decisions that are attached as appendices.
- 8.6 The provision of up to 51 affordable homes, providing that it is properly secured, which as set out above, given the reduction in the number of affordable homes that are to be provided on the site to the south of Station Road, is considered to be a benefit to which **moderate to significant weight** should be given. This weighting is reduced given the level of uncertainty that exists with regard to the ability to secure the full 40% requirement.
- 8.7 The social benefit that results from the increase in the population of the local community and any environmental benefit through the provision of green infrastructure and biodiversity net gain are considered to attract **limited weight** in the planning balance. This is consistent with the appeal decisions attached in the appendices.
- 8.8 Economic benefits would arise from the scheme through jobs and spend during the construction phase and through economic activity of any future population. This benefit is considered to carry **moderate weight**. This is again consistent with the appeal decisions attached.
- 8.9 The LPA does not consider that the open space that is to be provided can be given any more than limited weight. It would primarily cater for residents of the appeal proposal as opposed to being a wider public benefit. This stance is consistent with the conclusions drawn in the recent appeal decision at York Close at Appendix 6 and is consistent with the other appeal decisions referenced.

- 8.10 Given that it is the case of the Council that the proposals result in very significant environmental harms it is not considered that any environmental benefits that might result from the development were the site to be developed the LPA does not consider that any weight can be given to environmental benefits in the planning balance.

Overall Balance

- 8.11 Paragraph 8 of the NPPF states that there are three overarching objectives to achieving sustainable development and that these are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.
- 8.12 The local community has eloquently expressed its opposition to the proposals and demonstrates the strength of feeling on this issue, in particular through the strong support given to the recently made MBNP and that development of the appeal site would fail to meet the environmental and social objectives of sustainable development.
- 8.13 Assessed against the presumption of sustainable development set out in the Development Plan and in the NPPF when balancing the social, environmental and economic aspects of the development, the proposal is not considered to promote sustainable development primarily as a result of the very significant impacts that the proposals would have on such a key site that plays such a key role in defining the distinctive countryside landscape setting to the town. The sum total of the benefits that arise from the proposals attract significant weight and ranged against this are the environmental harms that attract very significant weight in the planning balance. It is considered therefore that the appeal should be dismissed.

9 Appendices

Appendix 1 – Tim Hartley email to Planning Manager email dated 8 August 2025

Appendix 2 – Decision Notice for 04/00796/CLU at Wharf Farm

Appendix 3 – Decision Notice for 20/00457/CLE at Wharf Farm

Appendix 4 – Plans relating to Appendix 3

Appendix 5 – Appeal Decision APP/K2420/W/25/3369401 – York Close

Appendix 6 – Appeal Decision APP/K2420/W/23/3317090 – Shenton Lane

Appendix 7 – Market Bosworth Conservation Area

Appendix 8 – Appeal decision APP/K2420/W/19/3235401 – Peckleton Lane

Appendix 9 - Appeal decision APP/K2420/W/20/3262295 – Wykin Close

Appendix 10 - Appeal decision APP/K2420/W/22/3290898 – Ashby Road

Appendix 6 now 8 - Appeal decision APP/K2420/W/22/3348387 – The Common

Appendix 11 – Judicial Review Decision 2 December 2025

Appendix 12 – Case Officer email exchange with LUC

Appendix 13 – Note on the Council's 5 Year Housing Land Supply

Appendix 14 – Committee Report for application 24/00560/HYB land south of Station Road

Appendix 15 – Draft S106 Agreement