

Appeal Statement

Outline Planning Application Ref: 25/00775/OUT

223A Main Street, Thornton, Coalville, Leicestershire LE67 1AH

Proposal: Demolition of all existing buildings and structures and erection of a self-build dwelling

(All matters reserved except access and layout)

Appellant: Mr and Mrs Iain Long

Local Planning Authority: Hinckley and Bosworth Borough Council

Date: 29 January 2026

1. Introduction and Background

1.1 This statement accompanies an appeal under section 78 of the Town and Country Planning Act 1990 against the refusal of outline planning permission for the redevelopment of land at 223A Main Street, Thornton.

1.2 The application sought outline planning permission for the demolition of all existing buildings and structures on the appeal site and the erection of one self-build dwelling (with access and layout for approval and all other matters reserved).



Figure one view of existing stable range and associated hardstanding



Figure two: view of menage with former dog kennels, stables, storage and summer house in background

1.3 Planning permission was refused by Hinckley and Bosworth Borough Council. The single reason for refusal alleges unjustified residential development beyond the built form into open countryside and an “irreversible and detrimental urbanising effect” on countryside character, with conflict cited against Policies DM4, DM10 and DM17 of the Site Allocations and Development Management Policies DPD (2016), the Good Design Guide, and the National Planning Policy Framework (December 2024).

1.4 The reason for refusal states, in summary, that the proposal constitutes unjustified residential development outside the existing built form into open countryside, causing significant and demonstrable harm through urbanising effects, such that benefits of one self-build dwelling would not outweigh the harm.

1.5 It is contended that the Local Planning Authority has materially overstated the level of harm arising from the proposal by describing it as “significant and demonstrable”. When assessed properly against the existing baseline position—characterised by a previously developed and visually discordant assemblage of buildings, structures and associated activity—the change resulting from a single, coherent dwelling is, at worst, limited and localised. In landscape and visual terms, the effects are properly understood as negligible, given the site’s containment and the scope to remove detracting elements, rationalise built form and secure landscape enhancement through conditions at reserved matters stage. In these circumstances, any identified conflict with countryside-related development plan policies is modest and is clearly outweighed by the benefits of the scheme, including the delivery of an additional dwelling (secured as self-build/custom build), the removal of

existing unsightly structures and hardstanding, and the opportunity to improve the site's overall appearance and environmental performance. Accordingly, the proposal represents sustainable development and permission should be granted.

2. The Appeal Site and the Proposed Development

2.1 The appeal site is located to the rear (north) of Main Street, Thornton. It is accessed via an existing private drive (approximately 120m long) between properties on Main Street.

2.2 The site measures approximately 0.2 hectares and contains a collection of stables, a manege, kennels, storage buildings and associated hardstanding. The structures and activity represent an established, lawful baseline supported by earlier planning consents 91/0656/4 granted on 28th August 1991 and 98/00261/FUL granted consent on 18th May 1998.

2.3 The proposal is to remove the existing disparate buildings and structures and replace them with a single, coherent, single-storey dwelling. Indicative information demonstrates a modest footprint and a design approach using recessive, countryside-appropriate materials (including timber cladding and a green/sedum roof), with detailed appearance, scale and landscaping controlled through reserved matters and conditions.

3. Main Issues in the Appeal

3.1 In light of the reason for refusal and the Council's committee officer report, the main issues are:

(a) Whether the principle of one dwelling on this settlement-edge site is acceptable in policy terms, having regard to the development plan, the National Planning Policy Framework and the Council's acknowledged housing land supply position.

(b) The effect of the proposal on the character and appearance of the countryside, including landscape character and visual amenity (in particular from the National Forest Way and permissive routes around Thornton Reservoir).

(c) Whether the proposal represents sustainable development when assessed against relevant local and national policy, including self-build and custom housebuilding and redevelopment of previously developed land considerations.

(d) Whether there are any residual impacts (highway safety, amenity, ecology, drainage) which would justify dismissal, or whether these can be satisfactorily controlled by conditions.

4. Policy Context (Summary)

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions are taken in accordance with the development plan unless material considerations indicate otherwise.

4.2 The relevant development plan comprises the Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016). The Council identifies Policies DM1 (presumption in favour of sustainable development), DM4 (safeguarding the countryside), DM10 (development and design) and DM17 (highways and transportation) as the most relevant.

4.3 The National Planning Policy Framework supports the reuse of previously developed land and give significant weight to proposals that utilise brownfield land.

4.4 The Council's officer report confirms that it is currently unable to demonstrate a five-year housing land supply, and therefore decision-making should proceed under the NPPF paragraph 11(d) 'tilted balance'.

5. The Appellant's Case

5.1 Settlement-edge context and existing baseline

5.1.1 The appeal site sits in a transitional settlement-edge location, physically separated from the wider open countryside by established woodland and boundary vegetation. The internal fabric of the site is already highly modified by built structures and hardstanding associated with equestrian, dog kennels and storage uses.

5.1.2 The existing built footprint is substantial. The planning statement submitted with the application records that existing buildings extend to 199.5 sq m, excluding the manege and further areas of hardstanding. Indicative design work shows a reduced dwelling footprint of approximately 124.8 sq m (a reduction of around 37.5% in built form), alongside the opportunity to remove extensive hardstanding and rationalise activity on the site.

5.1.3 These baseline characteristics are important. The proposal is not the domestication of an undeveloped field; it is a rationalisation and restorative redevelopment of a contained, previously developed parcel with an existing developed character at its core.

5.2 Countryside policy (DM4) and the principle of development

5.2.1 The Council's reason for refusal relies primarily on Policy DM4, treating the proposal as unjustified new housing in open countryside.

5.2.2 The appellant recognises the site is beyond the settlement boundary. However, the assessment under DM4 must be applied to the facts of this case. The proposal removes a collection of utilitarian and discordant structures and consolidates development into a single dwelling of modest scale, with a clear opportunity to enhance the immediate setting through the reduction of built sprawl, removal of hardstanding and landscape reinforcement.

5.2.3 In that regard, the proposal aligns with the thrust of countryside policy: safeguarding countryside character while allowing limited, carefully designed development that improves the condition and setting of land at the settlement edge. It does not create or exacerbate ribbon development, it does not reduce separation between settlements, and it does not introduce development into an exposed or sensitive landscape.

5.2.4 The Council also identifies Thornton as a Key Rural Centre in the development plan, and the site is in close proximity to the services and facilities of the village, with an established access onto Main Street.

5.3 Landscape character and visual amenity

5.3.1 The Council's case is that the proposal would have a harmful, urbanising effect on countryside character and views, especially from recreational routes around Thornton Reservoir.

5.3.2 The submitted Landscape and Visual Appraisal (LVA) provides a proportionate assessment, following GLVIA3 principles and using a winter survey to represent a 'worst case' for visibility. The LVA finds that:

- The site is strongly contained by robust boundary vegetation, which substantially restricts public views into the site.
- Along PRoW R80/1 (National Forest Way), local screening is strong and views into the site are limited.
- The site is more apparent from longer views around the reservoir, but it currently reads as a small cluster of utilitarian structures (including a light-toned summerhouse) against an evergreen backdrop, and remains a secondary element within wider panoramic views.

5.3.3 Importantly, the LVA concludes that the proposals would:

- Remove detracting elements and consolidate built form;
- Use recessive materials and a vegetated roof to respect the countryside setting and align with National Forest aims;
- Provide an opportunity for landscape enhancement through reinforcement planting; and
- Give rise to negligible to minor beneficial effects on local landscape character, which are not significant as per Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3), and Environmental Impact Assessment (EIA) standards

5.3.4 The Council's character harm case is therefore not supported by the site-specific evidence. The proposal would reduce visual clutter and rationalise a discordant baseline rather than introduce a prominent new urbanising element into an unspoilt landscape.

5.4 Previously Developed Land

5.4.1 Effective use of previously developed land is an underlining principle contained within the NPPF. At paragraph 125, it states:

Planning policies and decisions should:

.....

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

5.4.2 The LPA's officer report describes the site as stables, manege, dog kennels, storage and hardstanding. The site effectively exists as previously developed land meeting the glossary definition contained in the NPPF.

5.4.3 It is the appellants view that the redevelopment of the application, comprising previously developed land, should be afforded significant weight in the determination at the appeal site given only negligible harm would arise in terms of the character and verdant appearance of the site and surrounding countryside as set out in section 5.3 above.

5.5 Design approach and control through reserved matters

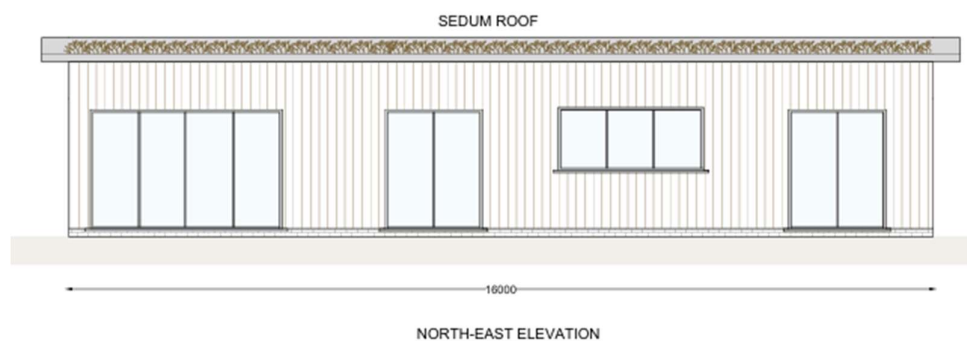


Figure three: Indicative Elevation

5.5.1 The application is in outline, with appearance, scale, landscaping and other matters reserved. However, indicative elevations show a single-storey dwelling designed to sit low in the landscape and assimilate into the wooded backdrop (timber cladding and green roof). The access and layout can also be conditioned to minimise hard surfacing and ensure parking and turning are contained.

5.5.2 The submitted Landscape Visual Appraisal concludes; "A single-storey dwelling with a vegetated roof and recessive cladding, and a new native hedged boundary, would be likely to integrate more effectively than the current assemblage of structures. The overall magnitude of visual change for recreational receptors is reasonably assessed as Negligible".

5.5.3 Any concerns about 'domestic paraphernalia' and lighting can be addressed by planning conditions, including:

- A comprehensive landscaping and boundary treatment scheme, including reinforcement planting;
- External lighting controls to avoid glare and spill;
- Restrictions on permitted development rights for outbuildings and boundary treatments where necessary to protect character; and
- A materials condition to secure recessive finishes and the green roof approach at reserved matters stage.

5.6 Highway safety, access and other technical matters

5.6.1 The access is existing and established. The Council's officer report records no objection from Leicestershire County Council Highways (subject to conditions), and similarly no objection (subject to conditions) from drainage, ecology and pollution consultees.

5.6.2 In these circumstances, there is no technical evidence that highway safety, drainage, ecology or residential amenity impacts would justify refusal. Such matters can be appropriately controlled by condition at the outline and reserved matters stages.

5.7 Housing supply, self-build duty and the tilted balance

5.7.1 The Council's officer report confirms that it cannot demonstrate a five-year housing land supply, and therefore the NPPF paragraph 11(d) tilted balance is engaged. In this context, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.7.2 The tilted balance is also triggered as a result of the council failing to meet its statutory duty to permit a sufficient number of custom and self build plots, acknowledging that the shortfall has increased from Base Period 9 to Base Period 10.

5.7.3 Appeals have consistently demonstrated that where a council is failing to meet its statutory duty paragraph 11d is enacted. Attention in this regard is drawn to the appended appeal APP/G2435/W/24/3343890 72 Main Street, Osgathorpe, Leicestershire LE12 9TA.

The inspector as part of this decision stated:

16. The proposal is for a self-build dwelling. The Self-build and Custom Housebuilding Act 2015 (as amended) ('the Act') places a statutory duty on the Council to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet this demand. The Council acknowledges that during the current base period of 31 October 2023 to 30 October 2024, there is a shortfall of 29 self-build plots, this is a notable increase on the previous year where there was a shortfall of 21 self-build plots. The current shortfall represents a significant unmet need.

17. As both parties have noted, the development plan does not have any policies on self-build. Paragraph 11 d) of the Framework advises that where there are no relevant development plan policies, permission should be granted, unless i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As the appeal site does not fall within any areas identified

5.7.4 There are clear similarities between the appeal example and 223A Main St, Thornton; In both cases there are / were no relevant development plan policies and there is a worsening supply position with the provision of self build plots.

5.7.5 The appeal scheme delivers:

- One additional dwelling in a sustainable settlement with existing services, using an existing access;

- A self-build plot which contributes to the Council's self-build and custom housebuilding duty. The officer report acknowledges a current shortfall and attributes moderate positive weight to the contribution of one plot; and
- Environmental improvement through the removal of degrading built clutter and hardstanding and the opportunity to secure landscape enhancement.

5.7.6 By contrast, the harm alleged by the Council is described in broad terms and is not borne out by the site-specific landscape and visual evidence. On the evidence, the proposal would not result in significant and demonstrable harm; rather, it would deliver a contained, restorative redevelopment with minor beneficial landscape outcomes.

5.7.8 A signed Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 (dated 27 November 2025) was submitted to the Council after the application was made (and forms part of the application file) to secure the delivery of the dwelling as a Custom and Self-Build Unit. The Undertaking provides enforceable obligations regarding occupation as a self-build unit and, in the alternative, marketing and disposal of the plot only to a custom and self-build purchaser, together with the provision of the plot as a serviced site.

5.7.9 Accordingly, the self-build benefit is not merely aspirational: it is secured by a binding planning obligation submitted with the application and capable of being attached to any grant of permission arising from this appeal.

6. Planning Balance and Conclusion

6.1 The appeal proposal is a modest, single-dwelling scheme on a contained settlement-edge site with an existing previously developed baseline. It would remove discordant structures, reduce built footprint and hardstanding, and provide the opportunity for landscape enhancement.

6.2 The Council's own evidence confirms that the tilted balance applies. The adverse effects alleged (urbanising impact on countryside character and views) are not supported by the submitted Landscape and Visual Appraisal, which predicts negligible to minor beneficial effects on local landscape character and limited, contained visual change.

6.3 When assessed against the NPPF as a whole, the benefits of delivering a self-build dwelling, in the context of housing land supply shortfalls and the Council's self-build duty, together with environmental enhancement of the site and the redevelopment of a brownfield site, are not significantly and demonstrably outweighed by any adverse impacts.

6.4 The appellant therefore respectfully requests that the appeal be allowed and outline planning permission granted, subject to appropriate conditions and (if required) an obligation to secure self-build delivery.

7. Suggested Planning Conditions and Controls (Heads of Terms)

7.1 Without prejudice to the Inspector's final wording, the appellant suggests the following controls are appropriate:

- Time limit and approved plans (outline).
- Reserved matters (appearance, scale, landscaping and other matters) to be submitted and approved.
- Access construction and visibility splays as per approved layout, and on-site parking/turning.
- Landscaping scheme including tree/hedgerow retention, reinforcement planting, and long-term management.
- External lighting scheme (dark skies / rural lighting) to minimise glare and light spill.
- Materials and finish controls, including green/sedum roof specification (at reserved matters).
- Surface water drainage and SuDS strategy (including permeable surfacing where appropriate).
- Biodiversity measures and ecological mitigation/enhancement (as required by the ecologist).
- Removal or restriction of certain permitted development rights (e.g., outbuildings, fencing) if necessary to protect character.
- Construction management (hours, deliveries, wheel washing) if required.

8. Document References

- Hinckley and Bosworth Borough Council: Decision Notice Ref 25/00775/OUT dated 9 December 2025.
- Hinckley and Bosworth Borough Council: Planning Committee Officer Report (Planning Committee 2 December 2025) Ref 25/00775/OUT.
- Andrew Large Surveyors Ltd: Planning Statement (incorporating Design and Access Assessment) dated 16 June 2025.
- Studio 413 Ltd: Landscape and Visual Appraisal, 223A Main Street, Thornton (Ref LDP-25-P300-LVA1), January 2026.
- Signed Unilateral Undertaking (Section 106) dated 27 November 2025 (submitted with the Planning Application).

9. Schedule of Submitted Documents (HBBC Public Access Register)

The application was registered on 14 August 2025. The following schedule summarises the key documents submitted with the application (including those uploaded at registration) together with the later-submitted signed Unilateral Undertaking. Where HBBC's Public Access register contains additional individual drawing entries (e.g. location/block plans and indicative drawings), these are grouped below under the application submission bundle.

- Application submission bundle (uploaded at registration on 14 August 2025): Application form; site location plan; block plan; existing site plan / existing buildings information; proposed access and layout; indicative plans/elevations (as submitted in outline).
- Planning Statement (incorporating Design and Access Assessment) – Andrew Large Surveyors Ltd.
- Landscape and Visual Appraisal (LDP-25-P300 Main Street Thornton LVA) – Studio 413 Ltd.

- LVA Supporting Figures (LDP-25-P300 Main Street Thornton – LVA Supporting Figures) – Studio 413 Ltd.
- Planning Committee Officer Report (Planning Committee 2 December 2025).
- Signed Unilateral Undertaking (Section 106) dated 27 November 2025 (Custom and Self-Build obligations).