HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Hinckley & Bosworth Borough Council

STATEMENT OF CASE ON BEHALF OF THE LOCAL PLANNING AUTHORITY

PLANNING APPEAL BY MR & MRS MORLEY

AGAINST THE REFUSAL OF OUTLINE PLANNING PERMISSION (ACCESS ONLY) FOR THE ERECTION OF A C3 SELF-BUILD DWELLING AND ASSOCIATED AMENITY SPACE AND PARKING (RE-SUBMISSION OF 24/00872/OUT)

AT:

LAND SOUTH WEST OF SIBSON ROAD, SHEEPY PARVA, LEICESTERSHIRE

HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE: 25/00883/OUT

THE PLANNING INSPECTORATE REFERENCE: 6009220

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1.0 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 outline planning permission for the erection of a self-build dwelling and associated amenity space and parking at Land South West of Sibson Road, Sheepy Parva.

2.0 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.

3.0 SITE HISTORY

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

4.0 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.

5.0 SECTION 2: THE CASE FOR THE LOCAL PLANNING AUTHORITY

5.1 The planning application was refused on 11 November 2025 under delegated powers for the following reasons:

1. *The development represents unjustified residential development outside the existing built form into the open countryside. This results in an irreversible and detrimental urbanising effect on the character of the countryside. The provision of one self-build dwelling, with the associated economic and social benefits, would not outweigh the harm, which is significant and demonstrable in this case. Therefore, the proposal is in conflict with Policies S1, S8 and S10 of the Sheepy Neighbourhood Plan, Policies DM4, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), as well as Sections 2, 11, 12, and 15 of the National Planning Policy Framework (December 2024).*

5.2 The Appellant's Statement refers to the following main issues; the Council's lack of five-year housing land supply, the Sheepy Neighbourhood Plan (SNP), the locational sustainability of the site, and the design and impact on the character of the countryside.

5.3 Regarding the housing land supply position, since the determination of planning application 25/00883/OUT, the Council's Planning Policy team have reviewed the revisions to the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply. The Council cannot demonstrate a five-year housing land supply, and the latest figures as of June 2026 (as stated in appeal decision 6004626) demonstrate that the Council has a housing land supply of 3.55 years.

5.4 On the matter of locational sustainability, paragraph 8.17 of the Delegated Report confirms that whilst there are limitations regarding the frequency of the bus service and requirement to use a shared surface to reach Sheepy Magna on foot/cycling,

prospective occupiers of the proposal would have a genuine choice of sustainable travel modes to reduce the reliance on private cars. Therefore, the location of the proposed development with regard to access to services and facilities would be acceptable, as it would have access by a choice of modes of travel. This matter is not contested by the Local Planning Authority and was agreed by the Inspector of the previous appeal APP/K2420/W/25/3361154.

5.5 Regarding the impact on the character and appearance of the countryside, The Local Planning Authority maintains that the proposal would fundamentally and detrimentally alter the character of the application site and approach to Sheepy Parva through the removal of some hedgerow, the creation of a surfaced access and associated hardstanding, and the erection of a dwelling of which the scale and appearance is not yet known. The Neighbourhood Plan contextual analysis for Sheepy Parva notes that on the approach from Sibson Road the main built-up area of the village is marked by South Riding and Manor Farm- the latter being more typical of the area's architecture and character. The development would extend development beyond this into an area which quickly transitions to an open countryside character to the south west of Sibson Road. The development would also lead to ribbon development along this side of Sibson Road which DM4 seeks to avoid.

5.6 As concluded in the previous appeal decision, the proposed development would therefore cause unacceptable harm to the character and appearance of the area. Thus, it would be contrary to the aims of Policies S1, S8, and S10 of the SNP and Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (SADMP) which collectively seek to safeguard the countryside and respond positively to the character and appearance of the area.

6.0 SECTION 3: PLANNING BALANCE & CONCLUSION

6.1 The Council's housing land supply position has changed since the decision was issued, and it is acknowledged that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published. Notwithstanding this, the Officers recognised as part of the original refusal that the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required and do not contain any provisions regarding CSB. It is necessary therefore to continue to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.2 In accordance with Paragraph 14 of the NPPF, the LPA acknowledges that the Neighbourhood Plan was made less than five years from the date of this decision, and it contains policies and allocations to meet its identified housing requirement. Therefore, in his case, the adverse impact of allowing residential development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

6.3 Policies DM4 and DM10 of the SADMP are considered to be broadly consistent with the overall aims of the NPPF in seeking to protect the intrinsic character of the countryside and steering development to sustainable locations, and to ensure that development complements or enhances the character of the surrounding area. Therefore, significant weight should be attached to the fact that the proposal is contrary

to the Development Plan and undermines the plan led approach endorsed by the Framework.

6.4 The proposal also conflicts with Neighbourhood Plan policies S1 and S10 insofar as the proposal does not meet any of the specified criteria for development outside of the settlement boundary. In line with paragraph 14 this conflict is attributed significant weight.

6.5 Importantly, no Legal Agreement has been submitted by the Appellant to secure the dwelling as self-build, ensuring that the plot is serviced for this use and that the dwelling is implemented as self-build in accordance with the definition of self-build and custom house build in Paragraph A1 of Section 1 of the Self-Build and Custom Housebuilding Act 2015. The LPA considers that a Legal Agreement is required to ensure that the weight attributed to the custom and self-build element of the proposal is attributable for the purposes of decision making, as demonstrated in recent appeal decision. If the Inspector allows the appeal and disagrees with the requirement for a Legal Agreement, a condition should be included to ensure that the proposal will be implemented as a self-build scheme, and that the development shall be carried out and occupied in accordance with the approved details.

6.6 The Framework states that small and medium sized sites can make an important contribution to meeting housing requirements of an area and can be built out quickly. The proposal would deliver one new dwelling which would make a positive contribution to addressing the minor shortfall in self-build plots. As the scheme is only for one dwelling and the shortfall is not considered to be significant, nor is it a persistent shortfall with the LPA having just entered this, the LPA affords moderate positive weight to this aspect of the proposal.

6.7 In summary, it is considered that the adverse environmental and social impacts of this proposal and conflict with the Development Plan, in particular the Neighbourhood Plan, significantly and demonstrably outweigh its potential benefits. As a result, it is considered that the development conflicts with Policies S1, S8 and S10 of the Sheepy Neighbourhood Plan, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), as well as Sections 2, 11, 12, and 15 of the National Planning Policy Framework (December 2024).

7.0 CONDITIONS

1. Application for the approval of reserved matters shall be made within 2 years from the date of this permission, and the development shall begin no later than one year from the date of approval of the last of the reserved matters to be approved.

   Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until details of the layout, scale, appearance, and landscaping, (hereafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

   Site Location Plan received 16.09.25
   Site Access Design & Visibility Splays (DWG-01) received 16.09.25

   Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence until details have been submitted to, and approved in writing by, the Local Planning Authority that provide evidence that the scheme hereby permitted will be implemented as a self-build dwelling in accordance with the definition of self-build and custom house build at Paragraph A1 of Section 1 of the Self-Build and Custom Housebuilding Act 2015. The development shall then be carried out and occupied in accordance with the approved details.

   Reason: To ensure that the proposal is delivered as self-build and custom house building development, as stated by the Applicant, to meets the needs of people wishing to build their own homes accordance with Paragraph 71 of the National Planning Policy Framework (NPPF) (December 2024).

5. Prior to the submission of any subsequent reserved matters application, a field evaluation shall be submitted to and approved by the Local Planning Authority. The Field Evaluation shall be carried out by appropriate techniques including trial trenching (if identified necessary in the assessment) to identify and locate any archaeological remains of significance and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

   Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policies DM11, DM12 and DM13 of the Site Allocations and Development Management Policies Development Plan Document.

Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

3. The proposals show that the Applicant may need to remove a section of grassed highway verge in order to facilitate the access. Whilst this may be acceptable there may be statutory undertaker apparatus located within the verge/footway fronting the site; the Applicant will need to undertake surveys and potentially works to relocate these services. Any additional cost that arises as a result of this would be entirely at the Applicant's expense.

5. Provision for waste and recycling storage of containers and collection across the site will be required and adequate space provided at the adopted highway boundary to store and service wheeled containers.

6. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk