

# **HINCKLEY AND BOSWORTH BOROUGH COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990**



**Hinckley & Bosworth  
Borough Council**

## **WRITTEN STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

**PLANNING APPEAL BY MR G WARREN**

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE PROPOSED  
ERECTION OF A BUNGALOW**

**AT**

**LAND TO THE REAR OF VALLEY VIEW  
STATION ROAD, DESFORD**

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE**

**24/01145/FUL**

**THE PLANNING INSPECTORATE REFERENCE**

**6001009**

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## **1. INTRODUCTION**

- 1.1. This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse planning permission for the erection of a bungalow at land rear of Valley View, Station Road, Desford.

## **2. DESCRIPTION OF THE APPEAL SITE AND THE PROPOSAL**

### *The Appeal Site*

- 2.1. The 2,919sqm appeal site is located to the northeast of, and outside of, the identified settlement boundary of Desford in the designated countryside and in the wider Newbold and Desford Rolling Farmland Landscape Character Area.
- 2.2. The appeal site itself consists of grassland and two existing timber outbuildings, which are described as stables within the submitted Topographical Survey. The site received a Certificate of Lawful Existing Use via application 13/00110/CLUE to be considered part of the domestic garden of Manor Cottage, 39 Station Road to the south. 39 Station Road ('Valley View') has since been subdivided into five apartments via the refused planning application 19/01411/FUL, which was allowed at appeal. The site is currently unobstructed from the wider garden area of Valley View.
- 2.3. The land levels slope down from Valley View to the appeal site by approximately 6m. The site is immediately adjacent to the tennis court associated with the flats at Valley View, which lies on land that is 3m higher than the appeal site. The existing boundaries to the site consist of post and rail fencing to the north, and mature trees and vegetation to the eastern and western boundaries.
- 2.4. Beyond the western, northern, and north-eastern boundaries of the site are open agricultural fields. Public Footpath R93 runs to the north of the proposed development and through the appeal site in a north-eastern to western direction. To the east of the site, is Station Road, from which the appeal site features an existing vehicle access to. Station Road is an adopted and classified 'C' road that is subject to a 30mph speed limit in the vicinity of the site access. Beyond Station Road is one large dwelling, The Cottage, that is set within considerable grounds. To the south of the site beyond Valley View is the wider built form of Desford. The appeal site is within the risk impact zone of the Botcheston Bog, which is a Site of Special Scientific Interest (SSSI).

### *The Appeal Proposal*

- 2.5. The appeal proposal seeks full planning permission for the provision of a single storey, detached, three-bedroom bungalow at land to the rear of Valley View, Station Road, Desford. To facilitate this development, two timber outbuildings are removed from the site.

- 2.6. When facing the proposed development from the southeast, the property externally measures 15.9m in width by 26.7m in depth, which creates a total footprint of 236.9sqm. The scheme is constructed in an 'L' shape and utilises three pitched roof systems, with the two main highest roofs having a ridge height of 4.9m and an eaves height of 2.7m. The northern element of the scheme reduces in height to 4.4m in height with an eaves height of 2.3m.
- 2.7. The design of the scheme features a wooden porch on its north-western elevation and two stone chimneys on its south-eastern elevation. The development is constructed predominantly with an off-white monocouche render above a 0.6m high stone plinth and a slate tiled roof, but the northern element of the scheme is constructed with vertical cedar cladding.
- 2.8. The property is accessed via a 136.6m long private access track that utilises an artificial unvegetated and unsealed surfacing. The site is bounded by 1.2m post and rail fencing, including the proposed pathway that runs to the side of Valley View.

### **3. SITE HISTORY**

#### **3.1 20/00018/PP**

- Sub-division and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access
- Appeal Allowed
- 11.11.2020

#### **3.2 19/01411/FUL**

- Sub-division and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access
- Refused
- 25.03.2020

#### **3.3 13/00110/CLUE**

- The use of land as existing garden land
- Permitted
- 05.04.2013

#### **3.4 93/00117/4**

- Erection of one house
- Refused
- 24.03.1993

**3.5 87/00255/4**

- Change of use from agricultural to garden land and construction of tennis court
- Permitted
- 28.03.1988

**4. NATIONAL POLICIES**

4.1 National Planning Policy Framework (NPPF) (2024).

4.2 National Planning Practice Guidance (PPG).

4.3 National Design Guide (NDG) (2019).

**5. LOCAL POLICIES**

5.1 The Development Plan policies referred to for the purposes of the application were:

5.2 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 16: Housing Density, Mix and Design

5.3 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

5.4 Desford Neighbourhood Plan 2018 – 2036 (DNP) (2021):

- Policy H1: Settlement Boundary
- Policy H7: Housing Design
- Policy ENV3: Biodiversity General
- Policy T1: Traffic Management

5.5 Other Relevant Guidance:

- Good Design Guide (2020)
- The Council's Landscape Character Assessment (2017)

- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

## 6. THE CASE FOR THE LOCAL PLANNING AUTHORITY

6.1 The planning application was refused on 14 July 2025 under delegated powers for the following reasons:

1. The proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, siting, design, and architectural features, the development results in the creation of new ribbon development and causes significant and permanent adverse impacts to the character of the site, the surrounding area, and the intrinsic value, beauty, open character and landscape character of the countryside. This harm is exacerbated by the visual prominence of the development from Public Footpath R93.

Therefore, the proposal is contrary to, and in conflict with, Policies H1 and H7 of the adopted Desford Neighbourhood Plan (2021), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapters 2, 12, and 15, including Key Policy Paragraphs 129 and 135, of the National Planning Policy Framework (2024), the Good Design Guide (2020), and the National Design Guide (2019). As a result, the scheme is not considered to be well designed and fails to reflect local design policies and government guidance on design. The adverse impacts of the development significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances. In accordance with Key Policy Paragraph 139 of the NPPF, the development is refused.

6.2 It is considered that the main planning issues in relation to this appeal are therefore the adverse effects of the proposed development on the character of the site, the surrounding area, and the intrinsic value, beauty, open character and landscape character of the countryside.

### Determination of the Appeal Proposal

#### *Weight of Policies within the Development Plan*

- 6.3 As confirmed at Paragraph 8.6 of the Delegated Officer Report for planning application 24/01145/FUL ('Delegated Officer Report'), both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF.
- 6.4 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

- 6.5 Paragraph 7.3 of the Appellant's Statement suggests that Policy DM4 of the SADMP is a restrictive land use policy and is out of date. The Local Planning Authority disagree with this position.
- 6.6 The emphasis of Policy DM4 of the SADMP is to promote sustainable development proposals within the countryside and to safeguard the countryside from unsustainable schemes, rather than to apply a blanket protection. In this regard, Policy DM4 of the SADMP is consistent with, and accords with, the NPPF, and therefore should attract full weight in the planning balance. This is a view which has been supported by a number of Planning Inspectors such as within, but not limited to, the appeal decisions for planning applications 24/00975/OUT, 24/00872/OUT, 22/00776/FUL and 22/00801/FUL. (cf. Appendices A to D).

*Housing Land Supply Position*

- 6.7 Since the determination of planning application 24/01145/FUL, the latest position on the Council's supply of land for housing has been updated as part of the planning appeal APP/K2420/W/24/3357570 at the Oddfellows Arms, 25 Main Street, Higham on the Hill, which was determined on 17 September 2025. Paragraph 51 of this previous appeal decision states that the Local Planning Authority has an indicative supply of 3.89 years when applying the standard method as of 01 April 2025 and the 5% buffer.
- 6.8 Therefore, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered within the determination of this appeal, and this is the same balance that the Local Planning Authority utilised to determine the refused planning application 24/01145/FUL. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.9 As per Paragraph 8.24 of the Delegated Officer Report, Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF are applicable to this development, and Key Policy Paragraphs 129, 135, and 139 are detailed within the refusal of 24/01145/FUL. Paragraph 11(d)(ii) of the NPPF confirms that a decision maker should have, "Particular regard," to these Key Policy Paragraphs when determining applications when the 'tilted' balance is triggered. It is noted that the Appellant has failed to make any reference to these Key Policy Paragraphs within their Statement, which is contrary to the requirements of the NPPF.

*Summary*

- 6.10 To summarise, since the determination of planning application 24/01145/FUL, the Council has an indicative supply of 3.89 years of land for housing when applying the standard method as of 01 April 2025 and the 5% buffer. Therefore, the 'tilted' balance of Paragraph 11(d) of the NPPF within the determination of this appeal, and this is the same balance that the Local Planning Authority utilised to determine the refused planning application 24/01145/FUL. In accordance with Paragraph 11(d) of the NPPF, a decision maker should have particular regard to the NPPF's Key Policy Paragraphs when determining proposals where the 'tilted' balance is triggered.
- 6.11 Although both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF in accordance with Paragraph 232 of the NPPF. Policy DM4 of the SADMP is consistent with, and accords with, the NPPF, and therefore should attract full weight in the planning balance. This is a view which has been supported by a number of Planning Inspectors during previous planning appeals within the Borough.

Impact upon the Character of the Surrounding Area and the Open Countryside

- 6.12 Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 6.13 Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 6.14 Therefore, outside of defined settlement boundaries, the countryside is not regarded as a sustainable location for new development, and residential uses are not considered to be a form of development that protects the character of these rural locations.
- 6.15 Policy H1 of the DNP confirms that land outside the defined settlement boundary of Desford will be treated as open countryside, where development will be carefully controlled in line with Local and National Strategic Planning Policies.
- 6.16 Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.

- 6.17 To ensure this, Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
  - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 6.18 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment and the character of the countryside is an effective use of land.
- 6.19 Key Policy Paragraph 129(d) of the NPPF states that planning decisions should support development that makes an effective use of land, taking into account the desirability of maintaining and area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
- 6.20 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 6.21 Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places. Notably, Key Policy Paragraph 135(a) and (c) of the NPPF require development to:
- “Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development,”*
- and to be:
- “Sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.”*

- 6.22 Policy DM4(i) and (iii) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and where it does not create or exacerbate ribbon development.
- 6.23 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 6.24 Policy H7(a) of the DNP states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Desford Conservation Area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views.
- 6.25 Policy H7(c) of the DNP requires all new housing to continue to reflect the character and historic context of existing developments within the Parish of Desford and incorporate a diversity of materials. Contemporary and innovative design and materials will be supported where positive improvements can be robustly demonstrated without detracting from the historic context.
- 6.26 Policy H7(d) of the DNP then states that developments should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible.
- 6.27 Guidance Point C1 of the National Design Guide (NDG) confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 6.28 Guidance Point I1 of the NDG highlights that new developments should consider the composition of street scenes and individual buildings and their elements including the height, scale, massing and relationship between buildings, as well as views, vistas and landmarks, and landscaping, amongst others.
- 6.29 Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.

*Principle of the Development Proposal*

- 6.30 As confirmed at Paragraph 8.15 of the Delegated Officer Report, the appeal proposal is offered no support by Policy DM4 of the SADMP or Policy H1 of the DNP and represents new residential development in the designated open countryside, which is unacceptable in principle. This position is confirmed by Paragraph 6.4 of the Appellant's Statement, which confirms that the appeal proposal is contrary to the Development Plan.

- 6.31 In spite of this, Paragraph 6.11 of the Appellant's Statement suggests that the development is acceptable in principle. This is in direct conflict with Paragraph 6.4 of their Statement. In addition, it is noted that at this stage of the Appellant's Statement no justification has been provided to support this inaccurate assertion.
- 6.32 Whilst the Appellant has referred to the Council's housing land supply and the 'tilted' balance, these factors do not suggest that the development is now acceptable in principle. Crucially, these are material considerations, and the benefits of the scheme should be weighed against its adverse effects in a planning balance. The Local Planning Authority is of the opinion that that the significant adverse impacts of the proposed development significantly and demonstrably outweigh the benefits in these site-specific circumstances.

*Existing Built Form of the Appeal Site*

- 6.33 One of the Appellant's main justifications for the development is the presence of the existing stables within the site. Paragraph 6.13 of their Statement states that the assessment of the appeal proposal's impact on the character of the surrounding area must take the existing building and its impact on the site and surroundings as the baseline for any visual impacts. The Local Planning Authority strongly disagree with this statement as justification for the appeal proposal.
- 6.34 The Appellant's position on the assessment of the development's impact on the character of the area fails to have any regard to the Council's assessment of the existing stables at Paragraphs 8.38 to 8.47 of the Delegated Officer Report. As stated within the Appellant's own Design and Access Statement, the existing timber outbuildings are dilapidated, not functional, nor fit for purpose.
- 6.35 Given the state of disrepair of these structures, which the Appellant has not sought to refute within their Statement, the presence of these structures does not provide suitable justification for new development in this site, much less a materially different form of development that creates a new independent residential unit in the designated open countryside.
- 6.36 As stated at Paragraph 8.40 of the Delegated Officer Report, stables can be seen, and are commonly associated with, countryside locations. Therefore, the proposal for a new residential property has a significant, detrimental, and materially different impact on the rural character of the site, the surrounding area, and the designated open countryside in comparison existing dilapidated stables. The Appellant has not sought to refute this.
- 6.37 Furthermore, whilst Paragraph 7.8 of the Appellant's Statement suggests that the visual impact of the existing buildings carries weight in the planning balance, as these structures are not fit for purpose, they can be removed from the appeal site without planning permission, and therefore the benefit of removing these buildings from the site carries no weight in the planning balance.

*Existing Use of the Site*

- 6.38 The Appellant has highlighted at Paragraph 6.20 of their Statement that the appeal site forms part of an existing residential curtilage. Notably, the Appellant does not identify which residential curtilage the appeal site forms part of. For the avoidance of doubt, the siting of land within the residential curtilage of an existing dwelling and the use of land as residential garden space are two distinct matters. For example, residential curtilages are not a planning use.
- 6.39 Ultimately, the Council do not consider the appeal site to be within the residential curtilage of any existing dwelling. However, the Local Planning Authority do consider the appeal site to be utilised as wider residential garden space associated with the residential properties at Valley View, which was permitted via application 13/00110/CLUE. This description of the use of the site is agreed by the Appellant at Paragraph 6.30 of their Statement.
- 6.40 Notwithstanding the above, the use of the appeal site as residential garden space does not suggest that the site is therefore suitable for development, nor for the provision of a new independent residential use and its associated built form in these site-specific circumstances. Importantly, the NPPF excludes residential gardens from the definition of previously developed land.
- 6.41 On the contrary, a residential property in this location fundamentally alters the rural character of the site by introducing detrimental urbanising features into the designated open countryside. This results in a significant adverse impact to the character of the site, and the surrounding area. This can be seen by the fact that the location and siting of the appeal proposal have no material regard for the context of the surrounding area, nor the residential built form of Desford.

*Assessment of the Development Proposal as Ribbon Development*

- 6.42 In spite of this, the Appellant suggests at Paragraph 7.11 of their Statement that the development proposal mirrors the existing pattern of development in the surrounding area and does not represent ribbon development. This assertion is strongly refuted by the Local Planning Authority.
- 6.43 For the avoidance of doubt, Paragraph 8.43 of the Delegated Officer Report confirms that the development is significantly separated from the existing built form of Desford to the south by over 51m, and there are no existing residential properties along this side of Station Road beyond Valley View. Therefore, contrary to Paragraph 8.1 of the Appellant's Statement, the development proposal is not physically well related to the built form of Desford.
- 6.44 Whilst Paragraph 7.11 of the Appellant's Statement refers to a definition of ribbon development, the Appellant has not provided a source for this definition. Nevertheless, the Appellant has misguided themselves by suggesting that the scheme does not represent ribbon development solely on the fact that it does not occupy a roadside location.

- 6.45 Paragraph 13.12 of the SADMP defines ribbon development as:

*“Where buildings are located single depth along a road frontage and often occurs on roads into and out of settlements, extending the area recognised as belonging to a village. This type of development is undesirable as it gives a built-up, suburban feel to rural areas which is detrimental to both the character and amenity of the countryside. It can also prevent land to the rear from being used for development in the future, can limit access to agricultural land and can stretch residential populations away from service centres.”*

- 6.46 The proposal is adjacent to, and is served by, a public highway that leads into and out of Desford. The scheme is for a single dwelling, is of single depth, and extends the built form belonging to Desford beyond its identified settlement boundaries into the designated open countryside and significantly domesticates and increases the width of the existing vehicular site access. By virtue of these factors, the appeal proposal encroaches into the green and rural approach to and from Desford in the form of new ribbon development. The presence of the existing dilapidated stables does not provide sufficient justification to suggest that the proposal does not represent ribbon development in these site-specific circumstances.
- 6.47 As per Paragraph 13.12 of the SADMP, the provision of ribbon development in this location is undesirable and results in a built-up, suburban feel that is significantly detrimental to both the character and amenity for the countryside. This appeal proposal therefore results in significant harm to the character of the site, the surrounding area, and the designated open countryside.

*Design of the Development Proposal*

- 6.48 The only justification that the Appellant has provided for their development in light of the above is that the proposal is, *“Relatively small-scale,”* and the scheme is set away from the public highway within a well-landscaped site.
- 6.49 Notably, the Appellant only considers the scheme to be relatively small-scale, as opposed to the development actually being small in scale. Whilst the Appellant may consider the development to be relatively small-scale, the Local Planning Authority does not consider a proposal that is 26.7m in depth and 15.9m in width to represent small scale development for the purposes of a dwellinghouse in the countryside.
- 6.50 In addition, although the Appellant refers to the impact of the existing stables on the character of the area, the Appellant fails to have any regard to Paragraph 8.45 of the Delegated Officer Report. The proposed scheme almost doubles the footprint of the existing development within the site and almost triples its depth. Therefore, the significant increases in the size, scale, and bulk of the proposed development result in significant harm to the rural character of the site, the surrounding area and the designated open countryside.

- 6.51 The significant harm of the development on the rural character is exacerbated by the overtly urbanising and residential character of the dwelling through its inclusion of two large chimneys, a porch, solar panels, and its off-white rendered finish, as well as the significant amendments to existing access to provide a width of 6m for 11m behind the highway boundary
- 6.52 These urbanising residential features diminish the countryside character of the site, which has a significant, permanent impact on the character of the surrounding area. This is a materially different impact to that of the existing timber-built stables within the site. It is noted that the Appellant has not sought to acknowledge this harm within their Statement.

*Visual Prominence of the Development Proposal*

- 6.53 As per Paragraph 8.37 of the Delegated Officer Report, the development is unlikely to be visually prominent from public views from Station Road. However, this does not suggest that the development does not result in an adverse impact on views from the public highway.
- 6.54 Whilst the Appellant has relied on the existing landscaping of the appeal site to justify their development, it is important to note that vegetation cannot be relied upon to provide permanent or substantial buffers to views because they can be removed without planning permission, they are susceptible to disease, and they are ever evolving and reliant on regular maintenance to retain a consistent form. Importantly, none of the existing landscaping that reduces the visual prominence of the development is within the red line boundary of the appeal site and therefore the Appellant has failed to demonstrate that such landscaping can be protected as part of this appeal.
- 6.55 Furthermore, the appeal site is visually prominent from views from Public Footpath R93 to the north of the site. Although Paragraph 6.20 of the Appellant's Statement suggests that the Public Footpath is set away from the development, this is inaccurate.
- 6.56 Leicestershire County Council as the Local Highway Authority confirmed on Page 3 of their second response to 24/01145/FUL that the Public Footpath runs immediately adjacent to the scheme, whereby users of the Footpath are likely to have key and uninterrupted views of the 26.7m depth of the development. This scheme therefore brings domesticating and urbanising features directly up to this rural Public Footpath. This has significant adverse impacts on the experience of the rural countryside character of the surrounding area from this Public Footpath. It is noted that the Appellant has not sought to acknowledge this within their Statement.
- 6.57 In addition, long uninterrupted views of the scheme from Public Footpath R93 are likely to be highly prominent to the north of the site as one approaches Desford from Newton Unthank. This significantly exacerbates the impact of the development proposal on the character of the surrounding area.

- 6.58 Whilst the Appellant may suggest that it is not uncommon to experience different vistas on any long-distance path, this is a misguided generalisation that does not have any regard to the site-specific circumstances of the appeal proposal. Moreover, this assertion does not insinuate that the significant and permanent impact of the development on the character of the site and surrounding area is diminished due to the potential for different experiences along Public Footpaths.
- 6.59 Notwithstanding the above, limited public views of development does not insinuate that the appeal proposal does not result in significant harm to the character of the area in these site-specific circumstances.

### *Summary*

- 6.60 In summary, national and local planning policies confirm that outside of defined settlement boundaries, the countryside is not regarded as a sustainable location for new development, and residential uses are not considered to be a form of development that protects the character of these rural locations. The Appellant is aware of this and confirms at Paragraph 6.4 of their Statement confirms that the scheme is contrary to the Development Plan.
- 6.61 The Appellant's Statement solely relies on the presence of the existing dilapidated timber stables, the scheme's distance from the public highway to the east, and the mature landscaping along the highway boundary.
- 6.62 Firstly, vegetation cannot be relied upon to provide permanent or substantial buffers to views because they can be removed without planning permission, they are susceptible to disease, and they are ever evolving and reliant on regular maintenance to retain a consistent form. Importantly, none of the existing landscaping that reduces the visual prominence of the development is within the red line boundary of the appeal site and therefore the Appellant has failed to demonstrate that such landscaping can be protected as part of this appeal.
- 6.63 Secondly, whilst the appeal appraisal is sited away from Station Road, this does not suggest that the development does not result in an adverse impact on views from the public highway. In addition, the appeal site is visually prominent from views from Public Footpath R93, which is immediately adjacent to the proposed development, and benefits from wider long-distance views of the appeal site from the north. Notwithstanding this, limited public views of a development does suggest that it does not result in significant harm to the character of the area.
- 6.64 As confirmed within this Statement and the Delegated Officer Report, the existing timber stables have a materially different character, and thus impact on the surrounding area, in comparison to a new dwellinghouse. Therefore, the presence of these timber structures does not justify a new independent residential property within this site. This fact is heightened given the fact that the proposed dwelling is significantly larger in size, scale, and height than the existing stables.

- 6.65 Furthermore, the existing stables are dilapidated and not fit for purpose. The Appellant has failed to provide any meaningful reason as to why a timber structure that is in such disrepair that it cannot be utilised for its original purpose can or should offer sufficient justification for the provision of a new large, permanent, brick-built dwellinghouse in this rural countryside location. Crucially, the existing structures can be removed from the appeal site without planning permission, and therefore the benefit of removing these buildings from the site carries no weight in the planning balance.
- 6.66 Notwithstanding the above, the proposal represents new and unjustified residential development in the designated open countryside. By virtue of its size, scale, layout, siting, design, and domesticating architectural features, the development results in the creation of new ribbon development and causes significant and permanent adverse impacts to the character of the site, the surrounding area, and the intrinsic value, beauty, open character and landscape character of the countryside. This harm is exacerbated by the visual prominence of the development from Public Footpath R93. As a result, the scheme is not well designed and fails to reflect local design policies and government guidance on design.
- 6.67 Therefore, the appeal proposal is contrary to, and in conflict with, Policies H1 and H7 of the DNP, Policies DM4 and DM10 of the SADMP, Chapters 2, 12, and 15 of the NPPF, including Key Policy Paragraphs 129 and 135, the Good Design Guide, and the National Design Guide. In accordance with Key Policy Paragraph 139 of the NPPF, it is kindly requested that the appeal proposal is dismissed.
- 6.68 Given the above, the application is not regarded to be well designed and the adverse impacts to the intrinsic value and beauty of the countryside are considered to significantly and demonstrably outweigh the benefits of the scheme, when assessed against the NPPF taken as a whole in accordance with Paragraphs 11(d) and 139 of the NPPF.

#### Planning Balance

- 6.69 To summarise, Section 38 (6) of the Planning and Compensation Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 indicates that planning permission should be granted for development proposals that accord with the Development Plan unless material considerations indicate otherwise.
- 6.70 The Council is unable to deliver a five-year supply of land for housing and therefore the 'tilted' balance is engaged in accordance with Paragraph 11(d)(ii) of the NPPF. Therefore, 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 this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 6.71 In this instance, Key Policy Paragraphs 115, 129, 135, and 139 are applicable to this appeal development, to which the Appellant has had no regard.
- 6.72 Within their Statement, the Appellant has solely relied on the benefit of delivering a new residential property to the Council's supply of land for housing to justify their development. No further benefits of the scheme have been indicated by the Appellants, and the Appellant has failed to have any regard to the Local Planning Authority's planning balance at Paragraphs 8.73 to 8.87 of the Delegated Officer Report.
- 6.73 The Local Planning Authority strongly disagree that significant weight should be afforded to the benefit of providing one dwelling to the Council's supply of land for housing. As per Paragraph 8.86 of the Delegated Officer Report, the benefits associated with one dwelling are modest, they do not maintain or enhance the local community, and they do not include any planning benefits such as affordable housing or essential infrastructure provision. Therefore, the benefits associated with the provision of one dwelling within this appeal site should attract limited weight in the planning balance. This is a position that has been supported by other Planning Inspectors within their determination of appeals within the Borough, such as within the appeals against the refusal of planning applications 24/00872/OUT (cf. Appendix B) and 23/01176/FUL (cf. Appendix E).
- 6.74 Notwithstanding this, the benefits associated with the provision of one dwelling do not negate the requirement to read the Development Plan and the NPPF as a whole.
- 6.75 The proposal is not well designed and results in significant and permanent adverse impacts to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside. This is contrary to, and in conflict with, the Council's Development Plan, and three of the four applicable Key Policy Paragraphs within the NPPF.
- 6.76 Given the above, the significant and permanent adverse impacts of the development on the character of the site, the surrounding area and the countryside significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances. Therefore, in accordance with Paragraphs 11(d), and 139 of the NPPF, Hinckley and Bosworth Borough Council respectfully requests that the appeal is dismissed

## **7. CONCLUSION**

- 7.1 To summarise, Section 38 (6) of the Planning and Compensation Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 indicates that planning permission should be granted for development proposals that accord with the Development Plan unless material considerations indicate otherwise.

7.2 By virtue of the above factors, it is considered that the significant and permanent adverse impacts of the development on the character of the site, the surrounding area and the countryside significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances.

7.3 There are no other material considerations to indicate that the proposal should be determined other than in accordance with the adopted Development Plan in this case. With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However, if the Inspector is minded not to do so, the Local Planning Authority requests the inclusion of the following conditions and reasons suggested below.

## 8. 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:

- Arboricultural Impact Plan (01NB V2) (submitted: 14.02.2025)
- Draft Tree Protection Plan (01NB V2) (submitted: 14.02.2025)
- Parking Provision (0130-P02-006A) (submitted: 06.02.2025)
- Proposed Floor Plans and Elevations (P02 004) (submitted: 18.12.2024)
- Proposed Site Plan (0130-P02-002A) (submitted: 06.02.2025)
- Proposed Site Sections (0130-P02-005) (submitted: 18.12.2024)
- Site Location Plan (0130-P02-002A) (submitted: 06.02.2025)
- Topographical Survey (0130[P02-001) (submitted: 18.12.2024)
- Tree-Constraints Plan (TCP-24-09-01) (submitted: 14.02.2025)

**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).

3. Prior to the commencement of development (including grounds works or vegetation clearance), a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include, but not be limited to, the following:

- (a) Identification of potentially damaging construction activities; and

- (b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) on amphibians, reptiles, and hedgehogs; and
  - (c) The location and timing of sensitive works to avoid harm to nesting birds; and
  - (d) The role and responsibilities on site for responsible persons overseeing sensitive works; and
  - (e) Use of protective fences, where required, around hedgerows.
- The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**Reason:** To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

4. Prior to the commencement of development, a 30-year Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with an approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration, and shall include, but shall not be limited to, the following details:
- (a) description and evaluation of the features to be managed; and
  - (b) ecological trends and constraints on site that may influence management; and
  - (c) aims, objectives and targets for management including links with local and national species and habitat action plans; and
  - (d) description of the management operations necessary to achieve the aims and objectives; and
  - (e) a works schedule including an annual works schedule; and
  - (f) a timetable of the monitoring needed to measure the effectiveness of management; and
  - (g) details of the persons responsible for the implementation and monitoring of the works; and

- (h) mechanisms of adaptive management to account for necessary changes in work schedules to achieve the required targets
- (i) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Notice in writing shall be given to the Council when the:

- Initial enhancements, as set in the HMMP, have been implemented; and
- Habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Local Planning Authority, in accordance with the methodology specified in the approved HMMP.

**Reason:** To enhance protected and priority species and habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to the commencement of development, a scheme for the treatment of the Public Right(s) of Way shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details in relation to, but not be limited to, management during construction, including proposed temporary route(s); and any new works such as surfacing, drainage, structures (i.e. gates etc.), signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

**Reason:** In the interests of protecting and enhancing Public Rights of Way and access in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 105 of the National Planning Policy Framework 2024.

6. Prior to the commencement of any works above foundation level, a Biodiversity Enhancement Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. Enhancements shall include (but is not limited to) at least one woodcrete/ integrated bat box, and three swallow/ house martin nest cups, the make/ model and their locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

**Reason:** To enhance protected, priority and threatened species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

7. Prior to the commencement of any works above foundation level, representative sample of the types and colours of materials to be used on the external elevations of the structures hereby permitted shall be representative sample of the types and colours of materials to be used on the external elevations of the structures hereby permitted have been submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with those approved materials.

**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).

8. Prior to the first occupation of the development hereby permitted, the access arrangements and the parking (and turning facilities) shall be implemented in accordance with the submitted details in Parking Provision (0130-P02-006A) (submitted: 06.02.2025) and Proposed Site Plan (0130-P02-002A) (submitted: 06.02.2025). Thereafter the access, onsite parking and turning provision shall be kept available for such use in perpetuity.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and 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, in the interests of general highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

9. Prior to the first occupation of the development hereby permitted, the access drive shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 11 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

10. Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner. 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.

**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).

11. Prior to the first occupation of the development hereby permitted, a scheme for the provision of waste and recycling storage and collection areas across the site shall be submitted to, and be approved in writing by, the Local Planning Authority. The scheme shall address accessibility to storage facilities and confirm adequate space is provided at the highway boundary to store and service wheeled containers. The development shall be implemented in accordance with the approved scheme prior to first occupation

**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.

12. Notwithstanding the provisions of Classes A, B, C, D, and E of Part 1 of Schedule 2 of Article 3 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 shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

**Reason:** To protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. 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 within a distance of 11 metres of the highway boundary, nor shall any be erected within a distance of 11 metres of the highway boundary unless hung to open away from the highway.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

14. All mitigation measures and/or works shall be carried out in accordance with the details contained in Section 5 of the Preliminary Ecological Appraisal (v1-1) (submitted: 17.06.2025).

**Reason:** To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

15. The development shall be carried out in full accordance with Sections 5, 6, 7, 8, 9, and 10 of the Arboricultural Impact Assessment (V2) (submitted: 14.02.2025)

**Reason:** To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

## 9. APPENDICES

9.1 (See separate documents)

9.2 **Appendix A** Appeal Decision – Old White Cottage, Desford  
(APP/K2420/W/25/3364808)

9.3 **Appendix B** Appeal Decision – Land SW Sibson Road, Sheepy Parva  
(APP/K2420/W/25/3361154)

- 9.4      **Appendix C**      Appeal Decision – Spring Hill Farm, Higham on the Hill  
(APP/K2420/W/23/3319400)
- 9.5      **Appendix D**      Appeal Decision – 59 Merrylees Road, Newbold Heath  
(APP/K2420/W/22/3311536)
- 9.6      **Appendix E**      Appeal Decision – The Water Tower, Norton Juxta Twycross  
(APP/K2420/W/24/3343898)