

Delegated Report

Planning Ref: 26/00319/OUT
Applicant: Mr & Mrs Dulon
Ward: Newbold Verdon with Desford & Peckleton
Site: Land Adjacent Colwyn, Main Street, Botcheston
Proposal: Outline application for 26 new dwellings with all matters reserved



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Refuse planning permission due to:

- Reasons outlined at the end of this report

2. Planning Application Description

- 2.1. This planning application seeks outline planning permission for the provision of 26no dwellings at 'Land adjacent Colwyn, Main Street, Botcheston', with all matters reserved.
- 2.2. The application site has been accompanied by an indicative site layout plan indicating 7no dwelling facing onto Main Street, with 19 homes located adjacent to a proposed site access road. The site is proposed to utilise an existing access into the site, which is currently under equestrian use.
- 2.3. As part of the proposal, it has been indicated that 40% of the 26 new dwellings shall be allocated for affordable housing.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the west and outside of the settlement boundary of Botcheston and is located in the open countryside. The development is sited to the south of Main Street, as the street approaches Merrylees Road. Rothley Brook is located to the west of the site.
- 3.2. The site is observed as a green field and is currently in equestrian use, with a small-scale stable block located to the east of the site, adjacent to a row of single depth dwellings, located within the settlement boundary. The site benefits from mature existing hedgerow on the northern, western and southern boundaries.
- 3.3. Botcheston itself is identified as a rural hamlet with limited amenities including only a public house and a village hall.

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- 3.4. The site also includes a Public Right of Way (PROW), R88, which runs west-north westerly through the middle of the site. No details of a proposed footpath diversion have been included within this proposal.

4. Relevant Planning History

75/00473/4

Use of land as a market garden

Refused

03.06.1975

01/01191/OUT

Erection of two storey dwelling

Refused

31.01.2002

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site.

- 5.2 12no. letters of objection has been received which raised concerns on the following:

- Traffic impacts of the development
- Highways safety impacts
- Impact on local footpaths
- Disturbance during construction phase
- Flood risk from Rothey Brook
- Ecology and wildlife impacts, including biodiversity net gain
- Not within the settlement boundary
- Lack of local amenities
- Not an allocated site for development
- It is a greenfield site
- Not in character with the rural area
- Precedent for additional development
- Overdevelopment of a small site
- This site is not a windfall or infill site
- Limited public transport links
- Development location in conflict with local policies
- Hamlet can not support this development due to scale

6. Consultation

LCC Ecology

- 6.1 Holding objection received due to lack of information, LCC Ecology have confirmed the following:

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- 6.2 A Preliminary Ecological Appraisal (PEA) is required to provide details of the potential impacts of the development. The habitats on site and adjacent to the site may have the potential to support protected or notable species and further surveys may be required. Therefore, this information is required prior to determination. There are records of protected species, including bats and designated sites (Site of Special Scientific Interest) within 1km of the site.
- 6.3 It was not possible to review the BNG Metric due to the report not being in a readable format as the table was separated into multiple pages. Please can this be resubmitted. Based on the proposed habitat creation measures, the development will result in a net loss of -61.55% (equivalent to 2.96 habitat units). The BNG assessment indicates that the application is unable to achieve the required 10% BNG.
- 6.4 BNG needs to be provided, either through onsite or offsite BNG or through the purchase of habitat units or government statutory credits. If BNG is being provided on applicant-owned land, and is either off-site or on-site significant, this BNG land needs to be secured and managed for a term of 30 years. If this is being secured through a Section 106 agreement with the determining authority, this will also need to be monitored for compliance during this 30-year term and a fee will be charged by the determining authority for this, through an appropriate clause in the Section 106 agreement against the current Charging Schedule.
- 6.5 Prior to commencement of works, a Biodiversity Gain Plan must be submitted, along with a Habitat Management and Monitoring Plan (HMMP) detailing how net gain will be achieved and secured and monitored for a period of 30 years.

LCC Highways

- 6.6 LCC Highways have confirmed the following within their consultation response:
- 6.7 The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2026), subject to the conditions and/or planning obligations outlined in this report.
- 6.8 The LHA notes this application is an outline (all matters reserved) application, and the access is not to be determined at this stage, however, the LHA must be satisfied that the principle of a safe and suitable access to the highway can be achieved within the site boundary.
- 6.9 The Application proposes to utilise an existing agricultural/equestrian access onto the southern extent of Main Street to the west of the settlement of Botcheston. Main Street at the location of the access is an adopted, classified C road subject to a 30mph speed limit. It is noted that the speed limit changes to the national speed limit approximately 130m to the west of the access.

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- 6.10 The Applicant has not provided a detailed access drawing; however, the LHA undertook a site visit on 18 June 2026 and are satisfied that an effective access width for the scale of development can be achieved in accordance with Table 13 of the LHDG.
- 6.11 Again, it is noted that the Applicant has not provided any detailed, scaled visibility drawings. Visibility splays will need to be provided in accordance with Table 6 of the LHDG for the recorded 85th percentile speed of the road. Whilst the posted speed of the road at the site location is 30mph, the LHA have historical data on record that demonstrate speeds at this location are higher than the posted speed. It is also noted that adjacent to the site there is a vehicle activated speed sign to alert drivers of possible speed infractions at this location.
- 6.12 Given the above, the LHA requests the Applicant undertake a traffic / speed survey at the site access to demonstrate the appropriate visibility splay lengths can be achieved within the Applicants and / or highway land for the measured 85th percentile vehicle speeds. This would need to be carried out using an Automatic Traffic Counter – not Manual Speed Survey – to avoid influencing driver behaviour. This can be undertaken by Leicestershire County Council (LCC) on behalf of the Applicant by contacting ndi@leics.gov.uk.
- 6.13 Alternatively, the Applicant can employ the services of a third party to undertake the survey. However, a permit is required to carry out any traffic count / speed survey on the public highway within Leicestershire, which can be obtained by contacting ndi@leics.gov.uk. Details on how a traffic / speed survey should be undertaken can be found using the section of the LHDG titled 'Highway Development Management Survey Requirements'.
- 6.14 If the visibility splays cannot be achieved in line with the 85th percentile speeds, further measures to reduce speeds may be required to be implemented which will need to be secured as off-site works.
- 6.15 Given the above, the LHA will require submission of an independent Stage One Road Safety Audit of the site access and a Designer's Response to any problems raised, along with detailed, scaled drawings.
- 6.16 Vehicle swept path analysis drawings for the largest vehicle expected access and egressing the site in all directions will need to be provided. This should be in accordance with the section of the LHDG titled 'Swept path analysis'.
- 6.17 It is noted that the Applicant could be required to remove a section of grass verge. There may be statutory undertaker apparatus located within the verge/footway fronting the site; should an application be forthcoming and the LPA minded to grant the proposals, the Applicant would need to undertake surveys and potentially works to relocate any services if found. Any additional cost that arises because of this work, would be entirely at the Applicant's expense.

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- 6.18 Any street furniture that may require re-location would also be entirely at the Applicants expense.
- 6.19 The access should be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5m behind the highway boundary.
- 6.20 To conclude, notwithstanding the submitted plans, the LHA are satisfied that the principle of a safe and suitable site access could be achieved subject to the additionally requested information is provided as part of a future reserved matters application.
- 6.21 There has been one Personal Injury Collisions (PICs) recorded within 500m in either direction of the proposed access in the last five years, this was classed as slight in severity. However, the acceptability of the proposals would be contingent on the Applicant providing the information detailed above as part of any reserved matters application to ensure the delivery of a safe and suitable access as required by the National Planning Policy Framework (2026) to ensure that new highway safety issues would not be introduced to the vicinity.
- 6.22 The internal layout of the development is not for consideration at this stage and has therefore not been studied in detail. In the event the proposals are granted planning permission by the LPA, the Applicant should be aware of Policy 5 of the LHDG if they wish for the internal development roads to be put forward for adoption.
- 6.23 The Applicant should also note the requirement to provide some visitor parking as part of the planning layout if planning permission is granted. This can be found within the section of the LHDG titled 'Residential Visitor Parking'
- 6.24 Consideration should be given to refuse collection, and the LHA would advise the Applicant that any bin collection points should be located outside of the highway boundary and visibility splays.
- 6.25 The application site includes Public Right of Way Footpath R88 which runs west-north-westerly through the middle of the site. However, the submitted drawing titled 'Existing Proposed Block Plan', drawing number 202533.P.101 does not show the right of way nor make any provision for it.
- 6.26 Of the proposed 26 properties, 14 houses or curtilages lie across the public right of way so would be unlawful obstructions for which the landowner, developer and purchasers may be liable for enforcement action. The Applicant would be required to address this.
- 6.27 Any development on this land will necessitate the legal diversion of Footpath R88. That will need a separate legal diversion order made by the Local Planning Authority (not the LHA) a separate application for which must be submitted and confirmed before the development is substantially complete, otherwise the legal powers lapse. This LPA has a substantial backlog of such cases which has impeded progress on some developments.

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- 6.28 In a rural setting this is less likely to foster anti-social behaviour, but it creates enforcement liabilities for the LHA and maintenance liabilities for the landholder. Unlike with private boundaries, the landholder is responsible for cutting back any hedges adjoining footpaths to ensure they are not impeded or unlawfully obstructed. Where a path is unsurfaced the LHA requires a minimum clear width at all times of at least 3.0 metres. If any fencing includes barbed wire, the government advises extra width is needed on page 66 in 'Managing public access: a guide for land managers' at <https://walkersarewelcome.org.uk/wp-content/uploads/2012/11/Managing-Public-Access.pdf>
- 6.29 The explicit legal criteria for a PRow diversion related to planning is that "it is necessary ... to enable development to be carried out".
- 6.30 For any diversion PRow user groups must be formally consulted. Their expectations are shaped by the legal criteria for other types of PRow diversions that the new route must not be substantially less convenient to the public in consequence of the diversion and must consider the effect of the diversion on the public enjoyment of the path or way as a whole.
- 6.31 The LHA advises the Applicant to contact the PRow team as a matter of urgency via footpaths@leics.gov.uk.
- 6.32 Lastly it is also noted that the public footway terminates adjacent to the host dwelling and that there is no existing pedestrian link to the site. It is noted that there is a grass highway verge in situ that could facilitate a connecting footway to the existing highway infrastructure. Paragraph 115 of the National Planning Policy Framework (2024) applications for development should ensure that a safe and suitable access to the site can be achieved for all users. Given this, should a reserved matters application be forthcoming a detailed, scaled plan demonstrating suitable pedestrian connectivity should therefore be submitted. This should also be included within the brief for the independent auditors who undertake the Stage One Road Safety Audit.
- 6.33 Recommended planning conditions alongside details of developer contributions have been outset within the consultee response.

Pollution

- 6.34 Recommended conditions if subject to approval in relation to land contamination, and a construction environmental management plan (CEMP).

Waste

- 6.35 No comments received.

Desford Parish Council

6.36 No comments received.

HBBC Drainage

6.37 The submitted Flood Risk Assessment is satisfactory, however at this stage an outline drainage strategy is required.

LCC Drainage

6.38 LCC Drainage have confirmed no objections to the proposal at this stage, subject to details being secured at a subsequent reserved matters stage, and confirmed the following:

6.39 Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 1.24ha greenfield site is partly located within Flood Zones 2 and 3 being at medium and high risk of fluvial flooding associated with the Rothley Brook, a statutory main river, and a low risk of surface water flooding. It is noted that when the impacts of climate change are taken into consideration, some plots are indicatively shown to be at risk of flooding from the Rothley Brook. The Environment Agency are the consultee for main river flood risk, and for any development within 20m of a main river, therefore they should be formally consulted on these proposals.

6.40 The proposals seek to discharge at the greenfield rate. Please note that there is an emerging policy across Local Planning Authorities in Leicestershire requiring surface water runoff rates to be limited to the Qbar greenfield rate (minus 20%). Whilst it is noted in the Flood Risk Assessment that you will be designing a sustainable drainage (SuDS) strategy, it is not clear from the indicative site layout where the SuDS will be situated.

6.41 Notwithstanding any surface water drainage details submitted under this application, as the proposals are for outline permission, no specific drainage elements are fixed at this stage. As such, the LLFA would require that later reserved matters and detailed design fully comply with the new National Standards for SuDS and to any other amended local or national policy/guidance relevant at the time of submission of those details. This includes (but is not limited to) a re-assessment of discharge rates, contributing areas, attenuation scale and the retention of the first 5mm of rainfall on-site. Any departure from the standard should be fully substantiated and agreed with the LLFA.

6.42 Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- Indicative drainage strategy including:
 - Locations of SuDS which meet the requirements of NSS
 - The total impermeable area pre and post development
 - Amended proposed peak discharge rates

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- Attenuation volume calculations
 - Consideration of the maintenance and management of all drainage elements

Environment Agency

- 6.43 No objection subject to condition of adherence with flood risk assessment and site plan.

LCC Planning Obligations

- 6.44 Comments received outlined the summary of infrastructure requirements if subject to approval, including contributions to libraries, waste management, primary, secondary and post 16 education.

LCC Archaeology

- 6.45 LCC Archaeology have confirmed the following:
- 6.46 The Leicestershire and Rutland Historic Environment Record (HER) notes that the development site possesses an uncertain archaeological interest. Given the paucity of previous archaeological investigation in the vicinity of the proposed development site, we do not feel that the below-ground archaeological potential of the site is fully understood at this time. In addition to the potential for buried archaeological remains to be present the HER also indicates the possible presence of well-preserved ridge and furrow earthworks within the application area.
- 6.47 The preservation of archaeological remains is, of course, a “material consideration” in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.
- 6.48 This will require provision by the applicant for an Archaeological Desk-based Assessment (DBA), as a minimum this should include an assessment of the HER, appraisal of other available published an/or documentary sources and a site inspection visit to establish existing and previous site conditions and land use. This should include historic map regression and a site walk-over visit to ascertain whether any archaeological earthworks are present within the site.
- 6.49 This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.

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- 6.50 Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF).
- 6.51 Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.
- 6.52 The Historic & Natural Environment Team (HNET), Leicestershire County Council, as advisors to the planning authority, will provide a formal Brief for the work and approve a Specification for the Assessment at the request of the applicant. This will ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority, in a cost-effective manner and with minimum disturbance to the archaeological resource. The Specification should comply with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice", and should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable.

Canal and River Trust

- 6.53 This application falls outside the notified area for its application scale and location. The consultation was therefore returned with no comments to make.

HBBC Affordable Housing

- 6.54 The affordable housing officer confirmed the following:
- 6.55 The affordable housing requirement for Hinckley and Bosworth is set out in policy 15 of the Core Strategy. As this site is classed as a site in the rural area, the affordable housing requirement is for 40% affordable housing. The tenure should be split between 75% social rented and 25% shared ownership. Fractions of dwelling requirements should be rounded up to the next full number.
- 6.56 This would mean for a site of 26 dwellings, 11 properties should be available for affordable housing. There should be 8 properties for social rent and 3 properties for shared ownership.
- 6.57 As there is no affordable housing in Botcheston, there are no applicants on the council's Housing Register for this settlement. However, the village is part of Desford parish and waiting list evidence is taken from the numbers of people waiting for housing in Desford parish.
- 6.58 Since this is a small settlement with a small requirement for affordable housing, it would be acceptable for all of the affordable housing to be a mix of 2 and 3 bedroomed houses. The properties should where possible meet the Nationally

Described Space Standards, and the rented properties should also meet the larger bedroom space sizes (i.e. 2 bed 4 person, 3 bed 5 person). Policy states that the affordable housing should be spread evenly across the site in small clusters, however due to the small site size it is accepted that this may not be possible.

- 6.59 As this site is in the rural area, a cascade should be included in the section 106 agreement for the rented properties to require a connection firstly to people with a local connection to the parish of Desford and secondly to the Borough, as set out in the Council's housing allocations policy.

Leicestershire Police

- 6.60 Recommendations given in relation to the proposal including the below matters:

- Alleyways and access control
- Housing layout and design
- Intruder alarm systems
- Lighting
- Footpaths and public realm design
- Construction phase security

7. Policy

- 7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Landscape Character Assessment (2026)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Affordable Housing
- Impact upon the character of the area
- Design and layout
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Ecology
- Archaeology
- Flooding and drainage
- Planning contributions
- Planning balance

Principle of Development

8.2 Paragraph 3 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 national decision making policies within the NPPF are material planning considerations in planning decisions.

8.3 Paragraph 15 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 17 of the NPPF. Therefore, in accordance with Chapter 4 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.4 Policy S3 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. It also states that Policy S5 should be applied for developments outside of the settlement boundary.

8.5 With regards to the Development Plan, the site lies outside of the settlement boundary within the countryside and Policy DM4 of the SADMP is applicable. Policy DM4 states that that the countryside will first and foremost be safeguarded from

unsustainable development. Development in the countryside will be considered sustainable where:

- a. It is for outdoor sport or recreation purposes, 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; or It relates to the provision of accommodation for a rural worker

8.6 The development is not of a category that would be supported in principle by Policy DM4 and is in conflict with the policy in that regard, however, this does not mean that the development would be unsustainable which is assessed throughout the report. 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.

8.7 Policy S5 of the NPPF also states only certain forms of development should be approved outside settlements, the types of development acceptable are set out in a list. Applicable development 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. Noting that hamlets are excluded from the definition of a settlement within the NPPF, the development proposal does not fit within any of the identified acceptable criteria and is therefore contrary to Policy S5 of the NPPF.

Locational Sustainability

8.8 Policy TR3 of the NPPF relates to locating development in sustainable locations. 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. Policy TR3 outlines that 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. Policy TR3 highlights that the Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development.

8.9 The output of the Connectivity Tool is a Connectivity Score between 30-34 for the site, which is lower than average for the Borough, but average for its rural-urban class on the whole. Notwithstanding this, the Connectivity Tool guidance is clear

that the score should be used alongside local evidence, site knowledge and professional judgement. This local evidence is explored below.

- 8.10 Policy DM17 of the SADMP states that the development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual and cumulative impacts of the development on the transport network are not severe.
- 8.11 Within the adopted Core Strategy, Botcheston is identified as a rural hamlet it states that within paragraph 4.46, and Policy 13, that “Because of the limited services in these hamlets, development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses”. The HBBC Settlement Hierarchy Review 2026 also found that Botcheston is a rural hamlet and confirms that “these locations do not have settlement boundaries and are assessed against the Local Plan’s countryside policies”.
- 8.12 The site is located 80 metres from a bus stop, which operates a service (LC13) which connects the hamlet to Leicester, Coalville and the surrounding villages of Thornton, Groby and Ratby. The service operates from 7am-7pm with 5 services a day, with no Sunday service. Whilst offering a degree of public transport, the limited services do not offer a wide variety of choice for residents nor useful commuting times for workers making it an unrealistic prospect for future occupiers. Alongside this, the village is linked to the nearest larger settlement of Desford via roads including Botcheston Road, Desford Lane and Station Road. However, the distance would be a minimum of 2.5km to the closest service and 3km to the village centre. The routes do not offer walking or cycling routes and include crossing key through routes with speed limits of 40mph and routes with no street lighting, and as such are unlikely to be desirable or accessible for future occupants.
- 8.13 Therefore, Botcheston has limited services, and future residents would be reliant on private cars to meet their basic everyday needs. With regards to Policy TR3, Botcheston is a small rural hamlet and the addition of 26 dwellings would generate significant amounts of movements in the context of the area and scale of the settlement. There is not a genuine choice of transport modes and whilst the development is in a rural area, there are limited opportunities to improve walking, wheeling, cycling and public transport which would genuinely enhance the connectivity of the area, nor have any measures been proposed as part of the application. In conclusion, the site is therefore not judged to be in a locationally sustainable location and the development would conflict with Policy TR3 of the NPF and DM17 of the SADMP in this regard.

Housing Land Supply

- 8.14 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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- 8.15 The Council's latest Five Year Housing Land Supply (5YHLS) statement confirms that for the period of 2026-2031 the council can demonstrate 4.47 years housing land supply, equating to a deficit of 388 dwellings.

Summary

- 8.16 It is considered that the development would propose 26no. dwellings towards the Council's unmet housing need which would be attributed positive weight, however, this would be at odds with Policies DM4 and DM17 of the SAMDP, Policy 13 of the Core Strategy and Policies S5 and TR3 of the NPPF, and as such the development is considered unacceptable in principle.

Affordable Housing

- 8.17 NPPF Policy HO8(1) confirms development proposals should meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures relevant to the location, including the minimum proportion of Social Rent. This should be provided on-site unless:
- a) Off-site delivery on an alternative nearby site would optimise the quality or quantity of affordable homes built; or
 - b) A cash payment in lieu of on or off-site provision can be justified robustly, and the agreed approach contributes towards the objective of creating mixed and balanced communities.
- 8.18 NPPF Policy HO8(2) highlights that where development proposals meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures, including the minimum proportion of Social Rent properties, a flexible approach should be taken to the application of any development plan requirements relating to the number of bedrooms provided in market homes, taking into account prevailing market conditions.
- 8.19 The affordable housing requirement for Hinckley and Bosworth is set out in policy 15 of the Core Strategy. As this site is classed as a site in the rural area, the affordable housing requirement is for 40% affordable housing. The tenure should be split between 75% social rented and 25% shared ownership. Fractions of dwelling requirements should be rounded up to the next full number.
- 8.20 This would mean for a site of 26 dwellings, 11 properties should be available for affordable housing. There should be 8 properties for social rent and 3 properties for shared ownership.
- 8.21 HBBC's Affordable Housing officer has confirmed that there is no affordable housing in Botcheston and there are no applicants on the council's Housing Register for this settlement. However, the village is part of Desford parish and waiting list evidence is taken from the numbers of people waiting for housing in Desford parish.

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- 8.22 Since this is a small settlement with a small requirement for affordable housing, if the development were otherwise acceptable, it would be acceptable for all of the affordable housing to be a mix of 2 and 3 bed roomed houses. The properties should, where possible meet the Nationally Described Space Standards, and the rented properties should also meet the larger bedroom space sizes (i.e. 2 bed 4 person, 3 bed 5 person). Policy states that the affordable housing should be spread evenly across the site in small clusters, however due to the small site size it is accepted that this may not be possible.
- 8.23 As this site is in the rural area, a cascade should be included in a section 106 agreement for the rented properties to require a connection firstly to people with a local connection to the parish of Desford and secondly to the Borough, as set out in the Council's housing allocations policy.
- 8.24 As the applicant has not entered into a Section 106 Agreement that secures the provision of planning obligations for the delivery of affordable housing the application would be contrary to, and in conflict with Policy DM3 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Policy 15 of the adopted Core Strategy (2009) and the benefits attributed to affordable housing cannot be attributed positive weight.

Design and Impact upon the Character of the Area

- 8.25 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.
- 8.26 Policy DM4 (i) states that development should not have significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside nor (iii) should it create or exacerbate ribbon development.
- 8.27 The Good Design Guide provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing.
- 8.28 Policy DP3 of the NPPF relates to key principles for well-designed places. It confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features.
- 8.29 Policy N2(1) of the NPPF states that to contribute positively to the natural environment development proposals should consider the environmental qualities of land proposed for development including landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be

conserved or enhanced. Furthermore, developments should conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings.

- 8.30 This is an outline application with all matters reserved. Therefore, the detailed layout and appearance considerations are not being assessed at this stage, however, they will form details at the Reserved Matters stage. Based on the description of the planning application, the outline planning permission effectively seeks permission for twenty-six residential properties within this site.
- 8.31 Within the Landscape Character Assessment 2026 it is confirmed that Botcheston is now encompassed by Charnwood Fringe LCA which includes key characteristics such as settlements with linear patterns, and undulating landform. The development is not linear insofar that the indicative layout dog legs to the north west of the south to a western direction, creating a jut of development into the countryside. Additionally, when exiting Botcheston the character transforms from residential to rural countryside in a stark manner, which creates clear character areas which the proposed development would contrast.
- 8.32 The indicative layout is also considered to have detrimental impacts on the character of the area, by way of the context of surrounding linear development. Whilst layout is a reserved matters, the proposal seeks approval for 26 dwellings, this quantum of development on site would have to utilise the western part of the site which would be inconsistent with the wider development and would create a development pattern and form which would be incongruous with the surrounding residential development on Main Street.
- 8.33 The application site is located west of the hamlet of Botcheston, and south of Main Street. The existing site is an equestrian field. The south side of Main Street is generally characterised by single depth residential properties, and is viewed in this context as existing ribbon development. It is therefore considered that the proposal for 26no. dwellings, and as shown on the indicative site layout, would exacerbate ribbon development and would provide an incongruous layout when viewed in the wider context. Furthermore the development would not contribute positively to the natural environment of the area and by virtue of the quantum of development and the sites characterises would encroach into and impact the open character of the immediate countryside.
- 8.34 Therefore, at this stage, the principle of twenty-six residential units within this site is considered to be in direct conflict with Policies DM4 and DM10 of the SADMP, Policy DP3 of the NPPF, and the general principles of the Good Design Guide.

Impact upon Residential Amenity

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- 8.35 Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers is fully considered when assessing planning applications.
- 8.36 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.37 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.38 Ultimately, as the details of the scale, appearance, or layout of the development have not been confirmed at this stage, it is considered that a suitable proposal can be submitted at Reserved Matters in line with the sites impact on residential amenity. In addition, the Council retains sufficient scrutiny and control at Reserved Matters to ensure that the development has an appropriate relationship with neighbouring residents and does not result in any significant adverse impacts to their residential amenity.
- 8.39 Given the above, it is considered that a scheme for residential development, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with the nearby residential units and the Council retains sufficient scrutiny and control at Reserved Matters to ensure that the development has an appropriate relationship with neighbouring residents and does not result in any significant adverse impacts to their residential amenity.

Impact upon Parking Provision and Highway Safety

- 8.40 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.41 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.42 The Highways authority have confirmed as part of their consultation response to this proposal that, "this application is an outline (all matters reserved) application, and the access is not to be determined at this stage, however, the LHA must be satisfied that the principle of a safe and suitable access to the highway can be achieved within the site boundary". The Highways authority has confirmed they are satisfied that a suitable access may be achievable in this instance.

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- 8.43 The LHA have also confirmed that any subsequent Reserved Matters application would need to be accompanied with a speed survey, visibility splays, a site access drawing, an internal road layout drawing, PIC data, bin collection points, a stage one road safety audit and details pertaining to the overall layout and its impact and conflict with the public rights of way.
- 8.44 Given the above, it is considered that a scheme for residential development, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to reduce impact on the local highway network.

Ecology

- 8.45 Policy DM6 of the SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.
- 8.46 On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.47 Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- a) The need and benefits of the development in that location clearly
 - b) It has been adequately demonstrated that the irreplaceable habitat
 - c) Appropriate compensation measures are provided on site wherever possible and of site where this is not feasible.
- 8.48 If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.49 LCC Ecology have been consulted as part of this proposal and have confirmed that they have a current holding objection to the application. The holding objection relates to the requirement of further clarity and lack of information provided as part of this application.
- 8.50 The additional information required includes the requirement of a preliminary ecological appraisal (PEA) to provide potential impacts of the development. The habitats on site and adjacent to the site may have the potential to support protected or notable species and further surveys may be required. There are records of protected species, including bats and designated sites (Site of Special Scientific Interest) within 1km of the site. This information is required prior to determination but has not been provided.
- 8.51 Alongside this the development indicates the application is unable to achieve the required 10% BNG, this needs to be provided either through onsite or offsite BNG

or through the purchase of habitat units or government statutory credits. LCC Ecology raise issue with the format of the BNG Metric, however, the LPA have been able to open and review the metric. Whilst it has not been demonstrated how the 10% net gain will be achieved, it is considered that this could be dealt with as a post permission matter.

- 8.52 However, the lack of the PEA would not currently be viewed as being in line with Policy DM6 of the SADMP, and Policy N2 of the NPPF.

Archaeology

- 8.53 Policy DM11 of the SADMP states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:
- a) An understanding of the significance of the heritage asset and its setting; and
 - b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c) How the benefits of the proposal will outweigh any harm caused; and
 - d) Any impact on archaeology in line with Policy DM13.
- 8.54 Policy DM13 of the SADMP relates to preserving the borough's archaeology. The policy states that, "a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset".
- 8.55 The above policies are supported by Policy HE5 (5) of the NPPF which also outlines the need for an appropriate desk-based assessment and where necessary a field evaluation to help understand an asset's significance and potential effects from a proposal.
- 8.56 Comments received from LCC Archaeology have confirmed that given the below-ground potential of the site, including potential for buried archaeological remains and that there is possible presence of well-preserved ridge and furrow earthworks within the application area, and as such would require an archaeological desk-based assessment as a pre-determination matter, which has not been provided as this application. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information.
- 8.57 As such, insufficient information has been submitted to enable the LPA to understand the impacts on potential archaeological assets and it is considered that the application would be contrary to Policies DM11 and DM13 of the adopted SADMP and Policy HE5 of the NPPF (2026).

Flooding/Drainage

- 8.58 Policy DM7 of the SADMP confirms that development should prevent adverse impacts from pollution and flooding.
- 8.59 It is noted that the 1.24ha greenfield site is partly located within Flood Zones 2 and 3 being at medium and high risk of fluvial flooding associated with the Rothley Brook, a statutory main river, and a low risk of surface water flooding. It is noted that when the impacts of climate change are taken into consideration, some plots are indicatively shown to be at risk of flooding from the Rothley Brook.
- 8.60 HBBC Drainage have confirmed within their consultation response that the submitted Flood Risk Assessment is satisfactory, however at this stage an Outline Drainage Strategy is required to demonstrate that the proposed development is sustainable. The LLFA have also confirmed that this information would be required.
- 8.61 The Applicant has failed to demonstrate a sufficient Outline Drainage Strategy, to sufficiently evidence the sites mitigation measures to alleviate flood risk concerns. Therefore, the development is contrary to Policy F7 of the NPPF (2026), and Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Planning Contributions

- 8.62 Leicestershire County Council Planning Obligations team have confirmed that in line with their Planning Obligations policy (2019) the following would be required for this development:
- Libraries – Desford Library - £785.14
 - Waste management – Barwell HWRC - £1,287.78
 - Primary education – Desford Community Primary School - £143,176.80
 - Secondary education – Bosworth Academy - £0.00
 - Post 16 education - Bosworth Academy - £0.00
- 8.63 In addition to LCC, Hinckley & Bosworth Borough Council have identified that 182sqm is required for provision for young people, alongside 156sqm equipped play provision is also required, to be provided onsite. Whilst this is not clearly shown on the indicative plans, it is considered that this quantum could come forward through reserved matters.
- 8.64 Playing Pitch and Outdoor Sports contributions are required for improvements to playing pitches and changing room facilities within the Central Analysis Area as identified in the HBBC Playing Pitch and Outdoor Sport Strategy (2025) as outlined below:

	Capital Cost for Improvements (£):	Lifecycle Costs (£) (for 10 year period):	Changing Room Improvement Costs (£)
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Adult Football	N/A	N/A	£4,433
Youth Football	£3,368	£6,800	£7,906
Mini Soccer	N/A	N/A	N/A
Rugby Union	£1,144	£2,120	£2,697
Cricket	N/A	N/A	£1,862
3G Pitch	£4,593	£1,350	£1,579
Total:	£9,105	£10,270	£18,477

- 8.65 The applicant has not entered into a Section 106 Agreement that secures the provision of planning obligations for the delivery of affordable housing and public open space, and planning contributions towards highways, health, education, waste services and libraries. As such, the application would fail to make the necessary, fair, and reasonable contributions towards the provision and maintenance of necessary infrastructure to mitigate the impact of the development on community services and facilities. The application would therefore be contrary to, and in conflict with Policy DM3 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Policy 19 of the adopted Core Strategy (2009).
- 8.66 It is noted that should the application be appealed the above may be overcome through proactive discussions with the LPA as part of any appeal.

Planning Balance

- 8.67 Annex A of the NPPF confirms that the policies within the framework are material considerations which must be taken in account in decision-making. It goes on within section 2 to state that development plan policies which are materially inconsistent with national decision-making policies should be given very limited weight, except where they have been examined and adopted against the updated framework (2026). Other development plan policies should be given reduced weight simply because they were adopted prior to the publication of this framework.
- 8.68 Section 3 of Annex A states that where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, for the purposes of policy S5(1)(j), if the most up-to-date local housing need figure (calculated using the standard method set out in Annex D) is greater than the housing requirement set out in adopted development plan policies, this should not be considered as evidence of unmet need, for a period of five years from the date of the plan's adoption.

Housing supply and affordable housing

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- 8.69 In this instance the Council cannot demonstrate a five-year housing land supply and as such the provision of 26no. dwellings would be attributed significant positive weight, in line with Policy HO7 of the NPPF.
- 8.70 There would be additional social and economic benefits through the construction and occupation of the development. However, the construction benefits would be short term and there are limited local services which would benefit from additional expenditure. Therefore, the social/economic benefits of 26 dwellings are considered to attribute moderate positive weight.
- 8.71 In addition, the provision of on-site affordable housing, which would equate to 11 properties within the scheme for 26no dwellings, would be attributed significant positive weight. However, as this is not legally secured this weight cannot be attributed at this stage.

Countryside/Outside of settlement boundary

- 8.72 The application is in conflict with Policy DM4 of the SADMP. The first section of this policy outlines the acceptable forms of development within the countryside, in sections a-e. The development proposal does not fit within the criteria. As this section is materially inconsistent with Policy S5 of the NPPF (2026) this conflict would be attributed very limited negative weight.
- 8.73 The second section of Policy DM4 of the SADMP outlines further stipulations and criteria in which development must accord, within sections i-v, this section is considered to be in accordance with the general principles of the NPPF (Policies DP3 and N2), and as such the conflict with Policy DM4 (i-v) would be attributed significant weight.
- 8.74 The application as outlined within the Principle of Development portion of this report is not considered locationally sustainable nor acceptable and is in direct conflict with Policy DM17 and NPPF policies S5 and TR3. The harm attributed from the lack of locational sustainability and reliance on private vehicles, is therefore attributed significant negative weight.
- 8.75 As outlined within the design and impact upon the character of the area section of this report, the development would not respond to its context and would harm the intrinsic character of countryside in conflict with Policies DM4 and DM10 of the SADMP and Policy DP3 and N2 of the NPPF, alongside the general principles of the Good Design Guide, this would be attributed significant negative weight.

Additional harm

- 8.76 The development has failed to include an assessment of the potential impacts on habitats and protected or notable species on the site. Therefore, this would conflict with Policy DM6 of the NPPF and Policy N2 of the NPPF, and would be attributed significant negative weight.

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- 8.77 The site has below-ground potential for archaeological remains, and with the absence of a sufficient archaeological desk-based assessment, it cannot be concluded that this harm could be mitigated against, and as such the development is in direct conflict with Policies DM11 and DM13 of the SADMP and Policy HE5 of the NPPF (2026) and shall be attributed significant negative weight.
- 8.78 Developer contributions, as requested from LCC and HBBC have been identified as part of this proposal; in this absence of a mechanism to secure the developer contributions, in the way of a section 106 agreement, it cannot be concluded that the developer could make these contributions, and as such the development is in conflict with Policy DM3 of the SADMP, and shall be attributed significant negative weight.
- 8.79 It has been identified that a portion of the site would be located within Flood Zone 2 and would therefore be a fluvial risk. With the absence of an acceptable outline drainage strategy, it cannot be confirmed if the drainage harm can be mitigated against, and therefore the development is in conflict with Policy F7 of the NPPF and Policy DM7 of the SAMDP, this would be attributed significant negative weight.

Summary

- 8.80 Policies DM3, DM6, DM7, DM10, DM11, DM13, DM17 and the second part of DM4 are judged to be consistent with the NPPF and can therefore be attributed full weight.
- 8.81 To conclude, it is not considered that the proposal for 26no. dwellings in this instance would provide benefits which would significantly and demonstrably outweigh the harm cause by the development, in relation to countryside harm, impacts on the character of the area, the design of the proposal, ecology, archaeology, flood risk and drainage and development contributions, and as such the proposal is refused. There are no exceptional circumstances which suggest that the development should be approved.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

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- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission be refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Reasons detailed at the end of this report

11.2 Reasons

1. The application site lies within the countryside on the edge of a hamlet and the development does not fall within one of the categories set out in Policy S5 which should be approved outside of settlements. The proposal would generate a significant amount of movement in the context of the area and is in an unsustainable location where future occupiers would be reliant on private vehicles. The proposal is therefore not in accordance with Policy 13 of the adopted Core Strategy (2009), Policy DM4 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Policies S5 and TR3 of the National Planning Policy Framework (2026).
2. The development would have a significant adverse effect on the intrinsic value, landscape character and natural beauty of the countryside, it would not respond to its context or integrate with or enhance its surroundings and would exacerbate ribbon development. The proposal is therefore contrary to Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy DP3 and N2 of the National Planning Policy Framework (2026).

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3. The applicant has not entered into a Section 106 Agreement that secures the provision of planning obligations for the delivery of affordable housing and public open space, and planning contributions towards highways, health, education, waste services and libraries. As such, the application would fail to make the necessary, fair, and reasonable contributions towards the provision and maintenance of necessary infrastructure to mitigate the impact of the development on community services and facilities. The application would therefore be contrary to, and in conflict with Policy DM3 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Policies 15 and 19 of the adopted Core Strategy (2009).
 4. The application has failed to demonstrate that the development would not result in any significant adverse impacts to the potential archaeological remains, and ridge and furrow, within the site. Therefore, the application would be contrary to, and in conflict with, the requirements of Policies DM11, and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy HE5 of the National Planning Policy Framework (2026).
 5. The application has failed to demonstrate that protected species and their habitats are not adversely affected by this proposal. Therefore, the development is contrary to, and in conflict with, the statutory requirements of Paragraphs 98 and 99 of the ODMP Circular 06/2006 (Biodiversity and Geological Conservation), the Habitats and Species Regulations (2017), the Wildlife and Countryside Act (1981), as well as Policy N2 of the National Planning Policy Framework (2026), and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
 6. The application has failed to demonstrate a sufficient Outline Drainage Strategy, to sufficiently evidence the sites mitigation measures to alleviate flood risk concerns. Therefore, the development is contrary to Policy F7 of the National Planning Policy Framework (2026), and Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).