
Appeal Decision

Site visit made on 16 March 2026

by K Craddock BA (Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2026

Appeal Ref: 6003812

Land adjacent to 87 Barton Lane, Nailstone, Leicestershire CV13 0PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Jack Hemmings against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref is 25/00695/FUL.
 - The development proposed is demolition of existing building, greenhouses and raised beds and erection of 2no. two bedroom houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether the proposed houses would be in a suitable location for new residential development, having particular regard to the development strategy for the area and the accessibility of services and facilities; and
 - b) the effect of the proposed development on the character and appearance of the rural landscape and open countryside.

Reasons

Location of development

3. Policy 12 of the Hinckley & Bosworth Core Strategy (2009) (CS) establishes a spatial strategy where rural housing development will be supported within settlement boundaries. Policy DM4 of the Site Allocation and Development Management Policies DPD (2016) (SADMP) sets out types of development that the Council will consider sustainable for the purposes of locations in the countryside. The appeal site is located outside of any settlement boundary and does not meet any of the criteria set out in Policy DM4.
4. Policy DM17 supports development where, amongst other things, it ensures convenient and safe access for walking and cycling to services and facilities. Policy DM1 requires development proposals to be determined in accordance with the Local Plan, unless material considerations indicate otherwise, and where policies are out of date, any adverse impacts of granting permission should significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework (the Framework) as a whole.

5. The appeal site is located approximately 0.5km to the west of the rural village of Nailstone, which must be reached by crossing the A447, a busy and fast-trafficked main road with poor pedestrian visibility. The centres of Barlestone, approximately 2km to the south, and Ibstock, approximately 3.5km to the north, offer better services and can be accessed via the A447, although there are no pavements or lighting for the first half of the journey in either direction.
6. Barton Lane, on which the appeal site is located, requires pedestrians to walk on the road. Whilst the speed limit is 30mph immediately in front of the site and up towards the crossroads with the A447, it changes to the national speed limit at the western boundary of the site and, consequently, cars can be expected to be transitioning between these speeds at the point of leaving or entering the appeal site. At my site visit, the experience in daylight of walking along Barton Lane and the routes towards Barlestone and Ibstock was not pleasant. They would be especially unsafe and unattractive during nighttime hours or inclement weather. It is reasonable to assume, therefore, that people would avoid cycling or walking and would be highly dependent on the use of private motor vehicles.
7. My attention has been drawn to a bus service with stops located close to the appeal site. However, it offers a limited service and I do not find it would provide a realistic alternative mode of transport from the site.
8. There is disagreement between the parties as to the relevance of paragraph 84 of the Framework. The proposal would be located in the midst of a row of three dwellings. Such a group do not form a readily identifiable rural community and they are detached from the settlement of Nailstone. Therefore, in my judgement, the proposed dwellings would be isolated for the purposes of paragraph 84 of the Framework. There is no compelling evidence before me to suggest that the proposal would fall within any of the circumstances that are set out at paragraph 84 where isolated dwellings are supported.
9. In conclusion, having regard to the spatial strategy as set out in the development plan, and the poor accessibility of the site to services and facilities, I find that the appeal site would not be a suitable location for residential development and would conflict with Policy 12 of the CS and Policies DM1, DM4 and DM17 of the SADMP. It would also be contrary to the relevant sections of the Framework which promote sustainable development in rural areas.

Character and appearance

10. Policy DM4 of the SADMP requires new development in the countryside to safeguard its character and intrinsic value. Policy DM10 requires new development to complement or enhance the character of the surrounding area through scale, layout and mass, amongst other things.
11. When travelling along Barton Lane the pervading sense is of being surrounded by fields and hedges on both sides of the road. When moving towards along the lane away from Nailstone and towards the site, the few dwellings are either separated by fields, spacious gardens or discernible spaces between the buildings. With the exception of Hawthorn Cottage, 99 Barton Lane, these dwellings would be set back further from the road than the proposed dwellings with established landscaping softening the appearance of each plot. These factors all contribute positively to the character of this part of the rural area. The proposed layout, scale

and mass of the proposal would not reflect the spaces between the buildings that characterise the lane.

12. I walked public footpath S47 to the south of the site and agree the proposed development would be highly visible. I also consider that the layout of the site would cause the built form to appear as a continuous run of development when viewed in the context of 85-87 Barton Lane and 99 Hawthorn Cottage. The views from public footpath S48 to the north were less direct and I found that the undulations of the land and mature hedging bordering the fields would mitigate clear views of the whole site, leaving only the roofs and upper parts of the proposed dwellings visible.
13. Therefore, I conclude that the proposed development would be harmful to the visual appearance and open character of the rural area and conflict with Policies DM4 and DM10 of the SADMP.

Other Considerations

14. When considered against the harm identified, there would be limited benefits associated with the development identified by the appellant. Minor economic benefits would be achieved during construction. Given the proposals would provide for only two dwellings I find these benefits add limited weight in favour of the proposals. Likewise, I find the potential employment opportunities outlined in the appellant's statement to be limited and apportion them little weight.
15. Both parties agree that the Council is unable to demonstrate a five year housing land supply. In these circumstances, footnote 8 of the Framework establishes that the policies which are most important for determining the appeal are out of date. The appeal site is not within an area protected by the policies identified in footnote 7. Accordingly, paragraph 11d)ii of the Framework is engaged.

Planning balance

16. I have found that the proposals would cause harm to the principles of the spatial strategy in the CS. The proposals would provide for two dwellings in the open countryside, outside any defined settlement and with the only practicable access to local services and facilities possible by private vehicle. I have also found that the dwellings would harm the intrinsic rural character of the site and its surroundings by introducing built form into the open countryside. Accordingly I find conflict with Policy 12 of the CS and Policies DM1, DM4, DM10 and DM17 of the SADMP.
17. A number of housing land supply figures are before me, however, even were I to take the lowest of these, the provision of two additional dwellings would nevertheless attract limited weight.
18. Permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations. In this respect, footnote 9 directs me to paragraph 84 of the Framework. As an isolated dwelling which does not meet any of the circumstances identified in that paragraph, the proposals do not accord with the Framework in this regard. As described above, the benefits associated with two dwellings would be limited, even taking into account the Council's housing

land position and the objective in the Framework for significantly boosting the supply of new homes.

19. Accordingly, the adverse impacts of two isolated dwellings, of increasing travel by private vehicles, and in causing harm to the open, rural character of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of development does not apply.

Other Matters

20. I agree with the Council that part of the site can be considered as previously developed land. However, as I have concluded that the proposals would not be in an appropriate location nor compliant with the development plan, this is not a relevant consideration.
21. The Council has submitted the Landscape Character Assessment in evidence, however, as this does not form part of the reasons for refusal it has not been determinative.
22. I note that the Council's statement considers that the proposals fail to provide a sufficient provision of outdoor amenity space. These concerns were not raised in the Officer's Report, which concludes the minor departure from the minimum depth standards would not result in any significant adverse impacts upon the living conditions of the future occupants owing to the overall area covered by the gardens. Therefore, I have not taken these concerns into consideration in determining this appeal.
23. Both parties have drawn my attention to other appeals. Whilst I have taken these into account, I am not aware of the full circumstances of these other cases and, in any event, each scheme must be considered and determined on its individual merits.

Conclusion

24. For the reasons given above, the proposals do not accord with the development plan as a whole and there are no other considerations that indicate I should take a decision other than in accordance with it. Accordingly, the appeal is dismissed.

K Craddock

INSPECTOR