

Town and Country Planning Act 1990 – Section 78

Town and County Planning (Development Management Procedure) (England)
Order 2015

Town and Country Planning (Inquiries Procedure) (England) Rules 2002

Appeal by Richborough, Clive Vero,
Geoffrey Malcolm Vero, Kathleen Ann
Sheppard & Leslie Alan James

Appeal against the refusal of outline planning permission by
Hinckley and Bosworth Borough Council for application
24/01079/OUT

*“Outline planning application for the erection of up to 126
dwellings, with associated access, landscaping, open space, and
drainage infrastructure (all matters reserved other than access)”*

Land North of Station Road, Market Bosworth

Planning Statement of Common Ground

Prepared by Fisher German LLP

November 2025

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1. Introduction

- 1.1. This Planning Statement of Common Ground (PSoCG) relates to an appeal by Richborough, Clive Vero, Geoffrey Malcolm Vero, Kathleen Ann Sheppard & Leslie Alan James ('the Appellants') against the refusal by Hinckley and Bosworth Borough Council ('HBBC' or 'the Council') in relation to Land North of Station Road, Market Bosworth, Nuneaton, Leicestershire ("the appeal site") pursuant to planning application ref: 24/01079/OUT for "*Outline planning application for the erection of up to 126 dwellings, with associated access, landscaping, open space, and drainage infrastructure (all matters reserved other than access)*" ("the application").
- 1.2. This SoCG has been jointly prepared by the Appellant and the Council and sets out the factual background to the appeal and those matters on which the main parties agree. It also sets out the residual matters upon which the parties are not agreed.
- 1.3. A separate Landscape SOCG has also been prepared and agreed between the main parties during the course of the appeal with the aim of assisting the Inspector.
- 1.4. An agreed list of Core Documents (CDs) and agreed schedule of conditions are provided separately.
- 1.5. A draft Section 106 agreement is provided separately.
- 1.6. This SoCG has been prepared in accordance with the online Procedural Guide for Planning Appeals (June 2025).
- 1.7. This SoCG is jointly agreed by:

Signed

Date: XX/XX/2025

XXX XXX on behalf of Richborough

Signed

Date: XX/XX/2025

XXX XXX on behalf of Hinckley and Bosworth Borough Council

2. The Appeal Site and Surroundings

- 2.1. The Appeal site extends to 7.964 hectares (Ha) and comprises three pasture fields. The western parcel contains an access track running north to south from Station Road to the residential dwelling known as The Stables, and Wharf Farm beyond. The middle parcel contains an access road to the Kyngs Golf and Country Club located to the north of the site. Within the middle parcel is a small pond, adjacent to an internal hedgerow.
- 2.2. The site is generally flat at approximately 100m AOD, before rising steeply towards the eastern part of the site at almost 115m AOD.
- 2.3. The southern boundary of the site is defined by Station Road with existing residential and employment uses beyond. Station Road runs east to west with the existing settlement of Market Bosworth located to the site's east.
- 2.4. The western boundary of the site is defined by a mature existing hedgerow and the Battlefield Line Railway, with the early 21st Century residential development (Pipistrelle Drive), Ashby de la Zouch Canal and Bosworth Marina beyond. To the east, mature woodland flanks the Site, beyond which there are several residential properties located and St Peter's Church of England Primary Academy.
- 2.5. Kyngs Golf Course and Country Club lies to the north of the site. Whilst not in use, this land has been granted planning permission across a number of consents including for a new club house, holiday chalets and extensive carparking, and more recently for a 50x room golf and leisure accommodation facility. Additional consents include holiday lodges. The implementation of these schemes will create built form to the north of the site. The existing access to Kyngs Golf Course and Country Club runs through the site and will be retained to serve the proposed dwellings.
- 2.6. The appeal site is not the subject of any environmental, open space or landscape designations and does not house any designated heritage assets. It is not subject to any public rights of way and is not currently publicly accessible. It lies wholly within Flood Zone 1.

Planning History

- 2.7. There have been a number of previous planning applications on various parts of the application site.
- 2.8. The first (ref: 13/00520/FUL) comprised a full application for the erection of 65 dwellings and associated works including 2 no. balancing ponds, formal play area space and public open space. The application site comprised only part of the current appeal site (land to the east of the Wharf Farm track to land to west of the golf club access road). The application was recommended for approval by Officers but refused by Members (relevant documents including the Site Layout, Officers Report and Decision Notice are provided at **CD6.01**). The decision was subject to an appeal which was withdrawn on 22 August 2014.
- 2.9. In July 2014, Charles Church submitted a revised, full application (ref: 14/00674/FUL) for the erection of 64 dwellings and associated works including 2 no. balancing ponds, formal play area space and public open space (revised proposal). The scheme was again supported by Officers and reported to Members of the Planning Committee on 19th August 2014 with a recommendation for approval on the basis the Council could not demonstrate a five year housing land supply. Members resolved to approve the resubmitted application subject to the completion of a Planning Obligation (prompting the withdrawal of the appeal referred to above).
- 2.10. However, Officers re-reported the application to the Council's Planning Committee on 5th March 2015, advising Members that the Planning Obligation had not yet been completed, the Council was now able to demonstrate a five

year supply and that the emerging Neighbourhood Plan should be afforded substantial weight. Accordingly, Officers revised their recommendation to one of refusal, which Members accepted. That decision was not subject to an appeal. The Council's decision and associated documents are provided at **CD6.02**.

- 2.11. A further outline application, with an amended site shifted slightly eastwards, for 63 dwellings was submitted in September 2020 (ref: 20/01021/OUT), now by Richborough (**Site Layout CD6.03**). Again, despite an Officers recommendation for approval, the application was overturned by Members at Committee and refused in June 2021 (**CD6.03a-b**). The decision was later dismissed at appeal in February 2022 (Ref: APP/K2420/W/21/3279808) (**CD6.03c**).
- 2.12. An outline application for residential development for up to 105 dwellings, public open space and associated infrastructure works (21/00970/OUT) was submitted in August 2021 on the western parcel of the appeal site by Ainscough Strategic Land (Site Layout **CD6.04**). This application was withdrawn in March 2022.
- 2.13. Land immediately north of the site (Kyngs Golf and Country Club) has been granted planning permission across a number of consents, which most notably includes provision of a golf course and ancillary facilities including a club house via planning application 98/00963/OUT, provision of a multi-purpose golf clubhouse via planning application 19/01437/FUL and a 50-room golf and leisure accommodation facility via 24/00019/FUL. The Council consider that none of the above planning permissions have been implemented to date albeit that the most recent permission granted in 2024 remains extant and capable of being implemented. Associated documents are provided at **CD6.05**.
- 2.14. Immediately opposite the site, on land south of Station Road, there is a resolution to grant consent for 135 dwellings and 0.55ha of employment uses for Miller Homes (24/00560/HYB). The site is allocated in the SADMP and the MBNP. Associated documents are provided at **CD6.06**.

The Appeal Proposal

- 2.15. The Appellant seeks outline planning permission with all matters reserved save for the means of access, for a residential development comprising:
 - Up to 126 dwellings which will include a mix of dwelling types and sizes to meet a range of householder needs;
 - 40% affordable housing;
 - Vehicular access onto Station Road;
 - Retained access to Kyngs Golf and Country Club;
 - Extensive new public open space and green infrastructure, including the enhancement of landscape features, including circular walks, nature trails, children's natural play trails and a range of equipped play areas, amenity space and significant area of biodiversity enhancement;
 - A community orchard and amenity space that will act as a social meeting place for new and existing residents; and
 - Surface water attenuation
- 2.16. The proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), classified as an 'Urban Development Project' (10(b)(iii)) due to the red line application area exceeding the 5 ha threshold. Whilst the red line area measures 7.964 ha, over half of the site is proposed to be public open space, landscaping and biodiversity enhancement, with just 3.57 ha of the site given over to residential developable area, well below the 5 ha threshold. A formal Screening Opinion was

submitted by the Appellant with HBBC providing a response in December 2024 confirming that the submission of an Environmental Statement was not required.

- 2.17. The application was validated by Hinckley and Bosworth Borough Council on 26th November 2024 (ref: 24/01079/OUT) and was brought before the Council's Planning Committee on the 12th August 2025, with an Officer recommendation to grant outline planning permission (**CD4.01 and CD4.02**).

Plans for Approval

- 2.18. The drawings for which the Appellant seeks planning permission for are as follows:
- Parameter Plan (005-01C) (02-1644) (submitted: 12.05.2025)
 - Site Location Plan (P2 1644 002) (submitted: 26.11.2024)
 - Proposed Site Access Layout Plan - T24554.001 Rev E (submitted 01.07.2025)

Statutory Consultees

- 2.19. The Committee Report details that technical matters were resolved to the satisfaction of the following technical consultees on the application, who raised no objection, subject to the imposition of conditions and/or contributions where appropriate:

- HBBC Conservation
- HBBC Environmental Health/Pollution
- HBBC Affordable Housing
- HBBC Open Spaces
- LCC Archaeology
- LCC Ecology
- LCC Highways
- LCC Developer Contributions, including Education
- LCC Lead Local Flood Authority
- LCC Minerals & Waste
- NHS Leicester, Leicestershire & Rutland Integrated Care Board
- Leicestershire Police

- 2.20. Due to the absence of an in house landscape officer HBBC instructed consultant expertise (LUC) to advise on landscape matters.

Decision

- 2.21. Despite Officers recommending it's approval, the Planning Committee resolved to refuse the application. Committee Minutes are provided at **CD4.03**. The Decision Notice was issued on the 15th August 2025 (**CD4.04**) and sets out the following reasons for refusal:

1. *The proposal represents new development in the designated open countryside that results in very significant permanent harm to the character of the site, Important View 1, Important Vista 1, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated open countryside. 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), Policies CE1, CE3, and CE5 of the Market Bosworth Neighbourhood Plan (2025), and Key Policy Paragraphs 129 and 135 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.

2. *The Applicant has not entered into a Section 106 Agreement that secures the provision of planning obligations for the delivery of affordable housing and public open space, and planning contributions towards highways, health, education, waste services and libraries. As such, the application fails to make the necessary, fair, and reasonable contributions towards the provision and maintenance of necessary infrastructure to mitigate the impact of the development on community services and facilities. Therefore, the application is contrary to, and in conflict with Policy DM3 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Policy 19 of the adopted Core Strategy (2009).*

2.22. The Appellant was not requested to provide a completed Section 106 Agreement prior to the determination of the planning application, nonetheless the absence of a completed Planning Obligation was given as RfR2. The Council has always acknowledged that such matters are capable of being overcome by the submission of such an obligation, having exchanged solicitors' details prior to the Planning Committee in order to advance the necessary agreement.

2.23. An agreed draft Planning Obligation will be provided to the Inspector in accordance with the bespoke programme prior to the Public Inquiry.

2.24. The following Heads of Terms are agreed, and meet the requirements of CIL regulations 2010 reg 122(2):

- 40% Affordable Housing
- Early Years Education (St. Peter's CoE Primary School) (£196,592.76)
- Post-16 Education (Bosworth Academy) (£80,361.67)
- Primary SEND Education (The Dorothy Goodman School) (£30,033.40)
- Secondary SEND Education (The Dorothy Goodman School) (£41,091.62)
- Secondary Education (The Market Bosworth School) (£376,146.79)
- Healthcare (NHS England) (£97,574.40)
- Libraries (Market Bosworth Library) (£3,804.91)
- Waste (Barwell Household Waste and Recycling Centre) (£6,240.78)
- Off-Site Outdoor Sports Contributions (£43,787.52)
- Off-Site Outdoor Sports Maintenance (£20,805.12)
- Provision of onsite open space (as set out below)
- On-Site Public Open Space Maintenance (£174,081.60) or undertaken by management company
- Provision of Travel Packs (£52.85 x 126 dwellings) at a total cost of £6,659.10
- Provision of 6-month bus passes (£510x2 x 126 dwellings) at a total cost of £128,520

2.25. On-site Open Space requirements, as set out in the Committee Report (CD4.01 paragraph 8.226) and listed below, will be secured in the s106 agreement:

POS Type	Equipped Children's Play Space (ECPS)	Casual / Informal Space (C/I S)	Accessible Natural Green Space (ANGS)
Provision per Dwelling (2.4 People per Dwelling) (sqm)	3.6	16.8	40

3. The Development Plan

Development Plan

- 3.1. The relevant Development Plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 comprises:
- Hinckley and Bosworth Core Strategy (CS) (adopted in December 2009) which covers the Plan period to 2026 **(CD5.01)**
 - Site Allocations & Development Management Policies DPD (SADMP) (adopted in July 2016) **(CD5.02)** – Policies Map **CD5.03**
 - Market Bosworth Neighbourhood Plan (MBNP) (made in July 2025) **(CD5.04)**
 - Leicestershire Minerals and Waste Local Plan (adopted in September 2019) **(CD5.05)**

Core Strategy 2009

- 3.2. The Core Strategy was adopted in December 2009 and provides the overarching spatial strategy and vision for the development of the Borough up to 2026.
- 3.3. The Strategy was prepared in accordance with national guidance at the time, which has now been superseded by the National Planning Policy Framework (NPPF), and was intended to deliver the strategic housing requirements of the East Midlands Regional Plan, revoked in July 2010.
- 3.4. The Core Strategy identified at Table 1 the strategic housing requirement of 9,000 dwellings over the period 2006-2026. This equates to 450 dwellings per annum, over the Plan period.
- 3.5. RfR1 does not allege that the appeal proposal would be contrary to any policies within the Core Strategy. RfR2 alleges conflict with one policy within the Core Strategy (Policy 19 - Green Space and Play Provision).
- 3.6. The parties agree that the following policies and guidance are relevant to this appeal:
- Policy 7: Key Rural Centres
 - Policy 11: Key Rural Centres Standalone
 - Policy 14: Rural Areas: Transport
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision

Site Allocations & Development Management Policies DPD

- 3.7. The Site Allocations & Development Management DPD (SADMP) was adopted in July 2016 and sets out detailed policies and allocations to deliver the requirements of the Core Strategy (2009), up to 2026.
- 3.8. RfR1 alleges that the appeal proposal would be contrary to Policy DM4 and DM10 of SADMP, whilst RfR2 alleges conflict with Policy DM3.
- 3.9. The parties agree that the following policies and guidance are relevant to this appeal:
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - 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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation

Market Bosworth Neighbourhood Plan

- 3.10. The Market Bosworth Neighbourhood Plan (MBNP) was Made in July 2025 and covers the period 2020-2039. It sets local non-strategic policies within Market Bosworth Parish. The 2025 version updated an earlier Neighbourhood Plan which covered the period 2014-2026 (Made September 2015).
- 3.11. Whilst the MBNP has been updated in 2025, it does not reflect an up to date housing requirement and again is in conflict with up-to-date government guidance on assessing Local Housing Need through the Standard Methodology. NPPF 14 is therefore not engaged. It is in any event subject to an ongoing legal challenge.
- 3.12. RfR1 alleges that the appeal proposal would be contrary to Policy CE1, CE3 and CE5 of the MBNP with no conflict in respect of RfR2.
- 3.13. The parties agree that the following policies and guidance are relevant to this appeal:
- Policy CE1: All New Development within Market Bosworth
 - Policy CE3: Important Views and Vistas and Landscape Character
 - Policy CE4: Trees and Hedgerows
 - Policy CE5: Landscape of the Wider Parish
 - Policy BD1: Affordable Housing
 - Policy BD4: Heritage Asset Protection
 - Policy DC1: Design Codes

Material Considerations

- 3.14. Material considerations in this appeal include the following:
- National Planning Policy Framework 2024 ('NPPF')
 - National Planning Practice Guidance ('PPG')
 - Emerging Hinckley and Bosworth Local Plan Local Plan 2024-45
 - MBNP Examiners Report
 - Supplementary Planning Documents
 - Council's adopted and emerging evidence base, including, but not limited to:
 - Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2022)
 - Other Written Ministerial Statements, Relevant Decision and Judgements

4. Matters on which the parties agree

Introduction

- 4.1. This section of the SOCG sets out the matters on which both parties agree and therefore the following matters are not considered to be an issue for this appeal except where otherwise stated.

Adopted Planning Policy

- 4.2. The appeal site lies outside, but immediately adjoining, the settlement boundary of Market Bosworth, as defined on the Borough-wide Policies Map. Accordingly, the site falls within the countryside but is not subject to any other, site-specific policy designation.
- 4.3. It is agreed that the settlement boundaries were set to meet a housing need established by the Regional Spatial Strategy, and have not been reviewed since 2016. The settlement boundaries set by Policy DM4 are considered to be out of date.
- 4.4. It is agreed that Market Bosworth is identified as one of nine Key Rural Centres in the adopted Core Strategy, only behind the main urban areas of Hinckley, Burbage and Earl Shilton and Barwell, thereby forming a significant part of the settlement hierarchy for the Borough. Key Rural Centres sit above Rural Village and Rural Hamlets in the settlement hierarchy.
- 4.5. The Core Strategy sets out that Key Rural Centres are “villages that have populations over 1500 people, have a primary school, local shop, post office, GP, community/leisure facilities, employment and a 6 day a week bus service (hourly). Key Rural Centres that provide localised provision of facilities permit access by foot, cycle and local bus and can minimise car journeys not only for those people who are living in the Key Rural Centres, but also the rural villages and hamlets surrounding these centres.” Accordingly, Key Rural Centres are acknowledged to be important not only for those within the designated settlement, but importantly to those within the Rural Villages and Rural Hamlets also.
- 4.6. It is agreed that Market Bosworth is a sustainable location for housing growth, with key services and facilities to meet the needs of future residents.
- 4.7. It is agreed that the Core Strategy (2009) directed ‘a minimum of’ 685 new homes to be delivered across the Key Rural Centre tier over the period, which included a minimum of 100 new homes in Market Bosworth.
- 4.8. It is agreed that the mixed use allocation at Land South of Station Road and Heath Road, Market Bosworth (SADMP ref: MKBOS02) was first allocated in July 2016. A planning application was submitted in August 2024 and it was resolved to grant consent in June 2025, subject to conditions and a Section 106 agreement.
- 4.9. It is agreed that the CS and the SADMP are more than five years old. It is further agreed that these policy documents have not been subject to a review in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Paragraph 33 of the Framework.
- 4.10. It is agreed that whilst the MBNP has been updated in 2025, however it was not prepared under the latest version of the NPPF (2024) and does not take into account the latest Local Housing Need figures. The latest MBNP does not engage Paragraph 14 of the NPPF. It is in any event subject to an ongoing legal challenge.
- 4.11. It is agreed that the most important policies for the determination of this Appeal are considered to comprise:
 - CS Policy 7 (Key Rural Centres)
 - CS Policy 11 (Key Rural Centre Stand Alone)
 - SADPD Policy DM4 (Safeguarding the Countryside and Settlement Separation)
 - SADPD Policy DM10 (Development and Design)
 - MBNP Policy CE1 (All New Development within Market Bosworth)
 - MBNP Policy CE3 (Important Views and Vistas)

- MBNP Policy CE5 (Landscape of the Wider Parish)

4.12. It is agreed that the Council does not allege conflict with any policies of the Development Plan other than those listed in paragraph 5.12 above.

Emerging Planning Policy

4.13. It is agreed that the Council are progressing a Local Plan Review which will cover the period 2024 – 2045.

4.14. Changes to the standard housing method have resulted in an increased housing target for the Borough Council, increasing from 432 dwellings per annum (dpa) to 663 dpa. This means that additional housing sites would need to be identified over and above those identified in the 2024 Regulation 18 consultation. Therefore, a further Regulation 18 consultation has now been published (consultation October-November 2025 – **CD5.10**) enabling the Council to ensure that the Plan reflects new requirements in the December 2024 NPPF and NPPF. It also enabled the inclusion of a proportionate contribution to meeting the unmet needs of Leicester City (45 dpa indicative contribution) following a previously agreed contribution of 187 dwellings per annum. Finally, it was also necessary for the Council to review and update the plan period to accommodate these changes and ensure at least a 15 year time horizon for the Plan at the point of adoption. Previous iterations of the emerging Plan had a plan period ending as early as 2036., with the 2024 Reg 18 consultation ending in 2041. The current Regulation 18 consultation has a plan period to 2045.

4.15. The 2025 Regulation 18 Plan is a follow up to the previous 2024 Regulation 18 consultation, with the scope of the 2025 consultation limited to focus on new or updated elements of the Local Plan that have been developed since the previous consultation, rather than a superseded document. Accordingly, both the 2024 and 2025 Regulation Plan coexist alongside one another.

4.16. Table 2 of the 2025 Reg 18 Plan identifies a housing requirement of 15,603 dwellings over the plan period 2024-2045. Market Bosworth is identified as a Key Rural Centre, with characteristics that provide a range of services to meet most of the day to day needs of residents and act as a focal point to help meet the needs of the surrounding rural communities. Key Rural Centres sit only behind the Urban Areas of Hinckley, Burbage, Barwell and Earl Shilton.

4.17. The 2025 Reg 18 Plan does not include further allocations within Market Bosworth, however the 2024 Reg 18 Plan identified 180 homes on land south of Station Road (phase 2) at Market Bosworth. Representations have been made throughout by the appellant that the appeal site offers a suitable and sustainable location to develop up to 126 additional homes to assist in meeting the increased housing requirement that HBBC are required to deliver.

4.18. It is agreed that the latest Local Development Scheme March 2025 (**CD5.06**) indicates the Council plan to consult on a Regulation 19 Submission Draft Plan consultation in Spring 2026, with Submission to the Secretary of State in November 2026, Examination early 2027 and Adoption late 2027. It is further agreed that the Inspector will be updated on this matter during the course of the appeal proceedings.

4.19. As the emerging Local Plan remains at an early stage, is subject to unresolved objections and has not yet been formally submitted to the Secretary of State for examination, it is agreed that the emerging Local Plan Review can only be afforded limited weight as a material consideration in this appeal.

Housing Land Supply

4.20. As outlined in the Officers Report (**CD4.01**), the Council's Planning Policy Team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year

Housing Land Supply. A revised position will be published in Summer 2025 once the monitoring for the 2024/25 year has been completed. This has not been published at the time of writing. The Officer's Report goes on however, to state that:

"It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published."

- 4.21. Within the Officer's Report (**CD4.01**), the most up-to-date position is set out as part of the planning appeal APP/K2420/W/24/3357570 at the Oddfellows Arms, 25 Main Street, Higham on the Hill, where the Council have provided an indicative housing land supply figure via an Interim Five-Year Housing Land Supply Statement (2024 and 2025). When applying the standard method figure and the 5% buffer to the Council's requirement of land for housing, the Policy Team confirmed that, as of 29 July 2025, the Local Planning Authority could demonstrate a **3.89-year supply of land for housing**. It goes on to note that these figures are indicative, and the supply figures are expected to decrease slightly as the monitoring exercise is further progressed.
- 4.22. Furthermore, the Officer's Report notes at paragraph 8.32, that:
"In comparison to the circumstances of the dismissed appeal against the refused planning application 20/01021/OUT, the Local Planning Authority could demonstrate a 4.45-year supply of land for housing and the therefore the weight afforded to the Council's shortfall in supply of land for housing has increased since the previous appeal."
- 4.23. It is therefore agreed that a five year housing land supply cannot be demonstrated. However, the scale of the shortfall is not necessarily agreed.

Tilted Balance

- 4.24. It is agreed that due to the absence of a five year housing land supply in accordance with paragraph 78 of the NPPF, the tilted balance to the presumption in favour of sustainable development as set out in paragraph 11(d) of the NPPF is engaged.

Site Delivery

- 4.25. It is agreed that should the appeal be allowed, there are no technical or legal reasons why the proposed development could not be delivered in a timely manner.
- 4.26. It is agreed that a condition requiring the submission of reserved matters applications within 18 months (rather than the customary three years) could be imposed to ensure development is commenced at the earliest opportunity if the appeal is allowed. It is further agreed that on this basis, the proposed development could be delivered in full within the current five year period, thereby supporting the Council's five year housing land supply position.

Locational Suitability

- 4.27. It is agreed that Market Bosworth is a suitable and sustainable location for additional housing growth in principle.
- 4.28. It is agreed that a development of up to 126 dwellings would be proportionate in scale to the existing settlement.

Accessibility

- 4.29. It is agreed that the site is locationally sustainable in principle in transport/accessibility terms. The reasons for refusal do not allege that the site is in an unsustainable location.

4.30. The site is situated c.1.1km to the west of the Market Bosworth Town Centre, approximately 8km north of Hinckley and Burbage and 17km west of Leicester City Centre. It is agreed that the appeal site is located within walking and cycling distance of a range of local facilities and services (measured from the centre of the site) including:

- Market Bosworth Football Club – 300m
- Godsons Hill (Heath Road) Play Park - 350m
- St Peters C of E Primary Academy - 350m
- Cadeby Lane Stepping Stones Pre School – 350m
- Market Bosworth Sports Club - 400m
- Our Lady & St Gregory's Catholic Church – 600m
- Bosworth Marina (incl. licensed premises, convenience store, café) - 760m
- Market Bosworth Community Library - 900m
- Bosworth Lakeside Lodges – 1,000m
- Bosworth Dental Practice – 1,000m
- Tin Tin Chinese Takeaway – 1,000m
- The Batter of Bosworth Takeaway – 1,000m
- The Market Bosworth School – 1,000m
- The Market Bosworth Surgery - 1,100m
- The Dixie Grammar School - 1,100m
- Market Bosworth Day Nursery - 1,300m
- Hinckley House School – 1,300m
- Free Church – 1,300m
- St Peters Church – 1,300m
- Market Bosworth Bowling Club – 1,300m
- Jasper's Coffee Shop 1.4km – 1,400m
- Bosworth Hall Hotel & Spa – 1,400m
- Market Bosworth Parish Hall – 1,400m
- Market Bosworth Country Park – 1,500m
- Spindles Health Club & Gym – 1,500m
- Market Bosworth Town Centre Market Place (incl., restaurants, cafes, takeaways, hotels, B&Bs, Co-op supermarket, pharmacy, barbers, newsagents, clothes stores) – 1,000m-1,200m

4.31. It is agreed that the majority of these facilities are located within the National Travel Survey (NTS) 2023 average walking distance of 1.12km and that all facilities are located within the Manual for Streets suggested upper limit, referenced in the former PPG13 guidance, of 2km. Furthermore, the majority of facilities are located with the Institute of Highways and Transport (IHT) preferred maximum walking distance of 1.2km.

4.32. It is agreed that a widened footway is provided along the site frontage with Station Road providing a safe walking route towards Market Bosworth to the east and for destinations to the west. Travelling eastwards St Peter's CE Academy lies c.350m from the site access with the Market Bosworth School (secondary education) about a 1km walk from the site access. The schools are extremely well located to the proposal site without the need to cross any roads for access.

4.33. It is agreed that the road route from/towards Market Bosworth is considered safe for cyclists, being lit and subject to a 30mph speed limit. There is a good range of cycle routes and suitable roads within the vicinity of the site to provide residents with a realistic option to travel by bike to nearby destinations as well as further afield to locations such as Leicester.

- 4.34. It is agreed that the nearest bus stops to the site are located on Station Road, adjacent to the existing access to the site, less than 100m from the centre of the proposed development. These bus stops are served by the TZ1 service which runs between Leicester and Twycross Zoo via Desford and Market Bosworth. The route is limited to one service per day in each direction. Service 153 runs hourly Monday to Saturday between Market Bosworth and Leicester, via Newbold Verdon and Desford. The frequency of these services is set out below.

Service No.	Route	Frequency per hour (approx.)		
		Mon - Fri	Sat	Sun
TZ1	Leicester – Desford –Twycross Zoo	1 service at 12:01	1 service at 12:01	N/A
153	Leicester Bus Station – Desford – Market Bosworth – Barlestone - Newbold Verdon – Desford - Leicester	Every hour from 07:33 – 21:04	Every hour from 07:45– 20:45	N/A

- 4.35. It is agreed that the existing bus services in the vicinity of the site provides an opportunity for residents to access employment opportunities in Leicester and Hinckley, as well as education and leisure opportunities in the area.
- 4.36. It is agreed that Atherstone Railway Station is located approximately 13.6km from the proposed development site, whilst Nuneaton Railway Station is located around 15.1km from the site.
- 4.37. Atherstone Station has 12 cycle storage spaces as well as 17 parking spaces available for use. Nuneaton Station is equipped with 46 cycle storage spaces and 186 parking spaces. The stations provide regular services to London Euston, Crewe, Leicester, Birmingham New Street, Cambridge, Manchester Piccadilly, Leamington Spa, calling at various locations along the way.
- 4.38. It is agreed that the local stations provide a good level of service to large employment areas including Leicester and Birmingham and there is potential for residents of the site to reach such destinations via a combined drive and rail journey.

Access, Highway Capacity and Safety

- 4.39. It is agreed that the application was supported by a Transport Assessment (**CD2.17**), Transport Technical Note (**CD2.37**) and Travel Plan (**CD2.38**), the findings of which were accepted by the County Highways Authority.
- 4.40. It is agreed that a safe and suitable access can be provided from Station Road to the development site for active and vehicle modes of transport. The necessary visibility splays can be achieved on land that is either under the control of the Appellant or within the adopted highway; no third party land is affected.
- 4.41. The access proposals also improve pedestrian connectivity to the centre of Market Bosworth by providing a 2.0m wide footway connection along the frontage of the site.
- 4.42. It is agreed that highways capacity assessments undertaken by the Appellant have demonstrated that the traffic generated from the appeal proposal would not have a material impact on queues or delays on the local highway network, either in isolation or cumulatively when other committed developments are taken into account.
- 4.43. It is agreed that the number and severity of Personal Injury Accidents (PIAs) in the immediate vicinity of the appeal site does not give any undue cause for concern and the limited level of traffic associated with the development will not have an unacceptable impact on highway safety.
- 4.44. It is agreed that subject to the imposition of suitable conditions and necessary provisions within the Planning Obligation, there are no highways or transportation reasons why outline planning permission should not be granted.

Market Housing

- 4.45. The provision of up to 75 market dwellings is a clear benefit of the appeal proposal. It is agreed that the precise housing mix is not a matter for determination at this stage but the Appellant has demonstrated that an appropriate housing mix, compliant with relevant policy requirements, can be secured at the Reserved Matters stage.

Affordable Housing

- 4.46. The appeal proposal provides up to 40% affordable housing on-site (up to 51 affordable dwellings) which accords with Policy 15 of the CS and Policy BD1 of the Market Bosworth Neighbourhood Plan (2025). The provision of affordable housing is a benefit of proposal.
- 4.47. It is agreed that Policy 15 of the CS sought to deliver a minimum of 2,090 affordable homes in the Borough during the period 2006 – 2026 (equating to 105 affordable homes per annum). It is agreed that the latest Residential Land Availability Monitoring Report confirms that there were 1,799 affordable dwelling completions between the start of the CS plan period up to the end of September 2023. It is agreed that this equates to a shortfall of 39 affordable dwellings against an annualised target of 1,470 affordable dwellings which should have been delivered by the end of September 2023.
- 4.48. It is agreed that the HBBC Housing Needs Assessment (April 2024) indicates a higher need for 430 net additional affordable homes per annum to be provided – a total of 9,030 over the 21-year period reviewed (2020-41) – albeit the plan period for the Local Plan is presently revised to 2024 – 2045, though still a 21- year period. It is agreed the Housing Needs Assessment is a key evidence base document for the emerging Local Plan, which will need to plan for a significantly higher affordable housing need than currently identified in the CS.

Benefits

- 4.49. The identified benefits will include (but are not necessarily limited to):
- The provision of market housing in a location with an identified need, where the Council is unable to demonstrate anywhere close to the minimum five year housing land supply required by national policy, and where the government has set a clear target of delivering 1.5m homes;
 - The provision of affordable housing in a location where there is an existing unmet need unlikely to be delivered through alternative means;
 - A mix (size, type and tenure) of housing in a sustainable location, which will help to create a mixed and balanced community as well as integrating with the existing community
 - The provision of new publicly accessible green infrastructure for existing and future residents, including a new equipped play area with further natural play areas, trim trail, amenity space and a number of attenuation and biodiversity ponds;
 - The protection and enhancement of existing landscape and biodiversity habitats. The proposed development will retain the majority of the existing trees and hedgerows onsite. The mature woodland to the east will be retained and supplemented with new tree planting within open space to strengthen wooded character. It will also retain views across the site from Station Road and also provides publicly accessible green spaces with elevated vantages across the wider countryside;
 - Highly sustainable and accessible location with provision of travel packs and bus passes;
 - Economic benefits in respect of construction and supply-chain logistics as well as retaining local spend, contributing to the economic dimension of sustainable development. The increase in local expenditure will help to sustain local facilities and services together with local authority benefits including New Homes Bonus payments and Council Tax revenues.

Design and Layout

- 4.50. It is agreed that the application was supported by a comprehensive Design and Access Statement (**CD2.25**) which was prepared in accordance with relevant policy requirements, national planning practice guidance and best practice.
- 4.51. It is agreed that the final iteration of the Illustrative Masterplan (ref: P24-1644-DE-0004-01C) at **CD2.12** provides one iteration as to how the development could be accommodated on-site, based on the Parameters Plan (**CD2.10**).

Public Open Space

- 4.52. It is agreed that, on the basis of the Parameters Plan (**CD2.10**) a minimum of 2.87 ha of public open space will be provided within the proposed development. This equates to more than 36% of the total appeal site (7.96 ha).
- 4.53. New publicly accessible open space provided on site complies with all relevant design standards and will also benefit existing residents in Market Bosworth. The open space shall comprise a LEAP of 500m², Casual/Informal Play Space of 2,200m², natural green space of 23,900m² and 2,200m² of allotments/community orchards (2.87 ha of public open space in total).
- 4.54. It is agreed that outdoor sports provision will be met by an off-site contribution as part of the S106 agreement.
- 4.55. It is agreed that suitable provision for the future management of public open space within the proposed development will be made as part of the S106 agreement.

Landscape

- 4.56. It is agreed that the application was supported by a Landscape and Visual Impact Assessment (CD1.17), Landscape Clarification Note (CD2.18) and revised Landscape and Visual Impact Assessment (CD2.19), which were reviewed on behalf of the Council by an external consultant, the findings of which were accepted by Officers.
- 4.57. It is agreed that the appeal site is not subject to any formal landscape designation and is not a valued landscape under Paragraph 170 of the Framework.

Agricultural Land Quality

- 4.58. It is agreed that the majority of the appeal site comprises Grade 3b agricultural land with a small area towards the east of the site estimated to comprise Grade 2 agricultural land. This area of the proposed development will be retained as public open space/biodiversity area, but is considered to be too small to be of any agricultural utility in isolation. Therefore, it is agreed that the appeal site does not comprises Best and Most Versatile Agricultural Land.

Arboriculture

- 4.59. The application was supported by an Arboricultural Survey and Constraints Assessment (**CD1.20**), (**CD2.06**) and (**CD2.13**).
- 4.60. It is agreed that, in arboricultural terms, the proposed development would include appropriate safeguards which can be secured by condition to ensure that no unacceptable impacts would arise.
- 4.61. New planting could assist in delivering an overall enhancement in the arboricultural resource of the site.

Education

- 4.62. It is agreed that financial contributions towards primary and secondary education provision are necessary and have been requested by the Local Education Authority. Appropriate provision will be included within the S106 agreement.

Noise

- 4.63. It is agreed that the application was supported by an appropriate Noise Assessment (**CD1.13**), the findings of which were accepted by HBBC Environmental Health Officers.
- 4.64. It is agreed that appropriate mitigation can be secured by condition to ensure that the internal living conditions of the proposed dwellings meet relevant standards.
- 4.65. On this basis, it is agreed that there are no noise-related reasons why outline planning permission should not be granted.

Drainage and Flood Risk

- 4.66. It is agreed that the application was supported by a Flood Risk Assessment (**CD1.12**), which included an outline surface water drainage strategy, the findings and recommendations of which were accepted by the Lead Local Flood Authority.
- 4.67. It is agreed that the appeal site is located entirely within Flood Zone 1 and is therefore at the lowest category of flood risk from rivers and seas as categorised by the Environment Agency.
- 4.68. It is agreed that appropriate, on-site surface water attenuation can be provided before surface water is discharged at appropriate, greenfield run-off rates into an existing watercourse. It is agreed that the final surface water drainage design can be secured by condition and on this basis, there are no flood risk or drainage reasons why outline planning permission should not be granted.

Ecology and Biodiversity Net Gain

- 4.69. It is agreed that the appellant has provided all necessary ecological survey data, to the satisfaction of the County Ecologist. Where necessary, appropriate mitigation can be secured by condition.
- 4.70. It is agreed that the appeal proposal will make provision for a 10% biodiversity net gain which is a benefit of the proposal.
- 4.71. It is agreed that the appeal proposal does not effect, nor has any implications for, any habitat sites under the Conservation of Habitats and Species Regulations 2017.

Archaeology and Heritage

- 4.72. It is agreed that the application was accompanied by an appropriate Heritage Assessment (**CD1.09**) and Geophysical Survey (**CD1.10 and CD2.01**), the findings of which were accepted by the Council Conservation Officer and County Archaeologist.
- 4.73. It is agreed that the appeal site is not affected by any designated or non-designated heritage assets and there is no inter-visibility with any designated assets.
- 4.74. The submitted Geophysical Survey identified no features of clear archaeological interest and no obvious earthwork ridge and furrow is visible within the site. The site is considered to have low potential for significant remains but further intrusive fieldwork (trenching) should be undertaken prior to development commencing, which can be secured by condition.

Air Quality

- 4.75. It is agreed that the application was supported by an Air Quality Assessment (**CD1.14**), the findings of which were accepted by the HBBC Environmental Health Officer. Appropriate mitigation during the construction phase can be included within a Construction Environmental Management Plan and secured by condition.

Healthcare

- 4.76. It is agreed that a contribution is necessary towards Market Bosworth Surgery to ensure that the healthcare requirements of additional patients arising from the appeal proposal are met without any unacceptable impact on the existing level of provision. This contribution will be secured within the S106 agreement, in accordance with the request from NHS- Leicester, Leicestershire & Rutland Integrated Care Board England.

Ground Conditions

- 4.77. It is agreed that the application was accompanied by Ground Investigation Desk Study Report (CD1.11a-d) which identified that risk to human health from ground contamination are very low. These findings were accepted by HBBC Environmental Health Officers, subject to the imposition of suitable planning conditions to secure intrusive ground investigations and remediation (if necessary) prior to development commencing.

5. Matters on which the parties disagree

- 5.1. This section sets out the matters on which the two parties do not agree. This should be read alongside the Landscape Statement of Common Ground.

Landscape and Visual Impact

- 5.2. The parties disagree on the extent to which the proposal may be harmful to the character and appearance of the area, albeit that it is agreed that structural planting will significantly mitigate the effects of the proposed development over time.

Policy Conflict

- 5.3. The parties disagree on the weight to be given to the policy conflict with Policy DM4 and CE5.
- 5.4. The Council consider within the Committee Report at paragraph 8.246 (**CD4.01**) that full weight should be afforded to the conflict with DM4. Weight is not attributed to Policy CE5.
- 5.5. The appellant affords limited weight to the conflict with DM4 and CE5.

Planning Balance

- 5.6. The parties disagree on the weight to be given to the benefits arising from the appeal proposal.
- 5.7. The parties disagree on whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, albeit the Committee Report (**CD4.01**) concludes that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.