



Appeal Decision

Site visit made on 28 July 2026

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2026

Appeal Ref: 6006782

Land North West of Leicester Road, Earl Shilton, Leicestershire LE9 7TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Robert Finch against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 25/00830/OUT.
 - The development proposed is the change of use of agricultural land to commercial uses (Use Classes B2, B8 and E) and the provision of 19 commercial units.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Robert Finch against Hinckley and Bosworth Borough Council and this is the subject of a separate Decision.

Procedural Matters

3. The appeal application was submitted in outline with all matters reserved for subsequent approval. However, the appellant has provided an illustrative layout drawing based upon the constraints associated with the appeal site and also includes some details about the likely scale of the proposed commercial units which would be designed to reflect agricultural buildings. It is recognised that the information provided explains one way in which the reserved matters could be submitted for approval if this appeal succeeds. This information has been taken into account because it does indicate how the proposed development could be accommodated on the site, in particular the likely scale and siting of the commercial units and other built forms.
4. The description of development from the council's decision notice has been adopted for reasons of clarity and precision.
5. Although it is noted the council has identified that a public right of way crosses the site, there was no clear evidence of such a route during the site visit. The footpath to the west of the site was walked, together with the footway along Leicester Road and the carriageway of Kirby Road.

6. The revised National Planning Policy Framework was published in December 2024 but does not raise any new matters which affect the assessment of this appeal scheme.

Main Issue

7. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

8. The appeal site is a single agricultural field triangular in shape being enclosed on 2 sides by hedges with a more substantial belt of vegetation fronting Leicester Road. Adjoining the current field access there is a small wooden shelter and the remains of a fire damaged structure. There are parts of agricultural fields between the site and the housing development to the north of Earls Shilton which is under construction. Physically the site is not adjacent to the current settlement boundary of Earls Shilton.
9. Visually and physically the site forms part of the wider open and verdant countryside located to the west of Leicester Road. The countryside is characterised by a patchwork of small fields defined by hedgerows with some mature trees. The appeal site reflects these identified characteristics of the surrounding countryside.
10. Within the surrounding countryside there are some isolated buildings and groups of buildings, including those to the east of Leicester Road. When viewed from Kirby Road which is at a higher level than the site, the groups of buildings have the predominant character and appearance of traditional and modern agricultural buildings which are appropriate uses and built forms of development within the open countryside
11. The appeal scheme would introduce a built development into the open countryside which would not be related to any agricultural use but, instead, the 19 proposed units would provide commercial floorspace. Utilising the illustrative layout drawing, the likely scale of built development associated with the erection of these units of the type identified by the appellant, together with the extensive area required to park the indicated 59 vehicles, would materially change the character and appearance of the site and its positive contribution to the surrounding open countryside would be lost.
12. The harm caused by the proposed units would be particularly noticeable from the public footpath to the west and Kirby Road and to a lesser extent the footway along Leicester Road because of the more significant belt of boundary vegetation. Although design and landscaping details are reserved matters, the intended agricultural appearance of the proposed units would not mitigate the identified harm because of the urbanisation of the open field and the wider countryside associated with the commercial form and activity of the proposed development.
13. Overall, there would be unacceptable harm caused to the open and verdant character and appearance of the surrounding countryside through urbanisation and this would conflict with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (DPD). Amongst other matters these policies seek to protect the countryside's intrinsic value,

beauty, open character and landscape character from unsustainable development and for proposals to complement or enhance the character of the surrounding area, including regard being had to scale.

14. DPD Policy DM4 also identifies sustainable development in the countryside as including proposals that significantly contribute to economic growth, job creation and/or diversification of rural businesses. As has already been identified, there would be a significant adverse effect on the open character and landscape character of the countryside which means that the appeal scheme would not be sustainable development for the purposes of this policy.
15. However, DPD Policy DM20 is supportive of employment proposals outside settlement boundaries and on greenfield sites where it can be demonstrated that there are no suitable alternative locations. A sequential approach to identifying suitable alternative locations is set out in DPD Policy DM20 ending with locations adjacent to settlement boundaries.
16. The explanatory text to DPD Policy DM20 also refers to demonstrating that all other sites do not meet the needs or operational requirements of the operator/business. The nature and scale of the proposed development would provide commercial floorspace for a range of potential occupiers rather than just addressing the particular needs of an operator/business. However, the appellant claims that there is a need for the floorspace proposed as demonstrated by other similar commercial schemes being fully occupied and the submitted sequential assessment demonstrating that there are no other locations available to meet this demand.
17. The claimed demand for the proposed floorspace associated with the appeal scheme and lack of supply of such floorspace is supported by information provided by a local commercial estate agent and local media reports. However, there is a lack of detailed and cogent evidence concerning the actual need or demand for the type of floorspace proposed. Similarly, there is only limited information and supporting evidence associated with the availability, or not, of other alternative locations, particularly those sites adjacent to the boundaries of other nearby settlements.
18. The judgement is that the submitted evidence does not currently clearly establish a demand or need for the proposed development in this location to satisfy the requirements of DPD Policy DM20. Further, and as already identified, the site is not physically adjacent to the current settlement boundary of Earls Shilton.
19. For the reasons given, and in the absence of cogent evidence about demand, need and supply of commercial floorspace in this location, it is concluded the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and there would be a conflict with DPD Policies DM4, DM10 and DM20.

Other Matters

20. Moderate weight is given to the economic benefits of creating or sustaining jobs and supporting economic growth in this part of the District where, according to the appellant, housing growth has occurred without the creation of additional job opportunities.

21. Reference is made by the appellant to a similar scheme granted planning permission at Dalebrook Farm which the council confirms is not within its administrative area. There are few details about the planning circumstances of this scheme other than the commentary from the council and in e-mail correspondence to the appellant. Due to the lack of its detailed planning circumstances, the Dalebrook Farm scheme is given limited weight in the determination of this appeal.
22. The appellant has referred to a number of planning appeals and provided commentary on selected matters. No copies of the appeal decision letters have been provided, and the planning circumstances of these other appeals also have not been provided. Again, only limited weight is given to these other appeal schemes in the determination of this appeal.
23. Reference is made by the appellant to there being a Biodiversity Net Gain (BNG) associated with the proposed development but this is not supported by the BNG assessment which has been provided. However, compensating for the on-site reduction in BNG could be addressed via the statutory condition and a suitable obligation. Neutral weight is given to this matter in the determination of this appeal.
24. Overall, it is judged that these other matters do not individually or collectively outweigh the unacceptable harm which has been identified. Accordingly, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR