

Planning Statement

Permission in Principle for the erection of up to 9 no. C3 dwellings land rear of 156 Shilton Road, Barwell, LE9 8BN and associated amenity space and parking.

June 2026

© Simon Cheshire Planning Ltd 2026

Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Core Strategy (2009):

- Policy 16: Housing Density, Mix and Design

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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Landscape Sensitivity Assessment (LSA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

Principle and other material planning considerations

The Written Ministerial Statement Planning for Growth and Laying the Foundations emphasized the Government's approach to house building and the need to provide action to build more houses and to boost economic growth. Although now superseded by the NPPG, it remains fully reinforced by the NPPF (Dec 2024) where the Government's aim remains to significantly boost the supply of housing.

The NPPF identifies three dimensions to sustainable development giving rise for the planning system to perform the roles below:

***“an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

***a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a*

high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

Furthermore, LP policy should follow the approach of the presumption in favour of sustainable development where such development should be supported when weighing all of the provisions of the Framework (Dec 2024) as a complete document.

The Government is committed to ensuring the planning system should not act as an impediment to housing provision. All Local Authorities need to significantly boost the supply of housing irrespective of the status of the immediate 5 YHLS. In reference to their report “Building More Homes” (July 2016) the cross-party House of Lords Economic Affairs Committee Chairman Lord Hollick stated:

“We are facing an acute housing crisis with home ownership – and increasingly renting-being simply unaffordable for a great many people. The only way to address this is to increase supply. The country needs to build 300,000 homes a year for the foreseeable future.”

This conclusion was reinforced in November 2016 when the RPTI released a Policy Statement on identifying new housing development opportunities entitled: *Where should we build more homes?* Under section “*land within existing built up areas will not meet all our needs*” the Statement concludes:

“Even with an enhanced urban renewal and regeneration programmes of action and funding, land within existing built up areas will not meet all our housing needs in full. Some of the future housing needs will have to be met on greenfield land around our towns and cities. The experience of our members clearly indicates that this can be done without undermining the priority to be given to brownfield sites through a planned, managed and phased approach to development.”

Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

Permission in Principle (PIP).

This application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and comprises the first (Permission in Principle) stage of the application process. Thus, this application is concerned only with the matter of suitability for residential development in principle. Technical matters are not relevant to this application stage.

The Government's Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or ‘permission in principle’ stage) establishes

whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This proposal relates to the first of these two stages. Therefore, the scope of the considerations for permission in principle is *limited to location, land use and the amount of development permitted*. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted.

Relevant Material Considerations

On the 30th July 2024, the Deputy Prime Minister wrote to all local authority Leaders and Chief Executives in England stating:

“Underpinning plan making – at the strategic and local level – must be suitably ambitious housing targets. That is why we have confirmed today that we intend to restore the standard method as the required approach for assessing housing needs and planning for homes, and reverse the wider changes made to the NPPF in December 2023 that were detrimental to housing supply.

But simply going back to the previous position is not enough, because it failed to deliver enough homes. So, we are also consulting on a new standard method to ensure local plans are ambitious enough to support the Government’s commitment to build 1.5 million new homes over the next five years. The new method sees a distribution that will drive growth in every corner of the country.”

As noted above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Appendix 1 contains an appeal decision issued on the 13th March 2025 for a development of 95 homes within the Green Wedge adjacent to the settlement boundary of Barwell under PINS reference APP/K2420/W/24/3348387, Land East of The Common, Barwell, LE9 8BR which is in very close proximity to the current PIP site.

At paragraphs 12 and 41 the Inspector states:

“The lack of five-year supply, the continuing delay with previously identified sites coming forward and the uncertainty over the timescale of examination and adoption of the emerging local plan are factors to which substantial weight needs to be given. Consequently the Core Strategy adopted in 2009 has to be regarded as out-of-date as the development strategy put forward has not been achieved. This reduces the weight that can be given to Core Strategy policies which restrict development including on sites in a Green Wedge.”(My emphasis)

And

“On the main issues I have found that the principle of development in this area of countryside conflicts with SAMD policy DM4 but this only carries limited weight because of the Council’s HLS position. The proposal would cause some moderate harm to the rural landscape character of the area and to a limited geographical area but it would not result in a significant adverse effect which is the test set out in criteria (i) of Policy DM4 and criteria (a) of Policy DM10.”

The conclusions of the Inspector and the acknowledgement the entire 2009 CS and the policies contained within it are out of date, are significant material considerations that are directly applicable to the appeal submission. In addition, the Regulation 18 draft Local Plan 2024 to 2045 consultation ran from Friday 17th October 2025 and closed on Friday 28th November 2025. The latest Local Development Scheme (LDS) outlines further public consultation on the submission Draft Plan (Regulation 19) in 2026, however given its early stage of preparation, the Emerging Local Plan is attributed no weight at the current time.

Key Policy Paragraph 110 of the Framework confirms that the planning system should actively manage patterns of growth in support of promoting sustainable transport. Significant development should be focused on locations which are, or can be made, sustainable through limiting the need of travel and offering a genuine choice of transport modes.

Chapter 5 of the Framework 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, and paragraph 73 states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.

Paragraph 11(d) of the Framework 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 8 of Paragraph 11 of the Framework highlights that housing policies are considered to be out-of-date where an LPA cannot demonstrate a five-year supply of deliverable housing sites.

With the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the Framework) the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the Framework is triggered in accordance with Footnote 8 and Paragraph 11, where for decision-taking, Paragraph 11(d) 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.*

Relevant Planning History & PDL Designation

22/00802/FUL: Proposed construction of stables and dropped kerb to land rear of 156 Shilton Road (Retrospective) – Approved 14th November 2022.

Within the Glossary of the Framework the definition of previously developed land is defined as below:

“Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the

curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed”.

The inclusion of "lawfully developed" into the definition of Previously Developed Land (PDL) in the updated National Planning Policy Framework (NPPF Dec 2024) ensures that land is only considered brownfield, if its previous development was authorized. On this basis, the revised definition specifically links "lawfully developed" to permanent structures and hardstanding created by the implementation of the lawful operational development associated with the above planning history of the site.

In terms of Policy DM4, its stated policy aim is not to provide a “blanket ban” on all residential development currently outside settlement boundaries, rather it is to protect rural areas from unsustainable development. Paragraph 61 of the Framework sets out *that “it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.*

The Framework seeks to protect communities from inappropriate development but not to curtail development where it accords with Local Plan policy. Planning policies and decisions should no longer attempt to impose architectural styles however it is proper to seek to promote or reinforce local distinctiveness and reflect the adjacent built form.

Paragraph 139 of the Framework that states:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Conversely, significant weight should be given to:

development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes;”

Additionally, in recent years the LPA accept that minor residential schemes (less than 9 units) carry similar weight or benefits to larger residential schemes especially when viewed cumulatively on an annual basis. Such windfall sites materially often make a significant contribution to the 5YHLS as demonstrated by the: ***Windfall Study An assessment of the case for including windfall in the five year housing land supply (1 April 2020)*** that states:

“A thorough analysis of completion data for the last ten years has shown that windfall makes a consistent contribution towards total completions and small site completions in Hinckley and Bosworth Borough; on average approximately 18% of the total completions were small windfall sites and approximately 76% of small site completions were windfall. The evidence presented in this report provides a strong case for the inclusion of windfall within the Council’s development trajectory and more specifically the five year housing land supply.”

The conclusions of The Common appeal Inspector (**Appendix 1**) and the acknowledgement the entire 2009 CS and the policies contained within it are out of date, are significant material considerations that are directly applicable to the current submission, particularly as the 2009 Core Strategy expires this December 2026. The CS sought to meet overall housing needs up to 2026 and the settlement boundaries were drawn up to accord with that plan period and not beyond it. Moreover, housing land supply is calculated across the whole of the Council’s area and is not based on any particular settlement.

The minimum housing target expressed in the CS over the plan period up to December 2026 will not be met and is exacerbated by the continuing shortfall in the 5YHLS, therefore it is inevitable and accepted by the Council, that permission for housing will need to be granted on unallocated PDL sites. The LPA are currently working on a new Local Plan which will set out land allocations and planning policies for the period 2024 to 2045. The implication of this is that there will not be a strategic plan in place to lead development in HBBC for the foreseeable future, and more importantly there will be no plan led mechanism to rectify the existing 5 year housing land supply shortfall.

Any redevelopment of PDL in locations adjacent to existing settlement boundaries for new housing will give rise to landscape and visual change. The fact that change will occur is not in itself harmful or adverse, and it is inevitable that some of the most appropriate locations for new homes, of the scale required up to 2045, will be in the 'open countryside', abutting settlements such as Barwell and Earl Shilton. This is a matter which HBBC has explored in order to direct growth to the most appropriate locations in terms of the emerging Local Plan.

With reference to the redevelopment of PDL sites for new housing, on the 6th August 2025, the LPA issued the delegated approval related to application 24/01155/FUL for the erection of a dwelling (self-build) with associated parking and landscaping Upper Grange Farm, 1A Ratby Lane, Markfield, Leicestershire, LE67 9RJ. For ease of reference, the application documents are included in **Appendix 2**.

Paragraphs 8.4 and 8.5 of the delegated report associated with application 24/01155/FUL state the below:

"8.4. The Planning Policy team are currently reviewing the revised NPPF and implications for the Council's Five-Year Housing Land Supply. A revised position will be published in the coming months once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.

8.5. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole."

And paragraph 8.11 states:

"It is acknowledged that, through its intentions to implement the Core Strategy through its approach to the countryside and settlement boundaries, Policy DM4 is considered out-of-date. Nevertheless, the emphasis of Policy DM4 is to promote sustainable development proposals within the countryside and to safeguard it from unsustainable schemes."

In the determination of application 24/01155/FUL above, it was the designation of the application site as PDL that weighed heavily in favour of the approval and therefore compliance Paragraph 11(d) (ii) which is also determining material consideration of the current PIP proposal.

Appendix 3 contains an appeal decision issued on the 17th June 2026 related to 59 Kennel Lane, Witherley, Leicestershire CV9 3LJ and the erection of a pair of semis on PDL consisting of a vacant, two-storey, brick barn sat in an area of gravel and hardstanding. In allowing the appeal the Inspector concluded:

"18. The uncontested position of the appellant is that the Council has a housing land

supply of 3.55 years. In these circumstances footnote 8 of the Framework advises that the policies that are most important for determining the application are out of date. Consequently, the Framework advises that 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 the Framework taken as a whole.

19. The scheme is well designed and would not cause material harm to the character of the settlement or countryside. It would make effective use of land and would contribute to addressing the shortfall in housing land supply in the District. The social and economic benefits that would result from the development attract moderate weight in favour of the scheme.

20. Taking all these matters into account, I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the proposal constitutes sustainable development as defined in the Framework, and material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan.”

Planning policies and decisions should promote 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 where the existing and proposed built form is and would be set back from Leicester Road, so as not to generate formal ribbon development.

As such, the delegated report and appeal decision cited above confirm Policy DM4 is out of date and it should not be treated as blanket protection to resist all countryside proposals, only those that are deemed to represent unsustainable development. In the current context, both Local and National policy explicitly supports the re-development of PDL for housing, where Paragraphs 124 and 125 of the Framework seek to make effective use of all such suitable land.

Locational Sustainability

The existing access arrangements will be utilised, and parking can be accommodated within the scheme to meet the necessary requirements of each dwelling that will include charging facilities for electric vehicles.

PPG13 and associated guidance is replaced by the NPPF that states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The Court of Appeal decision (**Corbett v Cornwall Council**) discussed the interpretation of ‘immediately adjacent’ in terms of proximity to existing or emerging settlement boundaries. Sir Keith Lindholm said the words ‘immediately adjoining’ in the context of policy should not be given an unduly prescriptive meaning’. He said that the words did not necessarily mean ‘contiguous, or ‘next to’, or ‘very near’.

The Court of Appeal decision advised that the extent of the settlement, and how the site and proposal related to it, were matters of fact and judgement for the decision-maker. In terms of key walking distance considerations, generally 800m (half a mile) is considered a

standard 10-minute walk for daily needs, while 20-minute walks (1,600m) are considered the maximum many will walk.

Based on the above, the application site can reasonably be described sustainably located as it is within Nationally recognised walking and cycling distances, where key services are within a 10 minute walk or 5 minutes or less cycle ride.

These include:

Bus stops on Shilton and Hinckley Road with direct access to Barwell & Earl Shilton centres.
Newlands Community Primary School, Belle Vue Road, Earl Shilton, LE9 7PA.
Oakfield Primary South, Belle Vue Road, Earl Shilton, LE9 7PA.
The Fusion Academy, Moore Road, Barwell, LE9 8AG.
Tesco Express 65 Moore Rd, Barwell, Leicester LE9 8AG.
China Chef 14 Belle Vue Rd, Earl Shilton, Leicester LE9 7PA.

When considering the above, the modest amount of development and the percentage impacts of this traffic are considered minimal meaning the impact of the development will have effectively 'nil detriment' and will not therefore adversely affect the current road network capacity.

Conclusion & Justification

Article 5D of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 sets out the requirements for a valid PIP application as:

- Completed application form;
- A plan to which identifies the land to which the application relates;
- The correct application fee.

The only material considerations in relation to the three aspects of the current 'principle' stage include location, land use, and the amount of development are duly considered within this Planning Statement. Only stage 2 requires the submission of any technical details where an applicant has a further 3 years to apply once stage 1 is considered.

Paragraph 48 of the NPPF indicates that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing, where the determination period is 5 weeks from validation in the case of PIP submissions.

In this specific case it is paragraph 11 d) (ii) which applies as there would be some limited harm arising from the "changing effect" to an existing open area not entirely free of built form, however this needs to be weighed against the material considerations in relation to the supporting information provided in Appendix 1 and 2.

Based on the above, the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Particularly as the proposal is considered to pass the test contained in Paragraph 11 d) (ii). The result of which, means the presumption in favour of sustainable development applies and permission in principle can be supported as a result.

In summary, the principle of development is in accordance with current and emerging LP policy and a recently allowed on appeal major residential scheme in close proximity to the

application site that is located within the countryside, intimately related and adjacent the existing settlement boundaries of Barwell and Earl Shilton, as detailed in **Appendix 1**. Therefore, the proposal does benefit from the presumption in favour of sustainable development as articulated in paragraph 11 (d) of the Framework and can be supported on this basis.

© Simon Cheshire Planning Ltd 2026