

Delegated Report

Planning Reference 25/00768/FUL
Applicant(s) Mr Leon McDonagh
Ward Ratby Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Application Site Finneys Hill, Heath Road, Leicester

Proposal Change of use of land to a gypsy caravan site for 4 mobile homes

1. Recommendations

- 1.1. **Grant planning permission** subject to the planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of four mobile homes for residential use at the application site. This application seeks to replace the existing planning permission for the site 09/00995/FUL, which previously permitted the change of use of the land to a private gypsy site of 4 caravans. This previously permitted and implemented use has been abandoned and consent is required to enable to the applicant to re-introduce the residential use to the land.
- 2.2. As above, the application seeks consent for four mobile homes, each proposed mobile home would be of a typical chalet form with an approximate height of 3.3m, depth of 4m and length of 12.8m. The proposals include two chalets located adjacent to and parallel with Heath Road, with the other two chalets to the rear/west of the site set perpendicular to Heath Road. The proposal would utilise an existing access on to Heath Road with a shared drive area serving each plot. Each mobile home would benefit from two car parking spaces. The mobile homes would be sited on top of the existing hardstanding with grass/shrub planting between the plots.
- 2.3. The four pitches are to provide accommodation for the applicant and their extended family, and the site would therefore operate as a small private family site.

3. Description of the Site and the Surrounding Area

- 3.1. The application site lies to the west of Heath Road, in the open countryside approximately 1km to the south of Bagworth. As set out within this report the site has an extensive planning history and former use as a gypsy and traveller site beginning in 2006 under temporary planning condition which continued until ~2018/2019 following the grant planning permission in 2010. Since that time the site fell into disuse with all caravans removed from the site, extensive fly tipping then occurred between 2020-2023. A Community Protection Notice was served in 2022 owing to

the Untidy Land, when not complied HBBC carried out works in default, which included erecting a close board fence to the site to prevent further fly-tipping.

- 3.2. Since that time the site has continued to be disused, with the use of the site for gypsy/traveller accommodation abandoned. The former hardstanding remains (albeit it is overgrown) as does the fencing erected to deter further fly tipping. Notwithstanding this, there have been reported incidents of recent fly tipping on the site.
- 3.3. The application site is part of a wider field parcel which extends to the south and west and sits in a clearing of woodland which surrounds the site to the north, west and south.

4. Relevant Planning History

4.1 06/00281/COU

- Change of use of land for four private gypsy caravans (temporary permission)
- Approved subject to conditions for a temporary period until 31st August 2007.
- 21.06.2006

4.2 09/00207/TEMP

- Change of use of land for four private gypsy caravans temporary for 3 years
- Refused- Due to an adverse impact on the countryside and on highway safety grounds
- 06.05.2009

4.3 09/00995/COU

- Change of use of land for four private gypsy caravans
- Appeal Allowed
- 11.08.2010

4.4 20/01350/FUL

- Change of use of agricultural land/gypsy site to ten residential park homes
- Withdrawn
- 12.05.2021

4.5 25/00149/FUL

- Extension to gypsy caravan site to accommodate two additional pitches
- Withdrawn
- 28.05.2025

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site.
- 5.2 One objection was received highlighting concerns with the past use of the site and stating that there are already traveller sites in the area and that this site within the National Forest would not be in keeping.

6. Consultation

Ecology

- 6.1 Following the receipt of additional information and surveys in the form of a GCN Report and BNG reports, LCC ecology department have removed their holding objection. LCC ecology are now satisfied that there is sufficient ecological information available to support determination of this application and no mitigation is required for GCN.
- 6.2 The development is subject to mandatory BNG, sufficient information has been provided for this stage of the application process.

Gypsy Liaison Officer

- 6.3 Leicestershire County Council's Gypsy Liaison Officer confirmed that the families associated with this development satisfy the definition of gypsy and traveller for the purposes of Annex 1 of the Planning Policy for Traveller Sites (2024), and all have strong local ties to the area, and are well known to the County Council's Multi-Agency Traveller Unit ('MATU').

Bagworth and Thornton Parish Council

- 6.4 Bagworth and Thornton Parish Council raised objections to the development siting land contamination concerns, concerns about the storage and collection of waste. Concerns were raised that the site is unsustainable, unsafe and some distance away from the nearest village or town.
- 6.5 The Parish Council raised concerns that the development would cause harm to the character of the area contrary to policy DM4. That the site would have a detrimental and harmful impact on highway safety and on flora and fauna on and near the site.
- 6.6 Concerns have been raised about flooding and drainage impacts.
- 6.7 Finally, that the development would be contrary to the Bagworth and Thornton Neighbourhood Plan.

Highways

- 6.8 Leicestershire County Council as the Local Highway Authority, confirmed that, it does not consider that the application as submitted fully assesses the highway impact of the development. Full comments are incorporated into the highway section of this report.

HBBC Drainage

- 6.9 No objection

HBBC Environment Team

- 6.10 No objection

National Forest Company

- 6.11 No objection- the site area is below the threshold requiring National Forest planting.

HBBC Waste

- 6.12 Confirmed they have no comments or objections.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople
- Policy 21: National Forest

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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

- 7.3 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2024)
- Planning Policy for Traveller Sites ('PPTS') (2024)
- National Design Guide ('NDG') (2019)

- Planning Practice Guidance ('PPG')

7.4 Bagworth and Thornton Neighbourhood Plan

The Neighbourhood Plan has been submitted for examination, but the examiners report is yet to be published. At this time the Neighbourhood Plan can therefore only be attributed limited weight whilst the extent of amendments remains unknown. The relevant emerging Neighbourhood Plan policies include:

- Policy H1: Settlement Boundary
- Policy H4: Windfall Sites
- Policy H5: Design Standards
- Policy ENV2: Sites of Natural Environmental Significance
- Policy ENV 3: Biodiversity Protection and Enhancement
- Policy T1: Traffic Management

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Gypsy and Traveller Accommodation Needs Study ('GTAA') (2016)
- HBBC's Landscape Character Assessment ('LCA') (2017)
- HBBC's Landscape Sensitivity Study ('LSS') (2017)
- Leicestershire Highway Design Guide ('LHDG') (2024)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Land supply of deliverable sites
- Design and impact upon the character of the area and the historic environment
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

8.2 Paragraph 4 of the National Planning Policy Framework ('NPPF') confirms that the Framework should be read in conjunction with the Government's Planning Policies for Traveller Sites ('PPTS') and when making decisions on applications of these types of development, regard should also be had to the policies in this Framework, where relevant.

8.3 Paragraph 2 of both the NPPF and the PPTS confirm 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 and Paragraph 3 of the NPPF confirms that it should be read as a whole.

- 8.4 Paragraphs 23 to 28 within Policy H of the PPTS detail how planning applications should be determined for gypsy and traveller sites. In accordance with Paragraph 11 of the NPPF and Paragraph 24 of the PPTS, planning applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies within the NPPF and the PPTS. 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.
- 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'). 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.
- 8.6 As outlined above the Bagworth, Thornton and Stanton Under Bardon Neighbourhood Plan (NP) has been submitted for examination, but the examiners report is yet to be published. At this time the Neighbourhood Plan can therefore only be attributed limited weight.
- 8.7 Paragraph 26 of the PPTS confirms that local planning authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas in the Development Plan.
- 8.8 Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) of the NPPF specifically highlights that this should be achieved by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.9 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.10 Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. To ensure this, Policy DM4 of the SADMP only considers development in the countryside 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

- (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; 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.

8.11 Therefore, the development proposal would not comply with any of the limitations set out above, and therefore the development would be contrary to, and in conflict with Policy DM4 of the SADMP.

8.12 The NP states that land outside of the settlement boundary will be treated as open countryside, where development will be carefully managed. Windfall housing sites are not supported outside of the settlement boundary in principle.

8.13 However, this does not mean that the development would not be sustainable. For example, whilst the use was abandoned the site has an established previous use as a residential gypsy and traveller site which is a significant material consideration. Furthermore, whilst partly overgrown hardstanding is present as a result of the previous use of the land. The site can therefore be considered previously developed land.

Summary

8.14 In summary, the Development Plan is the starting point for decision making, and the NPPF and the PPTS are material considerations within the determination of planning applications for gypsy and travellers, which should be read in conjunction with each other and as a whole.

8.15 The development would be outside of any identified settlement boundaries in the designated open countryside and would therefore be offered no support by Policy DM4 of the SADMP or Paragraph 26 of the PPTS, nor policy H1 or H4 of the NP.

8.16 However, it is appreciated that the site has a previous established use as a residential gypsy and traveller site. Therefore, the principle of this development would be subject to the assessment of all other material considerations in these site-specific circumstances. Other material considerations are set out within the next sections of this Report.

Land Supply of Deliverable Sites

8.17 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an

area's identified housing need, including an appropriate mix of housing types for the local community.

- 8.18 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote Paragraph 27 of the NPPF confirm that the PPTS sets out how gypsy and travellers' housing needs should be assessed for those covered by the definition in Appendix 1 of that document.
- 8.19 Policy 18 of the adopted Core Strategy sets out the criteria for the provision of sites for gypsies, travellers, and travelling show people within the Borough. However, this policy is largely superseded by the PPTS. Therefore, the targets for residential pitches that are identified within Policy 18 of the adopted Core Strategy are considered to be out-of-date.
- 8.20 The Council's most up-to-date Gypsy and Traveller Needs Assessment ('GTAA') (2016) identified a need for seven pitches, including the two existing pitches within this site, and a supply of seven pitches. However, evidence on the need for gypsy and traveller accommodation remains to be updated. The County Council's Gypsy Liaison Officer also stated that due to age of the GTAA, this document is not considered to be relevant within the determination of this current application.
- 8.21 The Council has commissioned consultants to undertake a study to investigate the need for pitches to accommodate gypsies, travellers and travelling show people in the Borough. However, it is accepted that since 2016 there has been limited additional gypsy and traveller accommodation granted in the Borough.
- 8.22 In light of the absence of a new needs assessment for deliverable sites for gypsy and travellers, and due to the out-of-date targets within Policy 18 of the adopted Core Strategy and the out-of-date assessment within the GTAA, it is unlikely that the Council can demonstrate an up-to-date five-year supply of deliberate gypsy and traveller sites.
- 8.23 Paragraph 28 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, the provisions of Paragraph 11(d) of the NPPF apply.
- 8.24 For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing

development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 8.25 When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.
- 8.26 Paragraph 25 of the PPTS highlights that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications for traveller sites:
- (a) the existing level of local provision and need for sites; and
 - (b) the availability (or lack) of alternative accommodation for the applicants; and
 - (c) other personal circumstances of the applicant; and
 - (d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
 - (e) that they should determine applications for sites from any travellers and not just those with local connections.
- 8.27 Firstly, it is acknowledged that the proposed development would be sited on a previously established gypsy and traveller site, the development would not give rise to additional accommodation beyond the former existing use of the site. However, equally the four sites have not been available for use or contributing to the Council's supply for some time, thus positive weight as opposed to neutral weight can still be attributed to the supply of the four pitches.
- 8.28 Furthermore, as detailed within this Report, it is accepted that since 2016 there has been limited additional gypsy and traveller accommodation granted in the Borough, and it is unlikely that the Council can demonstrate an up-to-date five-year supply of deliverable gypsy and traveller sites.
- 8.29 The County Council's Gypsy Liaison Officer confirmed that the development would be required to provide accommodation for the Applicant and their extended family. They confirmed that the family who would occupy the site have strong local ties with the area, the applicant has lived in the County all his life and his children were all born within Leicestershire. The families are registered with local health care providers, and it is important that they remain in the area for the continuation of care that young families and elderly relatives may require.

- 8.30 Furthermore, the County Council's Gypsy Liaison Officer confirmed that the gypsy and traveller site at Aston Firs within the Borough of Blaby, which is owned and managed by Leicestershire County Council, is at capacity, and there are a number of families living on this site that have grown up children who would like to start their own families with nowhere to move to.
- 8.31 In light of the above factors, the benefits associated with providing four additional static caravans to the Council's supply of deliverable land for gypsy and traveller residential pitches would be considered to attract significant positive weight in the planning balance.

Summary

- 8.32 In summary, the 'tilted' balance of Paragraph 11(d) of the NPPF is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The benefits associated with providing four additional static caravans to the Council's supply of deliverable land for gypsy and traveller residential pitches would be considered to attract significant positive weight in the planning balance.

Design and Impact upon the Character of the Area and the Historic Environment

- 8.33 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.
- 8.34 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.35 Chapter 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Therefore, in determining applications, Paragraph 212 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be.
- 8.36 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and 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. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

- 8.37 Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.38 Key Policy Paragraph 129(d) and (e) of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places respectively.
- 8.39 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.40 Paragraph 26 of the PPTS confirms that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settlement community, and avoid placing an undue pressure on local infrastructure.
- 8.41 Policy 18 of the adopted Core Strategy states that planning permission for new gypsy and traveller sites will be granted providing the site is capable of sympathetic assimilation into the surroundings and is appropriate to the scale of the nearest settlement and its local services and infrastructure.
- 8.42 Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.43 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.44 Policy 21 of the Core Strategy requires development within the National Forest to contribute to the delivery of the National Forest Strategy. Within the National Forest new developments will be required to reflect the Forest context in their accompanying landscape proposals. Developments shall provide on-site or nearby landscaping that meets the National Forest development planting guidelines.
- 8.45 Policy H5 of the emerging NP states that development will be supported where it meets a number of design principles to a degree that is proportionate to the development. This includes development enhancing the character of the area, that development should not disrupt the visual impact of the street scene or wider landscape views and that development should be enhanced by landscaping where possible.

- 8.46 The site is located in the open countryside and bound by established woodland which creates an attractive area the use of the site would conflict with this open and undeveloped nature in principle. However, the application site benefits from the previous established use as a gypsy and traveller residential site for four pitches. This domestic and urbanised use of the site was in place for approximately 13 years. It is true that the site is now overgrown and appears somewhat rural in appearance, however, this is balanced against the visible hardstanding areas and high close boarded fencing and gates at the site entrance which have remained in situ. Furthermore, the site has been subject to significant fly tipping in the past and the visual harm that arises because of this.
- 8.47 The previous use of the site included one mobile home and three touring caravans, whereas this application seeks consent for four mobile homes. Therefore, there may be some additional harm arising from larger buildings. However, this is difficult to quantify given the varying scale of touring caravans and overall, it would not be significantly harmful.
- 8.48 The previous Inspector commented that: "The lie of the land, established hedges on the north west boundary, part of the south west boundary and along the road side together with the earth and rubble bund mean that only the bund and the low pitched roof of the mobile home is currently visible on approach from the south east along Heath Road. From the north only the access is seen. The setting back of the caravans from the road as shown on the layout plan minimises the view of them from outside the entrance". There is no reason to come to a different conclusion than the previous Inspector.
- 8.49 The Inspector made further comments about limiting the hardstanding and required additional landscaping, with plans later showing this approved by the LPA.
- 8.50 The site is located within the National Forest, however, the National Forest Company have confirmed the scheme is not of a scale to warrant additional tree planting in line with the National Forest Strategy. However, as outlined below, a soft landscaping scheme would present an opportunity for additional planting.
- 8.51 Overall, the proposal would introduce new "built form" to the site, which is currently open, with the exception of the boundary treatments. There would be some visual harm resulting from the development of the land and the domestic appearance of the site. However, this harm is significantly tempered considering the previous use of the site which was an established gypsy and traveller site for some time.
- 8.52 Conditions are recommended requiring that the development accords with the layout plan which in turn limits the extent of hard standing and the layout of the mobile homes which are set back from the access. In addition, a condition is recommended ensuring that no more than four mobile homes are present on the site, this avoids the intensification of the site beyond the previous use and prevents expansion which would give rise to additional harm. For the same reason, a condition is also recommended ensuring that no commercial activities take place on the site, including the storage of external goods and commercial vehicles.

- 8.53 To further mitigate the harm, a condition requiring a new scheme of hard and soft landscaping is recommended. Much of the previous landscaping is not visible and additional appropriate soft landscaping would help the site assimilate into the surroundings. This condition will also allow control over the types of boundary treatments which should be appropriate for its context.
- 8.54 Overall, despite the open and undeveloped nature of the surrounding countryside, the planning history and former use of the site are significant material considerations. Furthermore, the findings of the previous Inspector is also a material consideration, as they concluded that a similar quantum of development was acceptable on design grounds subject to the imposition of conditions. For the reasons outlined above, the application is judged to respect the character of the existing site, the surrounding area, the designated open countryside, and the historic environment in accordance with Policies DM4 and DM10 of the SADMP, Policy 21 of the Core Strategy and emerging policy H5 of the NP.

Impact upon Residential Amenity

- 8.55 Key Policy Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.56 Policy 18 of the adopted Core Strategy states that planning permission for new gypsy and traveller sites will be granted providing the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site, and that the site is appropriate to provide a safe and healthy environment for residents.
- 8.57 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.58 The Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity. Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.59 There are no neighbouring residential properties to the site, and the proposal presents an acceptable inter-site relationship between the mobile homes considering the family use of the site.

- 8.60 By virtue of these factors, the proposal would not be considered to result in any significant adverse impacts to neighbouring residential amenity, in accordance with Policy DM10 of the SADMP, Policy 18 of the adopted Core Strategy, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.61 Key Policy 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. In accordance with Key Policy Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.62 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.
- 8.63 Policy 18 of the adopted Core Strategy states that planning permission for new gypsy and traveller sites will be granted providing the site has safe highway access, provision for parking, and servicing.
- 8.64 Policy DM17 of the 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.
- 8.65 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).
- 8.66 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.67 The proposed development would utilise and makes no amendments to the existing vehicular access onto Heath Road, which was approved to serve the former gypsy and traveller site in 2009 at appeal.
- 8.68 Leicestershire County Council as the Local Highway Authority ('LHA') do not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the LHA have advised they are unable to provide final highway advice on this application. Further discussions have taken place since the issuing of formal comments, albeit the LHA view remains the same.

- 8.69 The acceptability of the highway arrangements centre on the approved plans for application 09/00995/COU. The LHA advised refusal of that application on highway safety grounds and the LPA subsequently refused that application on 17 February 2010. The Applicant appealed the decision (reference APP/K2420/A/10/2124138), which the Inspector allowed in August 2010. When determining the appeal, the Inspector considered a visibility splay that crossed a small section of land on the opposite side of Heath Lane, which was declared at the appeal and owned by the Appellant to that application.
- 8.70 The applicant was asked to confirm if the land opposite the site (visibility splay land) was still in their ownership and thus could be relied upon being maintained as part of this application. The LHA advise that given the appeal decision for application 09/00995/COU, if the Applicant was to confirm they were in control of the land on the opposite side of Heath Lane to provide the southeastern visibility splay considered at the appeal, the LHA would see no difference between the two applications and have no objection to the proposals given the appeal decision.
- 8.71 The applicant has not confirmed that the land opposite the site is within their control therefore it has not been confirmed that they have control of the full extent of the visibility splay previously assessed. However, the previous appeal decision did not include a condition requiring that the visibility splay was retained in perpetuity. Therefore, whilst the use has ceased should it have continued there would have been no requirement for the retention of this land in any event which is an important material consideration.
- 8.72 It is accepted that complaint visibility splays cannot be measured when excluding this land from the access point. However, given the nature of the site and highway, the former established use of the access and that the hedge in question has historically been maintained to an acceptable height affording the required visibility splays in this specific case it is the LPA's view that the development would not give rise to significant highway safety harm in light of the aforementioned previous use and conditions.
- 8.73 The LHA has confirmed that the proposed layout received by the LPA on 13th August 2025 offers sufficient parking and turning space for each pitch. Conditions are recommended ensuring that the access is hard bound for at least 11m beyond the highway boundary and that any gates etc are set back the same distance from the highway boundary.
- 8.74 By virtue of these factors, the proposal would on balance, not be considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, Policy 18 of the adopted Core Strategy and Paragraph 116 of the NPPF subject to planning conditions.

Other Matters

- 8.75 Policy 18 of the CS also requires that a site should be "within a reasonable distance of local services and facilities". At the time of the previous appeal concerns were raised about the sustainability of the site. Unlike at the time of the appeal Bagworth

now has a shop. Previous the nearest corner shop and primary school were in Thornton (3km away), both still remain as do the facilities in Newbold Verdon which include shops and a GP surgery (5km). The nearest major supermarkets are in Coalville (about 10km) and Hinckley (about 14km). Whilst the distances are great, the Inspector previously considered that the site should be considered as within a reasonable distance of local services and facilities. This is an important material consideration and there is no reason to come to a different conclusion with this application.

Planning Balance

- 8.76 To conclude, the Development Plan is the starting point for decision making, and the NPPF and the PPTS are material considerations within the determination of planning applications for gypsy and travellers, which should be read in conjunction with each other and as a whole.
- 8.77 It is unlikely that the Council can demonstrate an up-to-date five-year supply of deliberate gypsy and traveller sites, and therefore the 'tilted' balance of Paragraph 11(d) of the NPPF is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.78 The benefits associated with providing four additional static caravans to the Council's supply of deliverable land for gypsy and traveller residential pitches would be considered to attract significant positive weight in the planning balance.
- 8.79 Although the development proposal would not be considered to be offered support by Policy DM4 of the SADMP or Paragraph 26 of the PPTS in principle due to its countryside location, the application site has previously benefitted from an established use as a residential gypsy and traveller site for over 13 years.
- 8.80 Given the limited number of new proposed caravans, the limited number of proposed works to facilitate the development, the size, scale and character of the existing site, and the established use of the site, the proposed increased capacity of the site would not be considered to result in any significant adverse impacts to the character of the site and the surrounding area in these site-specific circumstances in accordance with Policies DM4 and DM10 of the SADMP, subject to planning conditions.
- 8.81 The proposed development remote from neighbouring residential properties and no concerns have been raised by the Council's Environmental Health Department, by virtue of the residential use of the site, the proposed capacity of the development, the separation distances between the site and the neighbouring residential properties, and the single storey massing of the proposed structures, the development would not be considered to result in any significant harm to neighbouring residential amenity in these site-specific circumstances in accordance with Policy DM10 of the SADMP, subject to planning conditions.

- 8.82 The proposed development would utilise, and makes no amendments to, an existing vehicular access onto Heath Lane, which had previously served the established use of the site since 2006 without conditions requiring the retention of the visibility splay. Due to the size of the site, sufficient parking provision would be possible within the application site to facilitate this proposed development. By virtue of these factors, on balance the proposal would not be considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, Policy 18 of the adopted Core Strategy, Paragraph 116 of the NPPF subject to planning conditions.
- 8.83 In light of the above, it is considered that the potential adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances. In accordance with Paragraph 11(d) of the NPPF and Paragraph 28 of the PPTS, the development proposal would therefore be recommended for approval.

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.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions, and subject to Leicestershire County Council's Ecology Department confirming that it is satisfied with the submitted ecology details.

11. Recommendation

- 11.1 **Grant planning permission** subject to the below conditions.

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 site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (2024).

Reason: To ensure compliance with Policy 18 of the adopted Core Strategy (2009) and the Planning Policy for Traveller Sites (2024).

3. The development hereby permitted shall be carried out in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Site Layout Plan (submitted: 13.08. 2025)
- Site Location Plan (submitted: 13.08. 2025)
- Typical Static Caravan Floor Plans and Elevations (submitted: 14.08.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. There shall be no more than four mobile homes/static caravans on the site (with a caravan being as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968).

Reason: In the interests of visual amenity and to safeguard the intrinsic value, beauty, open character, and landscape character of the open countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), and Chapters 12 and 15 of the National Planning Policy Framework (2024).

5. There shall be no commercial activities undertaken at the site, including the external storage of goods or materials not ancillary to the residential use and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: In the interests of visual amenity and to safeguard the intrinsic value, beauty, open character, and landscape character of the open countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), and Chapters 12 and 15 of the National Planning Policy Framework (2024).

6. Prior to any works above ground level, a Biodiversity Enhancement Layout for protected, Priority and threatened species, in line with the recommendations of the Section 7 of the Biodiversity Net Gain Assessment (ProHort, March 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, and all features shall be retained in that manner thereafter.”

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

7. Prior to the first occupation of any caravans on the site, a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, shall be submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the first occupation of any caravan on site.

The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

8. If any vehicular gates, bollards, chains or other form of barrier are to be erected at the site entrance they shall be set back a minimum distance of 11 metres

behind the Highway Boundary of Heath Road and any gate or barrier shall be hung to open inwards only.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Prior to first occupation of any caravan on the site the access drive shall be hard bound in tarmac, concrete, block paving or similar (not loose gravel) for a minimum distance of 11 metres behind the Highway Boundary of Heath Road.

Reason: To prevent the spread of deleterious material (loose gravel etc) in the highway which could cause a danger to highway uses and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **Notes to Applicant(s)**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at or call 0116 272 7533.
2. Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions.

Waste

3. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018).
It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.