

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 AND MRS G PRATT

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE PROPOSED
CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC GARDEN**

AT

**LAND OPPOSITE PADDOCK VIEW, TWYCROSS ROAD,
SHEEPY MAGNA, CV9 3RT**

HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE

25/00081/FUL

THE PLANNING INSPECTORATE REFERENCE

APP/K2420/W/25/3367598

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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 change of use of agricultural land to domestic garden at the Land opposite Paddock View, Twycross Road, Sheepy Magna.

2. DESCRIPTION OF THE APPEAL SITE AND THE PROPOSAL

The Appeal Site

- 2.1. The appeal site comprises agricultural land that is part of a wider agricultural field, and a field gate that has recently been upgraded to a vehicular access. The appeal site is to the north of, but outside of, the identified settlement boundary of Sheepy Magna in the designated open countryside. This area of the countryside is located within the Sheepy Magna and Surroundings (North of B5000) Landscape Sensitivity Area (LSA) and the wider Sense Lowlands Landscape Character Area (LCA).
- 2.2. Both the LSA and the LCA are characterised by a flat to gently rolling lowland vale landscape that is predominantly arable with a regular pattern of rectilinear fields. The landscape areas provide a rural setting to the former agricultural villages, Sheepy Magna and Sheepy Parva. The key sensitivity and values of the LSA include the historic field pattern and smaller fields around settlements, as well as the strong rural character of the area.
- 2.3. The eastern boundary of the site is bordered by Twycross Road, which is a classified 'C' road that is subject to the National Speed Limit to the north of the site and 30mph speed limit as it progresses south past Paddock View and into Sheepy Magna. The public highway to the north of the site is bounded by established mature deciduous hedgerows.
- 2.4. To the north, east (beyond Twycross Road), and west of the site is characterised by open agricultural fields. To the south and southeast of the site is the built form of Sheepy Magna, including Paddock View.
- 2.5. Paddock View is the residential property immediately to the south of the appeal site, which was approved via planning permission 14/00292/FUL alongside two other dwellings, Blossom House and Rowan House. To the southwest of the site, and to the rear of Paddock View, is an area of woodland that is subject to an English Woodland Grant Scheme by the Forestry Commission. This woodland was approved to be utilised as domestic garden in association with Hollytree Cottage via planning permission 24/00902/FUL.

The Appeal Proposal

- 2.6. This appeal proposal seeks full planning permission for the change of use of 423sqm of agricultural land to domestic garden to the north of, and to be associated with, Paddock View, Twycross Road, Sheepy Magna. No buildings or structures are proposed as part of this development.

3. SITE HISTORY

- 3.1. There is no relevant or applicable planning history for this appeal site.

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 12: Rural Villages

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 DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

5.4 Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):

- Policy S1: Countryside
- Policy S5: Ecology and Biodiversity
- Policy S8: Design

5.5 Other Relevant Guidance:

- Good Design Guide (GDG) (2020)
- Landscape Character Assessment (LCA) (2017)
- Landscape Sensitivity Assessment (LSA) (2017)
- Leicestershire Highways Design Guide (LHDG) (2024)

6. THE CASE FOR THE LOCAL PLANNING AUTHORITY

6.1 The planning application was refused on 21 March 2025 under delegated powers for the following reasons:

1. The proposal represents the encroachment of urbanising and domestic features into the designated countryside. These impacts result in significant harm to the rural character of the surrounding area, the Sheepy Magna and Surroundings Landscape Sensitivity Area, the Sence Lowlands Landscape

Character Area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside. By virtue of these factors, the proposal is contrary to, and in conflict with, Policy S8 of the Sheepy Parish Neighbourhood Plan (2022), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Chapters 12 and 15 of the National Planning Policy Framework (2024). These adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits of the proposal.

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

Determination of the Appeal Proposal

- 6.3 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions. Paragraph 3 of the NPPF confirms that the Framework should be read as a whole.
- 6.2 In accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 6.3 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the adopted Sheepy Parish Neighbourhood Plan (SPNP). 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 Paragraph 11(d) of the NPPF states that where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date permission must 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.

- 6.5 Importantly, 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.
- 6.6 Notably, Footnote 8 of the NPPF defines out-of-date policies as including applications involving the provision of housing in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.7 Although Paragraph 8.35 of the Delegated Report for planning application 25/00081/FUL ('the Delegated Report') determined the appeal proposal in accordance with the 'tilted' balance in Paragraph 11(d) of the NPPF, it is acknowledged that the proposal is not for the provision of housing.
- 6.8 Therefore, whilst the Council's assessment of the development proposal at Paragraphs 8.34 to 8.41 of the Delegated Report still remains accurate, the Local Planning Authority do not consider the 'tilted' balance to apply for the determination of this appeal proposal in these site-specific circumstances. Therefore, the proposal should be determined in accordance with the standard determination process detailed at Paragraph 2 of the NPPF.

Weight of Policies within the Development Plan

- 6.9 As detailed above, 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.
- 6.10 Paragraph 6 of the Appellants' Statement refers to the Council's Emerging Local Plan and highlights that this document does not attract any weight in the planning balance. The Emerging Local Plan does not currently form part of the Development Plan, nor does it not form part of the reason for the refusal of planning application 25/00081/FUL, and it wasn't mentioned within the Delegated Report. Therefore, the Appellants' assessment is redundant within the determination of the current appeal.
- 6.11 Paragraph 10 of the Appellants' Statement also suggests that the policies cited in the reason for refusal have, "*Very limited weight*," in the determination of this appeal. This is strongly refuted by the Local Planning Authority. The policies within the reason for the refusal of planning application 25/00081/FUL also included Chapters 12 and 15 of the NPPF, which has not been acknowledged by the Appellants.
- 6.12 The Appellants' supposition on the weight afford to the Council's Development Plan Policies is solely based on the allowed appeal decision against the refusal of planning application 23/01229/OUT at land east of The Common, Barwell, which was for 95 dwellings, that is included in Appendix 1 of their Statement.

- 6.13 Paragraph 41 of the Appeal Decision within Appendix 1 of the Appellants' Statement confirms that Policy DM4 of the SADMP only carried, "*Limited weight because of the Council's [Housing Land Supply] position.*" Paragraph 10 of that Appeal Decision confirms that this assessment was based on the fact that the parties agreed within the appeal that, "*The Council can only demonstrate a 3.55-year supply,*" of land for housing.
- 6.14 The Supplemental Statement of Common Ground within this previous appeal (cf. Appendix A), confirmed that this position was agreed only for the purposes of that specific appeal based upon the Five-Year Housing Land Supply (5HYLS) Statement from 01 April 2023. Therefore, this housing land supply position does not reflect the current five-year housing land supply position of the Council and is not considered to be an appropriate basis to determine the current appeal on.
- 6.15 Importantly, this current appeal proposal is not for the provision of new dwellinghouses. Therefore, the assessment of the impact of the development for the change of use of agricultural land to residential land and the consideration of its associated benefits are significantly and materially different to that associated with the major development approved by the Inspector.
- 6.16 As a result, contrary to Paragraph 6 of the Appellants' Statement, the 'significant material considerations' of the determination of the appeal decision at Ibe mand east of The Common, Barwell is not directly applicable to the current appeal proposal. It is therefore considered that this previous appeal decision should attract little to no weight in the determination of this appeal.
- 6.17 Notwithstanding the above, the emphasis of Policy DM4 of the SADMP is to promote sustainable development proposals within the countryside and to safeguard it from unsustainable schemes, rather than to apply a blanket protection. In this regard, Policy DM4 is consistent with, and accords with, the NPPF. This is a view which has been supported by a number of Planning Inspectors such as within the appeal decisions for planning applications 17/00531/OUT, 18/00279/OUT, 19/00947/OUT, 19/01324/OUT, and 20/00102/OUT (cf. Appendices B to F).
- 6.18 Notably, due to the consistency of the Policy DM4 of the SADMP with the NPPF, Inspectors in several recent appeal decisions have not sought to query the weight associated with the Policy. Importantly, this includes, but is not limited to, the appeal decision at 12 Rodney Gardens, Sheepy Magna (cf. Appendix 2 of the Appellants' Statement), and the dismissed appeal against the refusal of a self-build and custom house-build dwelling in the designated open countryside via 23/01195/FUL (cf. Appendix G).
- 6.19 Given the above, the policies within the reason for the refusal of planning application 25/00081/FUL, including Policy DM4 of the SADMP, are considered to have strong conformity with the NPPF, and therefore these policies can be afforded significant weight within the planning balance in accordance with Paragraph 232 of the NPPF.

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

- 6.20 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 6.21 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.
- 6.22 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.
- 6.23 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.
- 6.24 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."*
- 6.25 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.
- 6.26 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."*

- 6.27 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential 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.
- 6.28 Furthermore, Policy S1 of the SPNP states that the countryside site will be protected for the sake of its intrinsic character, beauty, heritage, wildlife and the wealth of its natural resources and to ensure it may be enjoyed by all. Therefore, subject to the caveats within Policy DM4 of the SADMP, Policy S1 of the SPNP only considers the following types of development to be sustainable in principle in countryside locations:
- (a) The re-use and adaptation of buildings in accordance with Policies DM14 and DM15 of the SADMP; or
 - (b) Householder development; or
 - (c) Dwellings in accordance with Policy S10 of the SPNP; or
 - (d) Development and diversification of agricultural and other land-based rural businesses, which accords with the NPPF; or
 - (e) Employment development in accordance with Policy S17 of the SPNP; or
 - (f) Development by statutory undertakes or public utility providers; or
 - (g) Recreation and tourism provided it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; and
 - (h) Renewable energy in accordance with Policy S4 of the SPNP.

- 6.29 The appeal proposal does not relate to, or comply with, any of the criteria in Policy DM4 of the SADMP or Policy S1 of the SPNP. This was confirmed by the Appellants on Page 5 of their submitted Planning Statement.
- 6.30 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 6.31 Policy DM4(i) 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.
- 6.32 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.
- 6.33 Paragraph 14.3 of the SADMP states that:
- “The Borough Council will ensure that all new development helps to create an attractive and safe environment that is in keeping with the character of the location in which is situated.”*
- 6.34 Policy S8 of the SPNP requires development to be designed in accordance with seven criteria. Policy S8(a), (b), (c), and (d) of the SPNP confirm that proposals should respond positively to the character of the area, respond to the features of its setting, and work with the scale, form, and character of the location and make a positive contribution to the street scene.
- 6.35 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.
- 6.36 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.
- 6.37 It is noted that the Appellants’ Statement only refers to four paragraphs of the Delegated Report for 25/00081/FUL. Importantly, the Appellants have failed to comment on the assessment within these paragraphs, nor within the wider Delegated Report.
- 6.38 This can be seen by the fact that Paragraph 8 refers to the recent planning history associated with 12 Rodney Gardens, 14 Rodney Gardens, and Holly Tree Cottage, which are all within the close proximity of the appeal site.

6.39 These recent planning decisions were taken into consideration within the determination of planning application 25/00081/FUL, and this assessment is detailed at Paragraphs 8.16 to 8.19 of the Delegated Report. The Appellants have failed to refer to these paragraphs within their Statement.

6.40 For the avoidance of doubt, Paragraph 8.19 of the Delegated Report states:

“In comparison to these previously approved developments, the application site does not benefit from any containment from the wider rural context, nor is it visually distinct from the wider agricultural context of the area. The application site extends beyond the existing woodland and forms part of a wider arable field that delineates the existing built form of Sheepy Magna from the designated open countryside. This separation from the built form of Sheepy Magna is reinforced by the mature hedging along the eastern and southern boundaries of the application site that border Paddock View and Twycross Road. Given the above, the material considerations of the approved developments at 12 and 14 Rodney Gardens and Holly Tree Cottage are considered to attract little weight in the planning balance.”

6.41 In light of the above, the Appellants have not sought to argue that the appeal site benefits from any containment from the wider rural context, nor that it is visually distinct from the wider agricultural context of the area. On the contrary, the Appellants have specifically supported the assessment of the Local Planning Authority by referring to the, *“Existing mature boundary hedging,”* at Paragraph 13 of their Statement.

6.42 Therefore, the Appellants have failed to provide cogent and compelling reasons to justify the appeal proposal in light of the reason for the refusal of planning application 25/00081/FUL and the Local Planning Authority’s assessment of the development within the Delegated Report associated with this appeal.

6.43 Instead, Paragraph 15 of the Appellants’ Statement claims that the appeal proposal would only cause:

“Negligible if any harm to semi-rural landscape character of the area, as it is limited to a very minor and small geographical area.”

6.44 Firstly, in the context of a proposal for the change of use of land to residential garden space associated with one dwelling, the Local Planning Authority does not accept that the proposal covers a small geographic area. It is important to highlight that the appeal site is in fact larger than all the existing land currently associated with Paddock View.

6.45 Secondly, the Local Planning Authority strongly refutes the suggestion that the appeal site forms part of a semi-rural landscape because the appeal site is clearly within an agricultural field beyond the built form of Sheepy Magna in the designated open countryside.

- 6.46 As highlighted at Paragraph 3.2 of the Delegated Report, the appeal site was formerly part of a much larger rectilinear arable field within a flat-to-gently rolling lowland vale landscape, which provides a strong rural character to the surrounding area and to the setting of Sheepy Magna. As part of that field therefore, the appeal site positively contributed to the rural character of the area, the setting of Sheepy Magna, the intrinsic value, beauty, open character and landscape character of the designated countryside and the wider Sheepy Magna and Surroundings (North of B5000) Landscape Sensitivity Area and the Sense Lowlands Landscape Character Area. The Appellants have not sought to challenge the appeal site's positive contribution to the wider character of the designated open countryside.
- 6.47 The fencing of the site into what at the time of the site visit prior to determining the planning application had the appearance of a small paddock with a four-bar wooden gate to Twycross Road already erodes that very rural character of the site that is associated with the field pattern of large open fields that are found in the area.
- 6.48 Therefore, the Local Planning Authority strongly disagrees with the Appellants' inaccurate suggestion that the proposal results in negligible harm to the character of the area.
- 6.49 The conversion of this site into residential garden land represents the unjustified and uncontained urbanisation and domestication of the designated countryside. This encroachment severs an area of uninhibited agricultural land that positively contributes to the rural setting of the surrounding area from the wider countryside. By virtue of these factors, the proposal results in significant harm to the character of the area, the setting of Sheepy Magna, the intrinsic value, beauty, open character and landscape character of the designated countryside and the wider Sheepy Magna and Surroundings Landscape Sensitivity Area and the Sense Lowlands Landscape Character Area.
- 6.50 Although the Appellants have referred to the limited public views into the site at Paragraph 13 of their Statement, the Appellants have failed to respond to the Council's assessment of this consideration at Paragraph 8.24 of the Delegated Report.
- 6.51 For clarity, Paragraph 8.24 of the Delegated Report states:
- "Although it is appreciated that there are limited views of the application site, this is not considered to be sufficient to justify the significant adverse impacts of the domestication and detrimental change in character of the countryside. In addition, the visual prominence of the change of use has been heightened through the site's new field gate access onto Twycross Road."*
- 6.52 Given the visual prominence of the appeal site from public views, which shall increase during winter months due to the deciduous hedge planting along the boundaries of the site, the detrimental impact of this change of use is heightened. This would also be exacerbated by the siting of any domestic paraphernalia such as

furniture and play equipment within the site that will be visually prominent from public views along Twycross Road.

- 6.53 Whilst the Inspector within 22/00916/FUL did not consider that scheme to result in any tangible harm, the previous development was to the rear of Rodney Gardens and was not visually prominent from public viewpoints.
- 6.54 In comparison to this, the current appeal proposal would allow the introduction of uncharacteristic domestic paraphernalia and garden planting into the designated open countryside in a visually prominent location adjacent to the public highway. This is considered to contribute to the development's significant adverse impact on the character of the site, the surrounding area, and the designated open countryside.
- 6.55 To summarise, the Appellants have failed to respond to any of the Local Planning Authority's assessment of the development proposal within the Delegated Report for planning application 25/00081/FUL. There are significant and material differences between the current appeal proposal and the planning decisions detailed within Appendices 1 to 4 of the Appellants' Statement, and therefore these considerations should be afforded little to no weight in the planning balance.
- 6.56 Ultimately, the appeal proposal represents the unjustified and uncontained urbanisation and domestication of the designated countryside. This encroachment severs an area of uninhibited agricultural land that positively contributes to the rural setting of the surrounding area from the wider countryside. By virtue of these factors, the development results in significant harm to the character of the area, the rural setting of Sheepy Magna, the intrinsic value, beauty, open character and landscape character of the designated countryside, including the wider Sheepy Magna and Surroundings Landscape Sensitivity Area and the Sense Lowlands Landscape Character Area.
- 6.57 Given the above, the proposal is contrary to, and in conflict with, Chapters 2, 11, 12, and 15 of the NPPF, including Key Policy Paragraphs 129 and 135, Policies DM4 and DM10 of the SADMP, Policy S8 of the SPNP, the National Design Guide, and the Council's Good Design Guide. It is requested that the appeal proposal 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 It is acknowledged that the Development Plan was adopted prior to the publication of the latest NPPF. However, as a result of the strong consistency with the wording of the NPPF, due weight should be given to the policies within the Development

Plan, such as Policies DM4 and DM10 of the SADMP and Policy S8 of the SPNP, in accordance with Paragraph 232 of the NPPF.

- 7.3 Although the Delegated Report determined the appeal proposal in accordance with the 'tilted' balance in Paragraph 11(d) of the NPPF, the proposal is not for the provision of housing. In light of this, and the strong consistency of the relevant Development Policies within the NPPF, the Local Planning Authority do not consider the 'tilted' balance to apply for the determination of this appeal proposal in these site-specific circumstances. Therefore, the proposal should be determined in accordance with the standard determination process detailed at Paragraph 2 of the NPPF.
- 7.4 The development results in significant harm to the character of the area, the rural setting of Sheepy Magna, the intrinsic value, beauty, open character and landscape character of the designated countryside, including the wider Sheepy Magna and Surroundings Landscape Sensitivity Area and the Sense Lowlands Landscape Character Area. This harm should attract significant weight in the planning balance.
- 7.5 The Appellants have not sought to identify any benefits associated with the appeal proposal. Nevertheless, the benefits of the scheme were considered by the Local Planning Authority at Paragraph 8.41 of the Delegated Report, which confirms that the minor private benefits associated with this scheme should be afforded very limited weight in the planning balance. Ultimately, the adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal.
- 7.6 Given the above, the proposal is contrary to, and in conflict with, Chapters 2, 11, 12, and 15 of the NPPF, including Key Policy Paragraphs 129 and 135, as well as Policies DM4 and DM10 of the SADMP, Policy, S8 of the SPNP, the National Design Guide, and the Council's Good Design Guide.
- 7.7 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 not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Site Plan Dwg no PL01 (submitted: 03.02.2025)

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).

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting, substituting, amending, extending, consolidating, replacing, or modifying that Order), no development within Class E of Part 1 of Schedule 2 of the Order, and no gates, fences, or walls within Class A of Part 2 of Schedule 2 of the Order shall be erected on the land, except in the event that a further planning permission is expressly granted for that development.

Reason: To protect the character of the site and 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).

3. The development hereby permitted shall not be brought into use until a scheme of soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted in writing 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).

9. APPENDICES

9.1 (See separate documents)

9.2 **Appendix A** Supplementary Statement of Common Ground for APP/K2420/W/24/3348387

9.3 **Appendix B** Appeal Decision – Land East of The Common, Barwell (APP/K2420/W/17/3188948)

9.4 **Appendix C** Appeal Decision – Land at Crabtree Darm, Hinckley Road (APP/K2420/W/19/3222850)

- 9.5 **Appendix D** Appeal Decision – Land off Sketchley Lane, Burbage
(APP/K2420/W/20/3260227)
- 9.6 **Appendix E** Appeal Decision – Land at Wykin Lane, Stoke Golding
(APP/K2420/W/20/3262295)
- 9.7 **Appendix F** Appeal Decision – Land to the South of Cunnery Close
(APP/K2420/W/20/3265133)
- 9.8 **Appendix G** Appeal Decision – Land Northeast of the Hovel, Spinney Drive
(APP/K2420/W/23/3348843)