

Design, Access & Planning Statement.

Demolition of existing building and erection of a single C3 self-build dwelling land associated with Upper Pullins Farm, Stoke Lane, Higham on the Hill, CV13 6FG.

October 2025

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Email:plot64@talktalk.net

Introduction

Demolition of existing building and erection of a single C3 self-build dwelling land associated with Upper Pullins Farm, Stoke Lane, Higham on the Hill, CV13 6FG.

This Statement has been prepared in accordance with the requirements of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the provisions of the Town and Country Planning (General Development Procedure) (Amendment) Order 2010 and Town and Country Planning (Development Management Procedure) (Amendment) Order 2015.

In accordance with the National Planning Policy Guidance (NPPG), the level of detail presented in this statement is proportionate to the scale and complexity of the application. References were made to the relevant planning policies. These are predominantly the adopted and saved Local Plan policies as they take primacy in the determination of such an application where they are NPPF & NPPG compliant.

Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Policy Guidance

National Planning Policy Guidance (NPPG).
National Planning Policy Framework (NPPF) 2024
Community Infrastructure Levy (CIL) Regulations 2010

Development Management Policies DPD

Site Allocations and Development Management Policies DPD (2016)

Policy DM1: Presumption in Favour of Sustainable Development
Policy DM4: Safeguarding the Countryside and Settlement Separation
Policy DM7: Preventing Pollution and Flooding
Policy DM10: Development and Design
Policy DM14: Replacement Dwellings in the Rural Area
Policy DM17: Highways and Transportation
Policy DM18: Vehicle Parking Standards

Principle and other material planning considerations

The Written Ministerial Statement Planning for Growth and Laying the Foundations emphasized the Government's approach to house building and the need to provide action to build more houses and to boost economic growth. Although now superseded by the NPPG, it remains fully reinforced by the NPPF (2024) where the Government's aim remains to significantly boost the supply of housing.

The NPPF identifies three dimensions to sustainable development giving rise for the planning system to perform the roles below:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;”

“a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

“an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

Furthermore, LP policy should follow the approach of the presumption in favour of sustainable development where such development should be supported when weighing all of the provisions of the Framework (Dec 2024) as a complete document.

The Government is committed to ensuring the planning system should not act as an impediment to housing provision. All Local Authorities need to significantly boost the supply of housing irrespective of the status of the immediate 5 YHLS. In reference to their report “Building More Homes” (July 2016) the cross-party House of Lords Economic Affairs Committee Chairman Lord Hollick stated:

“We are facing an acute housing crisis with home ownership – and increasingly renting – being simply unaffordable for a great many people. The only way to address this is to increase supply. The country needs to build 300,000 homes a year for the foreseeable future.”

This conclusion was reinforced in November 2016 when the RPTI released a Policy Statement on identifying new housing development opportunities entitled: *Where should we build more homes?* Under section “*land within existing built up areas will not meet all our needs*” the Statement concludes:

“Even with an enhanced urban renewal and regeneration programmes of action and funding, land within existing built up areas will not meet all our housing needs in full. Some of the future housing needs will have to be met on greenfield land around our towns and cities. The experience of our members clearly indicates that this can be done without undermining the priority to be given to brownfield sites through a planned, managed and phased approach to development.”

Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

Relevant Planning History

24/00087/FUL Change of use of existing barn to C3 dwelling with associated private amenity space and parking (Resubmission 23/00705/FUL) Upper Pullins Farm, Stoke Lane, Higham on the Hill. 26 April 2024

25/00421/FUL Demolition of existing outbuildings and construction of a single C3 dwelling Pretty Oak Farm, Upton Lane, Stoke Golding. Approved 16 June 2025

25/00464/FUL Demolition of existing light industrial/storage barn and erection of one dwelling Lodge Farm Market Bosworth Road Dadlington. Approved 31 July 2025

24/00112/FUL: Demolition of existing outbuildings and construction of a new dwelling at Cottage Farm, Barr Lane, Higham On The Hill: Approved 20 March 2024.

The above decision notices are included in Appendix 1

The delegated report associated with Cottage Farm above states:

"to facilitate this new proposal, the existing outbuildings are now demolished, and the new dwelling is relocated 3m further away from the existing dwelling. The Applicant has explained that this is to ensure a better-quality result and to ensure that the development achieves modern technical standards."

Since the approval of application 24/00087/FUL, a similar technical assessment was undertaken based on the accepted structural survey, and the result was to meet the highest and most environmentally efficient building standards, a new build based on the approved footprint and scale was the optimal solution and achieving environmental gains beyond those required under standard building regulation requirements.

In terms of the extant approval granted under application 24/00087/FUL, the relevant case law relating to an established fallback position is set out in **R v Secretary of State for the Environment and Havering BC**, where Mr Lockhart-Mummery QC noted there were three elements to the fallback position:

"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly if the answer to the second question is "yes" a comparison must be made between the proposed development and the fallback use."

The case of **DLA Delivery Ltd v SoS** highlights the critical need for consistency in decision making in terms of following previous decisions or to give clear reasons for reaching a different view. The delegated report related to application 25/00464/FUL at Lodge Farm states:

"Planning balance

8.50 The Council cannot demonstrate a 5-year housing land supply and 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. It is necessary therefore 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.

8.51 Whilst the principle of a new build dwelling in this location is contrary to Policy DM4 of the SADMP, the fall-back position is considered to be a material consideration which outweighs conflict with Policy DM4.

8.52 The sustainability impacts of this proposal versus the conversion permission would be identical. Whilst the building would have some differences to the existing building, it would remain proportionate to the size, scale, mass and footprint of the existing building, retaining its character similar to the existing agricultural building, and respecting the intrinsic character of the countryside and that of the immediate area.”

The existence of the current fallback position, effectively means the current application relates to a replacement dwelling that will be built to higher environmental and energy efficient standards, as approved in relation to applications 24/00112/FUL, 25/00464/FUL and 25/00421/FUL as cited above and included in Appendix 1

In addition, on the 30th July 2024, the Deputy Prime Minister wrote to all local authority Leaders and Chief Executives in England stating:

“Underpinning plan making – at the strategic and local level – must be suitably ambitious housing targets. That is why we have confirmed today that we intend to restore the standard method as the required approach for assessing housing needs and planning for homes, and reverse the wider changes made to the NPPF in December 2023 that were detrimental to housing supply.

But simply going back to the previous position is not enough, because it failed to deliver enough homes. So, we are also consulting on a new standard method to ensure local plans are ambitious enough to support the Government’s commitment to build 1.5 million new homes over the next five years. The new method sees a distribution that will drive growth in every corner of the country.”

Currently the policies the LPA relies upon are contained within 2009 Core Strategy and the Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016). The NPPF was updated on 12th December 2024 alongside the NPPG that revised the standard method for calculating the local housing need assessment and, as a consequence, the LPA are unable to demonstrate a 5YHLS, which is one of the key circumstances for the engagement of the ‘tilted’ balance as per Paragraph 11(d).

In addition, the Emerging Local Plan for 2020-41 has been consulted upon at Regulation 18 draft stage, with the consultation period ending in September 2024. The latest Local Development Scheme (LDS) outlines further public consultation on the submission Draft Plan (Regulation 19) in 2025. At this stage given its early stage of preparation the Emerging Local Plan is attributed no weight when determining this submission.

On this matter an appeal associated with land **East of The Common, Barwell, LE9 8BR** issued on the 13th March 2025 (Appendix 1) the Inspector concluded:

“The lack of five-year supply, the continuing delay with previously identified sites coming forward and the uncertainty over the timescale of examination and adoption of the emerging local plan are factors to which substantial weight needs to be given. Consequently the Core Strategy adopted in 2009 has to be regarded as out-of-date as the development strategy put forward has not been achieved. This reduces the weight that can be given to Core Strategy policies which restrict development including on sites in a Green Wedge.”

And

“On the main issues I have found that the principle of development in this area of countryside conflicts with SAMD policy DM4 but this only carries limited weight because of the Council’s HLS position. The proposal would cause some moderate harm to the rural landscape character of the area and to a limited geographical area but it would not result in a significant adverse effect which is the test set out in criteria (i) of Policy DM4 and criteria (a) of Policy DM10.”

Based on the current policy situation facing the LPA, the proposal is considered wholly acceptable in principle.

Local List Requirements

Due to the scale and nature of the proposal, the level of detail submitted with the application is considered proportionate. Schedule 4 of the DMPO details the statutory consultations required before the grant of permission. If during the determination period the statutory consultees request additional information and this is not provided by the applicant, the LPA could refuse the application for this reason. On this basis this section forms a notice under Article 12(1) (DMPO Amended July 2015) as the applicant considers the submitted information meets the requirements set out in article 34(6)(c) and any other information contained in the adopted Local List should be waived allowing the immediate validation of the application.

Amount, Layout & Design

The Framework seeks to protect communities from inappropriate development but not to curtail development where it accords with Local and National Plan policy. Planning policies and decisions should no longer attempt to impose architectural styles however it is proper to seek to promote or reinforce local distinctiveness. On this basis the proposal will be capable of mirroring the approved design associated with application 24/00087/FUL, and by extension, will be aligned with paragraph 139 of the Framework that states:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”

Additionally, in recent years the LPA now accept that minor residential schemes (less than 9 units) carry similar weight or benefits to larger residential schemes especially when viewed cumulatively on an annual basis. Such windfall sites materially often make a significant contribution to the 5YHLS as demonstrated by the: ***Windfall Study An assessment of the case for including windfall in the five year housing land supply (1 April 2020)*** that states:

“A thorough analysis of completion data for the last ten years has shown that windfall makes a consistent contribution towards total completions and small site completions in Hinckley and Bosworth Borough; on average approximately 18% of the total completions were small windfall sites and approximately 76% of small site completions were windfall. The evidence

presented in this report provides a strong case for the inclusion of windfall within the Council's development trajectory and more specifically the five year housing land supply."

Based on this principle, it is considered the proposal represents sustainable development and can be supported as a windfall site that demonstrably and positively contributes to the LPA rolling self-build register for Base Period 10. In the overall policy context, the proposal represents an integrated and sustainable development that would be in accordance with paragraph 73 of the Framework that states:

"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly."

Access Parking & Sustainability

Parking can be accommodated within the scheme to meet the necessary requirements of the new dwelling where:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

When considering the above, the modest amount of development and the percentage impacts of this traffic are considered minimal meaning the impact of the development will have effectively 'nil detriment' and will not therefore adversely affect the current road network capacity.

Unilateral Undertaking securing provision of self-build proposal

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

A unilateral undertaking securing the self-build nature of the proposal will be submitted during the determination period.

Conclusion & Justification

It is considered the proposal represents sustainable development and can be supported as a windfall site that demonstrably and positively contributes to the LPA rolling HBBC self-build register, and to help drive energy efficiency and environmental improvements within the housebuilding industry. Therefore, the presumption in favour of sustainable development applies in this instance and as such the proposal represents the type of organic, integrated and sustainable development that is appropriate within the local context and is supported by the direction of travel in terms of Government policy, recent appeal decisions and the key policy objectives of the current Government manifesto to deliver 1.5m additional homes in the lifetime of this Parliament up to 2029.

Appendix 1

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Mr Bill Angus
Cottage Farm
Barr Lane
Higham On The Hill
Nuneaton
Leicestershire
CV13 6AW

Name and Address of Agent (if any)

Miss Jane Tillotson
Hayward Architects
Station Rd
Hinckley
LE10 1AW

Part I - Particulars of Application

Date of Application	Application No.
2 February 2024	24/00112/FUL

Particulars and location of development :

Demolition of existing outbuildings and construction of a new dwelling (revised scheme of 23/00521/FUL)

Cottage Farm Barr Lane Higham On The Hill Nuneaton Leicestershire

Part II - Particulars of decision

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. 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:
 - Existing Elevations, Floor Plans, 3D View, Drg No. 22/05 01 A (submitted: 02.02.2024).
 - Existing, Proposed Site Layout Drg No. 22/05 PL105A (submitted: 02.02.2024).
 - Proposed Elevations, Drg No. 22/05 PL03 C (submitted: 02.02.2024).
 - Proposed Floor Plans, Drg No. 22/05 PL102 B (submitted: 02.02.2024).
 - Proposed 3D Views and Details, Drg No. 22/05 PL104 (submitted: 02.02.2024).
 - Site Location Plan, Drg No. 22/05 PL01 A (submitted: 02.02.2024).

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

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

3. The red brick and slate roof tile materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The cement fibreboard cladding to be used on the external elevations on the proposed development shall be Cedral Lap in Dark Grey C15, as detailed within Section 8 of the Design and Access Statement (submitted: 02.02.2024).

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

5. The development hereby permitted shall not be first used until such time as the scheme makes adequate provision for the storage and collection of waste and recycling containers across the site which has been submitted to, and approved in writing by, the Local Planning Authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Existing, Proposed Site Layout Drg No. 22/05 PL105A (submitted: 02.02.2024). Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

7. Works should proceed in strictly in accordance to the Biodiversity Enhancement Scheme (Drawing No: 22-05-PL106) (submitted: 08.03.2024).

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

NOTES TO APPLICANT :-

1. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
2. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

3. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.
4. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
5. The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.
6. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date : 20 March 2024

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice>.
5. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

- 1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."
- 2 The buildings to which these requirements apply are :-
 - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
 - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
 - c) Factories as defined by Section 175 of the Factories Act 1961.



Hinckley & Bosworth
Borough Council

Start Notice

Important Information – Please keep this with your decision notice

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commence conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to planning@hinckley-bosworth.gov.uk or complete the form on the reverse.

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk



Hinckley & Bosworth
Borough Council

Development Details

Planning application ref:	24/00112/FUL
Proposal:	Demolition of existing outbuildings and construction of a new dwelling (revised scheme of 23/00521/FUL)
Site Location:	Cottage Farm Barr Lane Higham On The Hill Nuneaton Leicestershire

Date when work is intended to start:	
Have all pre-commencement conditions been discharged?	
Signed:	Print Name:

Your contact details (or attach letterhead/business card):

Name:	
Address:	
Telephone:	
Mobile:	
Email:	

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Mr Adam Wykes
Pretty Oak Farm Upton Lane
Stoke Golding
Leicestershire
CV13 6EU

Name and Address of Agent (if any)

Simon Cheshire BA(hons) DipTP MRTPI
Simon Cheshire Planning Ltd
34 Stanley Road
Market Bosworth
Nuneaton
CV13 0NB

Part I - Particulars of Application

Date of Application

24 April 2025

Application No.

25/00421/FUL

Particulars and location of development :

Demolition of existing outbuildings and construction of a single C3 dwelling

Pretty Oak Farm Upton Lane Stoke Golding Leicestershire

Part II - Particulars of decision

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. 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:
 - o Proposed Elevations, Drg No. 9076_03_03 Rev P3 (submitted: 24.04.2025).
 - o Proposed Ground and First Floor Plans, Drg No. 9076_03_02 Rev PL3 (submitted: 24.04.2025).
 - o Proposed Site Plan, Drg No. 9076_03_01 Rev P3 (submitted: 12.06.2025).
 - o Site Location Plan, Drg No. 9076_01_01 Rev P2 (submitted: 24.04.2025).

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

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

3. The materials on the external elevations of the proposed building shall accord with the approved plan:
 - o Proposed Elevations, Drg No. 9076_03_03 Rev P3 (submitted: 24.04.2025).

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development shall not be occupied until the waste and recycling collection points have been implemented in accordance with Proposed Site Plan, Drg No. 9076_03_01 Rev P3 (submitted: 12.06.2025).

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and to ensure there is adequate space at the highway boundary for waste collection.

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. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
3. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.
5. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
6. The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works

whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.

C. Brown

Christopher Brown MRTPI
Head of Planning

Date : 16 June 2025

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice>.
5. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

1. The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."
2. The buildings to which these requirements apply are :-
 - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
 - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
 - c) Factories as defined by Section 175 of the Factories Act 1961.

Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.



Hinckley & Bosworth
Borough Council

Start Notice

Important Information – Please keep this with your decision notice

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commence conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to planning@hinckley-bosworth.gov.uk or complete the form on the reverse.

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk



Hinckley & Bosworth
Borough Council

Development Details

Planning application ref:	25/00421/FUL
Proposal:	Demolition of existing outbuildings and construction of a single C3 dwelling
Site Location:	Pretty Oak Farm Upton Lane Stoke Golding Leicestershire

Date when work is intended to start:	
Have all pre-commencement conditions been discharged?	
Signed:	Print Name:

Your contact details (or attach letterhead/business card):

Name:	
Address:	
Telephone:	
Mobile:	
Email:	

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Mr and Mrs Michael Burgess
The Mill
Market Bosworth Road
CV13 6DH

Name and Address of Agent (if any)

Mrs Ellie Jones
MPC
58 Spon Lane Grendon
Nr Atherstone
CV9 2PD

Part I - Particulars of Application

Date of Application	Application No.
7 May 2025	25/00464/FUL

Particulars and location of development :

Demolition of existing light industrial/storage barn and erection of one dwelling

Lodge Farm Market Bosworth Road Dadlington Nuneaton Leicestershire

Part II - Particulars of decision

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan, Drg No.292 PL-01 Rev B
- Proposed Floor Plan, Elevations, Drg No. 292 PL-03 Rev D
All as received by the Local Planning Authority on the 7th May 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the SADMP.

3. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure safe waste collection and a satisfactory form of development in accordance with Policies DM1 and DM10 of the SADMP.

4. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;

The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the SADMP.

5. The development hereby approved shall be implemented in strict accordance with the measures stated in Page 25 onwards of the Preliminary Bat Roost Assessment and Bird Survey (C Smith, July 2025)

Reason: To ensure that species and habitats are protected in accordance with Policy DM6 of the SADMP.

6. No development shall take place (including demolition works) until a copy of the Protected Species Licence has been submitted to the Local Planning Authority for the destruction of the confirmed bat roost, as outlined in the ecology report, "Preliminary Roost Assessment and Bird Survey C Smith, July 2025". This should include the mitigation strategy, and any mitigation plans showing features to be installed as compensation for the removal of the bat roost, as submitted as part of the licence application.

Reason: To ensure that species and habitats are protected in accordance with Policy DM6 of the SADMP.

7. Notwithstanding the provisions of Schedule 2, Part 1, Classes A - E and Schedule 2, Part 2, Class A inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, or means of enclosure shall be carried out unless planning permission for such development has been granted by the local planning authority.

Reason: To safeguard the amenities of neighbouring properties, the character and appearance of the building and the surrounding countryside and to protect heritage assets in accordance with Policy DM4, DM10, DM11 and DM12 of the SADMP.

Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
- b) The collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary. Please refer to the following downloads on the website.
http://www.hinckleybosworth.gov.uk/downloads/file/2952/wheeled_bin_information_for_developers_and_planning_officers &
https://www.hinckleybosworth.gov.uk/downloads/file/4647/wheeled_bin_and_container_policy_update_d_march_2018 . Please note that our policy states that all recycling and refuse services take place from the boundary with the public highway If all or part of the new road to the new properties is to be private (unadopted) then consideration will need to be given to adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time) It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point.

- c) Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
- d) Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
- e) Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date : 31 July 2025

NOTES

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5. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

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 - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
 - c) Factories as defined by Section 175 of the Factories Act 1961.

Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES (02/07/2014)



Hinckley & Bosworth
Borough Council

Start Notice

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We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to planning@hinckley-bosworth.gov.uk or complete the form on the reverse.

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk



Hinckley & Bosworth
Borough Council

Development Details

Planning application ref:	25/00464/FUL
Proposal:	Demolition of existing light industrial/storage barn and erection of one dwelling
Site Location:	Lodge Farm Market Bosworth Road Dadlington Nuneaton Leicestershire

Date when work is intended to start:	
Have all pre-commencement conditions been discharged?	
Signed:	Print Name:

Your contact details (or attach letterhead/business card):

Name:	
Address:	
Telephone:	
Mobile:	
Email:	

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk



Appeal Decision

Hearing held on 25 February 2025

Site visit made on 25 February 2025

by **David Murray BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Appeal Ref: APP/K2420/W/24/3348387

Land East of The Common, Barwell, LE9 8BR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Redrow Homes Ltd (Harrow Estates Division) against the decision of Hinckley and Bosworth Borough Council.
- The application Ref is 23/01229/OUT.
- The development proposed is the demolition of all buildings on site and development of up to 95 dwellings, together with associated access, open space and landscaping.

Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of all buildings on site and the development of up to 95 dwellings, together with associated access, open space and landscaping, at Land East of The Common, Barwell, LE9 8BR in accordance with the terms of the application, Ref 23/01229/OUT, and the plans submitted with it, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The application is in outline format with all detailed matters, other than the access to the site, reserved for subsequent consideration. I have therefore treated the other plans submitted including a potential site layout as for illustrative purposes only.
3. A formal Unilateral Undertaking Planning Obligation (UU), dated 24 January 2025 and signed by the appellant company has been submitted for the appeal. In summary, the UU makes provision for affordable housing; and makes contributions towards: the provision of open space and its maintenance; outdoor sports; healthcare facilities; highway improvements; library improvements; disposal of waste and the monitoring of the agreement. I have had regard to the UU as a material consideration subject to my assessment of it meeting the tests specified in paragraph 58 of the National Planning Policy Framework (the Framework) as set out in paragraph 42 below.
4. The main parties have agreed and updated a Statement of Common Ground. Within this the Council agrees that technical issues regarding highway matters have been addressed, subject to conditions, and therefore the second reason for refusal has been withdrawn. Moreover, the Council agrees that the UU mentioned above adequately demonstrates the provision of affordable housing in excess of the Council's adopted policies and also makes appropriate contributions towards

improvements to social and community infrastructure. Therefore, the Council has withdrawn reasons for refusal three and four.

Main Issues

5. The first two main issues relate to the Council's stated reason (No.1) why outline planning permission was refused. The third one stems from a previous appeal decision (APP/ K2420/W/23/3295558) issued in March 2023 (now referred to as the 2023 appeal) where the inspector raised concerns about the quantum of residential development then proposed by the appellants on a similar site. The main issues are therefore:
 - The principle of housing development on this site;
 - The effect on the character of the area including the local countryside landscape and the character and function of a Green Wedge; and
 - The quantum of development proposed.

Reasons

Background

6. The appeal site comprises a collection of fields, about 11ha in extent, mostly used as 'pony paddocks' which lie on the eastern edge of the small town of Barwell. The fields tend to be separated with sparse hedgerows and occasional mature trees. The land slopes from north to south away from Dawsons Lane, a narrow lane/public path which lies along the northern edge of the site. The site also abuts existing commercial development and housing to the east of The Common, a relatively narrow main street with on-road parking, and from where the vehicular access is proposed for the development not far from the roundabout junction with the A47 and Leicester Road.
7. The planning history of the site is relevant to this appeal. An outline proposal made by Gladman for 185 houses was dismissed on appeal in 2017 under ref. APP/K/2420/W/17/3188948. A second appeal, related to a scheme by the current appellant for 110 dwellings on a similar site (the 2023 appeal as mentioned above) was dismissed in March 2023. In this appeal, the inspector concluded that while the Council could only demonstrate a 4.76 year supply of deliverable housing sites at that time, the adverse effects of the proposal would significantly outweigh the benefits. The inspector identified the adverse effects as: the physical loss of part of the Green Wedge and the resulting diminishing of its value and the effects this would have on the quality of life of local residents; and concerns over the quantum of development which was judged not to be capable of being accommodated on site in a manner which would respect the character and appearance of the area.
8. The appellant's team says that the current proposal has been modified in an attempt to overcome the concerns raised by the previous inspector.

Policy context and housing land supply (HLS)

9. The development plan relevant to this appeal comprises the Core Strategy DPD 2006-2026 adopted in 2009 (CS) and the Site Allocations and Development Management DPD adopted in 2016 (SADM). The Council commenced the preparation of a new Local Plan in early 2018. Although it is apparent that public

consultation took place in 2021/22, the Council decided in July 2024 to carry out a new consultation on a revised plan, taking account of the wider needs for housing in Leicester City. At the time of the hearing the Council was not able to say what the revised Development Plan Scheme will be and the likely timescale of examination and eventual adoption of the emerging plan. Given the very early stage in the plan making process the emerging plan is not directly relevant to this appeal.

10. The Supplemental Statement of Common Ground sets out the parties' relative position where the Council confirms it can only demonstrate a 3.55 year supply whereas the appellant considers the supply is 3.23 years compared to the 5 year supply requirement set out in the Framework as re-issued in December 2024. Both of these calculations are based on the methodology now applying in the Framework including the application of the 5% buffer. There is therefore a material shortage at the moment in the supply of deliverable housing sites locally and which is greater than the position examined by the inspector in the 2023 appeal where HLS was agreed to be 4.76 years.
11. Therefore the proposal needs to be considered in the context of paragraph 11(d) of the Framework. Moreover it is apparent that the under-provision of housing is in part related to the delay in the implementation of the two main Sustainable Urban Extensions (SUEs) identified in the Core Strategy. I understand that the Council have only recently granted outline permission for part of the housing growth at Barwell but this was supposed to be delivered by 2026.
12. The lack of five-year supply, the continuing delay with previously identified sites coming forward and the uncertainty over the timescale of examination and adoption of the emerging local plan are factors to which substantial weight needs to be given. Consequently the Core Strategy adopted in 2009 has to be regarded as out-of-date as the development strategy put forward has not been achieved. This reduces the weight that can be given to Core Strategy policies which restrict development including on sites in a Green Wedge.

Principle of development

13. In terms of the application of local policies the appeal site lies outside but adjoins the settlement boundary of Barwell. As such the site lies in the countryside and SAMD Policy DM4 applies. This restricts development to specific sustainable forms of development which need to be located in the countryside but this does not include general housing and the appeal proposal conflicts with this policy.
14. However, the Council recognises that in the light of the present HLS position, limited weight can be given to the conflict with the first part of Policy DM4 and the criteria set out in parts (a) to (e). The Council indicates that a housing proposal should now be assessed against the criteria (i)-(v). In these, the relevant tests are (i), whether a proposal would have a significant adverse effect on the open landscape character of the countryside; and (ii)/(iv) whether the proposal would undermine the physical and perceived separation between settlements and protect the role and function of a Green Wedge.
15. SADM Policy DM10 is also applicable to the principle of development and the relevant test in this is part (a) - whether a proposed development would have a significant adverse effect and cause visual intrusion.

The effect on the landscape character of the area

16. In considering this issue I have taken account of the appellant's Landscape and Visual Impact Assessment (LVIA) prepared by Mr Peachey and to the similar assessment made by Mr Wakefield for the Council . Moreover, at the part of the hearing held on site I considered the visual and physical impact of the development proposed from the agreed viewpoints on the 'walking route'.
17. The appeal site lies in Landscape Character Area F - Burbage Common Rolling Farmland as defined in the Council's Landscape Character Assessment (2016). The local area displays the key characteristics of large-scale gentle rolling arable and pasture farmland with local variations in topography influenced by small streams. The medium scale field patterns tend to be rectilinear bounded by low hedgerows and post and rail fencing with smaller pasture fields around settlements. Field boundaries and hedgerows generally follow contours.
18. The LVIA considers the development proposals as built and after 15 years when the proposed landscaping has matured. Also I note the changes made to the illustrative plan from the 2023 appeal scheme where it is now proposed to build in the north-west quadrant of the site; the eastern edge of the site is varied with the introduction of a small park and other landscaped areas, but the paddocks at the southern and south-western parts of the site are proposed to be partially developed. I also note the proposal to fragment the individual housing groups with belts of new planting.
19. In terms of the physical effects on the wider landscape the parties agree that the magnitude of impact will be low and there will be a minor adverse effect in the long term. In respect of the visual effects the parties agree that there would be minor adverse effects from many of the limited views around the appeal site, especially from the public right of way to the east of the site and from the A47 and Leicester Road.
20. Where the parties disagree and where Mr Wakefield (Node) considers there would be major to moderate adverse effects in the scale of visual impact is from views along Dawsons Lane and the allotments to the north; from Shilton Road on higher ground further to the north; from The Common around the proposed access point; and from Garner Close. I considered the effect of the development from each of these viewpoints at the site visit.
21. From Shilton Road there are long distance views looking south over an open field to a wide tract of countryside (LVIA viewpoints 1a, 1b and 1c). In my judgement the proposed housing development would cause limited change to the appreciation of the wider landscape seen from this viewpoint. From the eastern edge of this gap the topography and vegetation would effectively limit the visual impact of the proposed housing development and the long-distance views would remain over the rooftops on the new houses.
22. There were various viewpoints from along Dawsons Lane through gaps in the hedgerows that exist along the southern side of the lane (LVIA viewpoints 2 and 3 and Nodes viewpoints 1 and 4). This hedgerow comprises mainly hawthorn species but it is also thick with ivy which makes it a strong and containing visual barrier even at the time of the visit in late winter where most of the deciduous trees were without leaves. I also took account of the varied part of the proposal to introduce a landscaped belt some 12-20m wide to the north of the proposed

housing development. I understand Mr Wakefield's assessment that the impact here would be major-adverse because of the permanent loss of views from the footpath over the local countryside landscape. However, on the visit I found that these views are limited to a few gaps in the hedgerow and there would not be a significant change in the long term to the appreciation of the rural landscape by walkers along Dawsons Lane.

23. I also visited the front door of three houses on the northern side of Dawsons Lane at the request of the occupiers and considered the effect of the development proposed. Clearly the views from these properties would change in that the roofs of the proposed houses are likely to be seen above the hedge and intervening new landscaping, although at a distance and at a lower level. However, this change to existing private views from these properties does not amount to additional harm to the public realm and the effect would not harm the residential amenity of the occupiers of these properties.
24. I agree that the visual and physical form of the rural landscape at the southern end of The Common would change with the introduction of the vehicular access to the site and the construction of a new row of houses to the north of the access road, together with the removal of about 50m of existing hedgerow to form sight lines. However the extent to which this change would be noted would be from around the access itself and the end of the existing built-up area. There would not be a harmful visual effect from around the main road junction as the roads are contained with mature landscaping at this point.
25. Finally I looked at the development proposed from within the residential environment of the relatively new housing estate at Garner Close. Although probably one new house would be visible along a grassy swale in the existing development, I assess this change to the rural landscape as experienced by local residents in the Close, as slight and not harmful.
26. Overall, I tend to agree with the LVIA assessment of the physical and visual effects on the landscape character of the area and find that the proposed development would at worst have a moderate harmful effect limited in extent when built but this would reduce when the planting proposed matures.

The effect on the Green Wedge

27. The site lies in an area identified in the CS as the Hinckley/Barwell/East Shilton/Burbage Green Wedge to which Policy 6 applies. This seeks to only accommodate uses, such as recreational facilities, which would not damage the function of the wedge and its contribution towards the quality of life for nearby residents. The Wedge applies to a large area generally to the east of Hinckley and the appeal site would occupy part of the north-east corner.
28. Part of the function of the Green Wedge is to prevent coalescence and protect the individual identity of the specified settlements. At the site visit it appeared to me that the local part of the Wedge between Barwell and East Shilton had already physically joined up on an east-west axis. There is an open field to the south of Shilton Road, (as referred to in paragraph 21 above) where the width and depth of the Green Wedge is apparent. However, for the same reasons given about the landscape impact, I do not consider that the appeal proposal would result in a material visual incursion into the green space. Similarly from the other viewpoints mentioned above I find that the proposal would not materially decrease the visual

quality of the space although there would be a clear loss to part of its physical extent.

29. In terms of the function of the Wedge there is no direct public access to the land which is mainly used for private recreation involving the keeping of horses. The appellant says that there would be a public benefit of the creation of new footpaths through the site from Dawsons Lane which is a minor benefit. However, even though there is no direct public access to the land at the moment, it is clear from the comments made by the local people at the hearing and in the written representations that they regard it as a special place and a green lung for the local community and it contributes to their quality of life.

Quantum of development

30. The appeal proposal is for the erection of 95 houses which is the same scale as that of the 2023 appeal where the appellant offered to reduce the scale of development from 110 to 95 dwellings. Although also an outline proposal with all details reserved, other than the access to the site, that inspector had regard to a submitted Testing Layout which was considered alongside the illustrative masterplan. The inspector concluded that s/he was not satisfied that the quantum of housing proposed could be accommodated on site in a manner which would respect the character and appearance of the area. The inspector also referred to the apparent lack of landscaping within the development proposed.
31. The current appeal scheme includes a Built Form and Landscape Design Code which the appellant says the details of the proposed development will adhere to. The Code sets out site-wide 'mandatory' principles and overall parcel densities along with minimum distance standards and restriction on height, and a comprehensive landscaping strategy.
32. Considered on its face the Design Code provides sound principles to ensure a well-planned and landscaped development and achieve a well-planned place in accordance with section 12 of the Framework. The submitted illustrative plan of the layout generally accords with the terms of the Code. However, it was apparent to me at the site visit that the new parcel of housing land in the north-west corner of the site in part appeared to involve housing units which are to be sited very close to the boundary of the site adjacent to the existing 'Enterprise Centre' - a business and industrial site with access off Dawsons Lane. The housing on this part of the illustrative layout appears cramped in its setting with a poor residential environment and is likely to have a visual imposing appearance to the neighbouring land.
33. I would expect a reserved matters application of the site layout to address these points. Nevertheless, that element of the layout aside, I am satisfied that with the terms of the Design Code embedded in a planning condition, the appellant's team have reasonably demonstrated that the quantum of development proposed can be undertaken in an appropriate manner. The Design Code is consistent with national policy set out in section 12 of the Framework and the general criteria set out in Policy DM10 to ensure that the development would respect and enhance the character and appearance of the area

Other Matters

34. Local residents also raise objections to the likely traffic generation from the new houses proposed and the effect this may have on The Common which is relatively

narrow and has on-street parking. However, the highway authority now advises that the improvements agreed overcome the concerns previously expressed. There is no other technical evidence before me to establish that the effects of the additional traffic on the local road network would be severe or that the access to the site cannot function in a safe manner.

35. Residents also say that the site is a habitat for wildlife and this would be lost to the development. Nevertheless, the appellant has commissioned a formal Ecological Survey and Assessment undertaken and this puts forward proposals to mitigate the permanent loss of six pasture fields. Moreover, it has been demonstrated that the Biodiversity Net Gain would exceed the current statutory 10% minimum level and the implementation of this mitigation can be conditioned.
36. Concern was also expressed about the development exacerbating surface water flooding problems in the area. However, no objection is put forward by the statutory drainage bodies. The technical evidence submitted through a Flood Risk Assessment concludes that the development will not increase flood risk to the wider catchment area subject to the normal measures put forward through a Site Drainage Strategy and the implementation of this can be conditioned.
37. These other matters raised therefore are not supported by clear evidence to make them determinative issues.
38. Concern was also raised about the impact of the development on local services and on infrastructure. Some of these concerns are beyond the scope of planning control over development, however the legal agreement mentioned in paragraph 3 above also makes provision for stated contributions towards improvements to sports facilities, healthcare, libraries and waste disposal.
39. On the evidence submitted by the Council and Leicestershire County Council I am satisfied that the contributions set out in the UU are necessary to make the development acceptable in planning terms; are directly related to the development and fairly and reasonably related to the development in scale and kind. The requirements of Regulation 122(2)¹ and paragraph 58 of the Framework are therefore met.
40. The UU makes provision for affordable housing as part of the proposed scheme. This would amount to above 35% provision which exceeds the Council's normal policy requirements for new development outside of a settlement.

Planning balance

41. On the main issues I have found that the principle of development in this area of countryside conflicts with SAMD policy DM4 but this only carries limited weight because of the Council's HLS position. The proposal would cause some moderate harm to the rural landscape character of the area and to a limited geographical area but it would not result in a *significant adverse effect* which is the test set out in criteria (i) of Policy DM4 and criteria (a) of Policy DM10.
42. The proposed housing development would not materially spoil the value of the Green Wedge in visual terms but it would erode the physical extent of this open area and its function in contributing towards the quality of life of local residents. However, reduced weight also has to be given to this CS policy because of the

¹ Of the Community Infrastructure Levy Regulations 2010, as amended.

Council's HLS position and the lack of new housing sites coming forward as originally planned. Finally, the appellant has now demonstrated (with some minor revision to the illustrative layout needed at the detailed stage) that the quantum of development proposed is reasonable for the site, with an appropriate and well-landscaped form, as set out in the Design Code, and there is no conflict with the relevant parts of Policy DM10.

43. The limited conflict with the development plan must be balanced with other considerations. The proposal would make a meaningful contribution to the supply of new houses locally and help to meet the present under supply and I have doubt over whether this undersupply will be rectified soon through the formal plan making process. I also give significant weight to the above policy requirement for affordable housing and I have taken account of the wider social and economic benefits for Barwell as set out in the appellant's Social Economic Report (Turley December 2023) which are not contested by the Council.
44. Overall, I conclude that the circumstances of the current appeal scheme are materially different to those applying in the appeal 2023. In applying the test set out in paragraph 11(d) of the Framework I find that the adverse effects that the proposed development would cause, including the loss of the appeal site land to the function of the Green Wedge, are greatly outweighed by the benefits of development in this sustainable location. I find that the limited conflict with development plan is outweighed by other considerations including the general accord with the Framework when this is read as a whole. The appeal should therefore be allowed.

Conditions

45. The Council recommends that 31 conditions be imposed which I will consider under the same numbering. Some of the conditions are 'pre-commencement' ones, to which specific regulations apply, and the appellant has agreed to them.
46. In addition to the normal conditions governing the submission of reserved matters and the implementation of development (No's 1,2 and 3) it is necessary to set out the plans and documents that form part of the permission including the Design Code (No.4) to ensure that the development meets the quality standards put forward in this appeal. For similar reasons the parameters of the development should be specified (No.5) and generally accord with the illustrative master plan (No.6) but I have amended this to take account of my comments in paragraphs 22 and 23 above. It is also necessary to ensure an appropriate housing mix to meet general local housing needs (condition 25) for the development as per the scheme submitted with the appeal.
47. Condition No.14 regarding the submission and approval of external material is necessary so that the appearance of the development is appropriate for the area, and I will impose condition No.21 regarding the submission and agreement of existing and proposed floor levels, as the site slopes.
48. In the interest of avoiding pollution is it reasonable to impose conditions No's 7 and 8 for the investigation of any ground contamination and its remediation. In order to ensure that biodiversity around the site is enhanced, it is necessary to impose condition No.9 in respect of ecological constraints and opportunities as well as implement the recommendations of the Biodiversity Net Gain Plan (No.10) and put

special measures in place to ensure a pre-commencement check for protected species (No.11).

49. Condition No.13 is reasonable in case there are items of archaeological importance in the site which need to be assessed and recorded. In order to ensure the development is properly drained and to avoid flooding conditions No's 15, 17 and 18 are reasonable and necessary. To maintain the landscape features of the site condition No.20 is necessary so that protection measures are also installed before construction work commences. Likewise it is necessary to secure a landscaping plan (No.26) and the subsequent implementation and management of this plan (No.27).

50. In order to control the impact of the development during the construction phase, a condition requiring the submission and agreement of a Construction Environmental Management Plan is necessary (No.16) as well as a Construction Traffic Management Plan to ensure the appropriate routing of construction vehicles (No.19). As some of the dwellings proposed lie close to commercial/industrial premises, a condition requiring noise mitigation measures to be agreed and implemented is necessary (No.22).

51. In order to ensure highway safety I will impose condition No. 28 regarding traffic calming measures and the access to the site shall be implemented in accordance with the submitted detailed drawings (No.29). In it is also reasonable to impose condition No.30 to secure the implementation of a travel plan to promote sustainable transport. Finally, to encourage the use of more sustainable energy it is reasonable to impose conditions No.31 in accordance with the submitted Energy Statement.

Conclusion

52. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms T Osmund-Smith	Barrister, Counsel for the appellant.
Mr B May MRTPI	Planning Consultant
Mrs S Ryan MRTPI	Planning Consultant
Mr J Peachey	Landscape and visual impact Assessment
Mr J Vernon-Smith	Urban Designer
Mr T Norden MRTPI	Harrow Estates, Appellant
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FOR THE LOCAL PLANNING AUTHORITY:

Ms L Buckley-Thomson	Barrister, Counsel for Hinckley and Bosworth Borough Council.
Ms L Ashton MRTPI	Planning Consultant for HBBC.
Mr N Wakefield MRTPI	MD, Node Urban Design

INTERESTED PARTIES:

Mrs D Vernon MBE	Local resident
Mr J Ensor	Local resident
Mr Ervin	Local resident

Documents handed in at the Hearing

1. Supplemental Statement of Common Ground- dated 25.02.2025 and signed by the main parties.
2. Planning conditions as agreed by the main parties.
3. CIL Compliance Statement - HBBC - submitted 25 February 2025.
4. Appeal site visit walking route – agreed by main parties 25 February 2025.

Schedule of conditions

RESERVED MATTERS

1. Details of the internal access arrangements, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') relating to the development shall be submitted to and approved in writing by the local planning authority before any development begins. Development shall be carried out in accordance with the approved details thereafter.
2. Applications for approval of reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

PLANS AND DESIGN CODE

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan: HAR102-1001D
Site Access drawing : 332610546/5501/001 PO3
Parameters Plan HAR102-3051C
Design Code – dated 18 December 2023

DEVELOPMENT PARAMETERS

5. The reserved matters to be submitted in accordance with condition 1 will comply with the Parameters Plans identified in Condition 4 and, for the avoidance of doubt the following parameters:
A maximum of 3.9 hectares of land for residential development (including roads)
No less than 7 hectares of green infrastructure, including no less than 4 hectares of grassland
Buildings to be no more than 9 metres in height
6. All reserved matters applications shall be in general accordance with the Illustrative Master Plan drawing reference HAR102-4001G, other than in respect of the development parcel in the north-west corner of the site, and the Illustrative Landscape Masterplan drawing reference P20-3536-EN0009 C 0001.

CONTAMINATION

7. Development shall not begin, including works of site clearance and preparation (other than as required to be carried out as part of an approved scheme of remediation) until a scheme for the investigation of any potential land contamination has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how any contamination is to be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be completed prior first use of that part of the site for the intended purpose.
8. Any contamination that is found during the course of development that was not previously identified, shall be reported immediately to the local planning

authority. Development on the affected part of the site shall be suspended until an addendum to the scheme for the investigation of all potential land contamination and implementation pursuant to condition 7 above is submitted to and approved in writing by the local planning authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period before development on that part of the site is resumed or continued.

ECOLOGY

9. An Ecological Constraints & Opportunities Plan, taking into account the findings of the Ecological Survey & Assessment PCAJ199/V2 dated Dec 2023, shall be submitted to and approved in writing by the Local Planning Authority. The ECOP should identify the following, in accordance with BS 42020:2013 Clause 5.4:
 1. Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.
 2. Areas and features where opportunities exist to undertake necessary mitigation and compensation.
 3. Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
 4. Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
 5. Areas needing protection on site during the construction process.
 6. Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.Thereafter the development shall be carried out in accordance with the approved ECOP.
10. Details with respect to a Biodiversity Net Gain Plan (the Plan) taking into account the BNG Assessment PCAJJ83/BNG/V2/Final dated Dec 2023 shall be submitted to and approved in writing by the LPA. The Plan shall be based on the Biodiversity Net Gain metric spreadsheet completed by PCA Ltd. The Plan shall include the following details:
 - A) Location plan of the areas to be used for Biodiversity Net Gain;
 - B) Description of existing habitats on site;
 - C) Description of planned habitat creation/enhancement, including species to be planted/sown;
 - D) Timetable for implementation of habitat creation/enhancement;
 - E) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required;
 - F) Mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.The Plan shall thereafter be implemented in accordance with the approved details.
11. The development hereby permitted shall not commence until an Ecological Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this

condition, the Local Planning Authority expect to see details concerning pre-commencement checks for badgers, otters, reptiles and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The Construction and Ecological Management Plan as approved shall thereafter be implemented in full.

WASTE

12. A waste management plan shall be submitted to and approved in writing by the LPA. The waste management plan shall include a site wide scheme of waste and recycling storage containers and collection which shall be submitted to and approved in writing by the Local Planning Authority. The scheme should provide details of accessibility to storage facilities and demonstrate that adequate space is provided to store and service wheeled containers. The approved site wide scheme of waste and recycling shall be implemented prior to the first occupation of the development and retained in accordance with the approved scheme thereafter.

ARCHEOLOGY

13. Details of a scheme of archaeological investigation shall be submitted and agreed in writing by the Local Planning Authority. The programme should commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

MATERIALS

14. Details of the construction materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include samples of the types and colours of materials to be used on the external elevations of the dwellings. The development thereafter shall be implemented in accordance with those approved details.

DRAINAGE MAINTENANCE SCHEME

15. Prior to the first occupation of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning Authority full details of the long-term maintenance of the surface water drainage system and sustainable urban drainage elements. The details shall include responsibilities

and schedules for routine maintenance, remedial actions and monitoring of the separate elements of the system, and, procedures that may need to be implemented in the event of pollution incidents within the development site. The development thereafter shall be carried out in accordance with the approved surface water drainage system maintenance plan.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

16. Prior to the commencement of the development hereby approved a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall include detail of how the potential impact of dust, odour, noise, smoke, light and land contamination shall be prevented or mitigated. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. Thereafter the development shall be carried out in accordance with the approved Construction Environmental Management Plan

SURFACE WATER MANAGEMENT

17. Prior to the commencement of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning a scheme to manage surface water on site during the construction of the development. The development thereafter shall be carried out in accordance with the approved details.

INFILTRATION TESTING

18. Prior to the commencement of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning Authority details of infiltration testing results (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element.

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

19. Prior to the commencement of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

ARB METHOD STATEMENT – MAIN SITE

20. No development shall take place until an Arboricultural Method Statement for the site as a whole taking into account the Trevor Bridge Associates Arboricultural Impact Assessment Rev A dated December 2023, and including details of the position, species, size and condition of each existing tree and hedgerow on and adjacent to the site, and identifying those trees and hedgerows to be retained, has first been submitted to and approved in writing by the local planning authority. This shall include full details of measures for the protection of trees and hedgerows to be retained during the course of development. The veteran ash (T5, T7, T8 and T42) trees , which meet Local Wildlife Site criteria, and the veteran oak (T39) must be retained and protected during the course of the

development. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed, or die, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved Arboricultural Method Statement.

GROUND LEVELS & FINISHED FLOOR LEVELS

21. The detail to be submitted in accordance with condition 1, to be approved in writing by the local Planning Authority shall include existing and proposed ground levels and, where relevant, proposed finished floor levels, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

NOISE MITIGATION

22. The details to be submitted in accordance with condition 1, to be approved in writing by the Local Planning Authority shall include a scheme of noise mitigation for internal protecting the proposed dwellings that are located within that part of the site identified in the Noise Impact Assessment by Spectrum Acoustic consultants dated 18 December 2023 as requiring protection, from noise from commercial operations and road traffic. The development shall thereafter be carried out in accordance with the approved details.

RESTRICTION ON GATES

23. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected on private driveways within a distance of 5 metres of the highway boundary.

HOURS OF WORK

24. Site preparation and construction shall be limited to the following days and times;

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Public and Bank Holidays

HOUSING MIX

25. The reserved matters application submitted for approval by the LPA shall include details of the proposed housing mix for the development which shall be in general accordance with the Illustrative Master Plan drawing reference HAR102-4001G and the mix set out in the Ryan & May Planning Statement dated 18 December 2033.

SCHEME OF HARD & SOFT LANDSCAPING

26. The details to be submitted in accordance with condition 1 shall include a scheme of hard and soft landscaping works in general accordance with the Illustrative Landscape Masterplan drawing reference P20-3536-EN0009 C 0001, including

boundary treatments and street furniture, for the site. An implementation scheme shall also be submitted for approval by the LPA. The development shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

LANDSCAPE MANAGEMENT

27. The details to be submitted in accordance with condition 1 shall include a landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens. The landscape management scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out as per the approved details.

OFF-SITE WORKS (TRAFFIC CALMING)

28. No part of the development shall be occupied until such time as the offsite works (traffic calming measures) shown on Stantec drawing number 332610546/5501/001 PO3 (or an appropriate amended scheme, following public consultation/ detailed design) have been implemented in full.

ACCESS IMPLEMENTATION

29. No part of the development hereby permitted shall be occupied until such time as the access arrangements, visibility splays and 2.0m wide footway to tie in to existing footway provisions on The Common shown on Stantec drawing number 332610546/5501/001 PO3 have been implemented in full.

TRAVEL PLAN

30. No part of the development hereby permitted shall be first occupied until a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets and is in general accord with the Stantec Draft Travel Plan REV B dated 13 December 2023 has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

SUSTAINABILITY COMMITMENTS

31. The reserved matters application submitted for approval by the LPA shall include details of the proposed Sustainability Commitments that shall be in general accordance with the Energy Statement by Mainer dated 18 December 2023.

End