

Planning Statement

Permission in Principle for the provision of a minimum of 1 and a maximum of 3 serviced plots for self-build and custom housebuilding.

Land adjoining White House Farm, Workhouse Lane,
Hinckley, LE10 3AS.

June 2026



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1. Common Ground

- 1.1. The following is a non-exhaustive list of matters which are posited to be of relevance to this development proposal considering recent Applications and Appeals within HBBC and the weight attributed to them where relevant.
- 1.2. Substantial weight to the provision of homes, the Council being unable to demonstrate a five-year supply of deliverable housing land.
- 1.3. Substantial weight to the provision of plots for SBCH, which would be secured by Unilateral Undertaking, as it would assist the Council in discharging its statutory duty under the Self-Build and Custom Housebuilding Act 2015 (as amended) and address unmet demand on its Register.
- 1.4. Significant weight to the impact of the development of the site in supporting economic growth, particularly in respect of SBCH per NPPF P.85, recognising “*Bewley Homes plc v SSLUHC* [16 May 2024] EWHC 1166 (Admin)” (**Appendix 1**).
- 1.5. Significant weight to sustainability proposals per NPPF P.168 and “Sustainability Strategy for Development” (**Appendix 2**).
- 1.6. Significant weight should be attributed to the importance of the build-out rate of small sites per NPPF P.73.
- 1.7. Core Strategy Policy 13 (“Rural Areas”) confines new housing outside settlement boundaries to limited categories; land outside the defined settlement boundary is treated as countryside where development is restricted by Policies DM4 and DM10.
- 1.8. The development plan policies for housing supply are out-of-date for the purposes of NPPF Paragraph 11.d), the Council being unable to demonstrate a five-year

supply, and limited weight can accordingly be given to those policies in the decision-making process.

1.9. The emerging Hinckley & Bosworth Local Plan 2020–2041 carries limited weight in the decision-making process, having reached Regulation 19 (pre-submission) consultation in 2026, with submission for Examination targeted by the end of 2026 and adoption not in prospect soon.

1.10. The Council’s most recently evidenced five-year housing land supply position is in the region of 3.89–3.95 years, a material shortfall.

1.11. NPPF Paragraph 11.d) is engaged as the Council does not have a five-year land supply.

1.12. The Burbage Neighbourhood Plan became part of the development plan more than five years ago (May 2021) and it does not contain allocations to meet its identified housing requirement, so NPPF Paragraph 14 is not engaged.

1.13. There is no attribution of harm to the heritage significance of any designated heritage asset.

1.14. There are no technical conflicts or matters which cannot be dealt with by way of planning condition(s) or at Technical Details Consent stage.

1.15. The site extends to 0.54 acres, and the proposal is for no more than three dwellings, each a self-build or custom-build dwelling within the meaning of section 1(A1) of the Self-Build and Custom Housebuilding Act 2015. The development is accordingly exempt from the mandatory biodiversity gain condition by operation of regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (SI 2024/47), which exempts development comprising no more than nine dwellings, on a site no larger than 0.5 hectares, consisting exclusively of self-build

or custom housebuilding. No statutory 10% biodiversity net gain is therefore required to be secured, and no biodiversity gain plan falls to be approved.



2. Self-Build & Custom Housebuilding and Five-Year Land Supply & Completions

Self-Build & Custom Housebuilding

2.1. The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places a duty on the Council to grant, in each base period, permissions for serviced plots equivalent to the demand evidenced on its Register, within three years of the end of that base period. The duty is numerical and rolling; it is not a duty to meet the specific needs of any individual registrant.

2.2. The Council's own position is instructive. In "Public reports pack 02122025 1830 Planning Committee" (**Appendix 3**), the Committee Report for 25/00775/OUT (223A Main Street, Thornton Coalville), the Council qualified general matters relating to the provision of permissions for self-build and custom housebuilding at Paragraphs 8.9 to 8.15.

2.3. In Sections 8.17 – 8.23 the Council qualified its prevailing position. As at the date of this Statement, 63 individuals are on the Register per the Council's published headline demand data. The trajectory of the duty position is the more telling metric. The Council moved from a modest shortfall of approximately six plots at the end of Base Period 9 to a shortfall of 17 plots at the end of Base Period 10, producing a cumulative requirement to grant 27 self-build and custom-build permissions by the end of Base Period 11 (30 October 2026). The shortfall is therefore not static but compounding, the cumulative carry-over mechanism in section 2A(6) of the 2015 Act aggregating unmet demand across successive base periods. The Council is, on its own evidence, now failing the statutory duty.

2.4. Critically, there is no plan-led percentage mechanism in the adopted HBBC development plan that guarantees the delivery of serviced SBCH plots on sites below any given threshold, nor on windfall sites. "Windfall" refers to unallocated sites coming forward unexpectedly. In the absence of any such mechanism, reliance on windfall delivery to discharge the statutory duty is inherent and the

Deleted: 59 individuals

development management route is, in the short to medium term, the only effective means of delivery.

2.5. The proposal would not undermine any plan-led approach to SBCH provision. It would make a modest but real contribution to the discharge of a statutory duty which the Council is not otherwise on track to meet, and is precisely the category of small, fast-build, SME-deliverable scheme that national policy (NPPF P.73) seeks to encourage.

2.6. The self-build character of the scheme carries a further, discrete consequence. The site area is 0.52 acres, and the proposal is for no more than three exclusively self-build or custom-build dwellings. The development therefore satisfies each limb of regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (SI 2024/47) — no more than nine dwellings, a site no larger than 0.5 hectares, and exclusively self-build or custom housebuilding as defined in section 1(A1) of the 2015 Act — and is exempt from the mandatory biodiversity gain condition under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The practical significance is twofold. First, the scheme does not carry the cost, delay or off-site unit-purchase burden that a 10% net gain obligation would impose, reinforcing the deliverability of precisely the small, SME-deliverable plots that the statutory self-build duty and NPPF Paragraph 73 seek to bring forward. Second, the exemption does not displace the Council's development-management policies: biodiversity enhancement consistent with policy DM10 would still be delivered through the structural planting, hedgerow retention and landscape obligations offered at Section 6, such that the proposal is nature-positive notwithstanding the absence of a statutory net-gain requirement.

2.7.A Unilateral Undertaking (**Appendix 4**) is provided as a legal mechanism to secure the provision of permissions for self-build and custom housebuilding reflecting the intent of the Applicant to align with the necessary requirements.

Five Year Land Supply & Completions

- 2.8. The Council is unable to demonstrate a five-year supply of deliverable housing land. The most recently evidenced position is in the region of 3.89 – 3.95 years.
- 2.9. Updated Standard Method calculations following publication of revised ONS housing stock data in May 2026, per “An Icen Briefing Note May 2026 Housing Need” (**Appendix 5**), identify Hickley and Bosworth's housing need as approximately 667 dwellings per annum. The scale of housing need against which the Council's supply position must be assessed has therefore increased materially since from the publication of the Standard Method figures in December 2024 of 649 dwellings per annum.
- 2.10. The Housing Delivery Test position should also be acknowledged. The 2021 HDT measurement recorded delivery of 86% of the requirement; the Council's own HDT Action Plan recognises the consequences of falling below 85% and also the presumption-triggering threshold of 75%.
- 2.11. In summary, whether the position is viewed through a backward-looking lens (Housing Delivery Test), a present-day lens (five-year housing land supply) or a forward-looking lens (housing trajectory), the land supply position of the Council is materially deficient, and the development plan policies are not the panacea for remedying that predicament.

3. “Well related” (Draft NPPF Policy S5:1.j.i) and the HBBC settlement-boundary test

3.1. It is anticipated that the new NPPF will be introduced in due course. On the basis that key draft policies are expected to be retained substantially as drafted, it is prudent to address Draft NPPF Policy S5:1.j.i.

3.2. Draft NPPF Policy S5:1.j.i states:

“Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would: i. be well related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or”

3.3. “*Bellway Homes Ltd v Secretary of State for Housing, Communities and Local Government* [2025] EWHC 1455” (**Appendix 6**) is important because it prevents “well related” from being treated as a narrow spatial formula. The phrase is not a proxy for settlement-boundary contact, nor does it require the decision-maker to pass through a rigid visual gateway before considering the wider relationship between the site and the settlement. It is a planning judgment directed to the substance of the relationship, not a cartographic exercise.

3.4. That approach is reinforced by “*Corbett v Cornwall Council* [2022] EWCA Civ 1069” (**Appendix 7**), where even “*immediately adjoining*” was held not to require strict contiguity. The Court’s reasoning is inconsistent with any approach which treats separation, openness or a perceived gap as determinative. Settlement relationship is an evaluative judgment, not a two-dimensional binary exercise in boundary geometry.

3.5. Applied here, the relevant inquiry is whether the site's location, access arrangements, movement connections and day-to-day relationship with Burbage make it functionally associated with the settlement rather than detached countryside development. Given the contiguity of the site location with the Appeal site location of "Appeal Ref - APP/K2420/W/22/3311038 Land Off Workhouse Lane, Burbage, Hinckley LE10 3AS" (**Appendix 8**) it would not be unreasonable to extrapolate Paragraph 42 of that Appeal Decision where it was stated:

"The site is outside but adjoins the Burbage settlement boundary as defined in the Burbage Neighbourhood Plan 2021 (NP). Therefore, residential development on the site is supported by NP policy 1. Moreover, local shops, community facilities and bus stops with access to fairly frequent bus services would be within a reasonable walking distance for future residents. Therefore, the development would be located so as to ensure it supports the local community and where it would provide realistic opportunities for sustainable modes of travel. Accordingly, it would be in a suitable location."

3.6. Given the modest scale (one to three plots), the proposal is plainly of a scale which can be accommodated considering the existing or proposed availability of infrastructure and is well related to the existing settlement within the meaning of Draft NPPF Policy S5:1.j.i.



4. Appeal Ref - APP/K2420/W/22/3311038 Land Off Workhouse Lane, Burbage, Hinckley LE10 3AS (Appendix 8)

- 4.1. Highways acceptability.** The proposed access and off-site roadworks were agreed by the Council and LCC as safe and suitable, so the only live highway dispute was the existing stretch of Workhouse Lane. The Inspector dismissed those concerns: traffic was low, the development's trip generation modest (24–25 two-way peak-hour movements), there was no accident record, and the LCC officer accepted the road was not currently unsafe. The 5.5m LHDG standard was held inapplicable to an existing road serving others, and the 4.1m pinch-point exceeded the Guide's own 3.7m allowance. With the proposed widening and new footway delivering minor safety gains, the scheme accorded with DM17.
- 4.2. Benefits and housing land supply.** Significant weight attached to the housing contribution, the Council conceding it could not show a five-year supply (putting forward 4.89 or 4.76 years — "not a considerable shortfall"). Affordable housing carried significant weight in its own right; employment and open space moderate weight. Overall, the benefits were of considerable weight.
- 4.3. Location and the "logical addition" finding.** Though outside the Burbage settlement boundary, the site adjoins it and was therefore supported by Burbage NP Policy 1, with shops, facilities and frequent buses within reasonable walking distance — a suitable, sustainable location.
- 4.4. Character and appearance.** The site was rural but not formally valued, heavily influenced by adjacent higher-ground housing and M69 noise, and assessed by the Council as low-to-medium sensitivity. Seen with existing development on Frezenberg Close and Jubilee Way, the scheme read as a "logical addition to the built-up area," with retained and additional planting securing assimilation at reserved matters.

4.5.Subsidiary matters and outcome. Ridge and furrow loss (a non-designated asset of limited significance) drew only modest negative weight, clearly outweighed; the wildlife-site hedgerow loss was offsetable by replacement planting and condition; flooding, drainage and living conditions were controllable. Finding accordance with the development plan on both main issues, the Inspector allowed the appeal subject to 21 conditions. Policy CS2 – Design of New Development sets out objectives to improve the design quality of all new developments, to protect the important areas of the District’s natural environment (species and habitats), landscape and geology and to improve bio-diversity, wildlife habitats and corridors and to preserve and enhance the cultural heritage of the District, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by development.

4.6.Whilst every application should be determined on its own merits, the contiguous nature of this site location with that of the Appeal site location indicates that all technical matters may be of similar consequence. These matters will either be of less relevance, or dealt with by way of Technical Details Consent stage, with the planning balance in greater favour owing to NPPF P.14 not being engaged and a land supply position that has deteriorated since the Appeal Decision.



5. Design & character and appearance

5.1. As a Permission in Principle, design considerations (layout, scale and appearance) are reserved. The accompanying Illustrative Site Plan (**Appendix 9**), Design Code (**Appendix 10**) and Plot Passport (**Appendix 11**) nonetheless provide sufficient qualitative and quantitative parameters to ensure an appropriate development can come forward at Technical Details Consent stage and could be secured by condition. This is the established approach in HBBC and at Appeal for outline and PiP schemes of this kind.

5.2. The appropriateness of resolving scale and appearance at the reserved/technical stage is well established: a LPA should not refuse an outline or PiP scheme on the assumed form of a dwelling where that form is a reserved matter capable of resolution later.

5.3. For a one-to-three plot scheme, and applying the consistent Appeal reasoning that some landscape harm must be tolerated where unallocated greenfield sites must come forward to meet housing need, any residual conflict with the Council's landscape and character policies (DM4, DM10) is at the lowest end and is capable of mitigation through the parameters referred to in 6.1 above. The Workhouse Lane Appeal confirms that a site of low-to-medium landscape sensitivity, already influenced by existing development and infrastructure, does not give rise to unacceptable character harm.



6. Conclusion

Material Considerations

- 6.1. For a proposal of this scale there are unlikely to be any technical conflicts or Footnote 7 conflicts warranting a reason for refusal.
- 6.2. There is, at most, limited conflict with the Council's countryside and settlement-separation policies (DM4, DM10, Core Strategy Policy 13), materially reduced by the absence of a five-year supply.
- 6.3. For SBCH provision there is no effective plan-led mechanism, and any unmet need must be addressed through windfall development of the kind proposed.
- 6.4. Whether measured backward (Housing Delivery Test), in the present (five-year housing land supply, ~3.89–3.95 years) or forward (housing trajectory), the Council's land supply position is materially deficient.
- 6.5. The proposal satisfies Draft NPPF Policy S5:1.j.i, being well related to an existing settlement and of a scale which can be accommodated considering the existing or proposed availability of infrastructure.
- 6.6. Design matters of layout, scale and appearance can be addressed at Technical Details Consent stage; the Illustrative Site Plan, Design Code and Plot Passport robustly empower the Council to make a suitably informed decision.

Planning Balance

Benefits:

- Substantial weight to the provision of homes.
- Substantial weight to the provision of plots for SBCH, secured by Unilateral Undertaking, assisting the Council to discharge its statutory duty and address unmet demand on the Register.
- Significant weight to economic growth, particularly in respect of SBCH per NPPF P.85 (Bewley Homes plc v SSLUHC [2024] EWHC 1166 (Admin)).
- Significant weight to sustainability proposals per NPPF P.168.
- Significant weight to the build-out rate of small sites per NPPF P.73.

Disbenefits:

- Out-of-date development plan housing-supply policies, attracting limited weight (NPPF Paragraph 11(d)).
- At most limited conflict with countryside / settlement-separation policies (DM4, DM10, Core Strategy Policy 13).
- Limited conflict with the spatial strategy, materially reduced by the supply position.

Conclusion

6.7. The benefits clearly and demonstrably outweigh the identified harms. The proposal constitutes sustainable development for which there is a presumption in favour in the NPPF. For the reasons set out above, this Permission in Principle for the provision of a minimum of 1 and a maximum of 3 serviced plots for self-build and custom housebuilding should be approved.