

Appeal by Gladman Developments Ltd

Land off York Close, Market Bosworth

Against the refusal of outline planning permission for:

"Outline planning application for the erection of up to 100 dwellings (including 40% affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) a vehicular access point and the demolition of one residential dwelling. All matters reserved except for means of access"

Statement of Common Ground between

Gladman Developments Ltd

and

Hinckley and Bosworth Borough Council



July 2025

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1 INTRODUCTION

1.1 Background

1.1.1 This Statement of Common Ground (SoCG) has been prepared jointly by Gladman Developments Ltd (herein referred to as 'the Appellant') and Hinckley and Bosworth Borough Council (herein referred to as 'HBBC' or 'the Council'). This SoCG has been prepared in accordance with the online Procedural Guide for Planning Appeals (September 2024).

1.1.2 The Statement concerns an appeal made pursuant to the refusal of outline planning permission by HBBC of planning application ref: (herein referred to as 'the site'). The description of development is as follows:

"Outline planning application for the erection of up to 100 dwellings (including 40% affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) a vehicular access point and the demolition of one residential dwelling. All matters reserved except for means of access"

1.2 Parties

1.2.1 This final version of the SoCG is jointly agreed by:

Signed

Date

Name

On behalf of the Appellant

Signed

Date

Name

On behalf of

2 BACKGROUND AND PROPOSALS

2.1 Background to the Appeal

- 2.1.1 The planning application that is the subject of this appeal was registered valid by HBBC on 5th September 2024. The application was accompanied by a comprehensive suite of technical reports in accordance with the Council's planning application validation requirements (CD1).
- 2.1.2 The Appellant undertook a public consultation exercise prior to the application submission. The process of engagement allowed the Appellant to consider the concerns and suggestions of interested parties through the scheme preparation process. Full details of this public consultation exercise are set out in the Appellant's Statement of Community Involvement (CD1.16).
- 2.1.3 The original statutory 13-week period for determining the Appellant's application expired on 2nd December 2024. Prior to the statutory date, the Appellant and Case Officer agreed to an extension of time until 31st January 2025, and a further extension until 28th February 2025 in order for outstanding consultation responses to be received and, if necessary, responded to. Further to this a further extension was agreed until 18th June 2025, to allow for the application to be heard at committee.
- 2.1.4 The application was heard at Planning Committee on 17th June 2025 and a decision notice was published on 18th June 2025 (CD5.01 and CD5.02).
- 2.1.5 The application was refused at Planning Committee on 17th June 2025. The application was refused due to very significant harm to the residential amenity of residents of York Close as a result of the change in character of the Close, noise and general disturbance. The second point for refusal was that the appellant had not entered into a Section 106 contribution agreement for the delivery of Affordable Housing and public open space or contributions towards highways, health, education, waste services and libraries.
- 2.1.6 The application submission followed a dismissed appeal from 17th August 2023. The application submitted sort to address the concerns raised by the Inspector. The new proposal gains access off York Close, rather than off Shenton Lane. The development has also been removed from the field adjacent to Shenton Lane, this area is kept as open space. The application dealt with the objections from the appeal and addressed any consultation responses.

2.2 The Appeal Site and its Surroundings

- 2.2.1 The application site is located in the administrative area of Hickley & Bosworth Borough Council (HBBC) and comprises of two agricultural fields. The site area measures approximately 5.61ha and it is situated on the southern edge of Market Bosworth.
- 2.2.2 The site is situated outside but adjacent to the adopted settlement boundary of Market Bosworth. Market Bosworth is identified as a 'Key Rural Centre' under Policy 7 of the Core Strategy. The village has a good range of services and local facilities, as well as sustainable transport links to Leicester.
- 2.2.3 The sites topography gradually slopes downwards from the south-eastern boundary along Shenton Lane to the north-western point of the site boundary. The two fields are self-contained and bound by hedgerows on all sides and the site sits adjacent to the current settlement boundary. To the north and west, the site is bound by existing residential development along York Close, Stanley Road and Northumberland Avenue. The southern boundary is defined by Shenton Lane, vegetation and mature trees.
- 2.2.4 The appeal site is not the subject of any environmental, open space or landscape designations and does not house any designated heritage assets.
- 2.2.5 Ridge and furrow earthworks are recorded within the east of the site by the Leicestershire Historic Environment Record, forming part of a larger area of ridge and furrow which extends to the south of the site (ref. MLE25061). Ridge and furrow earthworks are also present on west of the site.
- 2.2.6 The appeal site is located off York Close, with the town centre being located to the north east of the site. There is a wide network of public footpaths within the town, which provide good connections to the wider countryside. There are regular bus services, from bus stops at Market Place. This provides an hourly service to Leicester Monday to Saturday.

2.3 The Proposals

- 2.3.1 The Appellant seeks outline planning permission with all matters reserved except for access for a residential development comprising:
- The provision of up to 100 market and affordable dwellings;
 - The provision of up to 40% affordable housing;
 - Vehicular access point onto York Close;

- 2.71 ha of new areas of formal and informal public open space, including a Locally Equipped Area for Play;
- Structural landscape planting and the retention and positive management of key landscape features;
- Create a new walking and cycling route between York Close and Shenton Lane; and
- A sustainable Drainage System (SuDS)

2.3.2 Access to the appeal site will be provided via a new vehicular connection from York Close. This will operate via a 'T' junction that would operate under priority control.

2.3.3 As the appeal is seeking outline planning consent, the precise housing mix is not yet set. In accordance with local policy 15 of the Hinckley and Bosworth Core Strategy, 40% of properties will be provided as affordable housing.

2.3.4 The appeal proposals were also supported by a Development Framework Plan (CD2.01). The Development Framework Plan is an illustrative summary of how the appeal site could be developed, taking account of the reports submitted with the application. In doing so, it indicates the provision of green infrastructure including structural landscape planting, areas of informal and formal public open space, pedestrian/cycle routes, a sustainable urban drainage system, and children's play areas.

2.4 Drawings Sought for Approval

2.4.1 The drawings for which planning permission is sought are:

Drawing Ref.	Drawing Name	CD Ref.
10352-FPCR-L-01	Site Location Plan	CD 1.02
1764-17	Site Access Drawing	CD 1.03

3 PLANNING POLICY

3.1 Development Plan

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

3.1.2 As far as relevant to this appeal, the statutory development plan, for the purposes of S38(6) of the Planning Compulsory Purchase Act 2004 comprises:

- Hinckley and Bosworth Core Strategy (2009) (HBCS)
- Site Allocations and Development Management Policies DPD (2016) (SADMP)
- Market Bosworth Neighborhood Plan (2015) (MBNP)
- Leicestershire Minerals and Waste Local Plan (2019)

3.2 Relevant Policies

3.2.1 The parties agree that the following policies are of relevance in the determination of the appeal:

Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- 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 and Development Policies (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding

- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation

Market Bosworth Neighbourhood Plan (2015)

- Policy CE1: Character and Environment
- Policy CE3: Important Views and Vistas
- Policy CE5: Landscape of the Wider Parish
- Policy BD1: Affordable Housing

4 MATTERS OF AGREEMENT

4.1 Introduction

- 4.1.1 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.

4.2 Scale of Weighting

- 4.2.1 The agreed scale of weight for the purposes of the appeal is as follows:

- No weight
- Negligible
- Very Limited
- Limited
- Moderate
- Significant
- very significant
- Full weight

4.3 Affordable Housing

- 4.3.1 The proposals will secure 40% of the proposed dwellings as affordable homes. The parties agree that this is compliant with Policy 15 of the Core Strategy (2009) and Policy BD1 of the Market Bosworth Neighbourhood Plan (2015).
- 4.3.2 The parties agree that the provision of affordable housing is a benefit of the proposals and should be given very significant weight in the planning balance.
- 4.3.3 The affordable housing will be secured through the S106 agreement.

4.4 Access

- 4.4.1 The design of the vehicular access for the site is shown on the submitted access arrangement plan 1764-17. Vehicular access is achieved through number 35 York Close.
- 4.4.2 Pedestrian access is being proposed through the access point on York Close, and an additional pedestrian access on Shenton Lane.

- 4.4.3 Leicestershire County Council have reviewed the access proposals and do not object to the proposal. LCC consider the access proposals to be safe.

4.5 Appeal Decision

- 4.5.1 The site was subject to a previous appeal (App/K2420/W/23/3317090) [CD6.01]. The current appeal proposal resolves all the objections that the Inspector had by removing development within the smaller parcel along Shenton Lane, and access has been removed from Shenton Lane.
- 4.5.2 The current proposal would not result in the same level of heritage harm as suggested by that appeal decision.
- 4.5.3 It is agreed that development within the larger field was accepted by that Inspector and would have a negligible impact and the principal of development proposed by the current appeal was accepted.

4.6 Air Quality

- 4.6.1 The application is supported by an Air Quality Assessment [CD1.16]. It is agreed that there are no material reasons in relation to air quality why the proposed development should not proceed.

4.7 Built Heritage and Archaeology

- 4.7.1 In accordance with Policy DM11(c) of the SADMP and paragraph 215 of the NPPF the less than substantial harm caused to Market Bosworth Conservation Area by the proposal should be weighed against the public benefits. In completing this balancing exercise great weight should be given to the conservation of heritage assets as required by paragraph 212 of the NPPF.
- 4.7.2 It is agreed that when undertaking the flat heritage balance as required by paragraph 215, the public benefits of the scheme would outweigh the less than substantial heritage harm.
- 4.7.3 Ridge and furrow is present onsite and is considered a non-designated heritage asset of lower significance. The loss of the ridge and furrow should be weighed in the planning balance.
- 4.7.4 It is agreed that limited weight should be given to the heritage harm within the planning balance.

4.8 Biodiversity Net Gain

- 4.8.1 The proposal will retain and increase in extent the on-site habitats of greater ecological value, incorporating them into the green infrastructure or public open space.
- 4.8.2 The biodiversity of the site will be protected, diversified and improved through new hedgerow and tree planting and the delivery of new garden spaces and formal and informal green spaces.
- 4.8.3 The parties agree that even though the proposal will not achieve a Biological Net Gain (BNG) on site, a net gain could be provided through off-site credits through a 3rd party, or statutory biodiversity credits. The off-site enhancements will be secured by condition.

4.9 Design and Layout

- 4.9.1 The parties agree that, as the application is in outline only, save for access, the approval of layout, scale, design and landscaping should be considered at reserved matters application stage.
- 4.9.2 The Development Framework Plan [CD2.01] indicates one way in which the site could be laid out to achieve up to 100 dwellings on the site, whilst accommodating green infrastructure, open space and sustainable urban drainage infrastructure. It is recognised that the information provided at this stage is illustrative and that the reserved matters stage would consider the exact number of dwellings, hierarchical structure of the street layout, landscaping and associated infrastructure and other detailed matters.

4.10 Drainage and Flood Risk

- 4.10.1 The appeal site is located within Flood Zone 1 as defined by the Environment Agency.
- 4.10.2 Detailed design of surface water drainage can be secured through a suitably worded planning condition.

4.11 Ecology and Biodiversity

- 4.11.1 Both parties agree that the application site would not impact upon an ecological designations.
- 4.11.2 It is agreed that measures to enhance areas of the site which have ecological importance, as well as mitigation measures to minimise any potential impacts on wildlife, can be secured through planning conditions.

4.12 Economic Benefits

4.12.1 Both parties agree that the proposal will generate economic benefits. Economic benefits of the development are set out in the Socio-economic Benefits Statement [CD1.05].

4.12.2 It is agreed that the economic benefits of the appeal proposals should be afforded significant weight.

4.13 Emerging Local Plan

4.13.1 It is agreed that very limited weight should be given to the emerging Local Plan.

4.14 Highways

4.14.1 There are no objections to the development of the appeal site on highway grounds from Leicestershire County Council or National Highways. LCC have confirmed that they have no objection subject to condition and the proposal would not have a severe impact on the highways network.

4.14.2 LCC have thoroughly looked at the proposals, by providing to responses to the application, and confirming that no reasons could be added on highways safety following the planning committee.

4.15 Housing Land Supply

4.15.1 It is agreed that the Council cannot demonstrate a five year housing land supply. In light of the lack of a five year housing land supply significant weight should be given to the delivery of housing.

4.16 Landscape

4.16.1 It is agreed by both parties that the site is not covered by any statutory designations for landscape character or quality.

4.16.2 It is agreed that the development is well contained and would not intrude significantly into the countryside surrounding the town. The development would have a negligible effect on the character and appearance of Market Bosworth.

4.17 Local Plan Policies

- 4.17.1 It is agreed that HBCS policy 7, policy 11, and SADMP policy DM4 were derived from the now revoked East Midlands Regional Plan (EMRP). The settlement boundaries were based upon a housing requirement set for a different housing need from today.
- 4.17.2 CE5 of the neighbourhood plan, is also based upon the settlement boundaries which were developed in accordance with the EMRP.
- 4.17.3 Developments have been approved outside of the settlement boundaries in order to meet the current housing needs. The settlement boundaries are required to flex for the Council to meet a five year housing land supply.
- 4.17.4 Policy7, Policy 11, DM4 and CE5 are all to be considered to be out of date.

4.18 Neighbourhood Plan

- 4.18.1 The emerging Neighbourhood Plan is set to go to referendum on 10th July.
- 4.18.2 The adopted Neighbourhood Plan was adopted on 3rd September 2015, and did not allocate an additional site. The site south of Station Road was also allocated within the SADMP.
- 4.18.3 The emerging Neighbourhood Plan does not seek to allocate any new sites, and continues with the allocation south of Station Road.
- 4.18.4 The Emerging Neighbourhood Plan does not seek to meet the Local Housing Needs. The Examiner acknowledge that the housing requirement for the Town is currently unknown given the position of the emerging Local Plan. The Emerging Neighbourhood Plan does not contain allocations to meet the current local housing need.
- 4.18.5 The emerging neighbourhood plan accepts the principal of housing developments outside of settlement boundaries within policy CE5.

4.19 Noise

- 4.19.1 It is agreed that a Noise Assessment [CD1.17] was submitted as part of the application. The Environmental Health Officer reviewed the application and did not have any objection on noise grounds.

4.20 Planning Obligations

- 4.20.1 Both parties agree that planning obligations are required towards local infrastructure to mitigate the impacts of the development.

4.20.2 It is agreed by both parties that all planning obligations must be reasonably related in scale and kind to the proposed development and must also meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

4.20.3 It is agreed that the reason for refusal 2 would fall away when a S106 is agreed.

4.21 Public Open Space

4.21.1 The appeal proposals would provide circa 2.71ha of green infrastructure, including formal and informal open space. Details of layout, maintenance and management of on-site public open space would be secured through planning conditions and/or a planning obligation.

4.21.2 Policy 19 of the Core Strategy (2009) sets out the standards that will be required in relation to green space and play provision in the borough. The Development Framework Plan [CD2.01] and the Design and Access Statement [CD1.07] demonstrate that the proposed green space would be in accordance with Policy 19.

4.21.3 The parties agree that this provision will be available to both existing and new residents of Market Bosworth and represents a benefit of the proposals.

4.22 Settlement Boundaries

4.22.1 It is agreed that the settlement boundaries were set to meet a previous housing need, and need to flex to meet the needs of today. The settlement boundaries set by policy DM4 are considered to be out of date.

4.23 Site and Settlement Sustainability

4.23.1 The proposed development site lies adjacent to existing development on the edge of Market Bosworth.

4.23.2 It is agreed that Market Bosworth is a Key Rural Centre and that the facilities shown on Figure 6.1 of the Transport Assessment (TA) [CD2.04] accurately reflect those available in Market Bosworth. Facilities and amenities in the town include a primary school, a secondary school, a library, a pharmacy, a dental practice, a Co-Op food store and a newsagents (referenced on Figure 6.1 of the TA under supermarket and convenience store respectively), independent shops, salons, food outlets, public houses, a country park and a sports ground.

4.23.3 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. The site is located on the edge of Market Bosworth and the Town's facilities can be accessed by safe walking routes.

4.24 Tilted Balance

- 4.24.1 It is agreed that the tilted balance within paragraph 14 is engaged.

5 MATTERS OF DISAGREEMENT

5.1 Introduction

- 5.1.1 This section of the SoCG sets out the areas of disagreement between the appeal parties.

5.2 Residential Amenity

- 5.2.1 The Council has identified their main concern with the development proposals is the potential impact on residential amenity to the properties surrounding the point of access onto York Close.
- 5.2.2 The Council considers that the proposals would bring a very significant change in the character of York Close, especially for neighbouring properties on York Close, with noise and disturbance caused by the increased traffic movements.
- 5.2.3 The Council acknowledges that these are subjective assessments of the impacts on residential amenity rather than those based on technical noise reports.
- 5.2.4 The Appellant has taken thorough investigation into the impact this access point would have on residential amenity. The noise report which was submitted as part of the planning application [CD1.17] sets out that the noise produced from the access would be within acceptable limits.
- 5.2.5 Consultees such as the Environmental Health Officer and Leicestershire County Council were satisfied with the access, subject to additional fencing being provided.
- 5.2.6 This point of access has been designed to reduce the impact on neighbouring properties.
- ## 5.3 Policy Conflict
- 5.3.1 The weight given to policy conflict is disagreed specifically the weight to be given to policy DM4 and CE5.
- 5.3.2 The Council consider within the committee report at paragraph 8.66 [CD5.01] that limited to moderate weight should be afforded to the conflict with DM4 and CE5.

5.3.3 The appellant attaches limited weight to the conflict with DM4 and CE5.

6 PLANNING OBLIGATIONS AND CONDITIONS

6.1 Section 106 Obligations

- 6.1.1 The Appellant will draft a s106 obligation, and this will be issued to the Council for comment in advance of the appeal in order to provide reasonable opportunity for agreement to be reached. The draft s106 obligation will be provided to the Inspector ten days in advance of the Inquiry, in accordance with the PINS procedural guidance.
- 6.1.2 The s106 obligation will include provisions for the management of on-site open space, affordable housing (40% on site) and other contributions requested during the application process.
- 6.1.3 Should any new s106 requests arise before the commencement of the Inquiry, the Appellant will review these with the Council and include in the obligation where necessary.

6.2 Planning Conditions

- 6.2.1 A draft list of conditions will be agreed by both main parties and an agreed list will be submitted to the Inspector in accordance with the appeal timetable.