

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

WRITTEN STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

PLANNING APPEAL BY MR TONY COOMBS

**AGAINST THE REFUSAL OF PERMISSION IN PRINCIPLE FOR THE ERECTION
OF A SINGLE C3 SELF-BUILD DWELLING, ASSOCIATED AMENITY SPACE
AND PARKING**

AT

**PADDOCK HOUSE, ASHBY ROAD
STAPLETON, LEICESTERSHIRE LE9 8JF**

HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE

25/01029/PIP

THE PLANNING INSPECTORATE REFERENCE

6010066

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1. INTRODUCTION

- 1.1. This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse permission in principle for the provision of a single self-build and custom house-build dwelling at Paddock House, Ashby Road, Stapleton.

2. DESCRIPTION OF THE APPEAL SITE AND THE PROPOSAL

- 2.1. The description of the appeal proposal and the appeal site are detailed at Sections 2 and 3 of the Delegated Officer Report ('Delegated Report') respectively.

3. SITE HISTORY

- 3.1. The relevant planning history for the appeal site is detailed at Section 4 of the Delegated Report.

4. POLICIES

- 4.1 The relevant local and national planning policies and legislation in the determination of this appeal proposal are detailed at Section 7 of the Delegated Report.

5. THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 5.1 The planning application was refused on 24 November 2025 under delegated powers for the following reasons:

1. The proposal represents new residential development in the designated open countryside, which exacerbates ribbon development and results in significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside, the Stoke Golding Rolling Farmland Landscape Character Area and the Earl Shilton North and Barwell West Landscape Sensitivity Area, to which the site positively contributes to. As a result, the scheme is not well designed and fails to reflect local design policies and government guidance on design as a matter of principle. The proposal is therefore contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), as well as Chapters 11, 12 and 15, and Key Policy Paragraphs 129, 135 and 139 of the National Planning Policy Framework (2024). This harm significantly and demonstrably outweighs the potential benefits of the scheme when assessed against the Framework as a whole. In accordance with Paragraphs 11(d) and 139 of the National Planning Policy Framework, the development is refused.
2. The development is in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. The future occupants of the scheme are therefore highly likely to be dependent on private motorised

transport to meet their day-to-day needs, and this results in significant environmental harm. This is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Paragraphs 89 and 161, Key Policy Paragraph 115, Chapter 9, and the overarching ambitions of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024)

- 5.2 Given the above, the main planning issues in relation to this appeal are the adverse effects of the proposed development on the character of the surrounding area, and the intrinsic value, beauty, open character and landscape character of the countryside, and the unsustainable location of the development.

Reason for Refusal 1: Harm to the Character of the Area

- 5.3 Paragraphs 15 to 17, 21 to 22, and 25 to 26 of the Appellant's Statement seek to justify their appeal proposal in light of the first reason for refusal.
- 5.4 With the exception of Paragraph 21 of the Appellant's Statement, all these paragraphs make reference to final detailed design of the scheme. As confirmed at Paragraph 8.2 of the Delegated Report, the NPPG states that the scope of permission in principle is limited to location, land use, and amount of development. Therefore, these comments would not be relevant within the determination of this appeal for permission in principle. This demonstrates that the Appellant has therefore failed to understand this reason for the refusal of their appeal development.
- 5.5 Paragraph 15 of the Appellant's Statement refers to pre-application advice received via 22/10172/PREHMO. This argument has already been addressed at Paragraphs 8.33 and 8.34 of the Delegated Report, and the conclusions of the Council's pre-application response were summarised as Paragraph 4.2 of the Delegated Report. It is noted that the Appellant has not sought to respond to any of these details within their Appeal Statement.
- 5.6 It is also acknowledged that the Appellant has not sought to respond to any specific comments raised by the Local Planning Authority within its assessment of the impact of the development on the character of the area at Paragraphs 8.17 to 8.36 of the Delegated Report. As such, the Appellant has failed to provide any meaningful evidence to support its assertion that the provision of a new residential dwelling in an undeveloped pastoral field in the countryside would not significantly erode the existing rural vernacular or the wider countryside setting in principle. The Appellant has also failed to have any regard to the visual prominence of the site from the highly trafficked 'A' road and three Public Footpaths in the vicinity of the site.

- 5.7 To summarise, the proposal would represent new residential development in the designated open countryside, which would intensify the number of dwellings in a linear arrangement along Ashby Road, which would exacerbate the visual experience of ribbon development in this location. As a consequence of these factors, the proposal would result in significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside, the Stoke Golding Rolling Farmland Landscape Character Area and the Earl Shilton North and Barwell West Landscape Sensitivity Area, to which the site positively contributes to.
- 5.8 As a result, the scheme is not well designed and fails to reflect local design policies and government guidance on design as a matter of principle. This is contrary to, and in conflict with Policies DM4 and DM10 of the SADMP, and Key Policy Paragraphs 129, 135, and 139 of the NPPF.

Reason for Refusal 2: Transport Sustainability and Location of the Appeal Site

- 5.9 Paragraphs 7 to 13 of the Appellant's Statement detail their justification for the appeal proposal in light of the second reason for refusal. This justification includes reference to Paragraph 116 of the NPPF, elements of Paragraph 8.14 of the Delegated Report, the suggestion that the NPPF does not set specific criteria for a site to be considered sustainable, and that the appeal proposal would include the provision of a short footpath link to the existing footpath in Stapleton.
- 5.10 For the avoidance of doubt, the appeal proposal was not refused on highway safety grounds and Paragraph 116 of the NPPF was not included within the reasons for the refusal of application 25/01029/PIP. It is clear that the Appellant has therefore failed to understand this reason for the refusal of their appeal development.
- 5.11 It is also noted that the Appellant has paraphrased Paragraph of 83 of the NPPF at Paragraph 6 of their Statement to avoid including that new housing should be located where it will enhance or maintain the vitality of rural communities. The Appellant has not sought to demonstrate that the provision of one new dwelling in this location which suffers from poor transport sustainability would enhance or maintain the validity of rural communities in these site-specific circumstances.
- 5.12 Contrary to Paragraph 9 of the Appellant's Statement, there is a clear ambition within national planning policy to direct developments to sustainable locations that promote sustainable modes of travel and limit future car use. In addition to Paragraphs 8.7 and 8.12 of the Delegated Report, it is noted that both the social and environmental overarching objectives of sustainable development, which are defined at Paragraph 8 of the NPPF, both refer to creating safe places with accessible services that minimise waste and pollution and move towards a low carbon economy respectively.
- 5.13 Importantly, three of the four Key Policy Paragraphs within the NPPF applicable to the determination of this appeal state that development should be in locations that are accessible, and promote health and wellbeing (Key Policy Paragraph 135),

- promote sustainable modes of transport that limit future car use (Key Policy Paragraph 129), and have a safe and suitable access for all users (Key Policy Paragraph 115).
- 5.14 The Appellant has not sought to refute that the location of the application site does not feature convenient and safe access for walking and cycling to services and facilities, nor that the future occupiers of the scheme would be highly likely to be dependent on private motorised travel to meet their day-to-day needs. On the contrary, Paragraph 12 of the Appellant's Statement confirms that the bus service has limitations. Furthermore, the closest bus stop would exceed the 400m maximum walking distance advised within the Chartered Institution for Highways and Transportation (CIHT)'s Providing for Journeys on Foot.
- 5.15 Even if a short length of footpath was provided from the appeal site into Stapleton, this would not detract from the lack of services and facilities within walkable distances from the site that would make active travel an unattractive option, especially in poor weather and during the hours of darkness. Therefore, future occupiers would be reliant on the use of a private vehicle to access the necessary services and facilities to meet their day-to day needs.
- 5.16 Whilst it is appreciated that Paragraph 110 of the NPPF suggests that opportunities to maximise sustainable transport solutions for significant developments will vary between urban and rural areas, the current proposal would not be for a significant scale of development, and it is not considered that there would be any realistic or practical opportunities associated with the creation of one additional dwelling within the site that would make the application site a more sustainable location for development.
- 5.17 Beyond the Appellant's assertion that occupiers of the proposal would have a genuine choice of sustainable travel modes at Paragraph 13 of their Statement, no further credible evidence has been submitted by the Appellant to justify their position.
- 5.18 Given the above, the development would be in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. The future occupants of the scheme would therefore be highly likely to be dependent on private motorised transport to meet their day-to-day needs, and this would result in significant environmental harm. This is contrary to, and in conflict with, Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, as well as Paragraph 161, Key Policy Paragraphs 115, 129 and 135, Chapter 9, and the overarching ambitions of sustainable development as defined at Paragraph 8 of the NPPF.

Material Considerations

- 5.19 To justify their appeal proposal, the Appellant then refers to several material considerations including the Council's Development Plan being out of date (Paragraphs 5, 18, and 19), the Council's supply of land for housing (Paragraphs 14, 20, and 23), and the Council's supply of self-build and custom housebuilding dwellings (Paragraphs 6, 14, 23, 27 to 39, and 42).

- 5.20 The comments at Paragraphs 5, 18 and 19 of the Appellant's Statement are addressed at Paragraphs 8.60 to 8.63 of the Delegated Report. The Appellant has not sought to refute the position of the Local Planning Authority or provide any suggestion that they have engaged with the Council's assessment of this matter. The Local Planning Authority therefore have no further comments to make on this point.
- 5.21 The assessment of the Council's supply of land for housing is detailed at Paragraphs 8.42 to 8.50 of the Delegated Report. The Appellant has not sought to refute the position of the Local Planning Authority or provide any suggestion that they have engaged with the Council's assessment of this matter. The Local Planning Authority therefore have no further comments to make on this point.
- 5.22 The assessment of the Council's supply of self-build and custom house-building units is detailed at Paragraphs 8.51 to 8.59, Paragraphs 8.64 to 8.72, and Paragraphs 8.84 to 8.87 of the Delegated Report. The Appellant has not sought to refute the position of the Local Planning Authority or provide any suggestion that they have engaged with the Council's assessment of this matter. The Local Planning Authority therefore have no further comments to make on this point.
- 5.23 Ultimately, the appeal decisions referred to by the Appellant have since been superseded by more up-to-date appeal decisions relating to the Council's supply of land for housing, its supply of self-build and custom-housebuilding units, the weight attached to the Development Plan policies and the weight afforded to the social, economic and environmental benefits of a single self-build and custom house-build property in the designated open countryside in the Council's jurisdiction. These include but are not limited to the following appeals 24/00322/FUL (cf. Appendix A), 24/00872/OUT (cf. Appendix B), 25/00695/FUL (cf. Appendix C), and 24/00872/OUT (cf. Appendix D), which were all dismissed by the Inspector.
- 5.24 On 22 June 2026, the Appellant emailed the Inspector and referred to an allowed appeal decision (6004626) at 59 Kennel Lane, Witherley, which the Appellant considered to be comparable to the current appeal proposal. This is not a position that is shared by the Local Planning Authority.
- 5.25 For the avoidance of doubt, the Kennel Lane appeal was for full planning permission for two semi-detached dwellings on previously developed land that consisted of an area of gravel and hardstanding and a vacant two-storey brick barn. Crucially, the Council did not consider 59 Kennel Lane to be in an unsustainable location. Therefore, the circumstances regarding the 59 Kennel Lane appeal are significantly and materially different to the current appeal, which is for permission in principle for one dwelling on undeveloped pastoral land in a location where the future occupants of the scheme would be highly likely to be dependent on private motorised transport to meet their day-to-day needs. Nevertheless, it is noted that the Inspector of the Kennel Lane appeal only considered the social and economic benefits of the provision of two dwellings to attract moderate positive weight in favour of the scheme at Paragraph 19 of their decision.

6. CONCLUSION

- 6.1 To summarise, a decision on whether to grant permission in principle to a site must be made in accordance with relevant policies in the Development Plan unless there are material considerations, such as those in the NPPF and national guidance, which indicate otherwise. It is acknowledged that the Development Plan was adopted prior to the publication of the latest NPPF. However, as a result of the strong consistency with the wording of the NPPF, due weight should be given to the policies within the Development Plan, such as Policies DM4, DM10, and DM17 of the SADMP in accordance with Paragraph 232 of the NPPF.
- 6.2 In the determination of this appeal, the ‘tilted’ balance in Paragraph 11(d) of the NPPF is triggered 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, 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. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the determination of the current appeal proposal in these site-specific circumstances.
- 6.3 The NPPG states that the scope of permission in principle is limited to location, land use, and amount of development.
- 6.4 As confirmed at Paragraphs 8.82 to 8.87 of the Delegated Report, due to the limited scale of the development, the provision of one dwelling in this location should only attract moderate positive weight towards its contribution to the Council’s supply of self-build and custom housebuilding units. Due to the scale of the development, limited positive weight should only be given towards the scheme’s contribution to the Council’s supply of land for housing and the associated economic and social benefits of its construction and occupation. The Appellant has not sought to identify any further planning benefits of the appeal.
- 6.5 In contrast to this, the principle of the appeal proposal would result in significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside, the Stoke Golding Rolling Farmland Landscape Character Area and the Earl Shilton North and Barwell West Landscape Sensitivity Area, to which the site positively contributes to. As a result, the scheme is not well designed and fails to reflect local design policies and government guidance on design as a matter of principle. In accordance with Key Policy Paragraph 139 of the NPPF, the development should therefore be refused. Given the above, the proposal would be contrary to, and in conflict with Policies DM4 and DM10 of the SADMP, Chapters 11, 12, and 15 and three of the four applicable Key Policy Paragraphs within the NPPF, which should attract significant negative weight in the planning balance.

- 6.6 The appeal site would also be in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. The future occupants of the scheme would therefore be highly likely to be dependent on private motorised transport to meet their day-to-day needs, which would result in significant environmental harm. As a consequence of this, the development would be contrary to, and in conflict with, Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, as well as Paragraphs 89 and 161, Chapter 9, three of the four applicable Key Policy Paragraphs, and the overarching ambitions of sustainable development defined at Paragraph 8 of the NPPF. This should attract significant negative weight in the planning balance.
- 6.7 By virtue of all these factors, the appeal proposal would not comply with, and would be contrary to, the requirements of local design policies, such as Policies DM1, DM4, DM10, and DM17 of the SADMP, and three of the four applicable Key Policy Paragraphs within the NPPF. In accordance with Paragraph 11(d) and Key Policy Paragraph 139 of the NPPF, it is therefore requested that the appeal is dismissed because the significant adverse impacts of the development would significantly and demonstrably outweigh the potential benefits associated with the provision one dwellinghouse in the designated open countryside in principle in these-site specific circumstances, when assessed against the policies in the NPPF taken as a whole.
- 6.8 There are no other material considerations to indicate that the proposal should be determined other than in accordance with the adopted Development Plan in this case. With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed.

7. APPENDICES

- 7.1 (See separate documents)
- 7.2 **Appendix A** Appeal Decision 3367383 (The White House, Bosworth Road)
- 7.3 **Appendix B** Appeal Decision 3361154 (Land SW Sibson Road)
- 7.4 **Appendix C** Appeal Decision 6003812 (Land adjacent to 87 Barton Lane)
- 7.5 **Appendix D** Appeal Decision 6003147 (Land north of Woodlands)