

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 MESSRS PHILIPS

**AGAINST THE REFUSAL OF PERMISSION IN PRINCIPLE
FOR THE ERECTION OF 9 DWELLINGS**

AT

**LAND WEST OF BARTON ROAD, CARLTON,
LEICESTERSHIRE, CV13 0EW**

HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE

25/01130/PIP

THE PLANNING INSPECTORATE REFERENCE

6009914

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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 erection of nine dwellings at land west of Barton, Road, Carlton.

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 18 February 2026 under delegated powers for the following reasons:

1. The proposal represents the uncontained urbanisation of the designated open countryside. The principle of the provision of nine residential properties in this location would therefore result in the 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 and the Barton Village Farmlands Landscape Character Area, to which the site positively contributes to. The significant and detrimental impacts of the development in principle to the character of the area would be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S69 to the west. As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle.

Given the above, the proposal would be contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 13 of the adopted Core Strategy (2009), Chapters 11, 12 and 15 of the National Planning Policy Framework (2024), including Key Policy Paragraphs 129 and 135, and the National Design Guide (2019). This significant and permanent harm would significantly and demonstrably outweigh 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 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 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 It is considered that the main planning issues in relation to this appeal would therefore be the adverse effects of the proposed development in principle on the character of the site and the surrounding area, and on the environment from unsustainable location of the appeal site.
- 5.3 The Appellant has submitted a Statement of Common Ground as part of their appeal submission. As a Statement of Common Ground is not required for an appeal via written representations, the Local Planning Authority has not commented on this document, nor agreed to any of its content.

Scope of Permission in Principle

- 5.4 Section 6.8 of the Appellant's Statement suggests that the Local Planning Authority's reasons for the refusal of application 25/01130/PIP go beyond what is appropriate at this stage. This is strongly refuted by the Council.
- 5.5 However, Section 2.0 of the Appellant's Statement suggests that the appeal should be determined on the basis of whether, *"There is anything about the location, land use or amount of development which makes the proposal unacceptable in principle."* This is also strongly refuted by the Council.
- 5.6 For clarity, the assessment of whether the development would result in an unacceptable impact is not the test for determining applications for permission in principle. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.7 Paragraphs 8.1 and 8.2 of the Delegated Report identify the scope of matters that are assessed within the determination of a permission in principle application, as detailed within Planning Practice Guidance. For clarity, the scope of matters within the determination of a permission in principle are limited to location, land use and the amount of proposed development. The Local Planning Authority's assessment of the appeal proposal within the Delegated Report and this Appeal Statement are made on this basis.

- 5.8 However, Section 4 of their Statement suggests that planning permission for a new access at the appeal site via 10/00667/FUL would be important to the determination of this appeal.
- 5.9 As highlighted at Section 6.8 of the Appellant's Statement, detailed technical matters, including access to the site, are reserved for later Technical Details Consent. Therefore, this statement would go beyond what is appropriate to determine at this stage.

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

- 5.10 The first reason for the refusal of 25/01130/PIP is due to the proposal's 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 and the Barton Village Farmlands Landscape Character Area, to which the site positively contributes to.

Landscape Visual Assessment

- 5.11 To justify their appeal proposal, the Appellant's Statement solely relies on the conclusions of their Landscape Visual Assessment ('LVA'), which are referred to nine times within their Appeal Statement.
- 5.12 For the avoidance of doubt, an LVA was not submitted as part of the determination of 25/01130/PIP. The LVA is not referred to within the Appellant's Design and Access, Planning Statement and it is not highlighted in the list of submitted documents within their covering email to the Council on 24 November 2025 (cf. Appendix A). The plan within Appendix G was also not submitted during the determination of 25/01130/PIP.
- 5.13 Therefore, the 47-page LVA at Appendix F and the new plan at Appendix G of the Appellant's Statement were only submitted as part of this appeal, and the submission of these new details was not identified by the Appellant. This is unreasonable behaviour, which is contrary to, and in conflict with, Paragraph 9.5.2.4 of the Planning Inspector's Procedural Guidance for Planning Appeals relating to applications dated on or before 31 March 2026, which confirms that:

"The appellant's submissions, including the statement of case, should not normally include new evidence or additional technical data not previously seen by the LPA and interested parties at the application stage. The appellant may open themselves up to an award of costs if new evidence that could have been anticipated as being relevant to the assessment of the planning application is submitted with the appeal... The appellant should clearly identify any new evidence that is being submitted with the appeal."

- 5.14 In light of this, the Council has not reviewed the LVA as part of its Appeal Statement. Should the Inspector decide that this submission is reasonable and acceptable, then the Local Planning Authority would be more than happy to provide additional comments on these documents where necessary.

Strategic Housing and Economic Land Availability Assessment ('SHELAA')

- 5.15 Section 4.0 of the Appellant's Statement highlights that the appeal site is included within the Council's Strategic Housing and Economic Land Availability Assessment ('SHELAA') and suggests that this should be a material consideration within the determination of this appeal. This is strongly refuted by the Local Planning Authority.
- 5.16 Paragraph 2.3 of the SHELAA confirms that:

"The SHELAA is an evidence base document to inform plan making. It is not a decision-making document, and it does not in itself determine whether or not a site should be granted planning permission or allocated for development."

- 5.17 Therefore, the presence of the appeal site within the SHELAA should not carry any positive weight in the determination of the appeal proposal.

The Council's Response to the Appellant's Case

- 5.18 The Appellant's Statement confirms that the appeal site is a parcel of agricultural land that forms, *"Part of a larger field,"* and, *"Plainly contributes to the wider countryside."* The Appellant's Statement also confirms that the development would lead to, *"Clear and permanent change at the site itself,"* which would, *"Change the site itself and the immediate edge of the village."* The Appellant's Statement concludes that the proposal would result in harm and would conflict with Policy DM4 of the SADMP, and Policy 13 of the adopted Core Strategy.
- 5.19 To justify their development, the Appellant's position is that the proposal would only result in a localised change and that it would not undermine the defining characteristics of the wider area. The Appellant's reasoning for this position is because the appeal site is not exceptional or irreplaceable in value and it has a direct association with adjoining existing development, which has a more varied form and grain than the tight historic core of Carlton.
- 5.20 Crucially, the Appellant's Statement fails to make any reference to the Local Planning Authority's assessment of the significant and permanent adverse impact of the scheme's location, land use, and amount of development in principle on the rural character of the site and the surrounding area, which is detailed between Paragraphs 8.20 and 8.41 of the Delegated Report.
- 5.21 For example, the Council has not sought to suggest that the appeal site is of exceptional value or a 'valued' landscape for the purposes of Paragraph 187 of the NPPF.

- 5.22 However, as identified at Paragraph 3.2 of the Delegated Report, it is the Council's position that the rural character of the appeal site positively contributes to the character of the surrounding area, including the rural setting of Carlton and the key characteristics and sensitivities of the Barton Village Farmlands Landscape Character Area. The Appellant has not sought to refute this within their Appeal Statement.
- 5.23 It is clearly not the Local Planning Authority's position that the development would result in significant harm to entirety of the Barton Village Farmlands Landscape Character Area. The Appellant's suggestion that the significant harm of the development is acceptable because of the scheme would not impact the wider Landscape Character Area on this substantial scale is unreasonable and significantly underplays the significant harm of the development to the rural character of the site and the surrounding area. Ultimately, if such incremental harm was justified on this basis, then this would justify the entire loss of the designated open countryside and the key positive characteristics and sensitivities of this location.
- 5.24 Whilst the Appellant refers to the bungalows at Northfields on the opposite side of the appeal site, as highlighted at Paragraph 3.3 of the Delegated Report, these properties form part of a rural exception site and therefore there are significant and material differences between the two sites and their determination.
- 5.25 In addition, these existing dwellings are on the opposite side of Barton Road and are perceived in a different visual context to the current appeal site, which currently is clearly separated from the built form of Carlton by the natural conclusion of the arrangement of 21 Barton Road.
- 5.26 Unlike the current appeal proposal, the Northfields properties are constrained from, and separated from, the wider countryside by the existing field hedgerows. This a key material difference between the location of the two developments. Although it is appreciated that the Proposed Block Plan is indicative, this plan also identifies that all properties would indicatively have a first floor of accommodation. As indicatively proposed, this would have a significantly and materially different impact to the bungalows on the opposite side of the appeal site.
- 5.27 Ultimately, the principle of residential development on this side of Barton Road would extend domesticating and urbanising features into the designated open countryside. This significant harm is exacerbated by the location of the appeal site and its lack of separation from the wider countryside. The location of this scheme would therefore in principle result in the unrestricted encroachment of urbanising built form into the designated open countryside. This would result in significant and permanent harm to the rural character of the site and the surrounding area. As per the reason for refusal, the significant harm of the development would be heightened by its visual prominence from Barton Road, Nailstone Road, and Public Footpath S69. The Appellant's Statement has not sought to refute the impact of the development on the character of the surrounding area, nor its visual prominence of the development from these views

- 5.28 The Appellant has suggested however that the conclusions of the Council cannot be reasonably sustained at this stage in the absence of the final proposed layout and appearance of the development.
- 5.29 As per Paragraphs 8.33 to 8.36 of the Delegated Report and the indicative Proposed Block Plan, regardless of the final design of the scheme, the entire appeal site would need to be developed to facilitate the proposed amount of development and in a manner that would appear totally at odds with the character and linear arrangement of the existing built form within Carlton along Barton Road. The principle of this amount of development in this location would therefore fail to respect, and would result in significant and permanent harm to, the character of the surrounding area. The Appellant has not sought to refute this point within their Statement.
- 5.30 By virtue of the above, the Appellant has failed to engage with the Council's assessment of the of location, use, and amount of developed proposed by their scheme. The principle of the provision of nine residential properties in this location would result in the 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 and the Barton Village Farmlands Landscape Character Area, to which the site positively contributes to. As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle.
- 5.31 Given the above, the proposal would be contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 13 of the adopted Core Strategy (2009), Chapters 11, 12 and 15 of the National Planning Policy Framework (2024), including Key Policy Paragraphs 129 and 135, and the National Design Guide (2019). On this basis, in accordance with Paragraphs 139 of the National Planning Policy Framework, the development should be dismissed.

Reason for Refusal Two: The Sustainability of the Location of the Appeal Site

- 5.32 The second reason for refusal of 25/01130/PIP relates to the unsustainable location of the appeal site, whereby the future occupiers of the scheme would be highly likely to be dependent on private motorised travel to meet their day-to-day needs. This would result in significant environmental harm in principle.
- 5.33 Paragraph 8 of the Appellant's Design and Access, Planning Statement and Section 6.4 of the Appellant's Statement supports this reason for refusal by confirming that the future occupiers of the development would rely on private car use. Section 7.0 of this Statement confirms that the proposal would conflict with Policy DM17 of the SADMP.
- 5.34 The Appellant repeatedly claims that the appeal site is not "*Isolated,*" or, "*Detached or remote,*" within their Statement.

- 5.35 For the avoidance of doubt, the Council has never referred to the appeal site or the appeal proposal as being isolated, detached or remote within the Delegated Report, nor within the Decision Notice. It is therefore the Council's position that the Appellant has failed to have an appropriate understanding of the Local Planning Authority's reasons for the refusal of their appeal proposal.
- 5.36 If the Local Planning Authority had considered the appeal proposal to be in an isolated location, Key Policy Paragraph 84 of the NPPF would have applied. However, Paragraph 84 of the NPPF is not relied upon by the Council within its Delegated Report or Decision Notice. Although the Local Planning Authority do not consider the proposal to be in an isolated location, this does not suggest that the dwellinghouses within this appeal site would not be in an unsustainable location for dwellinghouses due to its poor transport sustainability.
- 5.37 The Appellant then highlights that a refusal on transport grounds under Paragraph 115 of the NPPF should be reserved for situations where the impacts would be severe.
- 5.38 For the avoidance of doubt, this is not the wording of Paragraph 115 of the NPPF. Paragraph 115(a) and (b) of the NPPF states that it should ensure that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location, and a safe and suitable access to the site can be achieved for all users respectively. Importantly, the Local Planning Authority did not refuse 25/01130/PIP based on highway safety concerns, and this is clear by the fact that the Council did not refer to, nor rely upon Paragraph 116 of the NPPF within the Delegated Report or the reasons for refusal within the Decision Notice, which relates to development being prevented or refused on highways grounds. Given the above, the Appellant has failed to have an appropriate understanding of the Local Planning Authority's reasons for the refusal of their appeal proposal.
- 5.39 Furthermore, the Appellant has suggested that the national policy does not require all rural development to perform like urban development.
- 5.40 The Local Planning Authority has not suggested that a rural development needs to be as sustainable as development within an urban location. However, that does not suggest that planning policies and decisions should not direct development to sustainable locations that are or can be made sustainable through limiting future car use and offering a genuine choice of transport modes in accordance with Key Policy Paragraphs 115, 129, and 135, Chapter 9, and the social and environmental overarching objectives of sustainable development as defined at Paragraph 8 of the NPPF. 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 is not 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 nine additional dwellings within the site that would make the appeal site a more sustainable location for development. This has not been refuted by the Appellant within their Statement.

- 5.41 To support their appeal, the Appellant has referred to the appeal decision at land off Desford Lane, Ratby.
- 5.42 The appeal decision in Ratby was for the provision of up to 225 dwellings in a location that was adjacent to a Key Rural Centre, which is host to a variety of services and facilities. This previous development also included off-site highways works for the creation of new bus stops and a shared use footway and cycleway into Ratby. Therefore, there are significant and material differences between this previously allowed appeal scheme and the current proposal which does not seek to provide any improvements to the transport sustainability or accessibility of the appeal site.
- 5.43 To justify the location of their appeal proposal, the Appellant's Statement only highlights one facility within Carlton, the Gate Hangs Well and then suggests that future occupiers could cycle or walk to nearby settlements such as Market Bosworth via Public Footpaths or along National Cycle Route H&B4, or utilise local bus routes to Market Bosworth, Measham and Atherstone.
- 5.44 Whilst The Gate Hangs Well's website may describe itself as a pub, café, and shop, the property is a public house that serves food and features a gift shop called The Big Gift Company. The Big Gift Company's website (<https://msha.ke/giftsatthegate>) confirms that it sells a variety of handmade gifts such as soaps, candles, and crochet. As such, the presence of the gift shop or the serving of food within the public house would not be considered to increase the sustainability of the application site for potential future occupiers in these site-specific circumstances.
- 5.45 This justification also fails to have any regard to the Local Planning Authority's assessment of the sustainability of the location of the appeal site, which is detailed between Paragraphs 8.7 and 8.19 of the Delegated Report.
- 5.46 As highlighted at Paragraph 8.16 of the Delegated Report, the closest Key Rural Centres are all approximately 3km away from the appeal site, and all public highway routes out of Carlton towards these locations are unlit, are subject to the National Speed Limit, and do not feature any pedestrian or cycleways. Public Footpath S69 is also unlit and unsurfaced, and over 2km from Market Bosworth, and 700m from the proposed access to the appeal site. These options would therefore not represent convenient, safe, nor meaningful alternative sustainable modes of travel to the private car to services and facilities in these site-specific circumstances.
- 5.47 This position is supported by the dismissed appeal decision against the refusal of 26/00695/FUL at land adjacent to 87 Barton Lane, Nailstone (cf. Appendix B), for two dwellings 2.2km to the northeast of the current appeal site. Within this Appeal Decision, the Inspector concluded that the routes to services and facilities within 2km of that appeal site along public highways, which did not feature pavements or street lighting and were subject to the National Speed Limit, were, "*Not pleasant,*" in the daylight, and, "*Would be especially unsafe and unattractive during nighttime hours or inclement weather.*"

- 5.48 Paragraph 6 of this recent Appeal Decision then confirms that, *“It is reasonable to assume, therefore, that people would avoid cycling or walking and would be highly dependent on the use of private motor vehicles.”*
- 5.49 Paragraph 8.17 of the Delegated Report confirms that Arriva Bus Service LC12 only runs once from Fenny Drayton to Measham from 7 AM and once from Measham to Atherstone Bus Station at 2:50 PM between Mondays and Fridays. Whilst there is a Fox Connect service in the area, this only provides direct travel options to parts of the Borough of Hinckley and Bosworth, and to Market Bosworth and Atherstone, but notably not to Hinckley. The Fox Connect service is also not a regular service and is dependent on private bookings, which are subject to the availability of the service. Given the above, the bus services within the local area would not represent convenient, safe, nor meaningful alternative sustainable modes of travel to the private car to services and facilities in these site-specific circumstances.
- 5.50 Paragraph 26 of the recently dismissed appeal against the refusal of 25/01029/PIP (cf. Appendix C) for a dwelling in the countryside near Stapleton confirmed that significant harm should be attached to the scheme’s limited accessibility by sustainable modes of transport, which would thereby increasing private car use to access most local services and facilities.
- 5.51 To summarise, the location of the appeal site would not feature convenient and safe access for walking and cycling, nor meaningful alternative sustainable modes of travel to the private car to services and facilities. As a result, the future occupiers of the scheme would be highly likely to be dependent on private motorised travel to meet their day-to-day needs. Importantly, there would not be considered to be any realistic, practical opportunities for this level of development to exploit that would make this location more sustainable. Given the above, the appeal site would be in an unsustainable location, which suffers from poor transport sustainability, and this would result in significant environmental harm in principle that would be contrary to, and in conflict with, the overarching social and environmental objectives of sustainable development, Key Policy Paragraph 115 and Paragraph 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide. This significant harm should attract significant negative weight in the planning balance.

Material Considerations

- 5.52 To justify their proposal, the Appellant has referred to the site’s Council’s housing land supply position, two appeal decisions at land east of The Common, Barwell, and land off Desford Lane, Ratby, and the potential planning benefits of the development.
- 5.53 Notably, the Appellant’s justification fails to have any consideration for the Local Planning Authority’s assessment of the benefits and harms of the development in the Council’s planning balance between Paragraphs 8.73 and 8.78 of the Delegated Report.

- 5.54 For example, the Council's latest housing land supply position is detailed at Paragraph 8.49 of the Delegated Report.
- 5.55 The appeals in Barwell and Ratby relate to major residential developments for up to 95 and 225 dwellings respectively in sustainable locations near a town and a Key Rural Centre. Both schemes included significant positive planning benefits including, but not limited to, contributions towards affordable housing. These appeal decisions are therefore not materially comparable to the current appeal proposal for a minor development outside of a rural village in an unsustainable location in the designated open countryside. Importantly, all planning applications should be determined on their own site-specific merits. As such, these appeal decisions should attract no positive weight in support of the current appeal.
- 5.56 The potential benefits of the proposed development are identified at Section 6.10 of the Appellant's Statement, which includes the provision of new dwellings to the Council's supply, the associated economic and social benefits through the construction of the scheme and the future occupiers of the scheme's expenditure on local services and facilities, and the proposal's biodiversity enhancements. These potential planning benefits are assessed between Paragraphs 8.57 and 8.66 of the Delegated Report, and the Appellant has not sought to challenge the Council's weighting of these benefits.
- 5.57 In summary, the limited provision of nine dwellings towards the Council's supply of housing should only attract limited positive weight in the planning balance, and the associated social and economic benefits of providing such houses would be modest and would not maintain or enhance the local community and should therefore also only attract limited positive weight in the planning balance. Given the nature of the appeal proposal as a permission in principle, there is no mechanism by which the biodiversity enhancements beyond the statutory 10% biodiversity net gain requirements could be secured. Therefore, only limited positive weight should be attached to the scheme's delivery of biodiversity net gain in accordance with the statutory requirements.

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.
- 6.2 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.

- 6.3 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. 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.
- 6.4 The NPPG states that the scope of permission in principle is limited to location, land use, and amount of development.
- 6.5 As confirmed between Paragraphs 8.57 and 8.66 of the Delegated Report, due to the limited amount of proposed development, the provision of nine dwellings towards the Council’s supply of housing and its associated social and economic benefits, including its delivery of the statutory 10% biodiversity net gain, should only attract limited positive weight in the planning balance.
- 6.6 On the other hand, the proposal would represent the uncontained urbanisation of the designated open countryside. The principle of the provision of nine residential properties in this location would therefore result in the 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 and the Barton Village Farmlands Landscape Character Area, to which the site positively contributes to. The significant and detrimental impacts of the development in principle to the character of the area would be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S69 to the west.
- 6.7 As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle. Given the above, the proposal would be contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 13 of the adopted Core Strategy (2009), Chapters 11, 12 and 15 of the National Planning Policy Framework (2024), including Key Policy Paragraphs 129 and 135, and the National Design Guide (2019). In accordance with Paragraph 139 of the National Planning Policy Framework, the development should be dismissed. This significant harm should attract significant negative weight in the planning balance.
- 6.8 In addition, 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.

- 6.9 This would be 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 Paragraph 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). This significant harm should therefore attract significant negative weight in the planning balance.
- 6.10 By virtue of these factors, it is the Council's position that the significant and permanent adverse impacts of the development to the rural character of the surrounding area and the environment would significantly and demonstrably outweigh the potential benefits associated with scheme of this size in principle in these site-specific circumstances. Therefore, in accordance with Paragraphs 11(d) and 139 of the NPPF, it is recommended that the appeal is dismissed.
- 6.11 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** Appellant's Covering Letter to 25/01130/PIP

7.3 **Appendix B** Appeal Decision – Land adjacent to 87 Barton Lane (6009914)

7.4 **Appendix C** Appeal Decision – Paddock View, Ashby Road (6010066)