

Appeal Decision

Site visit made on 15 January 2026

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2026

Appeal Ref: 6001503

New Farm, Hinckley Road, Cadeby, Leicestershire CV13 0BD

- 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 Sarah Flamson (Cadeby Tree Trust) against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref is 25/00298/FUL.
 - The development proposed is erection of B8 storage building.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. The original description of development is provided in a more succinct form in the decision notice. Therefore, the above description reflects this amended description.

Main Issue

3. The main issue is the principle of the proposed development in this location and its effect on the character and appearance of the surrounding area.

Reasons

4. The developed area which includes the appeal site comprises various offices, storage and other buildings in commercial use, hardstanding and an access road. The surrounding area is agricultural fields, with the A447 road to the east and a local road, Sutton Lane, to the west. The site is outside the identified settlement boundary of Cadeby, which is situated to the north.
5. Policy DM4 of the Council's Site Allocations and Development Management Policies DPD (2016) (SADMP), concerning development in the countryside, supports development where, amongst other requirements, it significantly contributes to economic growth, job creation and/or diversification of rural businesses; and it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 requires development to complement or enhance the character of the surrounding

area with regard to scale, layout, density, mass, design, materials and architectural features.

6. These policies reflect the National Planning Policy Framework (the Framework), which indicates that planning policies should enable the sustainable growth and expansion of all types of business in rural areas. Additionally, it states that policies should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements; and that in these circumstances it will be important to ensure that development is sensitive to its surroundings¹.
7. Reference is made to whether or not the site should be considered as part of an existing employment area in accordance with Policy DM19 of the SADMP. The appellant contends that the area was recognised as such by the Council with regard to its recent approval of an agricultural building². However, as the area which includes the appeal site is not identified on the policies map as an existing employment area, the policy reasonably cannot have a direct bearing on consideration of the appeal proposal.
8. The area is, however, recommended as an addition to the list of employment areas in the most recent Employment Land Review, although it is unclear whether this is reflected in the emerging Local Plan, which in any case is not sufficiently advanced to attract substantial weight for the purposes of this appeal. Nonetheless, the appeal site is part of an established employment use and, therefore, it would not be reasonable to consider the proposal against the provisions of Policy DM20, which relates to completely new employment sites. Consequently, the principal considerations are those arising from Policies DM4 and DM10, concerning the contribution of the proposal to economic growth and the effect on the character and appearance of the surrounding area.
9. The joining of the two existing storage buildings to form a larger single building is described as a future proofing exercise, with the proposed building preferable to creating a separate building elsewhere on the wider site. The proposal will allow flexibility to current users, with covered storage for the annual Christmas tree crop during the winter season and use for storage and distribution by related businesses throughout other periods of the year. I note that all of the businesses are linked to the family trust, the beneficiaries of which are the appellant's immediate family members.
10. The established area, comprising buildings and hardstanding, is located within a rural setting and despite the area's relatively large size and the presence of the A447 nearby, the predominant character of the wider area is of open, undeveloped fields and local roads. The largest existing buildings, including those which are to be joined together, respect this setting due to their layout, with gaps between buildings, and their size, which mitigates the effects of the built forms in views from the surrounding countryside.
11. The proposal would create the largest building on the site that would bear no relation to the size of the existing storage buildings. Due to its significant size and

¹ Paragraphs 88 and 89.

² Ref 22/00625/FUL.

particularly its height, the proposed building would not complement or enhance the character of the surrounding area with regard to scale or mass, nor would it be sensitive to its surroundings, particularly when seen from the west.

12. Taking these matters as a whole, the evidence relating to the proposal's contribution to economic growth is insufficient to outweigh the harmful effects of a building of this size in this location. In reaching this finding, I have had regard to the fact that this is not the only built form that could achieve the intended objective of creating additional covered storage. Consequently, I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the surrounding area. As such, it is contrary to Policies DM4 and DM10 of the SADMP and to the Framework, as described.

Other Matters

13. The appellant contends by reference to a successful appeal elsewhere in the borough³ that the presumption in favour of sustainable development should be engaged with regard to the appeal proposal. However, that appeal involved a proposal for up to 95 dwellings at Barwell and it was common ground that the Council could not demonstrate a five-year housing land supply. Consequently, relevant development plan policies were considered out-of-date specifically due to the lack of the requisite housing supply and so the presumption in favour of sustainable development was engaged. As the current appeal involves employment-related development and not housing, this matter is not relevant.
14. The Framework indicates that existing policies should not be considered out-of-date simply because they were adopted prior to publication of the Framework⁴. I have found above that the policies relied on in this case reflect the relevant provisions of the Framework. The presumption applies where development accords with the development plan or where there are no relevant policies or relevant policies are out-of-date, none of which applies in this case for the reasons given above. Accordingly, I give this matter limited weight, and it does not alter my overall conclusion.

Conclusion

15. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR

³ APP/K2420/W/24/3348387, dated 13 March 2025.

⁴ Paragraph 232.