



MAIR

LAND & PLANNING CONSULTANTS LTD

PLANNING APPEAL STATEMENT

LAND OFF MAIN STREET, CARLTON

August 2026

Ref.: MLP-25-J046



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Prepared by Mair Land & Planning Consultants Ltd

Prepared on behalf of Mr S Harding

Project Ref.: MLP-25-J046

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1. Introduction

1.1. Mair Land & Planning Consultants Ltd has been instructed by the appellant, Mr S Harding, to prepare and submit a planning appeal against the decision of Hinckley & Bosworth Borough Council to refuse planning consent for the development consisting of ‘the erection of a single-self-build dwelling’ at Land off Main Street, Carlton.

1.2. The planning application (LPA Ref: 25/01230/OUT) was determined under delegated powers and refused for the following reasons :

1. *The proposal would represent new residential development in an unsustainable location in the designated countryside. By virtue of its location, the proposal would exacerbate ribbon development and extend the urbanising-built form of Carlton in the designated open countryside. These factors would result in significant and permanent harm in principle to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside, including to the Barton Village Farmlands Landscape Character Area, to which the site's character currently positively contributes to. The significant and permanent adverse impacts of the development in principle to the character of the area would be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S77 and S68. As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle.*

The proposal would therefore be contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), as well as Chapters 12, and 15 and Key Policy Paragraphs 129 and 135 of the National Planning Policy Framework (2024). This harm would significantly and demonstrably outweigh the potential benefits of the scheme when assessed against the Framework as a whole. In accordance with Paragraph 139 of the National Planning Policy Framework, the development is refused.

2. *The development would be in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. The future occupants of the scheme would therefore be highly likely to be dependent on private motorised transport to meet their day-to-day needs, and this would result in significant environmental harm.*

This is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016),

HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Paragraphs 83, 115 and 161, Chapter 9, and the overarching ambitions of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024).

- 1.3. A copy of the Decision Notice is provided at **Appendix 1**.
- 1.4. This Statement will review the proposed development proposal as per the submitted planning application, together with an evaluation of the appeal site and its surroundings and a review of the relevant national and local planning policies, before outlining the grounds of appeal.
- 1.5. The appeal submission is supported by a Landscape and Visual Impact Appraisal (**Appendix 10**) and Representative Viewpoint Appraisal (**Appendix 11**), prepared by ISL Associates.

2. Site Appraisal & Context

2.1. With reference to Figures 1 below, the appeal site covers an area of approximately 1,364 sq. m. (0.34 acres) and is outlined in red.



Above: Figure 1 - Location Plan

2.2. The appeal site is located within the village of Carlton, and is accessed via Main Street.

2.3. Within the village there are a number of local services including a public house, a restaurant, a café and gift shop and St Andrew's Church. Further services and employment opportunities are located in Market Bosworth (circa 1.7 miles), Barlestone (circa 3.1 miles), Earl Shilton (circa 9.0 miles) and Hinckley (circa 10.1 miles).

2.4. The existing services within Carlton are all in close proximity to the site and can be accessed by foot.

2.5. The site is generally flat and is well related to the existing built form of the village.

2.6. The site is located within Flood Zone 1, which has the lowest probability of flooding.

- 2.7. The site does not contain any nationally listed buildings nor is Carlton subject of a defined Conservation Area. There are three listed buildings within the village of Carlton (Manor House Farm, Church of St Andrew and Stone House Farmhouse and Cheese Barn Cottage), however, there is no intervisibility between the site and the listed buildings. It is not considered that development of the site will impact upon the setting of a Conservation Area or any listed buildings located within the village.
- 2.8. There is an existing public right of way (S77/1) to the east of the application site (within the land outlined blue), which runs south of the village from Main Street and connects to S68/4. The development will not impact upon the route of the public right of way.

3. The Appeal Proposal

- 3.1. A planning application was submitted to Hinckley and Bosworth Borough Council and validated on Monday 19 January 2026 under the Local Planning Authority reference number 25/01230/OUT.
- 3.2. The planning application was supported by the following planning and technical documents, including:
- Application Form
 - Existing Site Plan (Topographical Survey)
 - Location Plan
 - Proposed Site Plan
 - Proposed Floorplans
 - Preliminary Ecological Appraisal
 - Planning Statement
- 3.3. During the determination period, updated Location Plans and Proposed Site Plans were submitted to the Council. These were requested by the Council following receipt of a formal response from Leicestershire County Council Highways confirming the legal route of the public right of way. The updated plans have been submitted in support of the appeal and are confirmed in Section 4.
- 3.4. The documents, surveys and reports that the application was determined on have been submitted in support of this appeal.
- 3.5. The proposal is for a residential development scheme, comprising a single self-build dwelling. The dwelling will be occupied by the appellant, who is seeking to build his own home, to meet his current and future needs. The property will provide sufficient and flexible living accommodation for the appellant and his young family.
- 3.6. The appellant is a long standing resident of the area and wishes to build a house for his family to live in. The dwelling will meet a specific housing need. The appellant founded Glympton Construction Limited in 2016. It is a privately owned, family run construction company based in Leicestershire with over 25 years of experience in the construction industry. The business has relocated to new premises off Station Road, Market Bosworth, circa 1.7 miles from the appeal site. It is considered that the

location of the dwelling, for the appellant to live in, will have benefits for him and his family, and also the management of his business.

- 3.7. The proposed layout has been designed to take account of existing residential dwellings adjacent to the application site, with minimum distances adhered to.
- 3.8. Whilst the appeal site is in an edge of rural settlement location, the surrounding area is predominantly residential. There are existing dwellings to the east of the appeal site and to the north. The existing dwellings to the north of the appeal site, continue to the west, and extend the existing built form of the village beyond the boundaries of the appeal site. The furthest existing dwelling to the north of Main Street and its curtilage is circa 125m west of the western boundary of the appeal site. The appeal site is not isolated from the existing settlement nor does it extend significantly into the open countryside. The appellants intention is to deliver an attractive and well designed dwelling, which compliments the village, whilst also preserving the additional land he owns to the west of the appeal site as paddock land and land for ecological and environmental enhancement (outlined blue, **Appendix 4**).
- 3.9. The existing built form of the village immediately surrounding the appeal site is characterised by larger, detached dwellings, located on generous sized plots. The proposed dwelling would be in keeping with the existing dwellings by way of its size and scale. The dwelling will be set back from the public highway and the front of the property will be landscaped.
- 3.10. The supporting Landscape Appraisal (**Appendix 10**) concludes that the development will not give rise to any harmful impacts and therefore is compliant with relevant national and local planning policies. The proposal responds positively to its surroundings, it takes account of and reflects existing building plots sizes and widths, as well as reflecting the existing established street pattern and street scene.
- 3.11. Matters relating to materials, landscaping, elevational treatments and design of the dwelling can be conditioned.

4. Appeal Documents

4.1. This Appeal is supported by the following documents:

- Appendix 1 – Decision Notice
- Appendix 2 – Officer Report
- Appendix 3 – Application Form
- Appendix 4 – Location Plan (1350.SM.25.001 B)
- Appendix 5 – Existing Site Plan (1350.SM.25.002 B)
- Appendix 6 – Proposed Site Plan (1350.SM.25.004 D)
- Appendix 7 – Proposed Floor Plans (1350.SM.25.003 A)
- Appendix 8 – Planning Statement
- Appendix 9 – Preliminary Ecological Appraisal
- Appendix 10 – Landscape and Visual Impact Appraisal
- Appendix 11 – Representative Viewpoint Appraisal
- Unilateral Undertaking

5. Planning Policy Framework

5.1. The National Planning Policy Framework (NPPF) was revised in August 2026 and sets out the government's planning policies for England and how these are expected to be applied.

5.2. **S3: Presumption in favour of sustainable development** states:

1. *Decisions on development proposals should apply a presumption in favour of development. This means:*
 - a. *Policy S4 in this Framework should be applied when considering development proposals within settlements;*
 - b. *Outside settlements, policy S5 should be applied; and*
 - c. *In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.*
2. *Where a development proposals falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal.*

5.3. **S5: Principle of development outside settlements** states:

1. *Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:*
 - j. *Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:*
 - i. *Be physically well-related to an existing settlement boundary (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure...*

5.4. **H01: Assessing the need for homes** sets out that development plans should take into account accommodation needed for different groups, including:

- e. Families with children
- i. People wishing to commission or build their own homes

5.5. **H05: Meeting the needs of different groups** sets out that sites should be identified for the delivery of specific types of accommodation where there is an identified need, including plots for self and custom build housing...

5.6. As confirmed in **Appendix 2** at 8.39, *the Council has supplied less suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 10, which results in a shortfall of 17 self-build and custom-build dwellings.*

5.7. It is considered that the Council is failing in its Duty to deliver sufficient plots to meet the identified need. The statutory duty of the Council is to meet the demand for self-build and custom build plots and this is a material consideration. Significant weight should be attached to the delivery of a self-build plot within a suitable and sustainable settlement.

5.8. The Council is also unable to demonstrate a five year supply of deliverable housing land (confirmed at 8.29 of **Appendix 2**) and greater weight should have been applied to the delivery of the appeal proposal and its associated benefits.

6. Grounds of Appeal

- 6.1. The appellant's case will address the reason for refusals, as set out below and in the Decision Notice (**Appendix 1**):

Reason for Refusal 1

The proposal would represent new residential development in an unsustainable location in the designated countryside. By virtue of its location, the proposal would exacerbate ribbon development and extend the urbanising-built form of Carlton in the designated open countryside. These factors would result in significant and permanent harm in principle to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside, including to the Barton Village Farmlands Landscape Character Area, to which the site's character currently positively contributes to. The significant and permanent adverse impacts of the development in principle to the character of the area would be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S77 and S68. As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle.

The proposal would therefore be contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), as well as Chapters 12, and 15 and Key Policy Paragraphs 129 and 135 of the National Planning Policy Framework (2024). This harm would significantly and demonstrably outweigh the potential benefits of the scheme when assessed against the Framework as a whole. In accordance with Paragraph 139 of the National Planning Policy Framework, the development is refused.

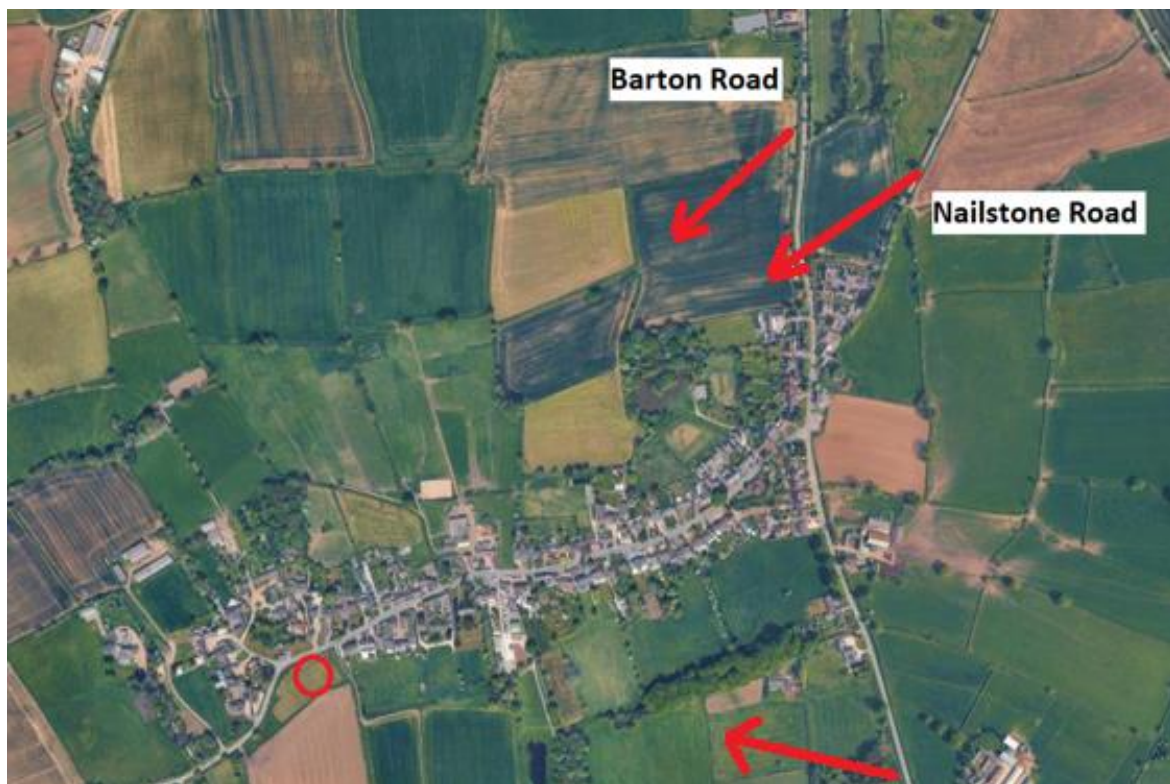
- 6.2. Whilst the above is a single reason for refusal, it contains a number of matters that need to be assessed. This includes the principle of development in this location along with other matters such as harm to the rural character of the site and its surroundings. These matters will be addressed in turn.
- 6.3. It is acknowledged that the appeal site is located on the edge of a rural settlement, where development is restricted. However, as a result of matters relating to the five year supply position and the identified need for self-build dwellings in the Borough, it is considered that the principle of development for a single self-build dwelling, as proposed for determination, is acceptable.
- 6.4. Hinckley and Bosworth Borough Council is unable to demonstrate a five year supply of deliverable housing land. The position stands at 3.55 years, as confirmed in a recent

appeal decision (ref. 6004626) for a development comprising demolition of barn and construction of 2 dwellings at Kennel Lane, Witherley (determined 17 June 2026).

- 6.5. It is acknowledged by the Council that it is unable to demonstrate a five year supply, therefore, the local policies are out of date. In addition, the development would not give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.
- 6.6. It is proposed that the development of a single self-build dwelling is in keeping with the rural settlement location and reflective of the existing built form and character of the western part of Carlton, it reflects the existing linear form of development along Main Street. Whilst it will comprise development of a paddock on the edge of the settlement, the site is well related to the village and not isolated. The proposal would appear contiguous with the existing pattern of development and would not appear or be seen as a significant encroachment into the open countryside. A well-designed and sympathetic landscaping strategy, including the planting of new trees and hedgerows along the site's southern and western boundary would ensure and retain an acceptable transition from edge of settlement built development into the surrounding countryside.
- 6.7. In response to the above reason for refusal, the appellant's view is that the proposed development as submitted to the Council for determination is acceptable in respect of design, scale, massing and layout considerations. It is not considered that the proposed development will have a significant adverse impact on the site or its surroundings, nor would it lead to over-development of the site. The site is not the subject of any specific designations or constraints, which would prevent development of the site. The site has no particular landscape designations and it is not located within an area at risk of flooding. The proposal represents an effective use of the site.
- 6.8. It is considered that the proposed development would complement and enhance the character of the surrounding area with regards to scale, layout, density, mass and design. The proposal would not impact the countryside from unsustainable development nor impact the value and open character of the surrounding area. The development would be seen as a natural extension of the existing row of houses to the south of Main Street. Visually it would not be seen as an incongruous incursion into the open countryside.
- 6.9. In support of the planning appeal, the appellant has obtained a Landscape and Visual Impact Appraisal (**Appendix 10**) and supporting Representative Viewpoint Appraisal (**Appendix 11**). The Landscape and Visual Impact Appraisal responds to the landscape related reasons for refusal and provides a comprehensive assessment of the site's landscape and visual context, together with an evaluation of the likely effects of the

proposed development. The report responds directly to the Council's landscape concerns, setting out the consultants professional opinion as to why the proposal would not result in unacceptable landscape or visual harm. The assessment concludes that the proposed development represents a modest, logical and well contained addition to the southern edge of Carlton...the development would integrate with the existing landscape framework and would not give rise to significant adverse landscape or visual effects across the wider area.

6.10. The Council in the reason for refusal refer to *'The significant and permanent adverse impacts of the development in principle to the character of the area would be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east...'*. The appellant refutes the suggestion that the proposed development of a single dwelling will be visually prominent from Barton Road and Nailstone Road. With reference to Figure 2 below, it is anticipated that the Council suggest that the site is visually prominent from locations along Barton Road and Nailstone Road, indicated by the red arrows. In response, the appellant questions why the Council has included this, as there are no views of the site from Barton Road or Nailstone Road. The site is screened from Barton Road and Nailstone Road and views of the site are totally obscured from these locations by dense vegetation, pockets of woodland, existing mature trees and residential dwellings, and furthermore by mature hedgerows that run the length of Barton Road, both north and south of the village.



Above: Figure 2 – Views from Barton Road/Nailstone Road (site circled red)

- 6.11. Furthermore, as you enter the village from the west along Congerstone Lane, your appreciation is that you are entering a rural settlement, with existing built development evident both north and south of Main Street. The existing dwellings south of Main Street and immediately east of the appeal site are visible from some distance outside of the village on your approach from the west. The proposal does not introduce a new form of development to the south of Main Street or on the edge of the settlement. Rather, the proposed dwelling would appear as a continuation of the existing linear development to the south of Main Street.
- 6.12. The appellant also queries the reference to a planning appeal decision from 1990 in the Delegated Report (**Appendix 2**). This appeal is supported by an up to date Landscape Appraisal of the site and the policy context is likely to be considerably different to that in 1990, which pre-dates the emphasis on the delivery of self-build plots and the directive to significantly boost the supply of new homes.
- 6.13. It is proposed that development of the site represents a suitable opportunity to deliver a single self-build dwelling, at a scale that is in keeping with the existing scale and character of the village, as whole. The proposal does not constitute over-development nor would it be unduly dominant or prominent.
- 6.14. It is acknowledged that the location of the proposed development would be in conflict with the development plan, which seeks to allocate development to larger settlements in the Borough. However, the NPPF advises on situations where there is an unmet housing need. S5(1)(j) requires development to be physically well-related to an existing settlement and its scale must be capable of being accommodated. The proposal immediately adjoins the existing built form of the village and will not be overbearing or dominant. The proposal will not cause material harm to the character of the settlement or the countryside. It will contribute to addressing the shortfall in housing land supply in the Borough and the shortfall in the delivery of self-build and custom build plots. Any adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits of the proposal.

Reason for Refusal 2

The development would be in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. The future occupants of the scheme would therefore be highly likely to be dependent on private motorised transport to meet their day-to-day needs, and this would result in significant environmental harm.

This is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Paragraphs 83, 115 and 161, Chapter 9, and the overarching ambitions of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024).

- 6.15. The appellant contests the above reason for refusal and proposes that there are sustainable modes of transport available for residents of Carlton, that have not been adequately or appropriately assessed by the Council. These offer alternatives to car travel and enable residents to access local services by public transport, which would deliver environmental benefits.
- 6.16. The village is served by Arriva Bus Service LC12, which provides a bus service connecting Fenny Drayton and Atherstone to Measham via Carlton. It provides a fixed return journey on weekdays, departing Carlton around 07:55/08:00 and arriving back mid afternoon.
- 6.17. In addition, the North West Leicestershire FoxConnect enables residents of Carlton to access local services and public transport links in Atherstone and Market Bosworth. This is a modern digital demand responsive transport service, which is available Monday-Saturday from 06:00-19:30. Residents can then travel further afield by making connecting journeys through interchange points by booking another FoxConnect journey or using a timetabled bus service.
- 6.18. These options provide a genuine alternative mode of transport, demonstrating that the appellant and future occupants would not be reliant on travel by private car to access day to day services.
- 6.19. In addition, the Gate Hangs Well, which is located in the village, is a pub, café, shop and restaurant. It would provide future occupants of the dwelling access to a local service.
- 6.20. NPPF **Policy TR3: Locating development in sustainable locations** states:

1. *So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:*
 - a. Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;
 - b. Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;
 - ... e. In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.

6.21. The settlement of Carlton is located circa 1.7 miles north of Market Bosworth, 1.9 miles east of Congerstone and 3.1 miles east of Barlestone. These settlements provide local services to meet the day to day needs of residents, including hairdressers, food shops, independent shops and takeaways.

6.22. It has been demonstrated that there are alternative modes of transport available for residents of Carlton, and that the development will support existing local services within the village and those in close proximity.

6.23. Any impacts arising from the development of a single dwelling relating to environmental effects would be modest and any actual harm arising from the proposal is likely to be limited.

7. Other Matters

7.1. Whilst not requested during the determination process, the appellant has prepared and signed a Unilateral Undertaking in respect of the self-build and custom build aspect of the proposal. This document has been signed by the landowners and submitted in support of the appeal.

7.2. Alternatively, a suitably worded condition could be included –

The dwelling hereby permitted shall be constructed as a self-build and custom housebuilding dwelling within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act (as amended by the 2016 Housing and Planning Act):

Reason: For avoidance doubt and to ensure the development complies with the self-build and custom house building definition as it is described and submitted in those terms.

8. Conclusion

- 7.3. The appellant considers the proposal as submitted to the Council for determination comprised an acceptable development of a scale and design that would cause no impact on the character and appearance of the surrounding area.
- 7.4. The benefits associated with the proposal, those being the delivery of a self-build dwelling, should attract substantial weight.
- 7.5. As a result of the level of unmet demand for self-build and custom build plots in the Borough substantial weight in favour should be applied to the proposal. Existing services within the village are within walking distance and it has been demonstrated that future occupiers would not be totally dependant on travel by private car to meet their day to day needs.
- 7.6. For the reasons set out in this Appeal Statement, the Inspector is respectfully requested to allow the appeal as submitted.

