

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

PLANNING APPEALS BY BARWELL CAPITOL LTD

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR A COMBINED TOTAL OF
125 DWELLINGS ACROSS FOUR SITES**

ON LAND AT:

CRABTREE FARM, HINCKLEY ROAD, BARWELL, LEICESTERSHIRE

**LOCAL PLANNING AUTHORITY REFERENCES: 23/01175/FUL, 23/01177/FUL,
23/01184/FUL AND 23/01186/FUL**

PLANNING INSPECTORATE REFERENCES: 6002755/6/7/8

MARCH 2026

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1. INTRODUCTION

- 1.1. This Statement sets out the Council's case in relation to the refusal of planning applications 23/01175/FUL, 23/01177/FUL, 23/01184/FUL and 23/01186/FUL for a proposed development of 125 dwellings on land at Crabtree Farm, Hinckley Road, Barwell. The applications were refused under delegated powers in July 2025.
- 1.2. The Statement is to be read in conjunction with the previously submitted Officer Report and the Statement of Common Ground (SoCG) that is currently being agreed between the Council and the Appellant's agent Harris Lamb Ltd. It should be noted that a single report was prepared for the applications.
- 1.3. Leicestershire County Council as the local education authority is submitting its own Statement with regard to the education contributions that are considered necessary to fairly and reasonably mitigate the impacts of the proposed development. The response of the Leicester, Leicestershire and Rutland Integrated Care Board to the appeal with regard to the health services contributions is attached at Appendix 1 of this Statement.
- 1.4. This Statement is written by the case officer Tim Hartley. I was a Team Leader at the Council from June 2022 to October 2025. I have over 30 years' experience within development management having worked in both private and public sectors. I hold a degree in Town Planning and am a member of the Royal Town Planning Institute.

2. APPEAL SITE AND PROPOSAL

- 2.1. A full description of the appeal site and of the proposal is set out within the Officer Report and also within the SoCG and so is not repeated here.

- 2.2. As is set out within the Statement of Common Ground the proposals have been revised in line with the Wheatcroft principles in order to address reason for refusal two. It is confirmed that the Council is satisfied that the issues raised in the second reason for refusal of the applications have been addressed to the point that the Council no longer seeks to oppose the proposals on the grounds referenced in the second reason for refusal
- 2.3. It is confirmed therefore that the proposals now result in a total of 124 dwellings, one fewer than has been proposed at the point at which the applications were refused.

3. SITE HISTORY

- 3.1 The relevant site history is set out in detail within the Officer Report and in some additional helpful detail at paragraph 4.1 of the Appellant's Planning Statement, so is not repeated here. In addition the reasons for refusal of the applications are set out in full in the SoCG and so are not repeated here. Again, it should be noted that the reasons for refusal of all four applications were identical.

4. LOCAL AND NATIONAL POLICY CONTEXT

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 provide that planning decisions must be made in accordance with the development plan unless there are material considerations to indicate otherwise.
- 4.2 The Development Plan, insofar as it is relevant to this appeal, comprises Hinckley and Bosworth Core Strategy (2009), Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 4.3 Development plan policies and planning guidance considered to be of relevance to the determination of the appeal are also set out in the Delegated Report and so are not repeated here.
- 4.4 The NPPF is of key relevance to the determination of this appeal, and those paragraphs of greatest relevance are detailed below in the case for the LPA and in the following section that comments on the appellant's case.
- 4.5 Leicestershire County Council (LCC) policy regarding planning obligations is set out in its Planning Obligations Policy (POP) dated July 2019. As set out in the Statement of Common Ground the main matter of dispute between the two parties as set out in the first reason for refusal relates to education and NHS contributions. As set out at paragraph 1.2 of the POP, schools is one of the five main types of infrastructure typically required by the County Council. The Policy background for the education contributions is set out in full in the Leicestershire County Council's Statement submitted separated to the LPA's Statement.

- 4.6 In this instance there are no highway contributions required, and the Appellant agrees to the library and waste management facility contributions.

5. RELEVANT APPEAL DECISIONS

- 5.1 The LPA is mindful that each case must be determined on its own merits and that therefore comparisons with other appeal decisions are usually of limited assistance. The LPA considers it of note that there are no recent examples of appeals within the Borough where a main matter has been a failure to agree on planning obligations. This point goes to the Council's case set out below that the Appellant is unusually seeking to unreasonably avoid the payment of financial contributions that the vast majority of other applicants accept and a reasonable and normal part of the planning process.
- 5.2 The LPAs attention has been brought to appeals beyond the Borough where appeals have been both dismissed and upheld and where detailed decisions support both the cases of the Appellant and the LPA. It is considered though that the merits of the case are so specific to the particular site and in the absence of recent relevant examples of appeal decisions within the Borough, that submitting other appeal decisions is not, on balance, particularly helpful to the Inspector.

6 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 6.1 The planning applications were refused for two reasons and the Council's reasoning for that decision is set out fully in the Officer Report that forms a key background paper. This statement seeks to avoid repetition as far as possible while at the same time setting out the Council's case for why the appeals should not succeed.
- 6.2 It is the case of the LPA that the Appellant is simply seeking evade making reasonable financial contributions to mitigate the impact that the appeal proposals will have in relation to education and to health.
- 6.3 Paragraph 7 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 sets out that to achieve sustainable development there are three overarching objectives, the first of which is an economic objective that includes identifying and coordinating the provision of infrastructure. It is the Council's case that the Appellant fails to make a necessary contribution and thereby the proposals cannot be considered to be sustainable development.
- 6.4 Paragraph 11d) of the Framework sets out that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes. The LPA acknowledges that there are no key policies relevant to reason refusal one. The LPA also acknowledges that it is paragraph 11d) of the Framework that is relevant for the determination of this appeal

as the Council does not have an up-to-date development plan but points out that paragraph 232 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework. It is the case of the LPA that the policies in the development plan that justify financial contributions towards health and school infrastructure are entirely consistent with the policies in the Framework.

- 6.5 Paragraph 56 of the Framework sets out that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 6.6 Paragraph 58 states that planning obligations must only be sought where they meet three tests that are set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. These tests are:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development
- 6.7 Chapter 8 of the Framework deals with promoting healthy and safe communities. It sets out at paragraph 96 that planning decisions should aim to achieve healthy, inclusive and safe places which include, amongst other things:
- street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods
 - well-designed, clear and legible pedestrian and cycle routes
 - enabling and supporting healthy lives
- It is the case of the LPA that the proposals do not accord with the requirements of paragraph 96 of the Framework.
- 6.8 Paragraph 98 of the Framework sets out that planning decisions should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments.
- 6.9 Paragraph 100 of the Framework states that it is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. In particular it points out that great weight should be given to the need to create, expand or alter early years, schools and post-16 facilities through decisions on applications.
- 6.10 Similarly, paragraph 101 of the Framework states that significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure, such as health facilities, when considering proposals for development.
- 6.11 The development plan policies that are of greatest relevance to reason for refusal one are summarised at paragraph 8.97 of the Delegated Report. Given that the issues that remain unresolved relate solely to education and health contributions it is only Policy DM3 of the Council's Site Allocations and Development Management

Policies Development Plan Document that addresses the issues raised in the one remaining reason for refusal.

- 6.12 Policy DM3 sets out that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism. It sets out that in order to secure and coordinate the timely delivery of infrastructure, the Borough Council will work in partnership with other local delivery bodies, local authorities, developers and service providers, throughout all stages of the development process to deliver the infrastructure required to support the policies in the Local Plan.
- 6.13 Policy DM3 goes on to state that where, because of the physical circumstances of the site and/or prevailing and anticipated market conditions, a developer can demonstrate that the viability of a development proposal affects the provision of infrastructure provision, the Borough Council will balance the adverse impact of permitting the scheme on the delivery of such provision, with any identified planning benefits of the scheme. It is noted that during the processing of the application the Appellant at no point claimed or suggested that the proposal was in any way unviable or that financial contributions towards infrastructure as set out in Policy DM3 affected the viability of the scheme. Neither has the Appellant at any point during the processing of the applications suggested or claimed that a reduced level of contribution was necessary.
- 6.14 It is the case of the LPA that Policy DM3 is a standard planning policy that is repeated in similar form in every local planning authority across the country and it is one that Inspectors endorse routinely in appeal decisions. Paragraph 7.24 of the Harris Lamb Statement of Case sets out that Policy DM3 in general accords with the policies in the Framework and can be afforded full weight
- 6.15 It should be noted that the Appellant did not engage in any pre-application discussions, as is confirmed on the application forms for the four applications. The SoCG includes a section on the rationale behind the submission of four planning applications that commences at paragraph 1.12. The Appellant sets out that the only rationale for the submission of separate applications was that it avoided the need to pay planning application fees on the 96 dwellings that already had consent.
- 6.16 Paragraph 1.4 of the Planning Statement that was submitted with the planning applications, which was prepared by the same agents that are now dealing with the appeal on behalf of the Appellant sets out clearly at paragraph 1.4 that the “four applications have been prepared to bring forward the development of the site as a whole and provide a comprehensive design solution.”
- 6.17 The LPA fundamentally disagrees that the four applications were prepared to provide a comprehensive design solution. Had that been the case the Appellant would have submitted a single application. In the absence of pre-application discussions the LPA was not presented with the scenario that the then Applicant found themselves in that there was no requirement for them to pay a planning fee on the two sites for 51 and

45 dwellings that benefitted from an extant planning permission. It is the view of the LPA that had there been pre-application discussions, a sensible and pragmatic view could have been reached that a single application could have been submitted but with a fee that took account of the Applicant's ability to submit applications covering the 96 dwellings for which permission already existed

- 6.18 The LPA makes the point most strongly that the submission of four separate applications has been to the benefit of no one involved in this application process. It has required much duplication of work, has wasted the time of all involved in submitting three unnecessary extra applications and has been confusing for some consultees and neighbours.
- 6.19 What the LPA at no point anticipated though was that the submission of four separate planning applications was also intended as a mechanism to reduce the Appellants reasonable and fair financial contributions to mitigate the effects of their proposals. The evidence for this is found within the Education Statement of Common Ground (ESoCG) which states at paragraph 7.1 that *"It is the appellant's position that, as each application is for less than 100 dwellings, LCC's policy in relation to EY and SEND is not triggered."*
- 6.20 The Council disagrees in the strongest possible terms to this statement. As the Appellant's own Planning Statement says, as referenced above at paragraph 6.15 of this statement, the Appellant sees this as a single scheme. Indeed, there is no sensible way in which the four applications can be looked at as separate schemes. The Harris Lamb Planning Statement dated November 2023 that was submitted with the applications uses the word 'comprehensive' no less than eight times:
- at paragraph 1.4 the proposals are described as providing *"a comprehensive design solution"*
 - at paragraph 1.11 which acknowledges that the four applications and acknowledges that *"this approach is unusual"* it also *"allows for the comprehensive redevelopment of the site in exactly the same way as a single planning application would"*
 - at paragraph 1.13 which refers to the design and Access Statement and *"how the scheme as a whole delivers a comprehensive development"*
 - at paragraph 2.1 which states that the four applications *"proposed the comprehensive development of the application site"*
 - at the sub-heading above paragraph 2.2 which states *"Crabtree Farm – Comprehensive Redevelopment Proposal"*
 - at paragraph 5.3 in stating that *"the proposal is an approach to the comprehensive redevelopment of Crabtree Farm"*
 - at paragraph 7.2 where it is asserted that *"the schemes have been designed so that the whole of Crabtree Farm can be developed on a comprehensive basis"*
 - at paragraph 7.9 regarding S106 wording *"to ensure the comprehensive development of the site"*

- 6.21 The use of the word ‘comprehensive’ is cut by 50% in the Harris Lamb Statement of Case dated December 2025 but still at paragraph 1.20 it is set out that the *“applications were prepared to bring forward the development of the appeal site as a whole and provide a comprehensive design solution.”*
- 6.22 The scheme is clearly a single development, and the Appellants attempt to assert that no contributions that would represent a proper mitigation of the impacts of the development with regard to education contributions is evidence of the fact that they are simply wanting to evade fair and reasonable planning obligations.
- 6.23 The statement at paragraph 7.1 of the ESoCG confirms the suspicions of the case officer that the Appellant has from the very start of the process sought to minimise costs and that this has been the driving force behind every decision that has been made and the minimisation of costs has extended to expending the minimum effort on properly assessing the scheme as a whole following the granting of the two most recent permissions – the one at appeal (21/00695/FUL) and the other under delegated powers by the LPA (22/01503/FUL).
- 6.24 An examination and comparison between the layouts approved under these two schemes shows the similarities between the layouts that are currently proposed. The obvious difference being the increase in density between those previously approved and the scheme under consideration. The desire to undertake minimal work on the wider layout or to truly make the development comprehensive as the Appellant was so keen to demonstrate when the applications were first submitted in 2023, has been and remains an obvious feature of the layout that the Inspector is now being asked to consider.
- 6.25 The best evidence for the appellant’s intransigence regarding the need for better design and for a scheme that truly represented a comprehensive development of the site is to be found in the retention of the two points of access to the site. Attached at Appendix 2 is an initial email from the case officer to the person at Geoff Parry Associates (the architects dealing with the applications). In the email it was pointed out that in terms of highway safety the Local Highway Authority would likely suggest a single point of access rather than the two that were shown on the submitted plans and that this would offer opportunities for layout improvements and to provide better open space. The email also pointed out that too much of the accessible natural green space was made up of many tiny strips of left over land on the edges of the site.
- 6.26 The Inspector will have had sight of the Local Highway Authority consultation response issued on 27 March 2024 which, in the concluding sentence in the section on site access states that *“the LHA would advise the LPA that the Applicant should provide a single point of access on to Hinckley Road to serve the site as a whole, reducing the number of conflict points on the network.”*
- 6.27 Attached at Appendix 3 is a further email from the case officer dated 22 April 2024, setting out that a re-design to provide a single point of access which would in turn allow for improvements to the layout in accordance with principles set out in Building for a Healthy Life and advised in the Council’s Good Design Guide.

- 6.28 The Inspector has in their possession the Appellant's response to this was the Highways Technical Note from Savoy Consulting dated June 2024 that sets out that there was no need to alter the site access. The LHA response issued 13 September 2024 again sets out that a single point of access should be provided and the conclusions of the response include "*the LHA strongly advise the Applicant should consider and provide a single point of access to the site on Hinckley Road.*"
- 6.29 The conclusion of the attempts to provide a single point of access are set out in the LHA consultation response issued on 3 January 2025, which again is in the Inspector's possession. It sets out in the section on site access that the Applicant had stated to the LHA that a single point of access was not going to be provided, and the response sets out that while the LHA was disappointed, given that it would minimise the number of conflict points, it could not defend a reason for refusal on highway safety grounds.
- 6.30 The LPA does not raise these issues in an attempt to defend the second reason for refusal – as is set out in the SoCG and above at paragraph 2.2, the LPA is satisfied that when considering the extant permissions and the overall planning balance and the improvements made under the Wheatcroft consultation process, the matters raised in the second reason for refusal have been sufficiently addressed so that The LPA withdraws the second reason for refusal. These issue are raised though with regard to the first reason for refusal as it is evidence of the Appellant's focus on making the scheme as cheap as possible, of making as few changes to the extant layouts as possible other than to increase the density of development across the site and of the Appellant's disregard for the need for good design and the need to be fair and reasonable with regard to their responsibilities in the planning process.
- 6.31 Further evidence of this remains all too evident in the revised layout, despite the improvements that resulted from the Wheatcroft consultation process there remain many instances where the Appellant is seeking to undertake the minimum work possible. Examples include:
- the lack of a direct link to the playing field to the east of the site (the Tweeds River Play Park), despite it being directly adjacent
 - the narrow footpath to the west of 18 Crabtree Road that was only introduced as part of the Wheatcroft amendments
 - the lack of any vehicular or any clear pedestrian links between the eastern and western halves of the site
 - the haphazard, narrow, disjointed, leftover space along the boundary between the western and eastern halves of the site which, according to Core Document L8 Overall Public Open Space Area Plan 1951 018 Rev E, the Appellant claims is accessible natural green space
 - the areas of open space directly adjacent to habitable ground floor windows on plots 9, 18, 23, 76, 85, 88, and 104 that the Appellant seeks to claim is accessible natural green space or casual informal open space while at the same time acknowledging that contributions towards off-site open space are required

- the narrow strips of left over space for example to the rear of plots 77 to 84, around the car parking spaces to the west of plots 89 and 90 and to the east of plot 120

6.32 The LPA considers that there is clear evidence as set out above that in 2023 the Applicant's aim with regard to the site was to avoid as much additional expenditure on the site as was possible and that this has ultimately resulted in the proper decision on the applications to refuse planning permission. It is requested that the Appellant's claims are rejected and that the fair and reasonable financial contributions to mitigating the impacts of the development, that the Appellant continues to dispute, are secured.

6.33 This is not a situation where the Appellant has, as is reasonably allowed by Policy DM3 of the SADMP, is seeking to argue that the contributions cannot be afforded. The Appellant had entered into a legal agreement that included contributions towards health care and education provision in January 2023 in relation to planning application 21/00695/FUL and Appeal reference 3308175. The current applications were submitted in December 2023 and at no point has the Appellant ever claimed that viability issues prevented S106 contributions being made. Instead the Appellant has sought to evade fair and reasonable contributions towards education provision and health services as required by Policy DM3 of the SADMP and by paragraphs 100 and 101 of the Framework.

6.34 It is pointed out that paragraph 100 of the Framework requires that great weight is given to the provision of early years, schools and post-16 facilities and this includes where the provision relate to special educational needs and disabilities. Similarly paragraph 101 of the Framework requires that significant weight be placed on the importance of new, expanded or upgraded public service infrastructure such as health facilities.

6.35 The LPA fully supports the Statement submitted by Leicestershire County Council as local education authority and the statement of the Leicester, Leicestershire and Rutland integrated Care Board (ICB) that is attached at Appendix 1 of this Statement. To further assist the Inspector the response of the ICB to the Appellant's challenge to health services during the processing of the application is submitted at Appendix 4.

7 COMMENTS ON THE APPELLANT'S CASE

7.1 The LPA notes that the Appellant has submitted separate Statements with regard to design, education and healthcare, highways and planning along with a note on the approach to the S106 Agreements.

7.2 The LPA fundamentally disagrees with the point made in the first bullet point of the opening page of the S106 Note. The LPA makes the point that the extant planning permissions on the east and west sites were dealt with as two separate applications submitted 18 months apart. There was very obviously a need for separate legal

agreements for the two applications. To claim as the Appellant does that the east and west site are discrete enough to warrant individual S106s is simply false and the fact that are as discrete as they are with their own main points of access from Hinckley Road is down to the Appellant's refusal to improve the design of the scheme as evidenced above.

- 7.3 With regard to the Highways Statement by Savoy Consulting the LPA attaches at Appendix 5 an email submitted in the past few days by Leicestershire County Council as local highway authority. As highway matters are no longer a reason for refusal the LPA has no further comments on the Appellant's Highway Statement.
- 7.4 With regard to the Education and Healthcare Statement the LPA notes that the position with regard to education has moved on significantly since the applications were refused and the appeals were submitted. It is noted though that the appeals are not submitted by Fort Estates Ltd and that at paragraph 2.3 the Statement focusses on the combined developments as one, a position on which the LPA concurs.
- 7.5 The LPA relies on and supports the submissions of the County Council and the Integrated Care Board with regard to the details points made. It is noted though that with regard to paragraph 3.25 of the Appellant's Statement planning obligations are routinely included within S106 Agreements both where they are agreed between the LPA and applicant and where they are submitted in connection with an appeal. The LPA therefore fundamentally disagrees with the Appellant on this point. The LPA offers no further comments on the Education and Healthcare Statement.
- 7.6 The LPA notes that the Design Statement relates to the second reason for refusal which is now withdrawn. The LPA is critical of the detailed design but accepts that given the extant permissions and the balancing exercise that must be undertaken as required by paragraph 11d of the Framework design is not a reason for refusal of the application. Design issues are referenced above to the extent the case of the LPA that the Appellant is seeking to evade fair and reasonable expenditure with regard to the application whether that relates to planning obligations or to design quality.
- 7.7 The LPA notes that the Appellant's Design Statement avoids any assessment of there being two access points to the site rather than one or that there is no vehicular connection between the two sites. The LPA disagrees with the conclusion that is made that the proposed development is a good quality scheme that demonstrates strong urban design principles.
- 7.8 As with the other Statements the Planning Statement reflects a position that has moved on substantially and that has resulted in the LPA withdrawing the second reason for refusal following the changes made as a result of the Wheatcroft consultation.
- 7.9 The LPA notes that paragraph 1.13 of the Appellant's Planning Statement does not take account of the wider background that it was the Case Officer's intention to write the applications up for refusal prior to the usual wider discussions that take place before any final recommendation is made by LPA officers. This is evidenced in the

email from the Case Officer to the Planning Manager dated 19 December 2024 that is attached at Appendix 6.

- 7.10 With regard to paragraph 1.21 of the Planning Statement the LPA again notes that any independence between the east and west halves of the site is down to the Appellant's refusal to undertake fair and reasonable improvements to the layout that would have resulted in clear improvements both to highway safety and established principles of good urban design such as pedestrian and vehicular connectivity between the two halves of the wider site.
- 7.11 The LPA disagrees with the statement made at paragraph 5.1 that Appellant worked closely with Officers to make revisions to the scheme to resolve concerns raised with the proposals. This is evidenced in the Appellant's response to one of the key areas of concern relating to the two main access points as set out in paragraphs 6.25 to 6.29 above. It is acknowledged that other points were resolved, particularly with regard to overlooking and interface distances.
- 7.12 Paragraph 8.16 deals with Policy 19 of the Core Strategy. The LPA notes that it requires that residents have access to "sufficient, high quality, accessible green spaces and play areas." The first reason for refusal though related to library services, education provision, health services and travel packs. Only contributions regarding education and health services remain in dispute and the LPA has withdrawn its second reason for refusal which did make reference to poor design and a lack of usable open spaces. It is accepted therefore that Policy 19 of the Core Strategy should properly have been referenced in the second reason for refusal and not the first.

Planning Balance

- 7.13 The LPA disagrees with the weighting that is given to material planning considerations that are set out in the Planning Statement at paragraphs 8.28 to 8.38 and offers its own weighting below.

8 PLANNING BALANCE AND CONCLUSIONS

- 8.1 The LPA acknowledges had the Applicant not disputed the planning obligations then the applications would not have been refused. The LPA cannot demonstrate a 5-year supply of housing land. Whilst it is considered that the scheme fails to accord with the requirements of paragraph 135 of the Framework with regard to ensuring that developments add to the quality of an area and are visually attractive as a result of good layout and that the development creates a places that is safe, inclusive and accessible with a high standard of amenity for future occupiers, and represents development that is not well designed, contrary to paragraph 139 of the Framework, it is considered that to a significant extent these problems result from the extant planning permissions that remain capable of implementation. For these reasons, and as a result of the further improvements made as a result of the Wheatcroft consultation, the second reason for refusal has been withdrawn and reason for refusal now relates to education and health services contributions.

- 8.2 The County Council and the Integrated Health Board have submitted their comments on the appeals and the LPA has made its case that the Appellant is seeking to evade fair and reasonable contributions that mitigate the impacts of the proposed development.
- 8.3 In accordance with the requirements of Policy DM3 of the SADMP and the advice set out in paragraphs 100 and 101 of the Framework it is considered that **significant weight** should be given to the lack of planning obligations to fairly and reasonably mitigate the impacts of the proposed development with regard to the provision of early years, special educational needs and disabilities and health facilities.
- 8.4 There are clear social benefits arising from the provision of market and affordable housing for which there is an acknowledged need. The application results in an increase of 28 additional dwellings though beyond what can be built out under the extant permissions and so the contribution to the housing supply is not significant and therefore it is considered that this is a benefit to which **moderate to significant weight** should be given.
- 8.5 The social benefit that results from the modest increase in the population of the local community and any environmental benefit through the efficient use of previously developed land are considered to attract **moderate weight**.
- 8.6 Economic benefits would arise from the scheme through jobs and spend during the construction phase and through economic activity of any future population. This benefit is considered to carry **moderate weight**.

9 Appendices

Appendix 1 – Leicester, Leicestershire and Rutland Integrated Care Board response to the appeals

Appendix 2 – Email from the case officer to Geoff Parry Associates dated 11 March 2024

Appendix 3 - Further email from the case officer dated 22 April 2024

Appendix 4 - Leicester, Leicestershire and Rutland Integrated Care Board response to the Appellant's challenge to health service contributions dated 17 September 2024

Appendix 5 – Email from the Local Highway Authority dated 23 March 2026

Appendix 6 – Email from the Case Officer to the Planning Manager dated 19 December 2024