



Appeal Decision

Site visit made on 28 April 2026

by Andrew Fuller BSc (Hons), Dip TP, MA, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 June 2026

Appeal Ref: 6004242

HLCS Hillside, Sibson Road, Ratcliffe Culey, Leicestershire CV9 3PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Smith against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 25/01104/FUL.
 - The development proposed is described as 'Retrospective application for change of use of land to residential.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to 'retrospective' in the description of the application is not a form of development. However, the application form confirms that the development was completed in September 2025, and I was able to see this during my site visit. I have determined the appeal on this basis.
3. The appeal development relates to an earlier Proposed Lawful Development Certificate (PLDC) Ref: 23/00987/CLP for the siting of a caravan for agricultural use. The PLDC was granted solely for the purpose of welfare and storage in connection with the agricultural use of the land. This was on the understanding that there would be no permanent physical alterations to the land, nor would there be any material change of use of the land as it was possible to move the caravan.
4. The evidence before me demonstrates that the plans for the caravan granted under the PLDC are the same as those submitted for the appeal development. On my site visit however I saw that the dwelling differed from the plans. The stanchions and supports which are shown to be exposed on the plans, are covered by skirting down to the ground. Moreover, on site I saw that the arrangement of windows and doors differed from the plans, with the windows on the narrow end elevations not being present, and the number, shape and position of fenestrations along the long elevations are positioned differently. Furthermore, the rear roof slope is mostly covered in solar panels, which are not illustrated on the plans.
5. Other than the position of the mobile home, the access and driveway, the plans do not indicate any other physical development. The Council's report references fencing to the north, however I saw fencing and gates along other boundaries including a line that subdivided the site from front to rear. This central line of fencing does not reflect the same line as that illustrated on the plans to form an

‘area to remain undeveloped’ which the appellant goes on to describe in their statement as being a ‘sustainable living project’ (to house poultry).

6. The development is built and has been applied for in retrospect. The appellant has confirmed that they wish for the decision to be based on the development visible to me on my site visit.

Main Issues

7. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area;
- whether the proposal is suitably located having regard to relevant development plan policies concerning sustainable transport;
- whether the proposed development provides acceptable living conditions for occupiers, with regard to the provision of private internal space; and
- whether there are other material considerations sufficient to outweigh any harm identified in respect of the first three issues.

Reasons

8. The appeal site is located in open countryside. The strategy for safeguarding the countryside is set out in Policy DM4 of the Site Allocations and Development Management Policies DPD (2016) (SADMP). In order to protect its intrinsic value, beauty and character, the policy strictly limits new development. As a mobile home it has not been put to me in evidence that it would fall within any of the five criteria for suitable sustainable development supported by the policy. As a residential property, I find it to fail against this policy.

Character and appearance

9. The appeal site is located within an area of open countryside at some distance from a settlement and comprising a moderately undulating landscape. It is situated adjacent to a gently winding rural road with deep verges and intermittent hedging and occasional trees along field boundaries. A small number of scattered dwellings and farm buildings exist at some distance, otherwise the landscape is open and largely undeveloped and mainly used for a mix of agricultural, along with some equestrian and non-agricultural uses. A public right of way (T21) traverses the lane close to the site access and passes along its end boundary.
10. The development site comprises a sloping plot, mostly surrounded by hedging. Access is gained through gates at the lower end of the site, leading to a driveway that runs behind the hedge through a separately fenced area used as a ‘sustainable living project’ before terminating in a parking area on the higher end of the site where the dwelling is situated. Various sections of closed panel and open post and rail fencing exist around the dwelling’s garden and the ‘sustainable living project’ to enclose the site. The dwelling is linear in form and is sat parallel to the road and consists of a single storey structure clad in timber with a tiled shallow pitched roof with solar panels on the rear roof slope.

11. Whilst there are similarities between the dwelling built on this site and the caravan illustrated in the plans approved under the PLDC, there are clear differences that give the mobile home a permanent appearance. This includes the skirting, steps and rainwater goods that feed into drains that together give the dwelling the appearance and function of a building fixed to this location, rather than a movable caravan with a more transient appearance. Moreover, the presence of gates, fencing and hardstanding introduce a domestic character to this site, that is permanent and not easily reversible and is quite different from the PLDC, which only included the caravan sat on the land. As such, I find that the change in the character of the site in its entirety has a greater and more permanent visual impact on the character and appearance of the area.
12. The presence of other individual and small groups of buildings along the road and within this landscape is very limited and the character of the area remains mostly open and undeveloped. This development, despite being only a single mobile home, modest in size, and not introducing a suburban or estate layout, has nonetheless resulted in the introduction of an incongruous domestic plot in this largely otherwise undeveloped area of countryside. Its harm is increased by its separation from other built form and the lack of cumulative impact to reduce its distracting presence in this location.
13. Whilst this dwelling is not formally experienced through skyline views or key vistas, it is seen from numerous open views from the road and across the landscape. Moreover, the quantum of fencing in conjunction with the principal dwelling does enclose this elevated rise in the land and disrupts views towards and across it.
14. The dwelling is not visually contained within its immediate setting but is visible at some distance. The boundary hedging provides some screening to the lowest parts of the dwelling on the approach along the road from the Atherstone Road direction but is clearly visible in sequential views across the landscape. On the approach from the village of Ratcliffe Culey the development is experienced more fully across a dip in the landscape where, for a section of the approach, the entirety of the dwellings form can be seen, along with fencing, hardstanding and gates. Similarly, the dwelling is prominent in views on the approach in both direction along the right of way, particularly from the rear and directly adjacent to the site where it is prominent on the rise in the land. The clear prominence of the development is distracting in these immediate and longer distance views and harms the experience of this otherwise managed, but undeveloped landscape.
15. On my site visit I saw in the surrounding area a number of agricultural buildings that incorporated timber cladding sitting adjacent to hardstanding. Nonetheless, the distance between the development and any agricultural groups of barns and other buildings in the area, along with the presence of windows and other domestic paraphernalia on the driveway, has resulted in a dwelling that is a harmful anomaly in the landscape and reflects little of its established character.
16. Overall, I conclude that the development harms the character and appearance of the surrounding area. As such, it conflicts with Policies DM1, DM4 and DM10 of the SADMP which require, amongst other matters, for development in the countryside to protect its intrinsic value, beauty, and open character.

Location – transport

17. The development comprises a three bedroomed dwelling located in open countryside along a winding road with inclines, no footpath, cycle facilities, or lighting. Moreover, it is at some distance from a settlement with services and with no evident public transport routes. Therefore, the development is largely dependent on the private car.
18. Neither the Policies of the SADMP, the Highway Design Guide, the NPPF, or the National Design Guide conclude that rural development, not accessible to public transport or services, is entirely unsustainable. Furthermore, rural households will generally have a greater dependency on the private car. However, no services or facilities are set out before me in evidence that are accessible by any sustainable mode of transport, and therefore the site is more unsustainable in terms of transport than many other rural locations.
19. It is not possible to compare the likely number of vehicular movements between this development and that of other lawful rural uses in the area. However, on the basis of the submitted plans and information provided, the land that the mobile home used as a welfare unit related to, appears to be modest and would have likely generated a low level of vehicular movement. As a three bedroomed dwelling, the potential for increased vehicular movements is greater and occupiers will likely need to travel further than those other local agricultural uses to access services. In doing so, there will be a greater dependence on the private car, than other more sustainable rural locations. Even should occupants seek to travel anywhere by foot or cycle, this would be without the aid of dedicated footpaths or cycleway along the road and could not reasonably be seen to overcome the poor sustainability credentials of this site.
20. Overall, I conclude that the development is not suitably located having regard to relevant development plan policies concerning sustainable transport. As such, it conflicts with Policies DM4 and DM17 of the SADMP which requires, amongst other matters, for development to ensure that there is convenient and safe access for walking and cycling to services and facilities.

Living conditions

21. All three of the dwelling's bedrooms are double bed spaces. Along with the combined living room and kitchen, all rooms have windows looking out onto the sizable garden area and surrounding countryside.
22. The Council's report makes reference to the Nationally Described Space Standards (NDSS) setting out that the dwelling falls short of them. However, the Planning Practice Guidance makes it clear that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the NDSS. Policy DM10 of the SADMP does not refer to the NDSS and therefore the NDSS are not determinative in this case.
23. The dwelling has space for everyday furniture items/appliances and there is space within bedrooms for beds and storage. The rooms are light and airy and whilst one of the bedrooms is slightly smaller, it is not an unpleasant room within which to spend time in. Moreover, the sitting and dining area is of a size to allow seating and a dining table as well as circulation space for the occupiers.

24. Overall, I conclude that the development would provide acceptable living conditions for occupiers, with regard to the provision of private internal space. As such it complies with Policy DM10 of the SADMP which requires, amongst other matters, for development to preserve the amenity of occupiers of a development.

Other material considerations

25. The young grandchild of the appellant who together with their parent lost their home. The child has severe disabilities which means that they have a need for continuing care. The PLDC for a caravan on the site was originally sought as a welfare dayroom facility for the appellant to visit with his grandchild.
26. The development is supported by an Education, Health and Care Plan from Warwickshire County Council, along with further professional supporting statements, setting out the full scope of the grandchild's needs. Nevertheless, the proposal does not directly provide a facility for an individual who requires care. Instead, the scheme is for a dwelling for the grandfather that would be unfettered by planning conditions otherwise limiting how it could be occupied. The appellant is open to a personal condition limiting occupancy to his family and direct dependents only to reside at the site, however there is no evidence before me that the grandchild and parent could not live elsewhere.
27. The family member has a protected characteristic as set out in Section 149, of the Public Sector Equality Duty (PSED), contained in the Equality Act 2010. The PSED sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relationships between people who share a protected characteristic and people who do not share it. As such, I am obliged to have due regard to this consideration in my assessment of the positive effect of the proposed development on the occupier's wellbeing. The proposal would give the family member direct benefits of a home with family support. I have therefore taken the benefits of the home with family support into account, as required by the PSED.
28. I have had regard to the rights of the appellants under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Article 8 affords the right to respect for private and family life and home, including the best interests of children and those with disabilities. It is a qualified right, and interference may be justified where that is lawful and in the public interest. The concept of proportionality is crucial.
29. Nonetheless, whilst I sympathise with the position the family finds itself in, having regard to my assessment above, there is no over-riding reason to allow the development to address the appellant family members personal circumstances. As such, this does not amount to a material consideration of significant magnitude to outweigh the primacy of, and conflict found with, the development plan.

Other Matters

30. The appellant sets out that the development meets other planning objectives, including in respect of highway safety, flooding, living conditions of neighbouring residents and the integrity of locally listed buildings. However, a lack of harm is effectively neutral in my determination of this appeal.

Conclusion

31. For the reasons given above, I conclude that the appeal proposal would conflict with the development plan and that there are no material considerations that indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

Andrew Fuller

INSPECTOR