

Delegated Report

Planning Ref: 25/01188/FUL

Applicant: Mr and Mrs M Walker

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Hall Farm 1 Main Street Dadlington

Proposal: Siting of one new holiday rental

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning permission for the siting of an additional holiday let at Hall Farm, 1 Main Street, Dadlington.
- 2.2. The proposed holiday let would be designed from two shepherd's huts, linked together to provide one unit of accommodation in an 'L' shaped configuration. It would have a maximum width of 11.16 metres and a maximum depth of 7.31 metres, with a shallow barrel vaulted roof form measuring 2.48 metres to the eaves and 3.00 metres to the ridge. The external finish would consist of black corrugated cladding to the walls and roof and uPVC to the openings.
- 2.3. Additional works would see the construction of an external patio area partly covered to accommodate a hot tub. In terms of landscaping the existing timber post and rail fence to the northern-eastern boundary would remain with additional hard surfacing laid out for vehicle parking edges and by a planting scheme continuing that which has been installed for the two existing holiday let plots.

2. Description of the site and surrounding area

- 3.1. The Farmhouse at Hall Farm lies on the edge of Dadlington and the adjacent farm buildings are outside the settlement boundary. One of the former farm buildings is currently used as a holiday let, granted planning permission in 2020 (Reference: 20/00597/FUL). Two holiday lets were further, granted planning permission in 2023 (Reference: 22/00337/FUL), which the proposal would be sited to the north-east of.
- 3.2. The proposal is considered to be within the wider setting of the Farmhouse which is a grade II listed late-C18 or early-C19 red brick building of historic and architectural interest located approximately 100.00 metres south-west of the application site.
- 3.3. The boundary of the Registered Battle of Bosworth Field (1485) as defined by the Ambion Way footpath lies around 130.00 metres to the north-west of the application site and due to the visibility of the application site from the Battlefield it is considered that the site is located within the setting of this designated heritage asset. The battlefield has historic significance as it brought the Tudor dynasty to the throne and saw the last death of an English king in battle. In terms of its overall landscape setting the battlefield site has topographic integrity since the battlefield remains largely undeveloped, remaining rural in character, and thus allowing the sites of encampments and the course of the battle to be appreciated.

3. Relevant planning history

20/00110/LBC

- External alterations (repointing and repairs to elevations, fenestration and doors, porch to south-west elevation and raised platform to north-east elevation) and internal alterations including raised floor level, extension to habitable roof space at first floor level, and alterations to walls and doors
- Listed Building Consent
- 20.05.2020

20/00597/FUL

- Change of use of outbuilding to holiday let (re-submission of 20/00111/FUL)
- Planning Permission
- 10.08.2020

22/00337/FUL

- Proposed change of use from farmland to Holiday Let (Sui Generis Use) and construction of 2no. Holiday Rental Units with associated car parking, landscaping and refuse/recycling facilities
- Planning Permission
- 24.02.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Following the publications, 15 letters of support have been received and are summarised below:
 - The proposal would result in the creation of jobs;
 - Would increase the number of visitors coming to the village;
 - Would help promote interest in the nearby 1485 trail;
 - Would further support the local economy;
 - The design is in keeping with the site and area;
 - The existing holiday lets do not cause an impact in regard to noise or traffic.

6. Consultation

- 6.1. HBBC Conservation Officer:
 - The comments received from the Council's Conservation Officer have been incorporated into the body of this report.
- 6.2. HBBC Drainage:
 - The comments received from the Council's Drainage Officer have been incorporated into the body of this report.
- 6.3. HBBC Environmental Health (Pollution):
 - No objections.
- 6.4. HBBC Waste:
 - The comments received from HBBC Waste have been incorporated into the body of this report.
- 6.5. LCC Ecology:

- The comments received from County Ecology have been incorporated into the body of this report.
- 6.6. LCC Highways:
- The comments received from County Highways have been incorporated into the body of this report.
- 6.7. LCC Minerals:
- No objections.
- 6.8. Sutton Cheney Parish Council:
- No representations have been received.
- 7. Policy**
- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
 - Policy 23: Tourism
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM24: Cultural and Tourism Facilities
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area and the open countryside
 - Impact upon heritage assets
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Impact upon drainage
 - Impact upon ecology
 - Impact upon waste
- Assessment against strategic planning policies
- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined

in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

- 8.3. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy.
- 8.6. The Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7. Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

Assessment of Tourism Development in the Designated Open Countryside

- 8.8. Dadlington is identified as a rural hamlet in the adopted Core Strategy. Policy 13 supports small scale employment uses inside the settlement boundary and tourism development in line with Policy 23. Policy 23 of the Core Strategy supports tourism development for new and extended visitor attractions including major facilities (e.g. Twycross Zoo, Bosworth Battlefield, Mallory Park) and holiday accommodation including bed and breakfast accommodation, holiday lodges, and tenting fields which will be encouraged in suitable locations where:
 - The development can help to support existing local community services and facilities; and
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping; and
 - The development adds to Hinckley & Bosworth's local distinctiveness; and
 - Complements the tourism themes of the borough; and
 - The development adds to the economic wellbeing of the area.
- 8.9. To further support this, Policy DM24 of the adopted SADMP supports new cultural and tourism facilities, which it classifies as museums and theatres, strategic hotels (those with over 50 bedrooms) and visitor attractions. It also states that to reduce

reliance on the private car, where new facilities are to be established it should be demonstrated that they can be accessed by a range of sustainable transport modes

- 8.10. The proposal is not a tourism destination but rather provides visitor accommodation in an area of the Borough which has several attractions such as Bosworth Battlefield and visitor centre, Mallory Park, Twycross Zoo, and the Battlefield railway line.
- 8.11. Bosworth 1485 Sculpture Trail further opened in summer of 2025, a 12-mile journey through history and countryside, linking Market Bosworth, Sutton Cheney, Fenn Lanes, and Dadlington with four striking public artworks. The Bosworth 1485 Sculpture Trail is a significant tourism project implemented by the Council in partnership with Leicester & Leicestershire Enterprise Partnership and Leicestershire Promotions Ltd. Dadlington features as part of the sculpture trail with one installation (The Storm Breaks) located at nearby Fenn Lanes and one within Dadlington itself at St James' Church (the Healing Sculpture). The application site is positioned in a key location on the sculpture trail route.
- 8.12. In terms of Policy 23 the proposal satisfies the requirements of contributing towards economic wellbeing and the support of local services. However, the site lies in the countryside, with limited local day to day facilities in Dadlington and whilst it is very close to the Bosworth Battlefield and well connected to the local area via rural footpaths, it is likely to result in increased travel by motorised vehicle to and from the site. The location therefore remains questionable in terms of it being suitable as required by Policy 23 of the Core Strategy.

Assessment of Holiday Lets in the Designated Open Countryside

- 8.13. As the site is located outside of the settlement boundary of Dadlington, within open countryside, Policy DM4 of the SADMP is relevant. Policy DM4 of the SADMP seeks that to protect the intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 -Enabling Rural Worker Accommodation.
- 8.14. The development is intended as an expansion of the existing holiday let business and so would provide some economic benefit and diversification in accordance with DM4(c). Local public houses, restaurants and food producers would benefit by additional visitors to the area. The application form further indicates one additional full time employee to maintain the buildings and land. However, the contribution to economic growth, job creation and/or rural diversification is not considered to be 'significant' as required by Policy DM4. Therefore, the proposed development does not comply with any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable. Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.15. Most importantly, the site benefits from an extant holiday-let use, granted planning permission in 2023 (Reference: 22/00337/FUL) and therefore there is an argument

that the principle of development has already been established, but of course this does not diminish the fact that the development would involve further encroachment into the open countryside and associated vehicle movements.

- 8.16. Following concerns raised by officers, the applicant's agent has emphasised that the unit is pre-fabricated and temporary in nature, so could be removed from the site. Whilst the building would not be mobile in its completed form and would have a fully functioning bathroom and kitchen, the 'fall back' position is put forward as further justification for the development. This relates to the ability for five caravans to be stationed under the Caravan Sites and Control of Development Act 1960 when a certificate is issued by an exempted organisation. In this case, the applicant has previously been granted a certificate by an exempted organisation for this purpose. The applicant therefore has a "fall-back position" for development of a similar quantum on the site.
- 8.17. It has been established in law that a fall-back is an important material consideration in the decision-making process. The "fall-back position" refers to what development could take place if planning permission under an application currently being considered is not granted. Of particular note is the Court of Appeal decision in *Mansell vs Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314. The judgement recognised that Permitted Development rights under Class Q may represent a realistic fall-back position when it comes to developing the site with an alternative form of development. Where a fall-back development is possible decision-makers must be satisfied this is a "real prospect" in order for it to be a material consideration. There is extensive case law regarding "real prospects", whether a fall-back is realistic is based on the individual merits of the site/development.
- 8.18. Given the above, the principle of a new holiday let in this location is contrary to Policy DM4 of the adopted SADMP and the Core Strategy which seeks to direct development towards the most appropriate and sustainable locations where there are a range of services and good public transport links and to protect the intrinsic character of the countryside. However, the fall-back position is considered to be a material consideration which outweighs conflict with Policy DM4. Should the current application be refused there is a realistic prospect that the development would still occur under the Caravan Sites and Control of Development Act 1960. Matters of design, the impact on the open countryside and the setting of heritage assets are assessed below. Furthermore, the planning history and extant use of the site for tourism use alongside the limited scale of one additional unit tempers the harm. That being said future development will need to be carefully considered to ensure that the site remains small scale to ensure the degree of harm to the character of the countryside and resultant vehicle movements remains acceptable.

Design and impact upon the character of the area and the open countryside

- 8.19. Policy DM4 requires that development which is considered sustainable in the countryside should not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and does not undermine the physical and perceived separation and open character between settlements.
- 8.20. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally.
- 8.21. The proposed holiday let would be sited to the north-east of the existing two symmetrical holiday lets granted planning permission in 2023 (Reference: 22/00337/FUL). It would feature a varied design, scale and finish to that of the existing plots, having a shallow barrel vaulted roof form instead of a mono-pitched

form, but with a reduced ridge as to not appear over-dominant. Whilst it would not correspond to the existing roof form of the plots, the submitted 'Design and Access Statement' states that this roof form was purposefully chosen to relate to the Dutch barn located on the site and as so this addition would not appear entirely incongruous to the site and the areas rural vernacular.

- 8.22. The proposal would have 'L' shaped footprint which is typical of a traditional agricultural building. It would have a greater width, but lesser depth than the existing plots equating to the proposal being 4.83 square metres smaller, an acceptable scale. Moreover, the external finish would consist of black corrugated cladding to the walls which would not wholly look out of character as it would draw inspiration from the standing seam roof to the existing plots.
- 8.23. While it is regrettable that the appearance of the existing plots could not be replicated as requested by the Case officer to provide a cohesive development, the scheme as presented is not considered to merit refusal on design grounds alone. The proposed design is ultimately considered to draw inspiration from its rural context and would not entirely look out of place. Further to this, although views would be achieved from public vantage points additional landscaping is to be planted to soften the proposals visibility from the adjacent highway and footpaths.
- 8.24. In light of the above, the proposed is considered to be sensitive to the rural character and appearance of the surrounding area. Therefore, the proposal is not considered to be contrary to the aforementioned extracts of Policy DM4 and DM10 of the adopted SADMP

Impact upon heritage assets

- 8.25. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.26. Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.27. Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. In addition proposals which adversely affect the Bosworth Battlefield or its setting should be wholly exceptional and accompanied by clear and convincing justification.
- 8.28. As per the existing units, the proposed holiday unit is separated from the listed Farmhouse by its associated range of outbuildings and are subsequently somewhat detached from it. Due to its siting the proposed unit will not harm any of the principal views to the house from Main Street and will not materially affect the limited views of the rear elevation of the farmhouse from the north-east alongside the application site through the agricultural buildings or from Ambion Way over the intervening agricultural fields.
- 8.29. It is therefore considered that the proposed unit will not affect any principal or secondary views either from or towards Hall Farm and will not be an

uncharacteristic encroachment into the surroundings in which the listed building can be experienced, and subsequently it will be an appropriate form of development within the wider setting of the listed building which will have no adverse impact upon its significance.

- 8.30. The battlefield site to the north of Dadlington is situated within a relatively open and undulating agricultural landscape. The Bosworth Battlefield Conservation Plan (2013) identifies a number of publicly accessible key views around Dadlington of the battlefield, including a view from Sutton Lane to the north-east of the application site. By virtue of its location there are views from the application site towards Ambion Way but the siting of the unit in the proposed location will not materially affect views towards the battlefield site or encroach into any key views identified within the Conservation Plan.
- 8.31. In views from Ambion Way, from the south-western end of the footpath the site is largely screened by the topography of the intervening field and development so the proposed additional unit would have little physical or visual presence in the wider landscape. The unit would be more prominent in views along the northern end of the footpath although it would be seen against the backdrop of agricultural buildings on the southern side of Shenton Lane, the fronting timber post and tail fence, and the existing recently constructed pods adjacent. Given the design of the unit as a shepherds hut, with shallow roof form and rural character, the proposed unit would blend visually to an acceptable degree into the silhouette of this group of neighbouring farm buildings.
- 8.32. The proposed holiday unit would not have any direct physical impact upon the battlefield. Given the local topography, distance from the battlefield, its limited scale and largely rural and agricultural design, it is considered that the unit would not be particularly prominent in the views from the battlefield site from the Ambion Way over the intervening countryside and the unit would not harm the general surroundings in which the battlefield can be experienced. The post and rail fence boundary dividing the site to the adjacent fields respects the rural character of the immediate setting of the site with the proposal also being further assimilated into its surroundings via the implementation of a native-species planting scheme. Consequently, the proposal would be an appropriate form of development within the wider setting of the registered Battle of Bosworth Field which will have no adverse impact upon its significance.
- 8.33. For the reasons specified above the proposal is considered to be an appropriate development within the wider setting of the grade II listed building known as Hall Farmhouse and the registered Battle of Bosworth Field. The proposal is therefore compatible with the significance of the listed building and will preserve the significance of the battlefield, and consequently it complies with Policies DM11 and DM12 of the adopted SADMP, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.34. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.35. There are no non-ancillary residential properties in the vicinity of the proposed holiday lets and as such no adverse implications on neighbouring residential amenity. The proposal complies with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.36. Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. Ultimately, 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 in accordance with Paragraph 116 of the NPPF.
- 8.37. To support this, Policy DM17 of the adopted SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.38. Policy DM18 of the adopted SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.39. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. Currently this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.40. The Local Highway Authority (LHA) refers the LPA to current standing advice provided by the LHA dated September 2011.
- 8.41. The proposed holiday let would be accessed from the existing access off Sutton Lane. It would have a sufficient two vehicle parking provision; each space which would comply with the minimum parking space dimensions. The proposed development would therefore not have any adverse impacts upon parking provision or highways safety and would satisfy Policy DM17 of the adopted SADMP, Paragraph 115(b) and 116 of the NPPF and the LHDG.

Impact upon drainage

- 8.43. Policy DM7 of the adopted SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that a development would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.44. Paragraph 181 of the NPPF requires Local Authorities, in determining planning applications, to ensure that flood risk is not increased elsewhere.
- 8.45. According to the Environment Agency (EA) website, the application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water. The Council's Drainage Officer therefore has no objection to the proposals on sustainable drainage grounds subject to the below informatives being imposed.
- 8.46. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.

- 8.47. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
- 8.48. By virtue of the above, subject to informatives, the development would accord with Policy DM7 of the adopted SADMP and Paragraph 181 of the NPPF.

Impact upon ecology

- 8.49. Policy DM6 of the adopted SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.
- 8.50. On site features should be retained, buffered and managed favorably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.51. Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- e) The need and benefits of the development in that location clearly
 - f) It has been adequately demonstrated that the irreplaceable habitat
 - g) Appropriate compensation measures are provided on site wherever possible and off site where this is not feasible.
- 8.52. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.53. County Ecology have reviewed the submitted Great Crested Newt Habitat Suitability Index Assessment Technical Note (Croft Ecology, February 2026) and are satisfied that there is sufficient ecological information available to support determination of this application.
- 8.54. A Habitat Suitability Index Assessment has been conducted on the pond located close to the site and this returned a 'poor' suitability score, with the presence of fish noted. Due to this and the suboptimal suitability of the terrestrial habitat on site for GCN, precautionary measures to manage any residual risk to GCN during construction are considered proportionate.
- 8.55. Therefore, the mitigation measures identified in the Great Crested Newt Habitat Suitability Index Assessment Technical Note (Croft Ecology, February 2026) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

Biodiversity Net Gain (BNG)

- 8.56. The statutory framework for BNG has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, a 'Biodiversity Gain Plan' must be submitted and approved prior to commencement of the development. However, the PPG is clear that BNG is not just a post-permission matter, that it is a material consideration and that when determining a planning application LPA's need to consider whether the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.

- 8.57. The application has been accompanied by a Biodiversity Net Gain (BNG) metric along with condition assessment sheets as the development is not exempt from mandatory BNG. The BNG metric has indicated a net gain over 10%, satisfying LCC Ecology, subject to a 30 year Habitat Monitoring and Management Plan (HMMP) condition and Management and Monitoring condition being imposed as well as being subject to the national standard mandatory BNG 'pre-commencement condition'.
- 8.58. County Ecology are satisfied that the post-intervention values are realistic and deliverable. They also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in the Great Crested Newt Habitat Suitability Index Assessment Technical Note (Croft Ecology, February 2026) to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the NPPF.
- 8.59. By virtue of the above, subject to conditions, the development would accord with Policy DM6 of the adopted SADMP.

Impact upon waste

- 8.60. The Councils Waste team seeks to ensure that the developer makes adequate provision for waste and recycling storage of containers and collection across the site.
- 8.61. The existing bin store is to be re-located to the south-west of the site and would remain to serve an adequate provision for waste and recycling across the site. Furthermore, one additional unit is not considered to create an unmanageable amount of waste at the site.

Planning balance

- 8.62. Whilst the principle of a holiday let dwelling in this location is contrary to Policy DM4 of the SADMP, the fall-back position is considered to be a material consideration which outweighs conflict with Policy DM4.
- 8.63. The sustainability impacts of this proposal versus what could be implemented under the Caravan Sites and Control of Development Act 1960 would be identical.
- 8.64. There would be no material impact on highway safety, neighbouring amenity, ecology and biodiversity or waste. Therefore, in summary the sustainability harm of the development is outweighed by the fall-back position, the benefits of the development are limited and are through the associated social/economic benefits, but these clearly outweigh the harm identified related to the conflict with Policy DM4 of the SADMP considering the fall-back position.
- 8.65. It is important to note that while the LPA consider the fall-back position to be acceptable and to outweigh the harms identified in this case, should any future application be submitted for the expansion of the business outside of the permitted red-line it would be highly likely to not be supported as it would result in a significant harmful visual encroachment which would fail to complement or enhance the rural character of the area and would not be sensitive to its surroundings.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area, highway safety, neighbouring amenity, ecology and biodiversity or waste. It is considered that the proposed development would be in accordance with Policies DM4, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP, Policy 23 of the Core Strategy, the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, the overarching principles of the NPPF and the LHDG. The proposal is therefore recommended approval subject to the below conditions and informatives.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 11th December 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Plan (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan, Drg No. 25/79 04; and
- Proposed Elevations; and
- Proposed Floor Plans as received by the Local Planning Authority on the 11th December 2025.
- Proposed Site Plan, Drg No. 25/79 03B as received by the Local Planning Authority on the 18th February 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM4, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Plan (2016).

4. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Great Crested Newt Habitat Suitability Index Assessment Technical Note (Croft Ecology, February 2026) already submitted

with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To ensure that species and habitats are protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Plan (2016).

5. A Biodiversity Enhancement Layout for biodiversity enhancements including those listed in the Great Crested Newt Habitat Suitability Index Assessment Technical Note (Croft Ecology, February 2026) report shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To ensure that species and habitats are protected and to enhance biodiversity in accordance with the in accordance with Policy DM6 of the adopted Site Allocations and Development Management Plan (2016).

6. A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, shall be submitted to, and approved in writing by the local authority, prior to commencement of development. The HMMP shall be submitted concurrently and in accordance with the Biodiversity Gain Plan. It shall include:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- f) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, and Policy DM6 of the adopted Site Allocations and Development Management Plan (2016).

11.3 Notes to applicant

- Your attention is drawn to the below Biodiversity Net Gain note which explains that the development is subject to the statutory "biodiversity gain condition". A Biodiversity Gain Plan needs to be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of development.**
- The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
- The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
- Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

Important: Biodiversity Net Gain Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- a Biodiversity Gain Plan has been submitted to the planning authority, and
- the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Hinckley and Bosworth Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Further guidance on the submission of the Biodiversity Gain Plan can be found [here](#).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1. Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2. Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3. Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose

incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

- 4.4. Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- 4.5. Self and Custom Build Development, meaning development which:
- (i) consists of no more than 9 dwellings;
 - (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- 4.6. Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- (i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

- (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.